

PLANNING COMMITTEE

3 April 2012

RECOMMENDATIONS OF HEAD OF PLANNING
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

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Item: 01

Reference: 11/01023/REM

Applicant: Mr John Deakin

Location: Land Adjacent Hinckley Golf Club Leicester Road Hinckley

Proposal: ERECTION OF 184 DWELLINGS (SCALE, APPEARANCE, LAYOUT AND LANDSCAPING)

Target Date: 13 April 2012

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 is a reserved matters application for the siting, layout, appearance and landscaping for 184 dwellings at Leicester Road, Hinckley. Access was approved under the outline application.

The development takes the form of three areas separated by existing hedgerow running north-east to south-west across the site which is shown to be retained, with the public open space to the south western boundary, to the rear of 15 and 19 Bradgate Road. Two balancing lagoons that would collect surface water run-off from the site would be located along the north eastern boundary of the site, with an additional lagoon located within the adjoining Hinckley Golf Club which was considered under a separate application (10/01024/FUL).

The proposal consists of a mix of two, three, four and five bedroomed dwellings and the scale ranges between two and three storeys. 37 dwellings are proposed for affordable housing, consisting of two and three bedroomed properties located in three different areas throughout the site.

Amended plans and additional information has been received following comments raised by officers these resulted in 3 less dwellings being proposed and changes to the layout, including a reduction in the size of the proposed rear parking courts, repositioning of some of the affordable housing units and repositioning of plots 122-128 further east and away from the area of play and open space and properties along Bradgate Road. The additional information includes streetscenes that reflect how the development would respond to the changes in levels across the site. Following the submission of information a further 14 day consultation period has been undertaken which expires on 28 March 2012.

Members will recall that the outline consent was granted at appeal (reference 10/00661/OUT) where consent for the position of the access and emergency access, principle of the right hand turning lane, and principle of 232 homes on the site was established.

The Site and Surrounding Area

The site is located between the last dwellings on the south side of Leicester Road and the Hinckley Golf Club. The site is formed from three existing fields that are bound by hedgerows and are currently used for agriculture. There is no public access within the site however a public footpath runs along the sites southern boundary linking Hinckley Golf Course and Butt Lane. There are a number of mature trees within the sites boundary hedgerows.

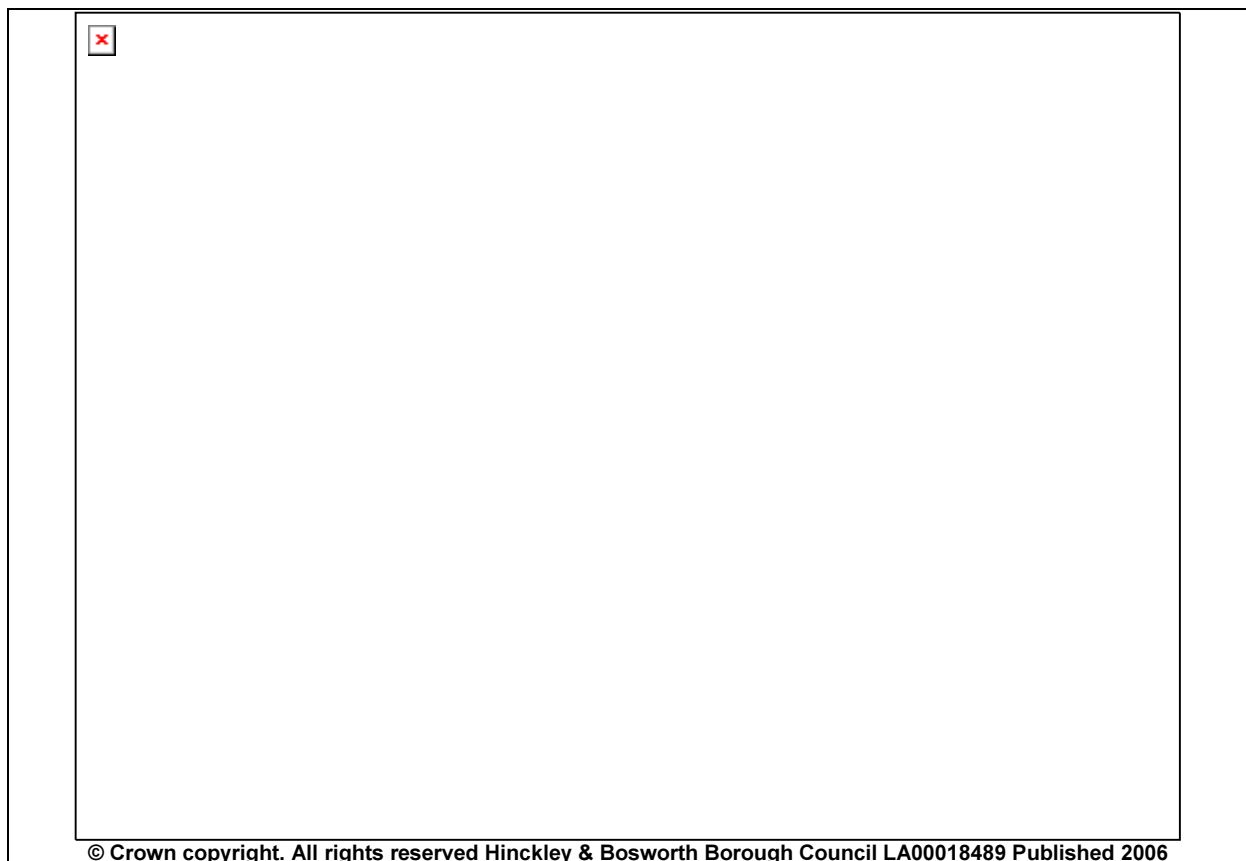
The site is outside the defined settlement boundary for Hinckley and is located within the defined Green Wedge.

Technical Documents submitted with application

The application is supported by a Design and Access Statement.

Relevant Planning History:-

10/00661/OUT	Residential Development (Outline- access only)	Refused Appeal Allowed	29.11.10 22.07.11
10/00405/OUT	Residential Development (Outline- access only)	Withdrawn	11.08.10



Consultations:-

No objection has been received from:
Environment Agency

Head of Community Services (Land Drainage)
Head of Corporate and Scrutiny Services (Green Spaces)

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Head of Community Services (Pollution)
Directorate of Chief Executive (Archaeology).

Director of Environment and Transport (Highways) has requested further clarification and information from the applicant. This is to confirm the works to the site frontage that would be included in any future S278 Agreement, further traffic calming to the internal estate roads in accordance with guidance contained within the 6C's document, location and design of the emergency access, width of the shared surfaces, confirmation of the adoption of the balancing ponds, confirmation of how the financial contribution towards Footpath U10 will be secured and size of the integral garages should be 6m by 3m unless the applicant can demonstrate that appropriate parking provision can be provided on the driveway.

Director of Environment and Transport (Rights of Way) has commented that the pedestrian link from the proposed residential development will increase footfall on the existing footpath and this should be provided with an all weather surface to a width of up to 2m. The County Council should be notified prior to the commencement of any works directly affecting the footpath.

Directorate of Chief Executive (Ecology) is pleased to see that the landscaping plans will include areas of native planting however request that Water Avens (*Geum rivale*) is removed as this is a scarce plant in Leicestershire.

The Primary Care Trust has requested a contribution of £103,392.72 towards provision of health care in the vicinity of the site to cope with the increase in population. The PCT state that the nearest surgery is at Barwell which has been identified as being in most need of development. The practice has been extended twice and is now looking to build bigger facilities to accommodate the increase in population.

The Police Architectural Liaison Officer has verbally recommended to the case officer that rear residential boundaries should have a 1.8m high solid boundary treatment especially where abutting the proposed open space.

Site notice and Press notice were displayed and neighbours notified.

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

- a) consideration should be given to the elevation of property that faces the site within Bradgate Gardens
- b) many houses and flats in Hinckley are empty - why build more?
- c) increase in road traffic and heavy vehicles
- d) should be a traffic island and traffic lights at the junction
- e) plans should provide adequate protection from wayward golf shots from the first tee and new buyers should be aware of the risk when purchasing property on the site.
- f) risk to privacy, security and residential amenity
- g) proposal is not in conformity with the approved Masterplan
- h) three storey properties should not look directly into existing rear gardens or rooms.
- i) buildings and services located too close to the boundary of existing properties
- j) access to the footpath should be located to the centre of the proposal
- k) contrary to the development plan

- l) interference with adjacent properties
- m) loss of privacy
- n) loss of view
- o) highway danger
- p) defective sewage arrangements already in area and they will not be able to cope with the additional 180 dwellings resulting in flooding
- q) the outline application indicated that sewage from this development would go to the Earl Shilton treatment works to avoid areas with known capacity issues within Hinckley.
- r) concerns over the access arrangements to the site
- s) design of the dwellings is the same as everywhere else and does not reflect the local architecture.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
 Planning Policy Statement 3 (PPS3): Housing
 Planning Policy Statement 5 (PPS5): Planning for the Historic Environment
 Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation
 Planning Policy Guidance Note 13 (PPG13): Transport
 Planning Policy Statement 23 (PPS 23): Planning and Pollution Control
 Planning Policy Statement 25 (PPS 25): Development and Flood Risk

The Community Infrastructure Levy (CIL) Regulations 2010
 Government Circular 05/2005: Planning Obligations
 National Planning Policy Framework (Draft)

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
 Policy 3: Distribution of New Development
 Policy 13a: Regional Housing Provision
 Policy 14: Regional Priorities for Affordable Housing.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley
 Policy 6: Green Wedge
 Policy 15: Affordable Housing
 Policy 16: Housing Density, Mix and Design
 Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy REC2: New Residential Development and Outdoor Open Space for Formal Recreation
 Policy REC3: New Residential Development
 Policy RES5: Residential Proposals on Unallocated Sites
 Policy T5: Highway Design and Vehicle Parking Standards
 Policy T9: Facilities for Cyclists and Pedestrians
 Policy NE2: Pollution
 Policy NE5: Development in the Countryside
 Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

Residential Development Supplementary Planning Guidance
Play and Open Space Supplementary Planning Document
Sustainable Design Supplementary Planning Document
Affordable Housing Supplementary Planning Document

Other Material Policy Guidance

Green Wedge Review

Appraisal:-

The main considerations with regards to this application are the layout, design, and scale, parking, landscaping, provision of affordable housing, and impact on neighbours. The principle of development was established through the granting of the outline application at appeal.

Layout

Condition 3 of the outline planning permission requires the development to be carried in accordance with the illustrative masterplan. A masterplan is there to give an indication of the overall form of development and location of key features on the site. The masterplan for this site showed the position of the access, retention of the hedgerows, and location of the open space and indicated where the blocks of development would be located. This has resulted in the development comprising three areas separated by green corridors along which the hedgerows run, the location of the open space corresponds with that of the masterplan as does the location of the main estate road. It is considered that the form of development is in accordance with the approved masterplan.

Amendments have been sought to the detail of the layout, reducing the size of the proposed rear parking courts and relocating proposed residential dwellings from the centre of built areas to elsewhere within the scheme. These amendments have resulted in a reduction in the total number of dwellings from 187 to 184. The layout is more cohesive with a better relationship between dwellings.

Policy BE1 seeks a high standard of design, and seeks this through requiring development to have regard to the scale, density and layout of surrounding development. Policy BE1 also requires development to avoid the loss of vegetation and features that contribute to the quality of the local environment. This development, due to the size and position should create a character of its own and does not necessarily have to reflect the character of surrounding existing development but should at least compliment it. The layout retains the hedgerows running through the site which add to and would contribute to the character.

The development would be laid out in a way to reflect many estates within the Hinckley area, is in conformity with the approved and conditioned masterplan and retains the existing hedgerows through the site and is therefore considered acceptable.

Design

The proposal contains a mix of designs and types of properties to add interest and variety to the streetscene. Corner properties have been designed with interest on both elevations, providing active frontages within the public domain. The built form has been used to provide end-stops to highways creating focal points throughout the development. Dwellings are proposed facing Leicester Road however would be set back behind an access drive, allowing

for the retention of the hedgerow or relocation where its removal is required to achieve the visibility spays. This creates a frontage to the development whilst incorporating an existing feature.

Throughout the development chimneys have been incorporated providing interest to the roofscape. The site whilst generally undulating generally slopes down to the eastern corner. The streetscenes demonstrate how the levels affect the development, and as a consequence of the change in levels the relationships between the properties. It is considered the development would respect the topography of the site. The proposals incorporate features such as arched brick courses above windows, stone lintels, chimneys, eaves, dentil courses, and dormer windows which add interest and give the estate a character. The proposed design is considered acceptable.

Scale

The proposal consists of two and three storey properties. This is considered to be reflective of the surrounding development and the variation in height within the development adds to the interest of development as a whole. It is not considered that the scale and proportion of the development would be detrimental to the overall character of Leicester Road or surrounding area.

Concerns have been raised regarding the scale of the properties facing the rear of Bradgate Road. These properties are sited at a lower level than the properties on Bradgate Road. This combined with the distance between the proposed dwellings and those on Bradgate Gardens results in the scale of the three storey properties being acceptable as they would not appear intrusive or impact visually on the character of the area.

Landscape

A landscape plan has been submitted for consideration with the proposal. This shows additional planting to the western boundary of the site within the public open space, shrubs to the front of properties and retention of the hedgerows through and around the site. The Directorate of Chief Executive (Ecology) has commented that they are pleased to see that there are areas of native planting however have requested that Water Avens (*Geum rivale*) is removed as this is not a native plant in Leicestershire. Its inclusion would introduce a plant not commonly found in Leicestershire and therefore would appear odd in this location. An amended landscape plan has been submitted that removes this species from the landscape schedule. Head of Corporate and Scrutiny Services (Green Spaces) have no objections to the proposal as the sides of the lagoons are in accordance with the ROSPA guidelines.

Policy BE1 of the Local Plan requires new development to incorporate landscaping to a high standard and to avoid the loss of features which contribute to the local environment. The retention of the hedgerows contribute to the local environment and the proposal seeks to enhance the landscaping where necessary as such it is considered that the proposals are in accordance with this aspect of Policy BE1 and therefore acceptable.

Provision of Affordable Housing

The application shows the provision of 37 dwellings as affordable units. These are located within three groups within the scheme. Key Policy Principle AH 3 within the Affordable housing SPD, considers the distribution of affordable housing units across a development. This advises that on larger developments the preferred option is to have small groups of homes in a number of different locations throughout the site. The proposal has the affordable units within three clusters across the site of between 10 and 14 units. This distribution is

considered acceptable within the context of the site and in compliance with Policies 15 and 16 of the Core Strategy and the SPD.

Impact on Neighbours

The north western boundary of the site abuts the rear boundaries of properties to Bradgate Road and Bradgate Gardens. The properties to Bradgate Road tend to have large mature gardens. The rear garden of number 19 contains mature trees and vegetation, some of which is to the boundary. The nearest proposed dwelling (Plot 77) to this property would be located 15m from the boundary and there would be a distance of 85m between habitable windows. The rear elevation of Number 17 Bradgate Gardens sits at a distance of 123 metres from the nearest proposed dwelling (Plot 126). The supplementary planning guidance on new residential development requires a distance of 25m between habitable rooms to maintain a satisfactory degree of privacy. The proposal is well in excess of this guidance and therefore is considered to preserve the amenities of the occupiers of these properties.

The southern corner of the site, plots 90-92 inclusive are located closest to the properties within Bradgate Gardens. The two properties located closest to the development within Bradgate Gardens are numbers 9 and 10. Number 9 has its principle elevation facing the application site. Plot 90 would be located 20m from this property, however due to the design there would be 26m between facing habitable windows. Plot 90 would also be sited at a slightly lower level than the properties on Bradgate Gardens and accordingly it is considered that the proposal would not significantly affect the amenities currently enjoyed by the occupiers of these properties.

Number 10 Bradgate Gardens is separated from the development site by a paddock. Plot 91 is located due east of this dwelling with a distance of 60m between habitable rooms. Having regard to the Supplementary Planning Guidance on New Residential Development, this distance is considered sufficient for the proposal so as to not impact on the amenity of the residents of 10 Bradgate Gardens.

The northern boundary of the site faces Leicester Road and properties on the north side of the carriageway. The minimum distance between the proposed properties on the site and the properties on Leicester Road is 25m which given the position across the public highway is considered an acceptable distance to maintain privacy.

It is therefore considered that the proposal would not result in a significant loss of residential amenity to existing residents around the site and the proposal is in accordance with Policy BE1 (i).

Highway Safety

The access and principle of a right hand turn lane was approved under the outline consent accordingly objections raised on these grounds cannot now be considered as part of this application. The Highway Authority is in negotiations with the applicant regarding the highway works to the site frontage which will be secured through a S278 agreement. This is therefore separate to the consideration of this application.

The Director of Environment and Transport (Highways) within his initial comments has stated that integral garages need to be at least 3m by 6m and where they do not meet this standard they cannot be counted as off street parking spaces. Where there are integral garages proposed, the properties have at least two external off street parking spaces and therefore comply with the relevant off street parking requirements. Throughout the development, the majority of properties have two off street parking spaces whether this is two external spaces or, one external and one garage space that is of a size that meets highway standards

enabling it to be considered as an off street parking space. The only properties that have a single allocated space are the Tilton house types (plots 133-137 inclusive, 170 and 171), Sommerby plots 172 and 173, the maisonettes plots 175-180 inclusive, and coachhouse unit, plot 66. Whilst there are a small proportion of properties with only one parking space these are small 1 or 2 bedroomed dwellings, where there is less of a requirement for two off street parking spaces. This is supported by the location of the proposal, within reach of public transport routes and walking distance of facilities within Hinckley Town Centre. It is therefore considered that the provision of off street parking spaces across the site is acceptable.

Other issues raised by the Director of Environment and Transport (Highways), include the works to footpath, design and location of the emergency access and adoption of the balancing ponds and SUDs network.

The works to the footpath are secured through the S106 agreement that was signed and agreed as part of the outline planning consent. The position of the emergency access was agreed during the appeal and is shown on the approved masterplan. Condition 5 attached to the outline consent requires the approval of the details for the emergency access prior to the occupation of the 155th dwelling and is therefore not a consideration for this application.

With regard to the balancing ponds, as part of the information required to discharge the drainage conditions attached to the outline consent, the Environment agency have requested a maintenance plan. It is anticipated that the open spaces within the site will be adopted by the Borough Council and the Head of Corporate and Scrutiny Services (Green Spaces) has commented that if the flood retention basins area to be left open then the slopes should not exceed a 1:3 gradient. This is the gradient detailed within the drawings and therefore is considered acceptable.

Director of Environment and Transport (Highways) have not yet commented on the amended layout. Any comments received will be reported and appraised as a late item.

Pollution

A request for conditions to address land contamination has been received from Head of Community Services (Pollution). The same condition was requested at the outline application stage and within the context of the existing agricultural use was not considered necessary and therefore with reference to circular 05/2005, was considered not to be a valid condition. The Inspector at the time of the appeal did not consider such a condition necessary and therefore did not impose contamination conditions on the decision notice. Accordingly these issues have been considered at the outline stage and should not be re-considered within this application.

Security

Objections have been received regarding the security of properties backing onto the proposed development. Whilst security can be a material planning consideration, there are existing boundary treatments in place consisting of approximate 1.8m post and wire fence, 1.8m close boarded fence and a low post and rail fence. The Police Architectural Liaison Officer has recommended a solid 1.8m high fence to the rear boundaries of existing properties especially those adjacent the Open Space in accordance with Secure by Design. Section 10 of this document states that side and rear boundaries are more vulnerable to unauthorised entry and require robust and defensible boundaries to a minimal height of 1.8m. The document continues to say that additional deterrent features such as trellising or planting thorny shrubs may be considered as an alternative. The applicant has been requested to provide a 1.8m high fence along the rear of Bradgate Road properties but has declined to do so, however, amended plans have been submitted showing increased planting

to the western boundary of the proposed open space where this abuts the rear boundaries of properties on Bradgate Road and Bradgate Gardens. The design of the layout has ensured that the public space has good surveillance which will assist in deterring people from entering the private garden spaces of properties to Bradgate Road. Given the above and the degree of existing public access to the rear of properties on Bradgate Road and Bradgate Gardens the lack of solid boundary treatment in this location would not warrant a refusal of planning permission in this instance.

Drainage

Concerns have been raised regarding the drainage, in-particular the capacity of the existing infrastructure to cope with the additional effluent produced by the scheme. During the outline permission the applicant indicated that the sewage would go to the Earl Shilton Sewage Treatment Works. The applicant has now indicated that this is not the case and the effluent will go into the system at Leicester Road. Whilst there are known concerns within the area, no objection has been received from Severn Trent Water. The case of Barratt Homes Limited v Welsh Water established that it is the responsibility of the statutory provider to provide the capacity and they cannot object to new connections or the locations of new connections on capacity grounds. Accordingly, treatment of foul water cannot in this instance affect the determination of the application.

Other Issues

The impact of the proximity to the Golf Club and safety concerns was considered at the time of the outline application and therefore should not be reconsidered here.

The Primary Care Trust and Director of Environment and Transport (Rights of Way) have requested a contribution to local doctor's surgeries to cope with the increase in population and off site works to footpath U10. Infrastructure improvements were considered at the outline application stage where contributions towards affordable housing, footpath improvement works, public transport, libraries, health care, civic amenity, public open space, bus stops, raised kerbs and education were secured through a Section 106 agreement.

The matter of existing empty properties within Hinckley is not a material planning consideration to this application as the matter of principle for the development was considered under the outline planning application.

Conclusion

It is considered that the layout, design and appearance of the proposed dwellings is acceptable. The site is large enough for the proposal to create a character of its own, which in part comes from the retention of the hedgerow and the division of the site into three areas. The development will not adversely impact upon the amenity of neighbouring properties and makes adequate provision for parking within the site. The development for the reasons discussed above meets the requirements of the development plan and is therefore recommended for approval.

Recommendation:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

design and layout, provision and location of affordable housing, and landscaping, the proposed residential scheme is considered to retain existing strong landscaping features of the area and respect the topography of the site whilst preserving the amenities of neighbouring residents. The proposal is therefore considered acceptable.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 6, 15, 16, and 24.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, REC2, REC3, RES5, T5, T9, NE2, NE5, and IMP1.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Received 10 January 2012

S5727/500/01(Location Plan), S776/02, /03, /04, /05 (topographical surveys)

Received 13 March 2012

PC0275 – PLT93-2A (PLOT93); PC0275-PLT-2 (PLOT94); PC0275-PLT95 (PLOT95); PC0275-PLT96 (PLOT 96); PC0275-PLT98-2A (PLOT98); PC0275-PLT99-1 & PC0275-PLT99-2 (PLOT99); PC0275-PLT103-1A (PLOT103); PC0275-PLT104 (PLOT104); PC0275-PLT106 (PLOT106); PC0275-PLT107-2 (PLOT107); PC0275-PLT108 (PLOT108); PC0275-PLT109 (PLOT109); PC0275-PLT101/1 & PC0275-PLT 10/2 (PLOT110); PC0275-PLT111/1 & PC0275-PLT111/2 (PLOT111); PC0275-PLT112/2 (PLOT 112); PC0275-PLT113 (PLOT113); PC0275-PLT114/1 & PC0275-PLT114/2 (PLOT114); PC0275-PLT115/1B & PC0275-PLT115/2 (PLOT115); PC0275-PLT116/2 (PLOT116); PC0275-PLT117/1 & PC0275-PLT117/2 (PLOT117); PC0275-PLT118/1 & PC0275-PLT118/2 (PLOT118); PC0275-PLT119/1 & PC0275-PLT119/2 (PLOT119); PC0275-PLT120/2 (PLOT120); PC0275-PLT121 (PLOT121); PC0275-PLT122 (PLOT 122) PC0275-PLT129 (PLOT129); PC0275-PLT130 (PLOT130); PC0275-PLT131 (PLOT131); PC0275-PLT132 (PLOT132); PC0275-PLT133 (PLOT133); PC025-PLT134 (PLOT134); PC0275-PLT135 (PLOT135); PC0275-PLT136 (PLOT136); PC0275-PLT137 (PLOT137); PC0275-PLT138 (PLOT138); PC0275-PLT139 (PLOT139); PC0275-OPLT142/2 (PLOT142); PC0275-PLT143/1 & PC0275-PLT143/2 (PLOT143); PC0275-PLT147/1 & PC0275-PLT147/2 (PLOT147); PC0275-PLT148/2 (PLOT148); PC0275-PLT149/2 (PLOT149); PC0275-PLT150/1 & PC0275-PLT150/2 (PLOT150); PC0275-PLT152 (PLOT152); PC0275-PLT153/1 & PC0275-PLT153/2 (PLOT153); PC0275-PLT155/1 & PC0275-PLT155/2 (PLOT155); PC0275-PLT156/2 (PLOT156); PC0275-PLT157 (PLOT157); PC275-PLT159 (PLOT159); PC0275-PLT162 (PLOT162); PC0275-PLT165 (PLOT165); PC0275-PLT166 (PLOT166); PC0275-PLT167 (PLOT167); PC0275-PLT168 (PLOT168); PC0275-PLT169 (PLOT169); PC0275-PLT170 (Plot 170); PC0275-PLT171 (PLOT171); PC0275-PLT172 (PLOT172); PC0275-PLT173 (PLOT173); PC0275-PLT174 (PLOT174); PC0275-PLT175-176 (PLOT175/176); PC0275-PLT177-178 (PLOT177/178); PC0275-PLT179-180 (PLOT179/180); PC0275-PLT181 (PLOT181); PC0275-PLT182 (PLOT182); PC0275-PLT183 (PLOT183); PC0275-300-27 (GARAGES); PC275-300-28 (GARAGES)

Received 16 March 2012

PC0275-PLT93-1B (PLOT93); PC0275-PLT94-1A (PLOT94); PC0275-PLT98-1B & PC0275-PLT98-2A (PLOT98); PC0275-PLT98-1B (PLOT98); PC0275-PLT100-A (PLOT100); PC0275-PLT101-A (PLOT101); PC0275-PLT102-1A (PLOT102); PC0275-PLT105-A (PLOT105); PC0275-PLT107-1A (PLOT107); PC0275-PLT112/1A (PLOT112); PC0275-PLT116/1A (PLOT1160); PC0275-PLT120/1A (PLOT120); PC0275-PLT123-A (PLOT 123); PC0275-PLT124-A (PLOT124); PC0275-PLT125-A

(PLOT125); PC0275-PLT126-A (PLOT126); PC0275-PLT127-A (PLOT127); PC0275-PLT128-A (PLOT128); PC0275-PLT14-A (PLOT140); PC0275-PLT141-A (PLOT141); PC0275-PLT142/1A (PLOT142); C0275-PLT144-A (PLOT144); PC0275-PLT145-A (PLOT145); PC0275-PLT146-A (PLOT146); PC0275-PLT148/1A (PLOT148); PC0275-PLT149/1A (PLOT149); PC0275-PLT151-A (PLOT151); PC0275-PLT154-A (PLOT154); PC0275-PLT156/1A (PLOT156); PC0275-PLT158-A (PLOT158); PC0275-PLT160-A (PLOT160); PC0275-PLT161-A (PLOT161); PC0275-PLT163-A (PLOT163); PC0275-PLT164-A (PLOT164); PC0275-PLT184-A (PLOT184); PC0275/100/02 Rev A (Streetscenes Bellway)

Received 20 March 2012
Bir.3836_01F (Landscaping plan)

Received 21 March 2012

H533.02 & H533.01 (PLOT 1); H500.02 & H500.01 (PLOT2); H469.02 & H469.01 (PLOT3); H408.01 & H408.02 (PLOT4); H455.03 & H455.04 (PLOT5); H436.02 & H435.01 (PLOT6); H455.01 & H455.02 (PLOT7); H436.02 & H436.01 (PLOT8); H469.02 & H469.01 (PLOT9); H454.01 & H454.02 (PLOT10); H454.01 & H454.02 (PLOT11); H597.03 & H597.04 (PLOT 12); H536.02 & H536.01 (PLOT13); H436.02 & H436.01 (PLOT14); H536.04 & H536.03 (PLOT15); H408.01 & H408.02 (PLOT 16); H454.03 & H454.04 (PLOT17); P341.05 & P341.06 (PLOT18); T307.06 & T307.05 (PLOT19); T307.04 & T307.03 (PLOT20); P341.05 & P341.06 (PLOT21); T307.06 & T307.05 (PLOT22); T307.04 & T307.03 (PLOT23); T325.04 & T325.03 (PLOT24); T447.04 & T447.03 (PLOT25); T447.02 & T447.01 (PLOT26); T234.02 & T234.01 (PLOT27); T447.04 & T447.03 (PLOT28); T447.04 & T447.03 (PLOT29); P332.R.03 & P332.L.04 (PLOT30); H469.04 & H469.03 (PLOT 31); H597.01 & H597.02 (PLOT32); H455.01 & H455.02 (PLOT33); P231.14 & P231.13 (PLOT34); H436.02 & H436.01 (PLOT35); H404.04 & H404.03 (PLOT 36); H436.04 & H436.03 (PLOT 37); P206.01 & P206.02 (PLOT38); P206.03 & P206.04 (PLOT 39); P206.01 & P206.02 (PLOT40); P232/P233.01 & P232/P233.02 (PLOT41/42); P341.04 & P341.03 (PLOT45); H404.02 & H404.01 (PLOT46); H436.02 & H436.01 (PLOT 47); H533.02 & H533.01 (PLOT48); H533.02 & H533.01 (PLOT49); P332.R.01 & P332.L.02 (PLOT50); H421.03 & H421.04 (PLOT51); H597.03 & H597.04 (PLOT52); H436.02 & H436.01 (PLOT53); H500.02 & H500.01 (PLOT54); H469.02 & H469.01 (PLOT55); H500.02 & H500.01 (PLOT56); H469.02 & H469.01 (PLOT57); H455.01 & H455.02 (PLOT58); H455.03 & H455.04 (PLOT 59); H469.04 & H469.03 (PLOT60); H469.04 & H469.03 (PLOT61); H433.03 & H433.04 (PLOT62); SH41.04 & SH41.03 (PLOT63); P206.BI.03 & P206.BI.03 (PLOT64); P206.BI.04 & P206.BI.03 (PLOT65); S130/S330.04 & S130/S330.03 (PLOT66/67); P206.BI.02 & P206.BI.01 (PLOT68); P206.BI.02 & P206.BI.01 (PLOT69); P383.06 & P383.05 (PLOT70); P232/P233.01 (PLOT71/72); P206.02 & P206.01 (PLOT73); T307.04 & T307.03 (PLOT74); T307.06 & T307.05 (PLOT75); P341.05 & P341.06 (PLOT76); H455.01 & H455.02 (PLOT77); H408.03 & H408.04 (PLOT78); H436.02 & H436.01 (PLOT79); T307.04 & T307.03 (PLOT80); T307.06 & T307.05 (PLOT81); T307.02 & T307.01 (PLOT82); H455.03 & H455.04 (PLOT83); H436.04 & H436.03 (PLOT84); H469.02 & H469.01 (PLOT85); H455.01 & H455.02 (PLOT86); H404.04 & H404.03 (PLOT87); H411.02 & H411.01 (PLOT88); H455.03 & H455.02 (PLOT89); H536.04 & H536.03 (PLOT90); H533.02 & H533.01 (PLOT91); H536.02 & H536.01 (PLOT92); S5727/500/03 Rev A (Streetscenes- DW); S5727/100/01 Rev A (Planning layout); S5727/500/05 Rev A (Chimney Deposition Plan-DW)

- 2 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 have been deposited with and approved in writing by the Local Planning

Authority, and the scheme shall be implemented in accordance with those approved materials.

- 3 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.
- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the western (rear) elevation of plot 90.
- 5 No dwelling hereby approved shall be occupied unless and until car parking provision has been provided in accordance with the planning layout, drawing number S5727/100/01. The parking spaces so provided shall be hard-surfaced, not be obstructed and shall thereafter permanently remain available for car parking.
- 6 No development shall commence unless and until an implantation programmed for the soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The Landscaping scheme shall then be implemented in accordance with the approved details.

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 policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure a satisfactory visual appearance in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the amenities of the occupiers of the dwelling to the west in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure an adequate level of off-street parking provision in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure a satisfactory visual appearance in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Sarah Fryer Ext 5682

Item: 02

Reference: 12/00067/FUL

Applicant: Mr Jeffrey Penman

Location: Unit C Maple Drive Hinckley

Proposal: ERECTION OF 2NO. INDUSTRIAL BUILDINGS (B1,B2,B8)

Target Date: 10 May 2012

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of two industrial/warehouse buildings (Use Classes B1/B2/B8).

The first building comprising units 2 and 3 is rectangular in form, with a shallow curved roof. This building has a footprint of approximately 43.6 metres by 16.5 metres and a maximum height of 8.1 metres. Door units are proposed in the western elevation, with window and door units, curved canopy porch entrances and roller shutter doors proposed on the eastern elevation.

The second building comprising units 4 - 6 inclusively is rectangular in form with a shallow pitched roof. The building has a footprint of approximately 38.2 metres by 16.5 metres and a maximum height of 8.1 metres. A curved canopy porch entrance and window units are proposed on the southern elevation, with door units in the western elevation and, window and door units and roller shutters proposed on the eastern elevation.

Both units will be constructed from a cladding system with aluminium glazing panels and aluminium roofs.

The scheme intends to comprise of 372 square metres of office space (Use Class B1a); 383 square metres of light industrial space (Use Class B1c); 383 square metres of general industrial floor space (Use Class B2) and 383 square metres of storage and distribution floor space (Use Class B8).

The scheme proposes a total of 36 no. car parking spaces including 5 no. disability spaces. The units are intended to be operational for 24 hours a day.

During the course of the application amended plans have been received showing re-alignment of roller shutter doors and window and doors, additional curtain walled elevations and curved canopies roofs. Plans to show the retention of the existing towpath hedge and indicative landscaping plans to show an additional hedgerow and landscaping have also been provided. Re-consultation has been undertaken.

The Site and Surrounding Area

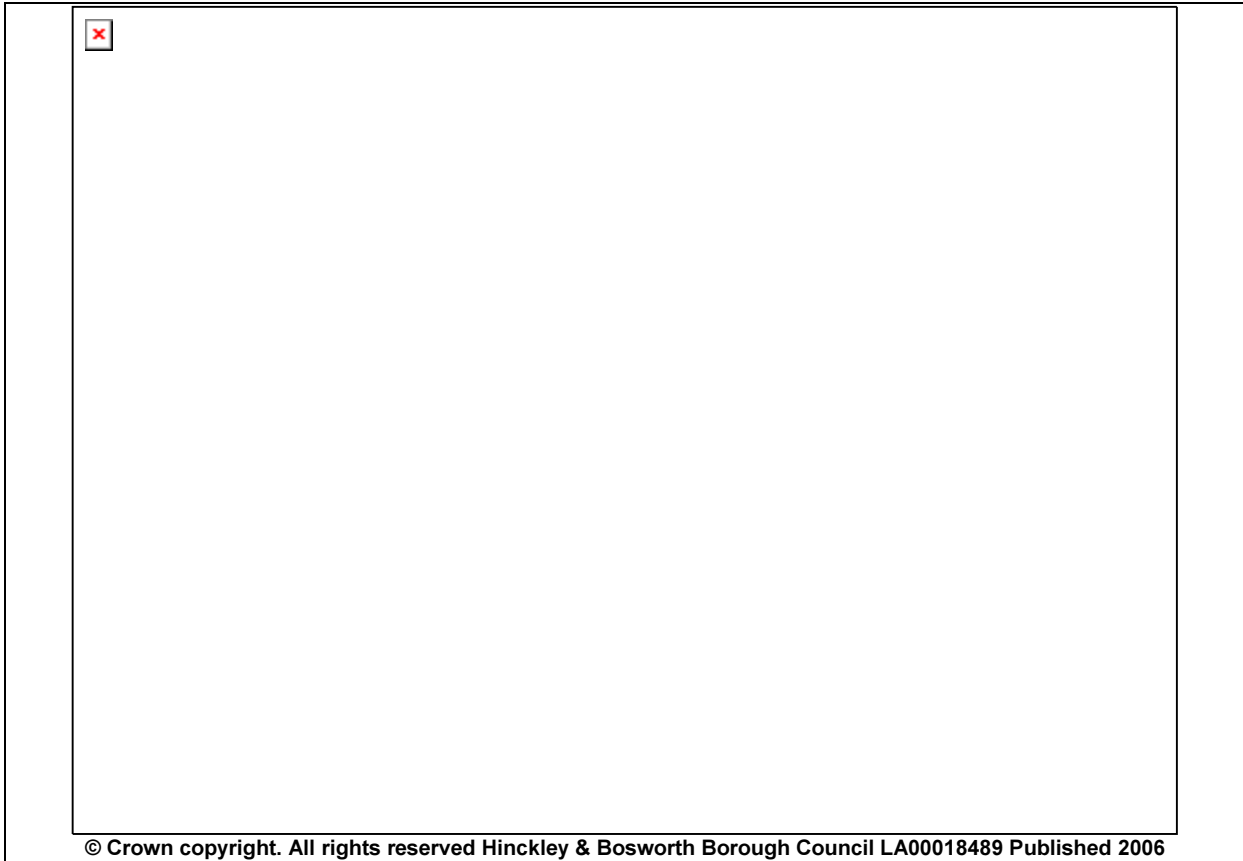
Unit C is located to the north east of the Tungsten Park Development, to the south of Unit F where an industrial/warehouse building (ref: 11/00706/FUL) was approved on 27 October 2011 and adjacent to the Ashby de la Zouch Canal. Tungsten Park is located to the north of Coventry Road and to the west of the Ashby Canal. The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement, a Planning Statement, a Parking Statement a Landscaping Statement and a Revised Trip Generation Analysis.

Relevant Planning History:-

11/00706/FUL	Erection of industrial/warehouse building (Use Classes B1/B2/B8)	Approved	27.10.11
07/01150/FUL	Mixed commercial development comprising B1, B2, B8 and sui generis uses	Approved	12.12.07
07/00529/FUL	Mixed commercial development comprising B1, B2, B8 and Sui Generis uses	Refused Appeal Dismissed	29.08.07
05/00615/FUL	Erection of 10 Commercial units	Approved	01.08.05
05/00216/REM	10 Commercial/Industrial/Office units	Withdrawn	02.03.05
03/00411/CONDIT	Variation of condition 3 of application 99/00048/OUT to allow extension of time for submission of reserved matters	Approved	09.06.03
99/00048/OUT	Industrial Development for B1, B2 and B8 uses	No LPA decision Appeal Allowed	09.05.00



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from:-

British Waterways
Inland Waterways Association
Severn Trent Water Limited.

The Environment Agency does not wish to formally comment on this application.

The Leicestershire Constabulary Crime Reduction Officer states that there has been no consideration of the necessary Policing contribution and therefore raise a formal objection to the application. He has requested a contribution of £10,302.00.

The Head of Community Services (Pollution) states that the previous orientation of the units in this part of the development meant that roller shutter doors would be facing away from the direction of the Trinity Marina. The plans show the proposed shutters now facing this area and it may lead to an impact from noise upon the residents of the marina (the permanent residential moorings) especially as no restriction on hours of operation are being applied for. Details should be provided on the likely noise impact from the proposed use and the likely hours of operation. Consideration should be made on facing the openings on the units away from the marina.

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

- a) Director of Children and young Peoples Services (Education) does not request a contribution.
- b) Director of Environment and Transport (Civic Amenity) does not request a contribution.
- c) Director of Environment and Transport (Highways) does not request a contribution.

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

- a) buildings are not required or justified; canal side development when other Brownfield land is available near the town centre
- b) destroys natural habitat; nesting birds
- c) further pollution to the air in an essentially residential area
- d) Tungsten Park has not provided the up to 400 jobs it has claimed
- e) ugly buildings are a blight on the landscape; unattractive constructions
- f) 25 metres of hedgerow will be removed, no landscaping or planting under the terms of the granting of the outline application has been implemented
- g) the canal is a Conservation Area and no hedgerow should be removed; Council have a duty of care to maintain and protect the hedgerow
- h) the buildings will spoil the view from the canal and put off tourists
- i) buildings being erected 'on spec' and only 8 units have long term ownership
- j) needs to be some specific clarity and accuracy in terms of any planning application.

As a result of the re-consultation the following responses have been received:-

No objection has been received from Director of Environment and Transport (Highways)

No objection subject to conditions have been received from:-

Inland Waterways Association
Severn Trent Water Limited.

The Ashby Canal Association states that there are a variety of plans, some which show gaps in the hedgerow and that the bund does not make entirely clear whether the hedge is being retained or not and whether there will be planting to supplement the hedgerow. Canal and towpath users do not want to be looking down on car parking and the rear yards of industrial buildings and would rather see this completely screened from the canal. The Ashby Canal Association requests that the towpath remains intact and that all planting supplements this and does not detract from it.

The Head of Community Services (Pollution) re-iterates their previous concerns stating that the previous orientation of the units in this part of the development meant that roller shutter doors would be facing away from the direction of the Trinity Marina. The plans show the proposed shutters now facing this area and it may lead to an impact from noise upon the residents of the marina (the permanent residential moorings) especially as no restriction on hours of operation are being applied for. Details should be provided on the likely noise impact from the proposed use and the likely hours of operation. Consideration should be made on facing the openings on the units away from the marina.

One additional letter has been received stating that:-

- a) a number of breeding seasons will be lost from clearing the site
- b) people do not want Marina Court

- c) to allow further despoliation is abominable
- d) Tungsten has had two years to landscape their development and no enforcement has been undertaken
- e) the hedgerow should be left as it is a natural buffer between industry and the Canal Conservation Area
- f) the hedgerow still looks to be considerably reduced and this could lead to a loss to wildlife and therefore request that the hedge be left untouched in its entirety.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
 Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth
 Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Planning For Growth (2011)

Regional Policy Guidance

East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy EMP4: Employment Development on Sites other than those Allocated for Employment Uses
 Policy BE1: Design and Siting of Development
 Policy T5: Highway Design and Vehicle Parking Standards
 Policy BE7: Development in Conservation Areas
 Policy REC6: Ashby Canal Corridor

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact upon the character and appearance of the adjacent Conservation Area, impact upon residential amenity, highway considerations and other matters.

Principle of Development

In response to letters of objection being raised, the principle of a mixed use commercial development on this site has already been established through the earlier grant of planning permission (ref: 07/01150/FUL). Subsequent planning permissions have been granted on the site for B1, B2 and B8 Use Classes. As such there is no in principle objection for the erection of two industrial buildings (Use Classes B1/B2/B8) subject to all other planning matters being appropriately addressed.

Siting, Density and Design and Impact upon the Character and Appearance of the Conservation Area

The site lies adjacent to Ashby-de-la-Zouch canal, which is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area, as stated within Local Plan Policy BE7.

It is considered that the principle of units along this eastern side of Tungsten Park has already been agreed in principle through the earlier grant of planning permission ref: 07/01150/FUL. The 2007 permission showed one unit in close proximity to the footprint of these proposed industrial units, Unit C an office building sited 33 metres from the canal and orientated to have the side elevation towards the canal. This scheme proposes units to reflect the orientation of Unit C within the 2007 application and Unit F an industrial/warehouse building (ref: 11/00706/FUL) approved within 2011. The replacement units would be sited 33 metres from the canal, which retains the separation from the canal, which was adhered to within the 2007 application.

In respect of density within the 2007 application, Unit F measured 539 square metres in footprint. This scheme intends to provide 721.01 square metres within units 2 – 3 and 615 square metres within unit 4-6, a total of 1,336.01 square metres. It is therefore acknowledged that the density within the scheme has significantly increased. As a result of this density, there are now fewer breaks and less separation between the buildings on site and fewer views through the site from the Ashby de la Zouch Canal Conservation Area.

The footprint of unit 2 is similar to that of the adjacent unit 1, whilst units 3-6 are similar to that of the adjacent units to the west. The curved roof and shallow pitch roof designs of the units respects that of the other commercial buildings on Tungsten Park, both those that are already constructed and those approved awaiting construction. Both units are of a simple rectangular form with the curved roof adding some further mass and visual interest to the unit, whilst not detracting from the inherent curved roof form of the wider development. In respect of materials, the elevations of the units are a combination of cladding and glazed panels, with aluminium window and door units, reflective of the materials used in the surrounding units.

The canal side hedgerow, as shown on the amended plans, is to be retained. In addition, indicative landscaping plans show a secondary hedge and landscaping scheme are to be provided. As such given the existing screening and that proposed, it is considered that the proposed unit will not have any greater adverse impact on the character and appearance of the Conservation Area over and above that approved under the 2007 permission (ref: 07/01150/FUL). It is however, considered necessary to ensure that additional landscaping/planting is strictly imposed and that the existing hedgerow is protected. As such appropriately worded conditions are considered necessary to secure these full details and it is on this basis that the development is considered acceptable.

In terms of wider visual impacts, it is considered that by virtue of the separation distances from the canal, the design of the units and the presence of existing and additional landscaping that there would be no significant detrimental impacts of the scheme when being viewed from the canal towpath and the marina to the east. Given the units positioning in the north east corner of Tungsten Park combined with a difference in the site level and the level of Coventry Road means that the unit will be positioned lower and will not be visually prominent from Coventry Road, and likely to be additionally screened should the remainder of the site to the south come forward for development (Units A and B).

In summary, it is acknowledged that the footprint of the units proposed is larger than that approved within 2007, resulting in less open space and views through the site. The scheme does however; ensure that units are sited as far from the canal as possible and accords with the general siting and scale of existing industrial units on the site, ensuring that the units appear in keeping with the scale and character of existing development. The design and materials, combined with the retention of the canal side hedgerow and additional hedgerow and landscaping ensures that the character and appearance of the Conservation Area is preserved in this case. As such, the development is considered to be in accordance with Saved Policies BE1, BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The Head of Community Services (Pollution) has raised concerns over the orientation of the units, given that there are no restrictions on the hours of operation and has requested that the openings of the units should face away from the marina. It is considered that there is a distance of 33 metres from the canal and there is the presence of the existing hedgerow, a proposed new hedgerow and landscaping bund and as such the distance and screening provided is not considered to result in any significant material impact upon the boat moorings on the marina.

The residential dwellings most immediately impacted upon as a result of the proposal would be No.391 Coventry Road to the south west of Tungsten Park. There is a distance of some 170 metres from the closest unit (Unit 6) and the residential dwelling which is considered sufficient to not create any significant material impacts.

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

Highway Considerations

The application seeks to take access from the Tungsten Park spine road and proposes 36 no. car parking spaces, including 5 no. disability spaces and a cycle storage/rack. The development has been considered by the Director of Environment and Transport (Highways) who has no comments to make on this application.

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

Other Matters

Suggested Conditions

British Waterways has requested a condition to restrict any outside storage of materials associated with the uses of the proposed buildings, as they consider that given the layout, any such storage is likely to be located near to the site boundary with the canal where it could have a detrimental impact on the character and appearance of the canal conservation area. As such it is considered necessary to impose a condition to this affect.

Severn Trent Water raises no objection to the proposal but has asked for conditions in respect of drainage details to be submitted. Given that the surface and foul drainage was subject to a separate condition with the previous application (ref: 07/01150/FUL) and was discharged on 6 June 2009 it is considered that no drainage conditions are considered necessary in this case.

The Head of Community Services (Pollution) has requested that details should be provided on the likely hours of operations, however there are no other industrial/warehouse units of this nature on the site that are restricted with hours of use conditions, and as such it is similar not considered necessary in this case. There is sufficient distance between residential dwellings on Coventry on Road and the proposal and therefore a restriction in the interests of residential amenity would not be necessary.

Landscaping

It is considered that the canal hedgerow is an important feature which preserves the character and appearance of the Ashby Canal Conservation Area. During the course of the application, indicative landscaping plans have been submitted to show a gently sloping bund between the units and the adjacent hedgerow. It is, however considered necessary to attach an appropriately worded condition in order to secure full details.

In response to letters of concern, for the avoidance of doubt the adjacent hedgerow is not to be removed as part of this application and the intention is to create additional landscaping/planting along this important elevation.

Letters of Objection

It is considered that the points raised with the letters of representation have been addressed within the main body of this report.

In respect of the harm to the wildlife, the scheme proposes to retain the canal hedgerow and a condition is suggested to ensure that this is protected during construction, as suggested above.

In addition, it is considered that there is clarity in the plans submitted and in respect of the comments raised concerning 'on spec' buildings, these are private commercial arrangements and have no material impact upon the determination of this application. It is not an unusual position.

Financial Contributions

The application is a major application and therefore attracts infrastructure contributions. There has been a request from the Leicestershire Constabulary Crime Reduction Officer for £10,302.00, which is a figure based on projections for housing development and that the site could accommodate 17 dwellings.

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

It is considered that the request submitted by the Leicestershire Constabulary Crime Reduction Officer does not meet the tests within the CIL Regulations as the basis of the calculation for this site is on 17 residential dwellings being capable of being sited on the land, yet the development is a commercial one. Therefore there is no assessment of the impact of this specific type of development and there has been a failure to show that it is fairly and reasonably related in scale and kind to the development based upon the calculation used, as a residential development would result in a different scale of impact to a commercial development altogether.

Conclusion

The principle of mixed use commercial development on this site has already been established by the earlier grant of previous planning permissions. Overall by reason of the schemes design, scale and materials combined with existing and proposed landscaping it is considered that the scheme preserves the character and appearance of the adjacent Conservation Area. The development is not considered to give rise to any impacts upon visual amenity, highway safety of protected species. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended details: Units 2-6 Marina Court Location Plan Drawing No. 6605/149 received by the Local Planning Authority 28 February 2012; Site Plan Marina Court Drawing No. 6605/127 H; Unit 2-3 Marina Court Plans and Elevations Drawing No. 6605/146 G; Units 4-6 Plans and Elevations Drawing No. 6605/148 C received by the Local Planning Authority on 7 March 2012 and Landscape Proposal – Marina Court received by the Local Planning Authority on 8 March 2012.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until details of a scheme to safeguard the existing hedgerow along the eastern boundary of the site during construction of the development and programme of implementation have first been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved scheme.
- 5 Notwithstanding the submitted plans no development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-

- a) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) maintenance schedule
 - e) implementation programme
 - f) areas to be grassed
 - g) treatment of hard surfaced areas
 - h) details of the landscape management plans for the hedgerow to the eastern boundary in its entirety.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 Before first use of the unit hereby approved, car parking provision as shown in Site Plan Marina Court Drawing No. 6605/ 127 H received by the Local Planning Authority on 8 March 2012 shall be provided and shall thereafter permanently remain available for such use.
- 8 There shall be no outside storage of materials.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the existing hedgerow during development in order to secure it's retention as a wildlife habitat and to protect the character, appearance and biodiversity importance of the adjacent canal corridor and to preserve the character and appearance of the Ashby Canal Conservation Area to accord with Policies BE1, BE7 and REC6 of the adopted Hinckley & Bosworth Local Plan and guidance contained within PPS5 and PPS9.
- 5&6 In the interests of visual amenity, to accord with Policy BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development does not have an adverse impact upon the character and appearance of the adjacent Ashby Canal Conservation Area to accord with Policy BE7 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 For clarification, this application does not provide consent for the illustrated signage. A separate application for advertisement consent will be required for all signage. It is a criminal offence to display signage without first obtaining the required consent.

Contact Officer:- Ebony Mattley Ext 5691

Item: 03

Reference: 12/00024/FUL

Applicant: Mrs Sue Smith

Location: Whitegate Stables Caravan Park Copt Oak Road Copt Oak Markfield

Proposal: CHANGE OF USE OF LAND FOR THE PROVISION OF FOUR ADDITIONAL GYPSY AND TRAVELLER PITCHES

Target Date: 6 April 2012

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 of land for the provision of four additional pitches for use by families that fall under the definition of a Gypsy for the purposes of Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites together with additional operational development including the formation of an acoustic earth bund and access improvements. The proposed pitches will each measure approximately 11 metres x 10 metres and be separated by 1.2 metres high timber post and rail fencing. A dayroom/toilet block measuring 6 metres x 3 metres together with an amenity/hard-standing parking area measuring approximately 30 metres x 10 metres are included in the proposals. The proposals also include an acoustic earth bund measuring approximately 58 metres in length

x 10 metres in width and 2.5 metres maximum height together with a 2 metres high screen fence on top of the bund and landscaping within the site along the boundary with the M1 motorway. Access to the site is gained from an existing access off Copt Oak Road.

This is a re-submission of a similar previously withdrawn application (reference 10/00651/COU) for four additional pitches.

An amended Design and Access Statement and amended plans have been received that remove the proposed private sewage treatment plant from the proposals and now propose to connect to the nearby existing public sewer system. Additional plans have been received providing plans and elevations of the proposed amenity block.

The Site and Surrounding Area

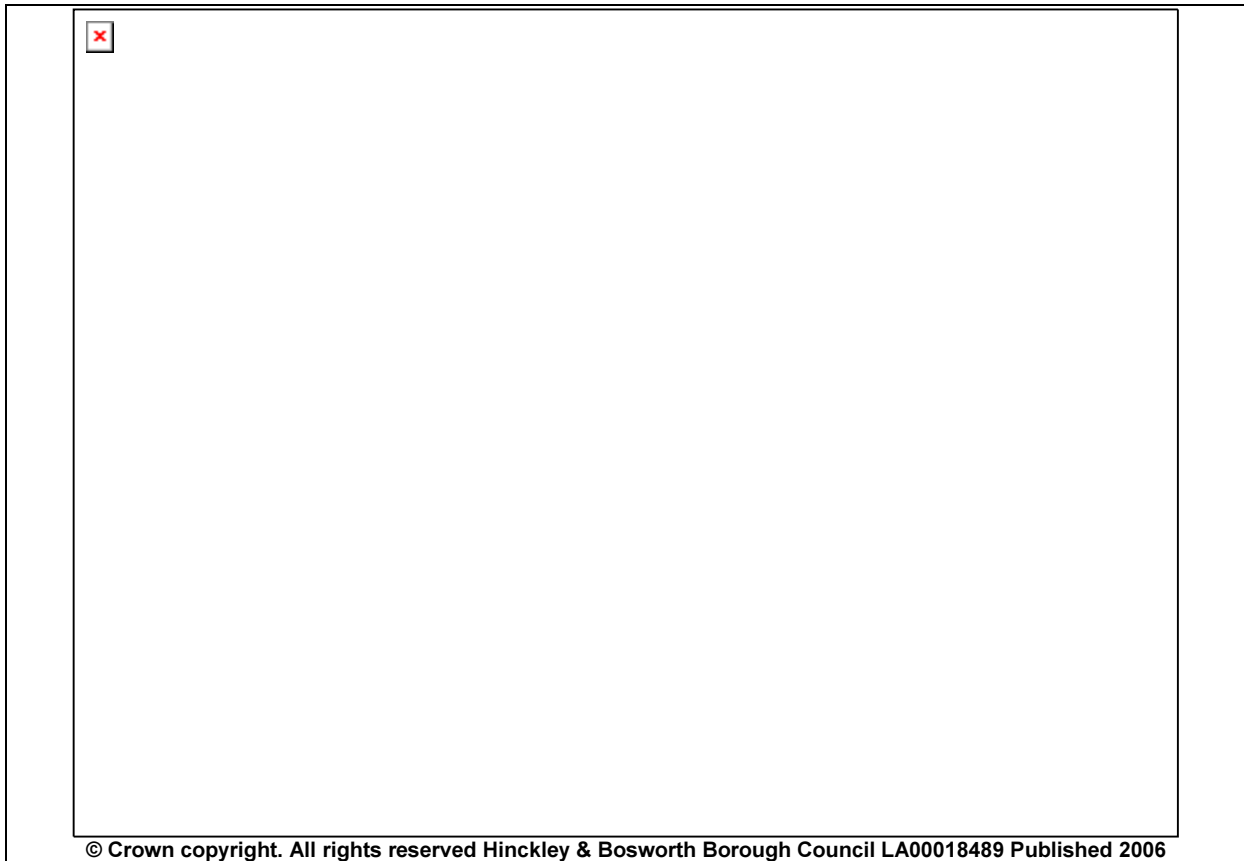
The application site is currently a grassed paddock and measures approximately 0.25 hectares. It is located within the boundaries of the National Forest and the Charnwood Forest in the countryside approximately 0.5 kilometres to the south west of Copt Oak on the south east side of the B591 Copt Oak Road and adjacent to the western boundary of the M1 motorway which occupies a lower ground level and is separated by an embankment. The adjacent land to the south is also owned by the applicant and is hard surfaced and used for more than 20 years as an unauthorised Gypsy and Travellers site occupied by the applicant and her family and separated from the application site by a close boarded timber fence of approximately 2 metres in height. The east, north and west boundaries of the application site are defined by dense mature hedgerows of between approximately 2.5 metres and 4 metres in height with open fields beyond. The nearest neighbouring dwelling is Llanberis Farm located approximately 250 metres to the south west of the site.

Technical Document submitted with application

Design and Access Statement
Environmental Noise Survey

Relevant Planning History:-

11/00651/COU	Change of Use of Land for the Provision of 4 Additional Gypsy and Traveller Pitches	Withdrawn	10.11.11
10/00649/COU	Change of Use of Land for the Provision of 4 Permanent Gypsy Pitches and 4 Transit Gypsy Pitches	Withdrawn	15.09.10
95/00198/COU	COU of Land to the Stationing of 3 Caravans for One Gypsy Family	Refused Appeal Dismissed	01.06.95
93/0612/4	Use of Land as Private Gypsy Caravan Site	Withdrawn	19.07.93
91/0762/4	COU to Private Gypsy Caravan Site for 4 Families (4 Pitches) and Alterations and Extensions to Existing Building to Provide Ancillary Facilities	Refused Appeal Dismissed	22.10.91
88/01563/4	Erection of 3 Horse Stables	Approved	15.02.89



Consultations:-

No objection has been received from:-

Highways Agency
Charnwood Borough Council
Head of Community Services (Land Drainage).

No objection has been received from the Environment Agency subject to the development being connected to the nearby existing mains public foul sewer system. The Environment Agency also advises that an additional separate application will be required to the agency in respect of the importation of materials in construction of the earth bund.

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

No objection subject to compliance with relevant development plan policies has been received from North West Leicestershire District Council.

A letter of support for the application has been received from the Director of Property Services (Travellers Sites and Liaison) that outlines the need for and benefit of the provision of private traveller sites in the area and support for such sites in national guidance and good practice documents.

Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that and the proposal if permitted could result in an unacceptable increase in turning traffic to the detriment of highway safety and that the applicant has failed to

demonstrate that the proposal is located where services are readily and safely available by walking, cycling or public transport.

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

- a) the site is within the National Forest and on the edge of Charnwood Forest and would have a detrimental impact on both areas
- b) the site is outside any defined settlement limits and within an area of particularly attractive countryside
- c) the proposals would result in an unacceptable increase in turning traffic into and out of this unlit access to an from the unrestricted B591 road causing additional dangers to road users
- d) the proposals would be an unacceptable overdevelopment of the site and compromise existing parking arrangements
- e) planning permission would set a precedent for further development within the National Forest area.

County Councillor D Sprason has commented that the applicant should apply for formal planning permission for the existing unauthorised site before applying for an extension to it and objects to the application on highway grounds and that the site is within the National Forest, Charnwood Forest, Airport Safeguarding Area, Area of Attractive Countryside, is outside Development Limits and is in a Leicestershire Priority Area.

Site Notice posted and neighbours notified, one letter of objection received on the grounds that the application is deficient in proving there is no harm to amenity as no evidence in respect of harm from blasting operations at nearby quarries has been submitted or other evidence to support the statement that the site is not affected by any environmental hazards which may affect the health and well being of future residents.

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

East Midlands Airport
National Forest Company.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas
Planning Policy Guidance 13 (PPG13): Transport
Planning Policy Statement 23 (PPS23): Planning and Pollution Control
Planning Policy Guidance 24 (PPG24): Planning and Noise

National Planning Policy Framework (Draft) July 2011
Government Circular 01/2006: Planning for Gypsy and Traveller Sites
Secretary of State Consultation Paper on `Planning for Traveller Sites`

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 16: Regional Priorities for Provision of Gypsies, Travellers and Travelling Show People

Local Development Framework Core Strategy 2009

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

Policy 21: National Forest

Policy 22: Charnwood Forest

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

Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016

Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region

Appraisal:-

The proposed development is for four pitches for Gypsy and Traveller families in accordance with the Circular 01/2006 definition. The County Council Traveller Site and Liaison Officer have submitted a letter supporting the application. Therefore, the main issues for consideration in respect of the application are whether the development satisfies the criteria of Core Strategy Policy 18, the principle of development, and its impact on the surrounding countryside, National Forest and Charnwood Forest, neighbours and highway safety.

Principle of Development and Policy Considerations

The application site is situated within the boundaries of the National Forest and Charnwood Forest and in the countryside. New development in the countryside would normally be considered against the criteria of adopted Local Plan policy NE5, however, whilst the policy's more restrictive approach is relevant it affords limited weight as it has been superseded by the more recent provision of Policy 18 as derived from Circular 01/06 which itself remains a primary material consideration. The inspector for the Good Friday Appeal confirms this by giving no significant consideration to the application of Policy NE5. The Good Friday Site was considered against the requirements of Policy T5, Core Strategy Policy 18 and Circular 01/06 only and significant inquiry time was spent discussing the correct development plan policies and the peripheral relevance of Policy NE5.

Gypsy and Traveller Need

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

The nearby Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full with an extensive waiting list of 16 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.

Core Strategy Policy 18

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

Character and Appearance of the Countryside, Charnwood Forest and National Forest

The advice contained within Circular 01/2006 makes specific reference to the provision of sites within rural areas and suggests that landscape concerns and designations are not sufficient by themselves to refuse an application, however, the impact that the proposal will have on the character and appearance of the countryside, Charnwood Forest and National Forest is material in the determination of the application.

Policy 18 indicates that gypsy and traveller sites should be capable of sympathetic assimilation in to their surroundings. The site occupies a lower ground level in relation to Copt Oak Road and is enclosed on all sides by mature hedgerows and semi mature trees of a height of 5 metres or above. As a result, notwithstanding the stark utilitarian urbanising impact that additional caravans might create in an undeveloped rural landscape, in this case, there is an adjacent site that has operated for over 20 years, the site is well screened from the surrounding countryside, particularly during the spring and summer months, and as a result the proposals, including the formation of an earth bund will not be prominent or have any significant adverse impact on the character or appearance of the countryside, the Charnwood Forest or National Forest. On balance, and given the current shortfall in pitches, the proposals are considered to meet the requirements of Policy 18 of the adopted Core Strategy and Policies 21 and 22 of the adopted Core Strategy in respect of the National Forest and Charnwood Forest.

Proximity to Settlement/Services (Sustainability)

It is a requirement of Policy 18 that sites are located either adjacent to existing settlements or within a 'reasonable' distance of local services and facilities, although what constitutes a 'reasonable' distance is not quantified. Circular 01/2006 is also supportive of this, stating that the acceptability of sites should be based on a number of criteria including the sustainability of the site, which includes the integration between the site and the local community, access to health, school and GP services. It goes on to state that priority should be given to locations in or near existing settlements that have access to local services. The Circular also states that local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services.

The application site is located off Copt Oak Road approximately 0.5 kilometres to the south west of Copt Oak and approximately 3.6 kilometres to the north of the centre of Markfield. Having regard to guidance in 01/2006 in respect of car use, in this case, it is considered that the site is within a 'reasonable' distance of Markfield and the services and facilities provided as required by Policy 18. It is important to note that the site is an existing (albeit unauthorised) gypsy and traveller site and therefore considered sustainably sited and appropriate by its occupiers.

Scale

Policy 18 requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 4 additional pitches to those already in existence on the unauthorised adjacent site. Whilst Copt Oak itself does not benefit from services or facilities, Markfield has a full range of services and facilities to serve the development 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

Policy 18 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). The proposed site lies immediately to the west of the M1 motorway but on a significantly higher ground level with an embankment between. An Environmental Noise Survey to assess the exposure of the site to road traffic and other noise during day and night time periods has been submitted to support the application. This shows that current background noise levels are above the 'recommended' noise exposure levels detailed in Planning Policy Guidance 24 (Planning and Noise) being in 'NEC category C' for both day time and night time noise exposure. However, it concludes that upon the installation of acoustic control measures being a 10 metres wide x 2.5 metres high embankment bund with dense planting and a further 2 metres high screen fence on top of the embankment (total height of 4.5 metres) noise exposure would be reduced to 'NEC category B' with both day time and night time readings being slightly above 'NEC category A' rating. The Head of Community Services (Pollution) does not object to the application and given the transient nature of the site and its future occupants considers that the implementation of the acoustic control measures proposed should provide a satisfactory outcome in respect of protection from noise. In respect of air quality considerations, the Head of Community Services (Pollution) does not object to the application and states that even if air quality limits are exceeded there is no presumption against development. As with noise, the transient nature of the proposed site and its future occupiers means that it would be unlikely for users to remain on site for a significant period of time with regards annual exposure limits. In addition the construction of the noise barrier should lower the levels of particulate matter on the site.

The Environment Agency initially raised objections to the proposed use of a non-mains foul drainage system without adequate justification. However, the proposal has now been amended to include connection to the nearby existing public mains foul sewer system and therefore the Environment Agency has withdrawn its objection.

The Design and Access Statement states that the existing adjacent site has been occupied by the applicant and her family for 23 years. The existing site benefits from basic facilities of mains water and electricity and the applicant's husband would act as a warden for the proposed additional pitches.

Overall, the site is considered to comply with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site with the exception of access to and from the site which is discussed further in the Highway Safety section of the report below.

An objection has been received in respect of no consideration having been given to potential harm to health from blasting operations at nearby quarries, however, there are already numerous permanent residential dwellings in closer proximity to the quarry sites, the site will be transient in nature and blasting operations are sporadic rather than constant such that any impact on amenity is also transient.

Design and Layout

The good practice guide states that sites of various sizes, layouts and pitch numbers operate successfully. The proposed pitches will each measure approximately 11 metres x 10 metres and be separated by 1.2 metres high timber post and rail fencing. A dayroom/toilet block measuring 6 metres x 3 metres together with an amenity/hard-standing parking area measuring approximately 30 metres x 10 metres are included in the proposals. This will be a private site and the layout affords open amenity space, parking space and definition of the individual pitches whilst providing natural surveillance. The additional plans received in relation to the internal layout and elevations of the proposed amenity building are considered to be acceptable in terms of design and siting.

The proposals also include an acoustic earth bund measuring approximately 58 metres in length x 10 metres in width and 2.5 metres maximum height together with a 2 metres high screen fence and additional landscaping within the site along the boundary with the M1 motorway. The Highways Agency has confirmed that they have no objection to the application as the proposed development and bund will have no effect on the operation of the M1 motorway.

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 four additional pitches, there will be increased activity on site and more vehicle movements. However, there are no neighbouring dwellings in immediate proximity to the site. The nearest being Llanberis Farm located approximately 250 metres to the south west of the site. As a result of the scale of the proposed development and the separation distance it is considered unlikely that the proposal will adversely affect any neighbours amenity.

Highway Safety

Policy 18 requires Gypsy and Traveller sites to have a safe highway access as well as provision for parking and servicing. The proposed access to the site is via the existing access to the adjacent site off Copt Oak Road. The amended Site Layout Plan and amended Design and Access Statement indicate that improvements will be made to the access to provide 7.5 metres radii on both sides of the junction with Copt Oak Road and suggests that the access will comply with the required legislation. Notwithstanding this, the Director of Environment and Transport (Highways) advises that the access does not currently meet required highway standards. In addition, he considers Copt Oak Road to be an unlit and derestricted Class II route (B591) which lacks pedestrian footways. He considers it to be well trafficked with driven speeds past the site frontage estimated to be over 50mph. He advises that there have been 7 recorded personal injury accidents on the road in the last 5 years, two of which were classed as serious and one fatal. He considers that an additional four pitches will lead to a material increase in turning movements to/from the B591 and as a result the Highway Authority considers the proposal to be contrary to their current highway design guidance (6Cs Design Guide). As a result, the Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that the proposal if permitted could result in an unacceptable increase in turning traffic to the detriment of highway safety.

In addition, the Highway Authority also consider the site to be in an unsustainable location due to the distance from any local amenities and facilities in Markfield and Copt Oak and as such occupants of the site will rely heavily upon the use of the car contrary to local and national planning objectives in terms of sustainability and reducing the need to travel. The Director of Environment and Transport (Highways) also recommends refusal of the

application on the grounds that the applicant has failed to demonstrate that the proposal is located where services are readily and safely available by walking, cycling or public transport. Notwithstanding this view, Circular 01/2006 clearly states that local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services and there is already an existing site adjacent to the application site, as such this reason for refusal is not considered to be reasonable in this case.

Other Considerations

The application has to be considered on its own merits. Whilst the existing site is an unauthorised site, it is considered that it would be likely to be lawful given the passage of time, i.e. it has been in existence as a traveller site for a period in excess of 10 years. This has not, however, ever been the subject of a Certificate of Lawful Use application and therefore there is no formal determination in that respect.

Conclusion

On balance, based on the identified shortfall in pitches 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 Circular 01/2006, the 'need' for the site is considered to be justified and the need for the pitches is considered to outweigh objections to development in the countryside. As a result of the siting, scale, design and screening of the site by existing landscaping, the proposals will not have any material adverse impact on the character or appearance of the countryside, Charnwood Forest or National Forest or neighbours amenities. The proposals are also considered to meet the requirements of Policy 18 in respect of proximity to services, scale in comparison to settlement, providing a healthy environment for occupiers and design and layout.

However, the Director of Environment and Transport (Highways) advises that the access does not currently meet required highway standards and given the speed of traffic and poor accident record on the B591 Copt Oak Road it is recommended that the application be refused on the grounds that the proposal could result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high and where such an increase would not be in the best interests of highway safety. A temporary permission for the proposal has also been considered, however, following further discussions with the Highway Authority, this would not overcome their recommended reasons for refusal which remain fundamental to the determination of the application. For this reason the application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposal would result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety. Notwithstanding the advice in Circular 01/2006, the Local Planning Authority consider that the proposal is therefore contrary to the Highway Authority's Access to Road Network and development control policies, advice in Planning Policy Guidance 13, policy T5 of the

adopted Hinckley & Bosworth Local Plan and Policy 18 of the adopted Local Development Framework Core Strategy.

Notes to Applicant:-

- 1 The plans used in the determination of this application are: Site Location Plan at 1:1250 scale and Site Section of Bund at 1:200 scale received by the local planning authority on 10 February 2012 and amended Site Layout Plan at 1:500 scale and additional Amenity Block Plan and Elevations Drawing received by the local planning authority on 16 March 2012.

Contact Officer:- Richard Wright Ext 5894

Item: 04

Reference: 12/00099/FUL

Applicant: Mr Kevin Thorpe

Location: Spinney Bank Farm Higham Lane Stoke Golding

Proposal: CHANGE OF USE TO FARM SHOP (RETROSPECTIVE)

Target Date: 12 April 2012

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 Ward due to the need to consider issues relating to highway safety, viability and sustainability and access to the towpath.

Application Proposal

The application is retrospective and seeks change of use of part of an existing agricultural building to a farm shop. The area that has been converted to a farm shop measures approximately 6.1 metres by 5.5 metres to provide an overall retail area of approximately 30 square metres. This consists of a retail area with display counter and a butchery section. Prior to conversion this section of the agricultural building was open bay with a gate which has been replaced with a breeze block front wall. Set within the wall are two doors and a window.

The shop was built to sell beef joints, cuts and burgers, pork joints, cuts, burgers and sausages, poultry meat and eggs. In addition the applicants wish to sell this range of produce produced by other farmers locally, fruit and vegetables produced by other farmers locally as far as possible and milk and dairy products.

The application indicates opening hours as 9.00am to 6.00pm Mondays to Saturdays and 9.00am to 2.00pm on Sundays and Bank Holidays. There will be one full time and two part-time employees. It is expected by the applicant that trade will come from local residents, passing motorists and canal towpath and boat users.

Access to the shop is from the existing farm access from Higham Lane to the north of the site. The vehicular track is to be extended and surfaced to the east to provide a pedestrian

link to the towpath. The pedestrian link will be 4 metres wide where it adjoins the existing track and this will narrow to 2 metres where it adjoins the boundary with the towpath. A section of the hedgerow is to be removed alongside the towpath to provide pedestrian access via a small lockable gate. The remaining boundary hedgerow is to be strengthened as required by a planning condition attached to the reserved matters permission for the new farm dwelling. A surfaced area is to be provided and laid out for the parking of 5 vehicles to the north of the farm shop. The pedestrian link and car parking area will be surfaced in gravel and road planings.

The Site and Surrounding Area

The site is known as Spinney Bank Farm and is located on Higham Lane within the countryside, approximately 0.6 kilometres south of Stoke Golding. The site consists of an area of approximately 0.10 hectares within an overall agricultural holding of approximately 60 hectares. The site is bounded to the north by Higham Lane and to the east by the Ashby de la Zouch Canal. The whole length of the canal is within the Conservation Area. Both boundaries contain hedgerow planting.

Within the site there are agricultural buildings, a new dwelling house that is currently under construction and a temporary mobile home which is in use while the new dwelling house is being completed. There is an existing access onto Higham Lane and the vehicular track runs for a length of approximately 80 metres to the farm store.

The farm store is located within the north-eastern corner of an existing agricultural building, occupying approximately one tenth of the area of the unit within which it is located.

Technical Documents submitted with Application

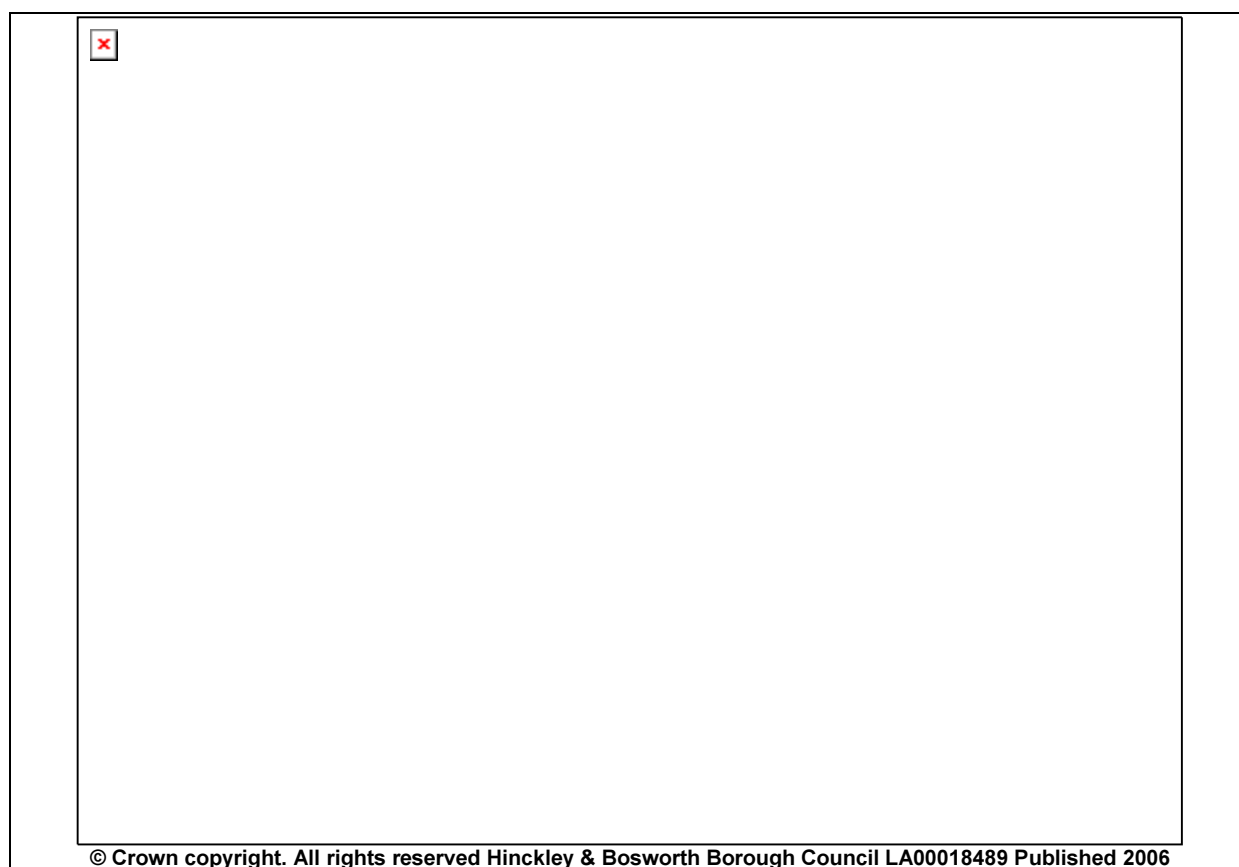
A Planning Statement has been submitted.

A landscaping plan has been submitted for the hedgerow that forms the boundary to the towpath.

Relevant Planning History:-

11/00341/S	Enforcement Enquiry in respect of Farm Shop		
10/00156/NOMAT	Non-material amendment to replace Dormers with eyebrow window	Approved	05.05.10
09/00893/REM	Erection of agricultural dwelling	Approved	07.01.10
		Appeal Allowed	
09/00573/REM	Erection of one agricultural dwelling with garage	Withdrawn	16.09.09
07/00480/OUT	Erection of one agricultural workers Dwelling	Withdrawn	20.07.09
07/00814/TEMP	Renewal of temporary permission 04/00412/FUL for the erection of a mobile home for agricultural worker	Refused	05.09.07
06/00941/OUT	Erection of farm shop and tea room	Withdrawn	08.11.06

06/00187/OUT	Erection of agricultural workers dwelling	Withdrawn	03.05.06
05/00708/FUL	Erection of agricultural building	Approved	30.08.05
04/00412/FUL	Erection of agricultural mobile home	Approved	14.07.04
03/01120/OUT	Erection of agricultural workers dwelling	Withdrawn	01.04.04
00/00238/FUL	Erection of agricultural building	Approved	24.05.00
97/00328/FUL	Erection of three agricultural buildings	Approved	29.05.97
96/00241/FUL	Erection of two agricultural buildings	Approved	06.06.96



Consultations:-

No objection subject to conditions have been received from:-

British Waterways
The Inland Waterways Association (Lichfield Branch)
The Ashby Canal Association
Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Parish Council.

No objections have been received from:-

Head of Community Services (Drainage)
Directorate of Chief Executive LCC (Ecology).

At the time of writing the report no comments have been received from Site and Press notices.

Comments have been received from:-

A nearby resident who, whilst not objecting in essence, has concerns about the adequacy of the access/egress which they consider to be too close to the brow of the hill.

Councillor Ward has raised the following points:-

- a) bridge 23 has been heavily strengthened to become the main through route for the rural traffic from Market Bosworth and beyond, carrying a busy bus service through the villages into the towns of Nuneaton and Hinckley
- b) traffic speed is 60 mph
- c) drive access is too close to the apex of the canal bridge
- d) incline exiting the access appears to be higher than 20%
- e) providing visibility splays would destroy the hedges to both sides of the access
- f) this present application provides the ideal conditions for a series of accidents, no consideration appears to address the issue of stopping distance
- g) where are the viability and sustainability results? These are key in considering the application
- h) provision of access to the towpath has been resisted in the past and will set a precedent.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth
Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas
Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation
The National Planning Policy Framework (Draft) July 2011

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy REC6: Ashby Canal Corridor
Policy T5: Highway Design and Vehicle Parking Standards

Other Documents

Leicestershire County Council document 'Highways, Transportation and Development'.

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and scale and impact on the Canal Conservation Area and the countryside, accessibility and impact on the highway, biodiversity and other issues.

Principle of Development

The site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan. Government guidance in Planning Policy Statement 7 and adopted local plan policy NE5 seek to protect the countryside for its own sake. However, it is also recognised that certain forms of built and other development, can be appropriate in countryside locations and there is support for such development subject to there being no harm to the character or appearance of the countryside, neighbouring properties, the environment or highway safety.

The operation of an ancillary farm shop would not generally require planning permission. However, the applicants have indicated that not all of the produce will be from their farm and as such planning permission is required. Local and National Policies recognises and supports in principle the need of farmers to adapt to changing markets and diversify and the principle of a farm shop is considered to be acceptable.

Layout and Scale of Development

The farm shop is positioned within an existing agricultural building and provides a total retail area of approximately 30 square metres. The building is set well within the site and reached via the existing track that extends for approximately 80 metres. There is hedgerow planting to the boundary with Higham Lane and the farm shop is not prominent when viewed from the access on Higham Lane. The farm shop is relatively small scale and is not considered to have a detrimental impact on the countryside.

The site adjoins the boundary with the Ashby Canal Conservation Area and Policy BE7 seeks to preserve and enhance the special character of the Conservation Area. The access and track are existing. The application proposes a surfaced area for parking of 5 vehicles and a pedestrian link from the existing track towards the towpath. These will be surfaced in gravel and road planings. The car parking area will be viewed alongside existing built form and will not be prominent from the towpath. The pedestrian footpath will be 4 metres wide where it links to the existing track and 2 metres wide where it adjoins the boundary with the towpath. The site is screened by the existing hedgerow to the boundary with the towpath and the proposals are considered to have a neutral effect on the Conservation Area.

Accessibility and Impact on the Highway

Access onto Higham Lane is restricted by the position of the two bridges and the hedgerow at the boundary. However, the Highways Officer noted that, although visibility is restricted, the position between the two bridges does result in low vehicle speeds. It was also noted that vehicles using Higham Lane tend to be local and take extreme care when crossing the canal. Highways Officers further note that the good accident record for this stretch of highway supports the view that drivers drive in an appropriate manner.

It is considered that a small scale farm shop is unlikely to generate significant traffic and at its present scale, is considered acceptable in terms of highway safety. Highways Officers have

indicated that farm shops do pose a problem for the Highway Authority as they can quickly grow into successful businesses which in turn can give rise to a significant amount of vehicle movements. This would be a concern in this location because of the constraints of the access and the local road network and due to the rural location; users would be likely to travel by car. Conditions are recommended to restrict the range of produce sold and to prevent outdoor display of goods to prevent any unacceptable intensification of use.

Visibility, subject to improvements, complies with the standards set out in the 6Cs Design Guide and is therefore considered acceptable. A condition is recommended to require visibility splays of 2.4 metres by 43 metres to the right and 2.4 metres by 65 metres to the left at the access to Higham Lane. The hedgerow within these visibility splays would need to be maintained to a maximum height of 0.6 metres above ground level.

Policy REC6 seeks to ensure provision of a recreational and wildlife corridor with public access to the canal side. A condition is recommended to require details of the gates to the towpath to ensure these do not infringe public access to the towpath.

Impact on Biodiversity

Policy NE12: 'Landscaping Schemes' states that proposals for development should take into account the existing landscaping features of the site and make provision for further landscaping where appropriate. There is an existing hedgerow to the boundary with the towpath to the east of the site, a section of which is to be removed to provide pedestrian access to the towpath. The overall boundary hedgerow to the east of the site is to be supplemented by additional planting but this is already required by planning condition for the reserved matters approval for the new dwelling house. As that permission has been implemented it is not considered necessary to apply it to this application.

Works will be required to the hedgerow to the boundary with Higham Lane to provide visibility splays. There is no known designation of this hedgerow as a site of District importance. The hedgerow is in a poor state of repair in parts and a recent survey of the area by Ecology has not identified it as an important hedgerow. Removal of the hedgerow to provide visibility splays is therefore considered acceptable. However, the loss of the hedgerow will have an impact on the rural character of the area and a condition is recommended to require details of replacement and supplemental planting. This should consist of native species, set behind the required visibility splays and anything within the 2.4 metre visibility splays not exceeding a height of 0.6 metres.

Other Issues

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment. The policy states that planning permission will be granted where development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard. There are no nearby neighbouring dwellings that would be adversely affected in terms of residential amenity.

In addition to highway safety concerns, the Ward Councillor has requested that the application be considered by Planning Committee and has raised concerns about the provision of an access to the towpath which could set a precedent. Any new access to the towpath will require the prior consent of British Waterways in the form of a commercial agreement. Whilst this is not a planning consideration, a condition is recommended to require details of the gate and access to ensure there is sufficient clearance to the towpath

and that the design of the gates is acceptable in the Conservation Area. An access to the towpath would not necessarily require planning permission, depending on the extent of works and would generally be a consideration for British Waterways. In the event that an access requires planning permission in the future then it will need to be considered on its own merits, having regard for the Canal Conservation Area and the impact on pedestrian accessibility.

The question of sustainability and viability has been raised by the Ward Councillor. These matters were considered in detail when the appeal was allowed for construction of the new dwelling. Concern has also been raised about the impact of this farm shop on existing businesses. Whilst commercial objections are not material planning considerations, this is a relatively small-scale farm shop and appropriate conditions have been recommended to prevent increased usage having regard solely to highway safety issues.

Conclusion

The continued use of the farm shop is an acceptable use within this countryside location. As a result of the layout and design of the access road together with existing landscaping it is considered that the development will not have a significant adverse impact on the character or appearance of the site, the wider landscape or biodiversity and will not have an adverse impact on highway safety. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as a result of the siting, design, scale and appearance of the farm shop and associated surfacing works it would not have a significant adverse impact on the character or appearance of the countryside, Conservation Area, biodiversity or highway safety.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, BE7, NE5, NE7, NE12 and T5.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250, Landscaping Proposals KCC816/4a 02/12/wg and Elevations and Floor Plan KCC816/3 01/12/wg received by the local planning authority on 1 February 2012.
- 2 Within 28 days from the date of this permission visibility splays of 2.4 metres by 43 metres to the right and 2.4 metres to the left shall be provided at the junction of the access with Higham Lane. 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.
- 3 The car parking and any turning facilities shown on the approved plan shall be surfaced, marked out and made available for use within 3 months of the date of this permission and shall thereafter be permanently so maintained.

- 4 Prior to installation of the pedestrian access to the towpath, details of the design and construction of the proposed pedestrian access (including any gates or barriers) to the Ashby Canal towpath shall be submitted to and approved in writing by the local planning authority.
- 5 No more than 15% of total sales and stock of the farm shop hereby approved shall be derived from produce or goods originating from any other source than the agricultural holding, Spinney Bank Farm, Stoke Golding.
- 6 Notwithstanding Condition 5 of this permission, the farm shop hereby approved shall only sell stock and display edible agricultural and horticultural produce and shall be used for no other purpose, including any other purpose within Class A1 of the Town and Country Planning Use Classes (Amendment) Order 2010, unless otherwise agreed in writing by the Local Planning Authority.
- 7 The farm shop hereby approved shall be used solely on an ancillary basis in connection with Spinney Bank Farm, Stoke Golding and shall not be operated, sold, leased or rented as separate premises.
- 8 The use as a farm shop shall only be carried out within the footprint of the building as indicated on drawing number KCC816/3 01/12wg and there shall be no outdoor sales or display of goods.
- 9 Within 28 days of the date of this permission, details of a planting scheme for replacement hedgerows either side of the site access shall be submitted to the local planning authority for approval. The approved planting scheme shall be implemented in full accordance with and within 28 days from approval of the submitted details. Thereafter it 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 and shrubs of a similar size and species to those originally planted at which time shall be specified in writing to the local planning authority.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 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 highway safety.
- 3 To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking problems in the area.
- 4 To ensure that any new access is appropriately designed and constructed and preserves or enhances the character of the Ashby Canal Conservation Area in accordance with Policies BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 For the avoidance of doubt, to prevent an inappropriate retail use in the open countryside and in the interests of highway safety to accord with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 For the avoidance of doubt, to prevent an inappropriate retail use in the open countryside and in the interests of highway safety in accordance with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

- 8 To prevent an inappropriate and over-intensive retail use in the countryside and in the interests of highway safety to accord with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To protect the amenities of the locality and rural character of the site in accordance with Policies NE5 and BE1 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).
- 5 The details required by condition 9 shall include replacement and supplementary planting to compensate for the modifications required for visibility splays. Planting shall consist of native species and planted in a double zig-zag pattern with at least 7 different species per 30 metres.

Contact Officer:- Anne Lynch Ext 5929

Item: 05

Reference: 12/00154/FUL

Applicant: Mr John Deakin

Location: Land South Of 26 To 28 Britannia Road Burbage

Proposal: ERECTION OF 52 DWELLINGS WITH GARAGES AND ASSOCIATED INFRASTRUCTURE

Target Date: 18 May 2012

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 a residential development of 52 dwellings with garages and associated infrastructure on land to the south west of Britannia Road, Burbage. This is a resubmitted scheme following the decision of the Planning Committee to refuse a similar development at the meeting on 7 February 2012. A planning appeal in respect of that decision is currently in progress. Members will also recall that a similar outline residential development for 62 dwellings on the site was allowed on appeal (reference APP/K2420/A/10/2127585) in a decision notice dated 21 July 2011.

The proposed access to the development is from Britannia Road at the north east corner of the site leading to a main access road and private drives serving a mix of detached, semi detached and terraced dwellings of 2 and 2½ storey scale and size comprising of 1 x 1 bedroom, 9 x 2 bedroom, 10 x 3 bedroom, 17 x 4 bedroom and 15 x 5 bedroom dwellings. A total of 39 market housing units and 13 affordable housing units (25%) will be provided with the affordable units being a mix of 75% rented and 25% intermediate housing. Off street car parking is to be provided in garages, on private driveways and within parking courts. The proposed layout also incorporates an area of open space including a balancing reservoir to the south of the site and a small informal area at the entrance to Britannia Road Recreation Ground. A new pumping station is proposed within the southern part of the site adjacent to the balancing lagoon. The proposal includes the widening of the existing access by way of an existing legal agreement and the provision of a pedestrian footway to the site. The public right of way through the site is to be incorporated into the proposed development.

The proposal differs from the previously submitted scheme in respect of changes to the layout, changes to some house types, a redistribution of the affordable housing units throughout the site and the provision of two bollard style light columns to provide illumination to the balancing lagoon area. A letter in support of the application has been submitted by Marrons solicitors on behalf of the applicant's setting out why they consider that the development is justified in this case and seeking to address the reason for refusal of the previous application (reference 11/00823/FUL).

The Site and Surrounding Area

There is an existing unmade access, currently serving 5 dwellings, located on the outside of a right-angled bend in Britannia Road. The 2.21 hectare site is roughly rectangular in shape and comprises two separate fields bisected by a public right of way. There are currently no buildings on the site but there is a small cluster of trees within the northern field. The ground levels fall to the south of the site and there are field boundary hedgerows and sporadic trees around the perimeter. Britannia Road Recreation Ground lies to the west, agricultural fields lie to the south and part east and residential development lies to the part north and part east of the site.

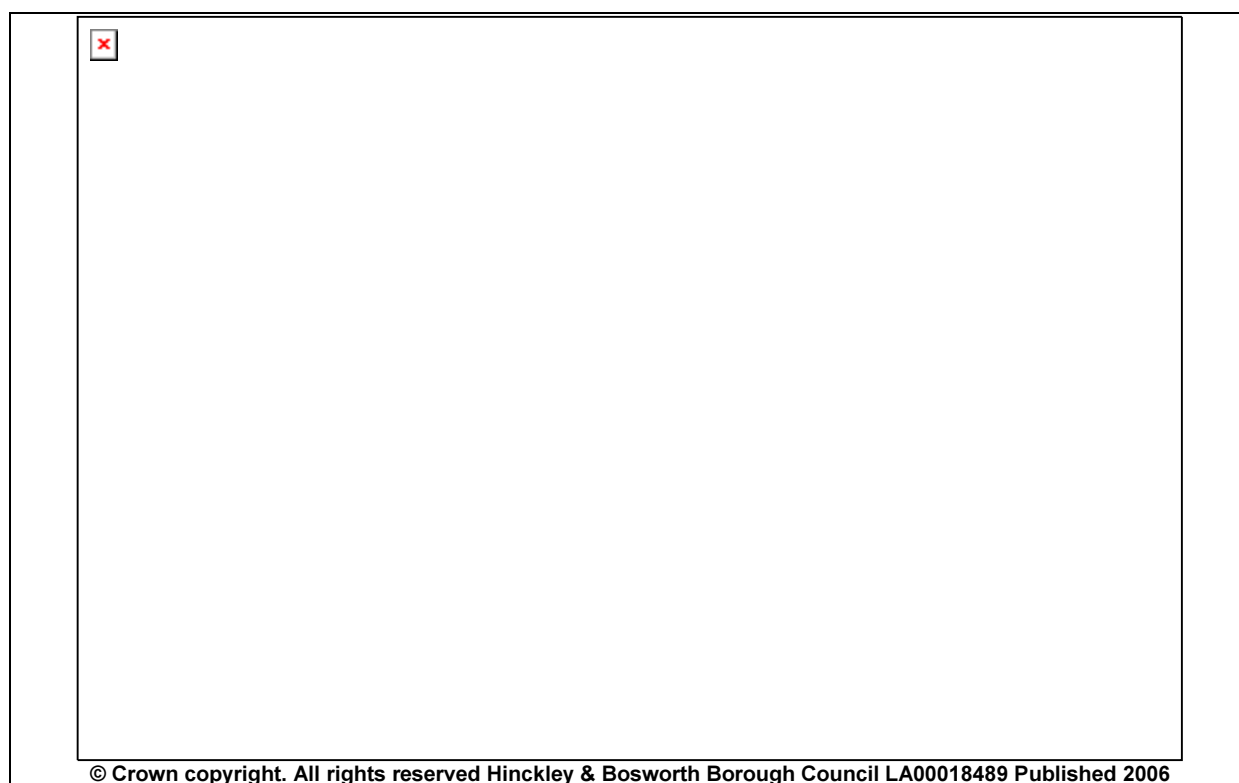
Technical Documents Submitted with Application

Design and Access Statement
Buildings for Life Assessment
Transport Assessment
Flood Risk Assessment and Addendum
Phase II Ground Investigation Report
Archaeological Desk Based Assessment, Geophysical Survey and Evaluation
Desk Top Study and Phase I Habitat Survey
Tree Survey/Arboricultural Assessment
Draft Heads of Terms for Section 106 Agreement
Economic Viability Assessment and Addendum

During the course of the application amended plans have been received relating to amendments to the design of a number of the proposed house types, however, as these are minor in nature no re-consultation has been undertaken.

Relevant Planning History:-

11/00823/FUL	Erection of 52 Dwellings & Associated Garages and Infrastructure	Refused Appeal Pending	08.02.12
10/00381/OUT	Development of 62 Residential Dwellings Including Access	Withdrawn	25.06.10
09/00915/OUT	Erection of 62 Dwellings & Associated Access	Refused Appeal Allowed	23.03.10 21.07.11



Consultations:-

No objection has been received from:-

Sports Council East Midlands Region
Borough Council's Arboricultural Consultant.

No objections have been received subject to conditions from:-

Directorate of Chief Executive (Archaeology)
Severn Trent Water Limited
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

Director of Environment and Transport (Highways) has no objection subject to conditions and off-site highway improvement works but highlights concerns in respect of the adoptability of the road layout and inadequate internal dimensions of proposed garages.

Director of Environment and Transport (Rights of Way) has no objection subject to the retention and appropriate improvement of the public footpath U65 that passes through the application site.

Directorate of Chief Executive (Ecology) does not object to the application subject to any necessary additional surveys being carried out and enhancement measures undertaken.

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) requests a total contribution of £241,703.20, comprising of a Primary School contribution of £148,091.88 towards Burbage Infant and Junior schools and an Upper School contribution of £93,611.32 towards John Cleveland College. No contribution is requested for the High School Sector
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £2404.00 towards Barwell Civic Amenity site
- d) Director of Adults and Communities (Libraries) requests a contribution of £3180.00 towards Burbage library.

Primary Care Trust provide details on capacity issues with the provision of health care facilities provided at the Tilton Road Surgery in Burbage which is closest to the development. A financial contribution of £26,361.72 is requested to address demand for additional consulting and treatment facilities from an increase in the population of Burbage as a result of the development.

Leicestershire Constabulary Crime Reduction Officer requests a financial contribution of £31,512 towards the provision of a range of additional policing facilities to mitigate the additional burden on the service from the increase in the population as a result of the development. In addition, a condition is recommended to ensure Secured by Design compliance as imposed by the Inspector at the previous appeal.

Burbage Parish Council raises no objection to the application but maintain previous concerns regarding access.

Marrons solicitors have written in support of the application on behalf of the applicant. Their letter highlights the previous appeal decision that determined that a scheme for 62 dwellings on the site should be allowed, the lack of a demonstrable five-year supply of housing in the most recent monitoring figures as at 1 October 2011, and the need imposed by national planning policy in PPS3 in such cases to consider favourably planning applications for housing. The letter also highlights the fact that the outline approval for 62 dwellings contributes to the latest supply of housing figures without which the shortfall in the supply of housing would be even greater. The Council's reason for refusal of the most recent application was that there was no special overriding justification for the development. Marrons consider that this is incorrect as the principle of development on this site was established by the appeal allowed in July 2011 for which a reserved matters application could be submitted and pursued, and, at the time there was less than five years supply of housing within the Borough which provided the trigger/justification for the development's favourable consideration and this justification remains. Marrons request that the Committee give serious consideration to the justification for granting planning permission for the current

application to avoid the time and cost of pursuing the outstanding appeal now lodged and to enable provision of the dwellings that the Borough requires and the New Homes Bonus to be paid.

Site notice and Press notice were displayed and neighbours notified. Two letters of objection have been received raising the following issues and concerns:-

- a) principle - contrary to development plan
- b) highway safety - inadequate access
- c) amenity - interference with adjacent property
- d) principle - intrusion into countryside, greenfield site
- e) amenity - noise/disturbance
- f) other infrastructure deficiency
- g) highway safety - additional traffic/parking
- h) amenity - loss of security and privacy
- i) highway safety - incomplete traffic surveys
- j) inadequate drainage/flooding problems
- k) no water abstraction license obtained
- l) contrary to appeal decision, current proposals don't conform to those approved plans.

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

Leicestershire and Rutland Playing Fields Association
Ramblers Association
Cyclist Touring Club
Head of Business Development and Street Scene Services (Waste Minimisation).

The consultation period remains open at the time of writing this report and closes on 5 April 2012. Any further consultation responses received before the planning committee meeting will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 Delivering Sustainable Development
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation
Planning Policy Guidance 13 (PPG13): Transport
Planning Policy Statement 25 (PPS25): Development and Flood Risk

The National Planning Policy Framework (Draft) July 2011
The Community Infrastructure Levy (CIL) Regulations 2010
Government Circular 05/2005: Planning Obligations

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 43: Regional Transport Objectives

Local Development Framework 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

The site is outside the settlement boundary of Burbage as defined on the proposals map in the adopted Hinckley and Bosworth Local Plan.

Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy NE2: Pollution
Policy NE5 Development in the Countryside
Policy NE12 Landscaping Schemes
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

Supplementary Planning Guidance: New Residential Development
Supplementary Planning Document on Affordable Housing 2011
Supplementary Planning Document: Sustainable Design
Supplementary Planning Document: Play and Open Space Guide

Other Material Policy Guidance

Burbage Village Design Statement (2006)
Hinckley and Bosworth Landscape Character Assessment (2006)
Leicestershire County Council 6Cs Design Guide

Appraisal:-

The main considerations in respect of this application are: the principle of development, the five-year housing land supply and the previous appeal decision; 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; flood risk and impact on controlled waters; ground investigation; ecology; archaeology and other issues.

Principle of Development, Five Year Housing Land Supply and Previous Appeal Decision

The application site lies outside of the settlement boundary of Burbage and is therefore within an area designated as countryside. Policies NE5 and RES5 seek to protect the countryside for its own sake and only allow development which would not have an adverse effect on the character or appearance of the landscape or the local highway network or road safety.

Notwithstanding this policy objection, the Local Authority is currently unable to demonstrate a five-year housing land supply of deliverable and developable sites based upon the most up to date (1 October 2011) monitoring figures. These indicate a cumulative shortfall of 134 dwellings equating to a current supply of 4.72 years (or 4 years and 9 months of supply). This figure takes into account the permission granted on appeal. Policy 4 of the adopted Core Strategy allocates a minimum of 295 dwellings for Burbage focussed primarily to the north of Burbage but this does not exclude the consideration of other smaller development sites. The Draft Site Allocations and Generic Development Control Policies DPD (which has not yet been subject to independent examination nor formally adopted) identifies a largely 'brownfield' site known as Sketchley Brook between Rugby Road and the A5 as the preferred option for the residential allocation for Burbage. The Sketchley Brook site has recently been granted outline planning permission for a mixed use development including up to 375 dwellings and primary infrastructure and highways improvement works have also been approved. The first reserved matters application relating to the road and path infrastructure was approved at Planning Committee on 10 January 2012, other reserved matters applications are yet to be submitted.

The previous appeal decision (reference APP/K2420/A/10/2127585) granted outline planning permission (reference 09/00915/OUT) as recently as July 2011 for residential development of 62 dwellings on the Britannia Road site (including access and layout with all other matters reserved). In his decision notice the Inspector referred to paragraph 71 of PPS3 that makes it clear that where there is a shortfall in the five year supply, applications for housing should be considered favourably having regard to the criteria of paragraph 69 of the PPS. The Inspector considered that overall the proposals would accord with paragraph 69 of PPS3 and would provide significant benefits in terms of housing supply if brought forward now. Members should note that the appeal decision should carry significant weight in the determination of this application.

The approval of this full application would enable these units to be brought forward and contribute towards the Core Strategy housing requirement for Burbage, towards addressing the shortfall in the overall five year housing land supply and the provision of affordable housing units in an area of identified need, without compromising the preferred options site which already benefits from outline planning permission or the spatial vision of the adopted Core Strategy. As a result of the current housing supply position in the Borough and the previous appeal decision, it is considered that the principle of development is acceptable in this case.

Impact on the Character and Appearance of the Countryside

The application site lies in a sustainable location close to the centre of the village and adjacent to the current built form of Burbage. There is existing development within the settlement boundary of Burbage both further to the west (Bullfurlong Lane) and further to the east (Lutterworth Road). The ground level of the site falls towards the south and whilst residential development of the site would clearly change the character and appearance of the site itself, its boundaries include mature field hedgerows and trees and provide both visual and physical separation from the recreation ground to the west and the countryside beyond and to the south. The site forms a small part of the total area of countryside between the southern boundary of the village and the M69 and when viewed from the wider landscape to the south will be seen against a background of the existing built form of Burbage. The site is also well screened from long distance views from outside the site.

In the appeal decision notice the Inspector noted that 'whilst the proposal would cause some harm in landscape terms, it would not be significant'. In these circumstances, and notwithstanding the Landscape Character Assessment and Burbage Village Design Statement that identifies the land between the southern settlement boundary and the M69 as

being vital to visual amenity and key to the Parish Council's plan to provide future leisure and recreational facilities, it is considered that any harm caused by the impact of the development on the character and appearance of the countryside does not outweigh the need to maintain a five year housing supply.

Design and Layout

The proposed development of 52 dwellings together with the associated access and informal open space areas on this 2.21 hectare site will provide an overall net density of 23.5 dwellings per hectare. Whilst this is well below the minimum of 40 dwellings per hectare required in Burbage by policy 16 of the adopted Core Strategy the policy does allow for lower densities where individual site characteristics can justify the reduction. In this case, the surrounding area is characterised by relatively low density housing, the application approved on appeal provided only a slightly higher density of 26.4 and the site now includes the provision of a pumping station to address surface water drainage issues. As a result, the reduced density is considered to be acceptable for this edge of settlement location and to reflect the character of the surrounding area.

This resubmitted scheme includes amendments to the layout and design of a number of house types together with a redistribution of the affordable housing units into three areas of the site and the addition of two bollard style lamp columns to provide some illumination of the balancing lagoon area to the southern end of the site. Overall, the proposed layout will create a street hierarchy with a number of shared driveways leading off from the main shared surface access road to encourage cars and pedestrians to share the space. This approach will help create a sense of place within the development. Visual interest will be provided throughout the development by virtue of the position of the dwellings in relation to the streets and vistas. A good mix 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. Adequate separation distances are provided between the proposed and existing properties such that there will not be an adverse impact on neighbours in respect of loss of privacy or amenity. Whilst limited open space will be provided within the site, due to the close proximity of available recreation space adjacent to the site this is not considered to be significant or detrimental in this case. The existing public footpath running through the site will be incorporated into the layout of the development promoting permeability and links to the surrounding countryside. A balancing reservoir and associated pumping station will be provided at the southern end of the site as measures to mitigate and control surface water run-off and flood risk.

Public footpath U65 passes through the site and is to be upgraded and incorporated into the layout of the scheme to contribute to the permeability of the development. The Director of Environment and Transport (Rights of Way) has no objection subject to these works being carried out and appropriate measures being taken in respect of the right of way during the construction process.

The surrounding area is characterised by detached and semi detached dwellings of 2, 2½ and single storey proportions. This scheme proposes detached, semi detached and terraced dwellings of 2 and 2½ storey proportions and therefore the scheme reflects the character of the surrounding area. A varied range of house types are proposed within the scheme providing a range of designs, sizes and architectural features including chimney stacks, corbelled eaves, brick headers, cills, decorative brick string courses, bay windows and front door canopies. It is considered that the design approach has been carefully considered and that the variation enhances the visual appearance of the overall scheme. An external materials schedule and distribution plan together with representative samples have been

submitted with the application and will enhance the visual appearance of the development and are therefore considered to be acceptable.

Policy 24 of the adopted Core Strategy requires new residential units within Burbage to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Whilst the submitted Design and Access Statement and Viability Assessment confirm that the homes are to be constructed in compliance with this standard, no details have been submitted with the application, therefore, such details will need to be secured via the imposition of planning conditions requiring relevant details to be submitted for approval.

Access and Highway Safety Issues

Access to the development from Britannia Road will be from the north-east corner of the site. An existing legal agreement with an adjacent landowner will enable improvements to the width and surfacing of the existing private track and provide a pedestrian footway into the development to secure satisfactory access to the site as detailed on the submitted plans. It is intended that a majority of the internal road layout is to be adopted by the Highway Authority. A swept-path analysis has been undertaken and submitted to demonstrate that the road layout will allow for the manoeuvring of emergency and refuse and recycling vehicles as required by Manual for Streets.

The Director of Environment and Transport (Highways) does not object to the application subject to the imposition of a number of highway related conditions including the implementation of a number of off-site highway improvement works to nearby road junctions with Britannia Road. Certain off site highway works as shown on Mayer Brown plans number GBBURBAGE.1/01 and 1/05 were agreed with the highway authority prior to the appeal hearing and were included in the Inspector's decision notice. The revised BWB Consulting drawings show the same improvements with a number of changes as follows:-

- Plan no NTT/662/100 P1 Windsor Street/Freemans Lane - proposed no waiting lines are now implemented
- Plan no NTT/662/101 P1 Britannia Road/Lutterworth Road -give way sign deleted due to narrow footway width; high friction surfacing and VAS sign deleted as adequate visibility is achievable at the junction, and there is no accident history at this junction for vehicles exiting Britannia Road.

Whilst the currently proposed improvement works to these junctions have been amended, with some elements deleted, from those agreed at appeal, they are nonetheless acceptable to the Highway Authority to mitigate any impact from the development on highway safety and can be secured by the imposition of conditions as recommended. Conditions relating to access driveway and car parking construction and the set back of garage doors for certain plots can also be imposed in the interests of highway safety. However, a number of other recommended conditions relating to the construction period do not comply with the tests of Circular 11/95 and therefore should not be imposed.

The Director of Environment and Transport (Highways) has raised concern in respect of the internal dimensions of the proposed garages and concerns in respect of the adoptability of the internal road layout. The issues raised in respect of the adoption of the road layout are likely to be considered during the detail design process carried out as part of the Section 38 process. These concerns have been raised with the applicant and the outcome will be reported as a late item to this agenda.

Objections have been received in respect of congestion from on-street parking and danger to pedestrians, however, this issue was considered by the Inspector in his decision on the

appeal application and there is no evidence to suggest that the development will be detrimental to highway safety in this respect. The Inspector also considered that the submitted traffic surveys were satisfactory.

Impact on Residential Amenity

The site is bordered by residential dwellings to the north and east of the site. Objections have been raised in respect of loss of amenity as a result of the proximity of development to existing dwellings. Whilst there are windows to habitable rooms on the side elevation of the dwelling to the north of the site (26a Britannia Road), the proposed garage of plot one is located approximately 5 metres from the side elevation and positioned at the side of the proposed dwelling to minimise impact on the outlook of the side elevation windows of the existing dwelling. Plots 1 to 4 face towards 28 Britannia Road but have a separation distance of approximately 11 metres to the curtilage boundary and approximately 16 metres to the side elevation which is considered acceptable in respect of the Council's Supplementary Planning Guidance on New Residential Development. The nearest dwelling to 40 Britannia Road has a separation distance of approximately 22 metres and whilst the garage is closer (approximately 11 metres) the garage is only single storey and will be screened from the adjacent dwelling to a large extent by landscaping.

Objections have been received in respect of potential noise, disturbance and pollution created during the construction process. However, this will be temporary in nature and will not have any significant adverse impact on residential amenity in the long term.

Overall, the proposed layout is considered to respect the privacy and amenity of adjacent residential properties providing adequate separation distances to ensure that the proposed dwellings do not adversely affect residential amenity of existing dwellings either from loss of privacy from overlooking or by having any adverse overbearing impact.

Developer Contributions

The request for any developer contributions must be assessed against the guidance contained within Circular 05/2005 and comply with the more recent 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.

The applicant has submitted a draft Heads of Terms for a Section 106 agreement with the application to be used to secure appropriate contributions to meet policy 15 of the adopted Core Strategy and policies IMP1, REC2 and REC3 of the adopted Local Plan. The applicant indicates that contributions will be made, subject to CIL Regulations and Circular 05/2005 compliance, towards the provision of affordable housing (25% of the units), provision and maintenance of public play and open space, education facilities, library facilities, civic amenity facilities, police facilities and a section 106 monitoring contribution. Having regard to the previous appeal decision the applicant considers that contributions towards healthcare facilities have not been justified for this site and do not comply with CIL Regulations or Circular 05/2005.

Affordable Housing

On sites of over 15 dwellings or over 0.5 hectare in size in the Burbage area, Policy 15 of the adopted Core Strategy requires a minimum of 20% provision of affordable housing. The current proposal offers a higher proportion (25%) of affordable housing than the policy requirement and the split follows the guidance of 75% social rented and 25% intermediate tenure. The proposed affordable mix comprises of 1 x 1 bedroom dwelling, 8 x 2 bedroom

dwelling and 4 x 3 bedroom dwellings. This will be split to provide social rented properties including 1 x 1 bedroom flat, 2 x 2 bedroom maisonettes, 5 x 2 bedroom houses and 1 x 3 bedroom house and intermediate housing including 1 x 2 bedroom house and 3 x 3 bedroom houses. The proposed provision complies with policy 15 and is therefore considered to be acceptable. Burbage is an area of high demand and low turnover for social housing and the provision will be particularly welcome in this area. The proposed layout plan proposes the 13 affordable units to be dispersed into three clusters within the site rather than two as previously proposed and is considered to be in accordance with policy AH3 of the adopted SPD on Affordable Housing and therefore acceptable.

Public 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 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, Britannia Road Recreation Ground (neighbourhood park) was given a quality score of just 37.5%.

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 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 Britannia Road Recreation Ground neighbourhood park located adjacent to the site.

In this case the total contribution required will be £95,095.80 comprising of 51 x £1837.60 per dwelling (split between a capital sum £1140.60 and a future maintenance sum £697.00) and 1 x £1378.20 (split between a capital sum £855.45 and a future maintenance sum £522.75) reflecting a 25% discount for the 1 bedroom dwelling.

Other Developer Contributions

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

Leicestershire County Council has requested the following contributions:-

- a) The Director of Children and Young Peoples Services (Education) requests a total contribution of £241,703.20 towards education facilities to mitigate the impact of the proposed development. The contribution comprises of a contribution of £148, 091.88 towards primary school facilities at Burbage Church of England Infant and Junior Schools

and £93,611.32 towards upper school facilities at John Cleveland College. No contributions are requested for the high school sector as the proposed development will not currently create any capacity issues. The contributions will be used to accommodate capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at the schools detailed above as the site is within their catchment area.

- b) The Director of Environment and Transport (Civic Amenity) requests a contribution of £2404.00 towards improving and enhancing the facilities at the nearest municipal civic amenity site in Barwell to mitigate the impact of the development.
- c) The Director of Adults and Communities (Libraries) requests £3180.00 towards improving and enhancing the existing library facilities at Burbage Library, Church Street which is approximately 0.7 kilometres from the site to mitigate the impact of the development as a result of additional users of the facilities.
- d) Leicestershire Constabulary has requested £31,512.00 towards the provision of a range of additional policing facilities to mitigate the additional burden on the service from the increase in the population as a result of the development
- e) Primary Care Trust has requested £26,361.72 to address local health care facility capacity issues and the demand for additional consulting and treatment facilities from an increase in the population of Burbage as a result of the development.

On consideration of the contribution requirements received in respect of this application and the previous appeal decision, it is considered that the following meet the tests as set out in the CIL Regulations 2010 and Circular 05/2005:-

- Affordable Housing – 13 units
- Play and Open Space – £95,095.80
- Education – £241,703.20
- Civic Amenity - £2404
- Libraries - £3180
- Police – £31,512

Economic Viability

The Economic Viability Appraisal and Addendum seeks to demonstrate that a 25% provision of affordable housing is the maximum viable quantum of affordable housing that this development can support, taking account of the wider planning gain being sought, to enable the development of the site to come forward and provide a developer profit of 18.5%. This would make a significant contribution to meeting local housing need, including the provision of social housing.

Whilst the level of provision now offered is less than previously offered in the application approved at appeal (30%), it nonetheless exceeds policy requirements and a viability assessment report submitted is considered to be reasonable to justify the overall level of contributions being offered to enable the site to be brought forward.

Flood Risk and Impact on Controlled Waters

No formal written response has been received at the time of writing this report from the Environment Agency. However, at a site meeting on 20 March 2012 a verbal response indicated that, as with previous responses to similar development of the site, there is likely to

be no objection in principle to the development in terms of surface water drainage and flood risk and that engineering solutions are likely to be available to mitigate any impact on protected waters as a result of the development. The applicant has agreed to provide additional information to the Environment Agency to inform their formal response which will be reported as a late item to the agenda. Severn Trent Water Authority has no objection to the application subject to the imposition of a standard condition requiring the submission of drainage plans for approval to ensure satisfactory drainage of the site and to minimise flood risk. The issue of whether or not an abstraction license is required in respect of the balancing lagoon is not a material planning application and if necessary would be considered by the Environment Agency.

Ground Investigation

As a result of the conclusions of the submitted Ground Investigation Report and subsequent correspondence and details being submitted, the Head of Community Services (Pollution) raises no objection to the application subject to conditions in respect of the submission of a scheme of gas protection measures and a scheme for the remediation of soils surrounding the area of trial pit TP9 where elevated results for lead were found.

Ecology

The submitted Ecological Phase 1 Study concludes that the large majority of the site is currently managed to the extent that much of its value for protected species is reduced. However, some potential does exist in the grassland margins, hedgerows and trees around the edge of the site. The study therefore recommends that further specific surveys be carried out before any works are commenced along with general recommendations of good practice and a number of biodiversity enhancement measures. The Directorate of Chief Executive (Ecology) confirms that the application will not impact on any designated sites of ecological importance and does not object to the application subject to any necessary additional surveys being carried out, a watching brief being undertaken for protected species during construction and enhancement measures being undertaken. In order to comply with Planning Policy Statement 9 in respect of biodiversity conservation such works can be secured by the imposition of an appropriately worded condition.

The Arboricultural Assessment identified only two trees as being of high quality, both being at the southern end of the site and able to be retained as part of the development. It recommends the removal of a number of dead or defective trees around the perimeter of the site together with the removal of a number of trees assessed to be of moderate and low quality within and around the perimeter of the site in order to facilitate the development. The current planning layout will enable a majority of the trees assessed to be of moderate and low quality on the perimeter of the site to be retained. The Borough Council's Arboricultural Consultant raises no objection to the application.

Archaeology

A programme of archaeological assessment including geophysical surveys and evaluation trenching has already been undertaken within the site. These assessments have revealed that archaeological remains are present and suggest that they are dispersed across the site. The Directorate of Chief Executive is satisfied that an appropriate mitigation strategy can be formulated but it will be necessary to ensure that any currently unidentified remains are not overlooked. Therefore to ensure satisfactory investigation and recording a further phased programme of archaeological work is required in order to comply with Planning Policy Statement 5 and policy BE16 of the adopted Local Plan. These works can be secured by the imposition of appropriately worded conditions.

Other Issues

This application is a new full planning application and therefore does not have to comply with the plans submitted in the previous outline planning application that was approved on appeal.

Conclusion

The site is outside the settlement boundary of Burbage and under normal circumstances residential development would not be considered acceptable in principle. However, given the guidance in paragraphs 71 and 69 of Planning Policy Statement 3, the recent appeal decision in respect of the site and the current shortfall in the five year housing land supply in the Borough the proposal is considered to be acceptable in principle. The proposed development will be in a sustainable location, suitable for housing and will use land effectively and efficiently to provide a good quality sustainable development with a good layout and a good mix of well designed housing to reflect the need in the area and will not undermine the wider policy objectives of Policy 4 of the Core Strategy. The proposed development will not have any significant adverse impact on the character or appearance of the landscape, residential amenity, highway safety, surface water drainage/flooding, land contamination, ecology or archaeology and will contribute to a range of community infrastructure services. The proposals are 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 an appropriate level of developer contributions.

RECOMMENDATION:- That subject to no significant material objections being received prior to the expiry of the consultation period on 5 April 2012, the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards public play and open space facilities, education facilities, civic amenity facilities, library facilities and police facilities, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 18 May 2012 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, together with the appeal decision (reference APP/K2420/A/10//2127585) it is considered that subject to compliance with the conditions attached to this permission, the proposed development would provide a significant contribution to the shortfall in the five year housing land supply in the Borough, would use land effectively and efficiently and provide a good quality sustainable development of well designed houses and would not have any significant adverse impacts on the character or appearance of the landscape, residential amenity, highway safety, surface water drainage, land contamination, ecology or archaeology and would contribute to a range of community infrastructure services and facilities. The proposed development is therefore in accordance with the development plan.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 4, 15, 16 and 24.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies RES5, BE1, BE16, NE2, NE5, NE12, NE14, T5, IMP1, REC2 and REC3.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan drawing no. S5516/100/03; Planning Layout drawing no. S5516/100/02 Rev K; Chimney Details and Disposition Plan drawing no. S5516/100/05 Rev A; External Materials Plan Drawing No. S5516/100/04 Rev A and House and Garage Types Plans and Elevations received by the local planning authority on 17 February 2012 and amended Elevations received by the local planning authority on 15 March 2012.
- 3 No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4 The development hereby approved shall be implemented in accordance with the external materials schedule and disposition as submitted on the approved External Materials Plan Drawing no. S5516/100/04 Rev A received by the local planning authority on 17 February 2012.
- 5 Notwithstanding the submitted details, no development shall take place until details of all existing trees and hedgerows on the land, and those to be retained, together with measures for their protection in the course of development, 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.
- 6 No development shall take place until details of the positions, design, materials and types of boundary treatment, and a timetable for their erection, 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 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.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9 The development shall be carried out in accordance with the mitigation and enhancement measures in relation to protected species other than the creation of a

large pond as recommended in Sections 5 and 6 of the Phase 1 Study Report (7 October 2011) prepared by Ecolocation and a timetable first submitted to and approved in writing by the local planning authority.

- 10 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 to the local planning authority. In addition, prior to the first occupation of each of the dwellings hereby approved, a Final Post Construction Stage Certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the local planning authority.
- 11 No development shall commence until details, including samples where necessary, of the means of construction of the access road, its surfacing material(s), and its gradient(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.
- 12 No dwelling shall be occupied until the vehicular and pedestrian access and parking spaces serving it have been completed in accordance with the approved plans and materials.
- 13 No development shall commence until full details of highway mitigation works relating to a build out and corner radii provision and associated works at the Freemans Lane/Windsor Street junction, as generally shown on BWB Consulting drawing no. NTT/662/101 P1, has been submitted to and approved in writing by the local planning authority. Once approved the works shall be carried out in accordance with the approved details prior to the first occupation of any dwelling.
- 14 No development shall commence until full details of a scheme to improve junction visibility at the junction of Britannia Road and Lutterworth Road, as generally shown on BWB Consulting drawing no. NTT/662/100 P1 has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details before the first occupation of any dwelling.
- 15 In respect of plots 4, 5 and 37 the garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and shall be so maintained at all times thereafter.
- 16 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording investigation, including a timetable
 - d) Provision to be made for archive deposition of the analysis and records of the site investigation, including a timetable
 - e) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

- 17 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.
- 18 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 16.

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 residential amenity and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that these features of visual amenity value and ecological value are protected during development and thereafter retained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 9.
- 6 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 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy NE5 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE5 and NE12 of the adopted Hinckley and Bosworth Local Plan.
- 9 To protect and enhance biodiversity within the site to accord with Planning Policy Statement 9.
- 10 In the interests of sustainable development to accord with policy 24 of the adopted Local Development Framework Core Strategy.
- 11 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.
- 12 To ensure that adequate access and off-street car parking facilities are provided to serve each dwelling to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13&14 To improve visibility at the junction and to provide an improved radius at the junction in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 15 To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16-18 To ensure satisfactory archaeological investigation and recording to accord with Planning Policy Statement 5 and 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 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 either the Adoptions team (for 'major' accesses) or the Highways 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 Design Guide" (Htd) at www.leics.gov.uk/Htd. For other minor, domestic accesses, contact the Service Centre Tel: (0116) 3050001.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and

detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

If the applicants do not wish to seek adoption of the roads, 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. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.

- 6 In relation to conditions 16, 17 and 18, the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the local planning authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Leicestershire County Council Historic and Natural Environment Team, as advisors to the local planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the local planning authority.

Contact Officer:- Richard Wright Ext 5894

Item: 06

Reference: 12/00114/ADV

Applicant: Adept Care Ltd

Location: Moat House New Road Burbage Hinckley

Proposal: ERECTION OF ONE NON ILLUMINATED ADVERTISEMENT

Target Date: 20 April 2012

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 Mr Hall due to the size of the sign being out of keeping with the Conservation Area.

Application Proposal

This application seeks advertisement consent for the erection of a non illuminated sign advertising the care home now under construction. The sign consists of a weatherproof sheet measuring 4m by 1.5m, giving an area of 6 square metres, erected on plyboard supported by timber stakes. The advertisement consists of an artist's impression of how the care home will look with proposed completion date. Consent is sought for the retention of the sign till September 2012.

The Site and Surrounding Area

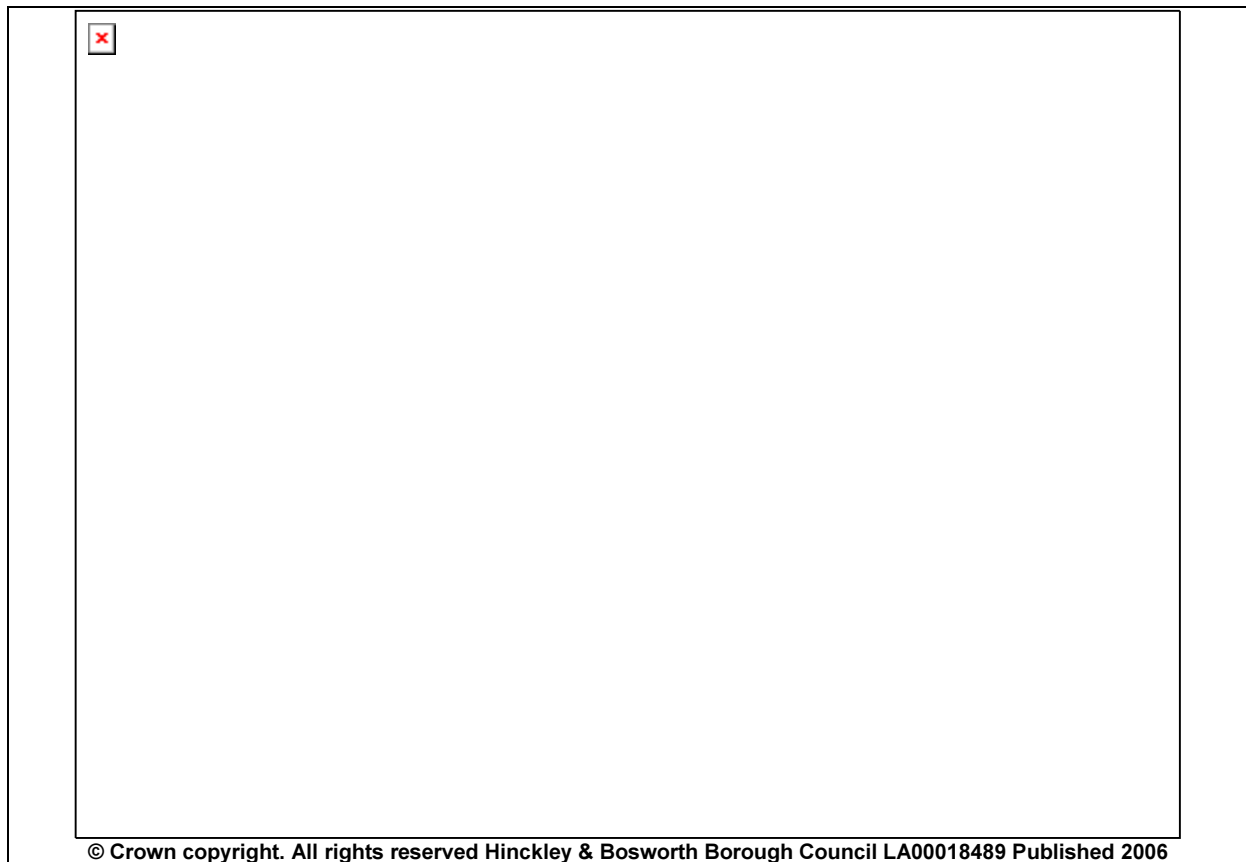
The sign is located within the centre of Burbage, to the west of the War Memorial and the junction of Church Road and New Street. To the north there are a group of listed buildings (numbers 26-32 inclusive Church Street) and the site is within the Burbage Conservation Area. Across Church Street, opposite the proposed sign are a mixture of commercial buildings and residential properties including the Co-op and Post Office.

Technical Document submitted with application

No technical documents have been submitted with the application.

Relevant Planning History:-

11/00342/S	Enforcement Enquiry Unauthorised Advertisement		
09/00923/CON	Demolition of existing residential care/nursing home	Approved	16.04.10
09/00922/FUL	Demolition of care/nursing home and proposed re-development of residential /nursing home and eight residential units	Approved	16.04.10
08/00536/FUL	Erection of residential care home (resubmission of 07/01066/FUL)	Approved	22.08.08



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Consultations:-

No objection has been received from Director of Environment and Transport (Highways).

Councillor Mrs Hall has the following concerns:-

- a) the sign is intrusive on the streetscene
- b) confrontational to regular drivers and emergency vehicles
- c) out of keeping with the streetscene within the Conservation Area
- d) dominates the War Memorial
- e) notwithstanding the temporary nature of the sign it should be refused for the above reasons.

Burbage Parish Council have objected to the proposal due to the size of the sign, which would have an overbearing impact and be significantly out of keeping with the character and appearance of the area.

Site notice and Press notice were displayed and neighbours notified.

Five letters of objection/support have been received raising the following concerns:-

- a) obtrusive to the Old Village Green and War Memorial
- b) eyesore within the Conservation Area
- c) noise from lorries is detrimental to the area
- d) lorries going up and down the narrow street is dangerous
- e) unsightly
- f) when wet the sign became loose and was left flapping
- g) foreign eyesore located between two large trees.

At the time of writing the report comments have not been received from Burbage Parish Council.

Policy:-

National Policy Guidance

Planning Policy Statement 5 (PPS5): Planning for the Historic Environment
Planning Policy Guidance Note 19 (PPG19): Outdoor Advert Control

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE11: Advertisements in Conservation Areas

Supplementary Planning Guidance/Documents

Burbage Village Design Statement

Other Material Policy Guidance

Outdoor Advertisements and Signs: A guide for advertisers.

Appraisal:-

The main considerations with regards to this application are the interests of amenity and public safety.

Principle of Development

The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the display of certain types of advertisement without requiring consent. Class 3 of the above order permits the display of temporary advertisements for the sale or let of premises, however the area of the sign must not exceed 2 square metres. It is considered that the erection of a sign on the site to advertise the premises is acceptable in principle.

Interests of amenity

Policy BE11 of the Local Plan states that advertisements in Conservation Areas should be traditionally sited and be appropriate to the character and streetscene. Further advice is contained with PPG 19, which recognises that Conservation Areas will have more exacting standards of control and quotes section 72(1) of the Planning (Listed Building and Conservations Areas) Act 1990 that special attention should be had to preserving or enhancing the character and appearance of that area. The policy guidance balances this with the fact that many Conservation Areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected, and Local Planning Authorities should use controls flexibly in such areas. This is the balance that has to be considered in this instance.

Whilst there are advertisements within the vicinity of the site, these are traditional shop fascia signs, attached to buildings and consideration has been given to their siting within the context of that building. The proposed sign, being a free standing sign, does not have any traditional position for its siting.

The sign is located on the periphery of a grassed area between two trees which significantly contributes to the character of the Conservation Area. The War Memorial is located directly to the east of the sign and there is a terrace of four listed residential properties to the north of the site. The Burbage Village Design Statement seeks to keep temporary signs advertising developments to a minimum to reduce their impact within the village.

It is considered that the siting of the sign within the grassed area and in close proximity to the War Memorial and listed buildings would introduce an alien feature into the area, to the detriment of the special character and appearance of the Conservation Area. Accordingly the sign is considered to be contrary to the objectives of Policy BE1 and BE11 of the Hinckley Local Plan and has a detrimental affect on the visual amenity of the area.

Public Safety

“The Outdoor advertisers and signs: guide for advertisers” advises on what can be considered a public safety concern. It states that advertisements are supposed to attract the attention of the public. Public safety therefore is a consideration of whether the sign would cause confusion with other directional signs, traffic signals or a physical obstruction within the highway. The proposed sign is not illuminated. The proposal does not overhang the

public highway and would not cause an obstacle to users of the highway. Objections have been received on the basis of the sign distracting drivers, however there are no directional signs or traffic signals within the vicinity of the site. As no objection has been received from the Highways Authority and given the above it is not considered that the proposal would detrimentally result in a public safety concern.

Other issues

Objections have been received on the grounds of disturbance and highway safety issues due to construction traffic on a narrow road. The vehicle movements are not a direct consequence of this sign and therefore can not influence the determination of this application.

Consideration has been given to the temporary nature and time period for which consent is sought. This has been weighed against the harm the sign would have on the character and appearance of the Conservation Area and it is considered that in this instance that harm outweighs the temporary period for which the consent is sought

Under the Advertisement Regulations 2007 the applicant has the right to erect a sign with an area up to 2 square metres. The sign under consideration has an area of 6 square meters, three times the area permitted by deemed consent. It is considered that the sign is significantly greater than that allowed by the Advertisement regulations and consequently whilst it is acknowledged that a sign could be erected on this site, its impact due to its size would be a lot less.

Conclusion

It is considered that the siting of the proposed sign within close proximity to the Burbage War Memorial and Listed Buildings would detrimentally affect the special character and appearance of the Burbage Conservation Area. Consideration has been given to the temporary nature of the sign and the economic justification verbally put forward by the applicant. However, these factors are not considered to outweigh the harm which would be caused to the conservation area.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the location and siting of the sign introduces an alien feature into the streetscene to the detriment of the special character and appearance of the Burbage Conservation Area. The proposal is therefore considered contrary to Policies BE1 and BE11 of the adopted Hinckley and Bosworth Local Plan, supported by PPG19.

Contact Officer:- Sarah Fryer Ext 5682

Item: 07
Reference: 12/00124/FUL
Applicant: Ms Danielle Sullivan
Location: 19 Main Road Sheepy Magna Atherstone
Proposal: DEMOLITION OF VILLAGE SHOP AND ERECTION OF 4 DWELLINGS WITH ASSOCIATED PARKING
Target Date: 23 April 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, that more than five letters of neighbour representation have been received.

Application Proposal

This application seeks full planning permission for the demolition of the village shop and the erection of 4 dwellings with associated parking.

The application proposes the demolition of the two storey derelict shop, sited towards the southern side of the site and the erection of 4 two and a half storey dwellings. The dwellings consist of two blocks of semi-detached properties. These will be sited either side of an existing access drive leading to the property to the rear, number 17 Sheepy Road. Each of the two blocks of properties will have a new access off Sheepy Road, with two off road parking spaces each, to the front.

This application follows previously withdrawn application 11/00783/FUL. This was withdrawn due to officer concerns in respect of residential amenity, design and flooding related issues.

The Site and Surrounding Area

This site comprises the derelict former village shop and part of the residential curtilage of the dwelling to the rear, 17 Sheepy Road. The access drive serving this property sub-divides the site. The shop building also incorporates a residential element, is part two storey and has a flat roofed later addition and an enclosed rear garden. The garden is overgrown and is bounded by dense vegetation. The northern section of the site comprises a level parcel of mown lawn. To the road frontage (western boundary) there is a low post and rail fence and some vegetation. The northern boundary of the site, which abuts number 7 Main Street comprises part post and rail fence, part timber fence and part conifer hedge. The rear of this section of the site is currently open to the property beyond.

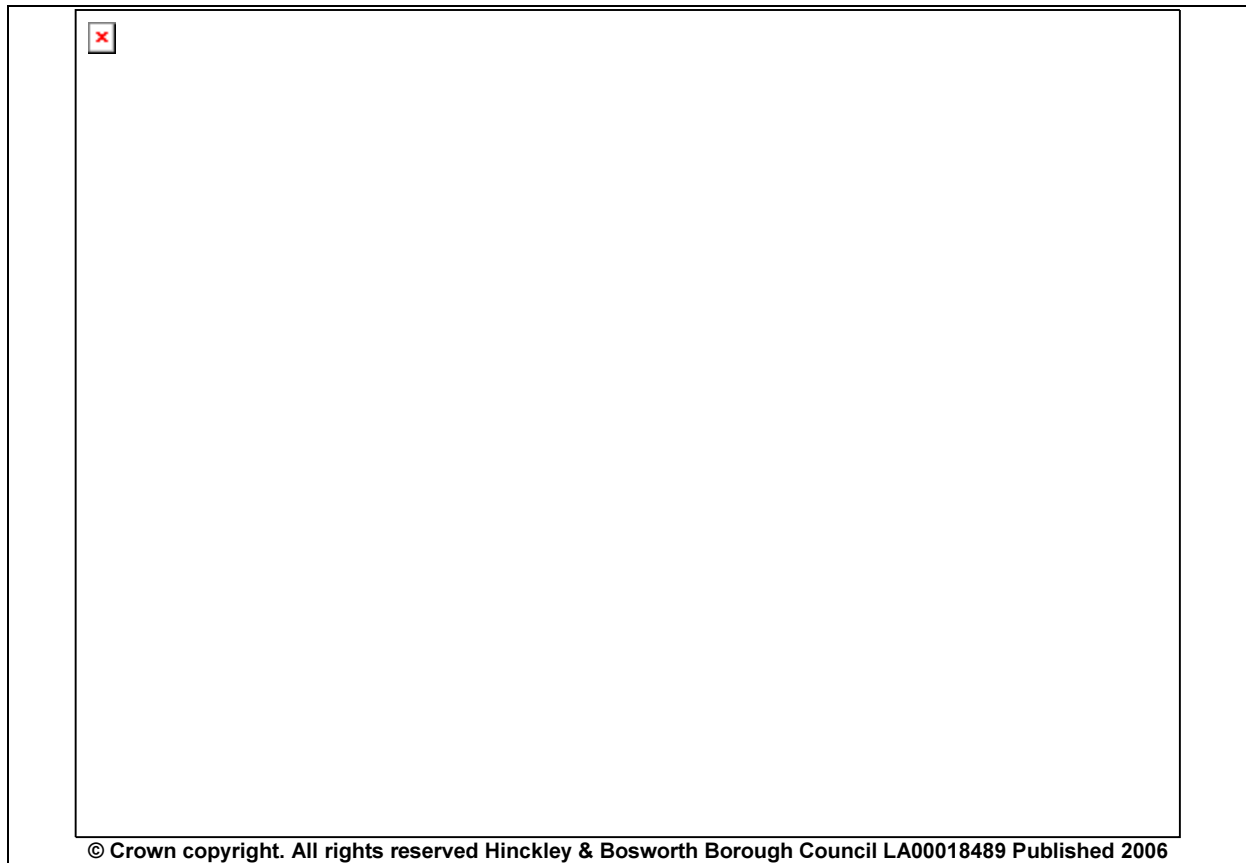
The surrounding area is residential and of mixed character. The surrounding properties are mainly detached, with the exception of a row of traditional terraced cottages on the opposite side of the road. The properties adjacent to the application site are predominantly bungalow or dormer bungalow and of modern design. In contrast on the opposite side of the road, properties are two storey and comprise a mix of modern and traditionally designed dwellings. The properties on either side of the road follow a uniform building line, with the exception of 17 Sheepy Road which is sited roughly 45 Metres from the highway boundary.

Technical Document submitted with application

Design and Access Statement
Flood Risk Assessment
Ecology Report.

Relevant Planning History:-

11/00783/FUL	Erection of four new dwellings with associated parking	Withdrawn	18.01.12
01/00583/OUT	Renewal of permission 98/00480/OUT For the erection of 2 shops with Living accommodation above	Approved	12.09.01
98/00480/OUT	Erection of two shops with flats	Approved	22.07.98
95/00576/OUT	Erection of two shops with flats	Approved	20.09.95



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

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

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

- a) there will be an adverse impact on the social context of the area – the area could sustain a shop
- b) the building has been left to deteriorate and should have been maintained sooner, if this was done its use as a shop would have been more viable.
- c) the proposal is out of character within its setting due to its scale and design
- d) the proposal will have an intrusive impact on surrounding properties
- e) contamination issues associated with the historic use of the site as a petrol station
- f) adverse impact in terms of visual amenity
- g) result in loss of light to surrounding properties
- h) flooding issues
- i) noise, dust and disruption from construction traffic
- j) queries who the end users of the houses will be – thought there was a restriction on who could reside in new houses within villages
- k) loss of privacy , overbearing and overshadowing impacts
- l) no obvious changes from previously withdrawn application

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1) - 'Delivering Sustainable Development'
Planning Policy Statement 3 (PPS3) - 'Housing'
Planning Policy Guidance Note 13 (PPG13) - 'Transport'
Planning Policy Guidance 17 (PPG17) - 'Planning for Open Space, Sport and Recreation'
Planning Policy Statement 23 (PPS23) - 'Planning and Pollution Control'
Planning Policy Statement 25 (PPS25) - 'Development and Flood Risk'

The National Planning Policy Framework (Draft) July 2011
The Community Infrastructure Levy (CIL) Regulations 2010
Government Circular 05/2005 - Planning Obligations

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1 - Regional Core Objectives
Policy 2 - Promoting Better Design

Local Development Framework Core Strategy 2009

Policy 12 - 'Rural Villages'
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 RES5: 'Residential Proposals on Unallocated Sites'
Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities'
Policy BE1: 'Design and Siting of Development'

Policy REC3: 'New Residential Development - Outdoor Play Space for Children'
Policy NE14: 'Protection of Surface Waters and Groundwater Quality'
Policy T5: 'Highway Design and Vehicle Parking Standards'

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): 'New Residential Development'
The Council's Supplementary Planning Document (SPD): 'Play and Open Space'
The Council's Supplementary Planning Document (SPD): 'Sustainable Design'

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact upon the character and appearance of the area, impact upon residential amenity, highway considerations, sustainability, development contributions, drainage and flood risk and other matters.

Principle of Development

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

Sheepy Magna is classified as a Rural Village within Policy 12 of the adopted Core Strategy. Policy 12 seeks to support housing development within the settlement boundary providing that the development provides a mix of housing types and tenures. It is considered that the approval of this application would bring forward 4 units in line with Core Strategy Policy 12 and would contribute towards the 20 new dwellings as identified to be provided within the village by the Core Strategy.

Planning Policy Statement 3 (PPS3) was revised on 9 June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare. The exclusion of private residential gardens from the definition of 'Brownfield' land was considered a reaction to the increasing pressures placed on local communities when developers propose the demolition of large dwellings and the construction of a number of dwellings in its place. The subsequent letter from the Chief Planning Officer on 15 June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that would be considered to be out of character.

Roughly half of the site comprises a vacant shop, which is classified as Brownfield Land, with the remainder comprising part of the front garden land of 17 Main Street. This has been considered against the requirements of PPS3. The Council has considered that where development falls outside this classification of brownfield land, but is within a defined settlement boundary, the character density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

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

Accordingly the impact of the development on the defined character of the area will be considered.

Siting and Design and Impact Upon the Character of the Area

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

As discussed above it falls to be considered whether the proposed development would have an adverse impact upon the character and appearance of the area.

Impact upon Character

The character of the area within the immediate vicinity of the site is mixed. On the north eastern side of Sheepy Road, dwellings comprise predominantly detached bungalows/dormer bungalows of simple design situated on relatively large plots and accommodating a uniform building line. The exception to this is Number 17 Main Street which is set at depth. Properties on the opposite side of Main Street comprise both modern and traditional two and two and a half storey properties. In respect of design and architectural detail, properties on this side of the road are far more varied, with the traditional dwellings having elaborate architectural detail.

The Design and Access Statement seeks to justify the design approach adopted. It states that the proposal will be reflective of the three storey properties on the opposite side of Main Street through the use of materials and architectural detail. Materials common of the locality, such as plain clay tiles and mid red facing bricks have been proposed and the dwellings are to have steeply pitched roofs. In addition architectural details including plinth detail, blue brick cills, blue brick arched heads and brick corbelling string courses will be incorporated. The statement goes on that such detail will help integrate the new development within its setting.

Following officer concerns raised in respect of the design proposed within the previously withdrawn application, the elevation detail on this scheme has been amended and the ridge height of the proposal, reduced. The fenestration has also been aligned, resulting in a more balanced appearance.

Despite these changes and the justification provided within the Design and Access Statement, the development will not be viewed in the context of the 3 storey properties opposite, but within the context of the detached bungalows and dormer bungalows adjacent. Accordingly the two blocks of semi-detached 2.5 storey properties, by virtue of their height, mass and scale will appear as an alien, incongruous form of development within the street scene to the detriment of the character and visual amenity of the area.

Although architectural detail present on the traditional dwellings opposite will be incorporated into the development, as a result of the many differing details incorporated, the appearance of the principle elevations appear cluttered. Further, the dormer windows proposed do not replicate those found on the property opposite and thus are considered as uncharacteristic features within the street scene. Accordingly, as the scheme proposed will be viewed against the simplistic properties either side; the architectural detail proposed will result in the development being inconsistent and inappropriate within its setting. In conclusion, based on the above, the proposal will be contrary to national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be number 17 Sheepy Road, to the rear (east) of the site, number 7 Sheepy Road to the north east of the site, and 21 Sheepy Road, to the south of the site.

Number 17 comprises a bungalow sited on a slightly lower ground level than the proposal. Its principle elevation faces the rear elevations of plots 1 and 2. There is a distance of approximately 21 metres between the two storey rear elevation and this property and roughly 17 metres between the ground floor sun room and number 17. The Council's SPG on New Residential Development usually seeks a distance of 14 metres between a blank wall and window, and 25 metres between two walls containing habitable windows. As the distance between the dwellings falls slightly short of the recommended separation distances, and as the property to the rear comprises a bungalow and is set at a slightly lower ground level, the overbearing impact and impact upon the privacy of this property are considered material and would have an adverse effect on the residential amenity of this property.

Number 7 Main Street comprises a dormer bungalow. This has a first floor bedroom window facing towards the application site. There would be a distance of approximately 7.5 metres between the window of this property and the blank elevation of the proposed property. This distance is considerably under the 14 metres recommended within the SPG. Further, as the proposal is sited to the south of this property and is 2.5 storeys high, there will be an impact in terms of overshadowing and over-dominance which is considered to be to the detriment of the residential amenity of this property.

Number 21 Main Street also comprises a dormer bungalow. This has a dormer window facing the application site. This property is situated on roughly the same building line as the proposal. This said there will only be a distance of 5 metres between the proposal and this property. However in this case although the application property is 2.5 storeys, as it is to the north of number 21, and as this property has a ridge height of roughly 7.5 metres, any overbearing impacts, or those associated with loss of light are not considered material in this case.

Whilst there are other residential dwellings within the vicinity, it is considered that there are sufficient distances between the existing and proposed residential units resulting in no significant impact upon residential amenity.

Impacts on the amenity of the future occupiers of the dwellings proposed must also be considered. To ensure that future occupiers have adequate amenity space, the SPG advises that for three bed properties an amenity area of 80 square meters should be provided and that rear garden lengths should be 12.5 meters. The rear amenity space for all plots has been calculated. The plots adjacent to number 7 Main Street do not quite meet the 12.5 metre length, however their areas are in excess of the 80 square meters advised and thus their size is considered acceptable. Conversely, the two plots adjacent to 21 Main Street exceed the advised rear garden length, but do not achieve the desired area. The rear gardens have areas of approximately 70 square meters and 64 square meters. These areas fall well short of the 80 square metres advised within the SPG. However, on balance, due to the sites proximity to the village recreational area, and as there are parcels of amenity space to the front of the dwellings, the shortfall is not considered sufficient to justify the refusal of the application.

In summary, the proposal is considered to have a detrimental impact upon the residential amenity of numbers 7 and 17 Main Street, by way of being over-bearing, over dominant, causing loss of light and having an adverse impacts on their privacy. As such the scheme is

considered to be contrary to the intentions of national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

Highway Considerations

Two new access points are proposed from Main Road to serve the two blocks of development. These will be either side of the existing access drive serving 17 Main Street, to the rear. The dwellings will be set back from the road, roughly in line with the properties either side and parking and turning space will be provided to the front. To soften the appearance of these areas of hard-standing, landscaping is shown along the site boundaries.

The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme, subject to the imposition of planning conditions.

In summary, it is not considered that there would be any significant impact upon highway safety, subject to the schemes compliance with the suggested condition. Accordingly the development accords with Policy T5 of the adopted Local Plan.

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with Building a Greener Future. This standard is in line with Building Regulations and therefore the development will be constructed to this continually evolving standard.

Developer Contributions: Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 seek to deliver open space as part of residential schemes. Policy REC3 is 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 Policy 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. Accordingly, this application is determined in accordance with the requirements of Policy REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

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

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In Sheepy the contribution would be required for the protection and improvement of existing open space, and specifically on Brookside Place Recreational Facility for the improvement of the play equipment.

Within the Green Space Strategy 2005-2010, Sheepy was found to have a deficiency of equipped play space and a deficiency of informal play space for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded Brookside Place recreational facility a quality score of 38.9%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 3 dwellings a total figure of £3,752.40 is sought; £2,453.40 for provision and £1,299 for maintenance.

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

A Unilateral Undertaking has been submitted to the legal department and approved, securing the play and open space contribution.

Drainage and Flood Risk

The proposed development is shown on the Environment Agency flood map to be in Zone 1 (Low risk). The proposed finished floor level of 73.60 metres or above for the four dwellings will be well above the 1 in 100 and 1 in 1000 year flood level. Main Road, Sheepy rises to the north and would provide a flood evacuation route in the unlikely event of flooding.

The application proposes a nominal increase in impermeable area, which with nominal onsite storage and attenuation, will not exacerbate any flooding conditions or adversely affect any flood defence measures.

In conclusion, the Flood Risk Assessment indicates that the proposed development has a low risk of flooding, will not be flooded by adjacent sites, will not flood adjacent properties and will not exacerbate any existing flooding conditions or adversely affect any flood defences.

To ensure that sustainable drainage solutions are incorporated into the scheme, The Head of Community Services (Land Drainage) has requested that a condition be imposed to this effect. Accordingly if imposed, the proposed works will be in accordance with Policy NE14 of the Local Plan and guidance contained within national planning policy PPS25.

Ecology

As the application proposes demolition of the existing shop, the application has been accompanied by a protected species report. The report concludes that the site is of limited wildlife value, bats have not used the building as a roost site; and the building seemed unsuitable, being too cold for a roost site. No evidence of bird's nests was found and there were no indicators of any other protected species on the site. Accordingly the proposal is considered to have no adverse impacts in terms of ecology.

Other Matters

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

Concerns have been raised that the demolition of the shop will have an adverse impact on the social context of the area. Information has been provided stating that the shop has been vacant since 2003 and that there are various structural issues as a result of its poor state of repair. Accordingly the shop and associated building have become financially unviable. Although Policy 12 seeks to resist the loss of local shops within rural areas and supports initiatives to provide a village shop in Sheepy, it is recognised that such facilities can not be sustained or encouraged where there is no business case to do so. Accordingly in this case it is considered more sustainable to bring the site back into productive use through its redevelopment for housing. This will contribute to the 20 new dwellings required in the village and have a positive impact in terms of the social context of the area.

It has been stated that the shop was left to deteriorate and should have been maintained sooner, thus making it a more attractive investment. Property maintenance is not a material planning consideration.

Concerns have been raised that the site was a former petrol station and that there may be contamination issues. The planning history for the site does not indicate that there are any historic contamination issues, and no objections have been received from the Head of Community Services (Pollution).

Queries have been raised over who the end users of the site will be and if there will be any restrictions. For clarification the housing being provided will be private, open market housing and the proposal does not trigger a requirement for the provision of affordable housing, nor does it constitute a rural exception site, where there may be some restrictions.

Concerns have been raised over noise, dust and disruption from construction traffic. For a development of this relatively minor scale, the above concerns do not constitute material planning considerations.

Conclusion

In conclusion, the proposal, by virtue of its siting, scale, mass and design will appear as an alien, incongruous form of development within the street scene to the detriment of the character and visual amenity of the area. The architectural features proposed are not in common with the adjacent properties and will result in the development being inconsistent and inappropriate within its setting. Further the development will have a detrimental impact on the residential amenity of number 7 and 17 Main Road Sheepy by way of being over-bearing, over dominant, causing loss of light and having an adverse impacts on their privacy. Accordingly the proposal will be contrary to national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority by virtue its siting, scale, mass and design, the proposal will appear as an alien, incongruous form of development within the street scene to the detriment of the character and visual amenity of the area and thus will be contrary to national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

- 2 In the opinion of the Local Planning Authority the architectural features proposed are not considered to be common features on adjacent properties and will result in the development being inconsistent and inappropriate within its setting. Contrary to national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.
- 3 In the opinion of the Local Planning Authority the development will have a detrimental impact on the residential amenity of numbers 7 and 17 Main Road Sheepy by way of being over-bearing, over dominant, causing loss of light and having an adverse impacts on their privacy. Accordingly the proposal will be contrary to national policy PPS3, policies BE1 and RES5 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

Contact Officer:- Eleanor Shaw Ext 5680

Item: 08

Reference: 12/00184/FUL

Applicant: Stephen Pritchett

Location: Caterpillar (uk) Ltd Peckleton Lane Desford

Proposal: ERECTION OF A TEMPORARY BUILDING

Target Date: 6 June 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the proposed development involves the creation of over 500 square metres of industrial floor space.

Application Proposal

This application seeks full planning permission for the erection of a temporary thermo-insulated and demountable industrial building within the Caterpillar (UK) Limited complex. The building will measure 20 metres x 30 metres in footprint (i.e. 600 square metres) and will be 6.2 metres to eaves and 9.5 metres to ridge. The building will be constructed of an aluminium alloy frame with white panel walls and industrial grade PVC coated polyester roof in a translucent colour. There will be a galvanised roller shutter door measuring 4.8 metres in height and width and a 1 metre wide pedestrian door on both the west and east elevations. The building is required on a temporary basis as a result of the launch/production of a new machine model that will initially run alongside but separate from the existing production processes and the need for a dedicated space post production in which to check the machines, catch any quality related issues or potential problems and rectify them prior to the machines being released for shipping. It is anticipated that the required period will be for approximately 12 weeks duration between March and June 2012.

Additional details have been submitted in respect of the proposed heat units to be installed to the north elevation of the proposed building.

The Site and Surrounding Area

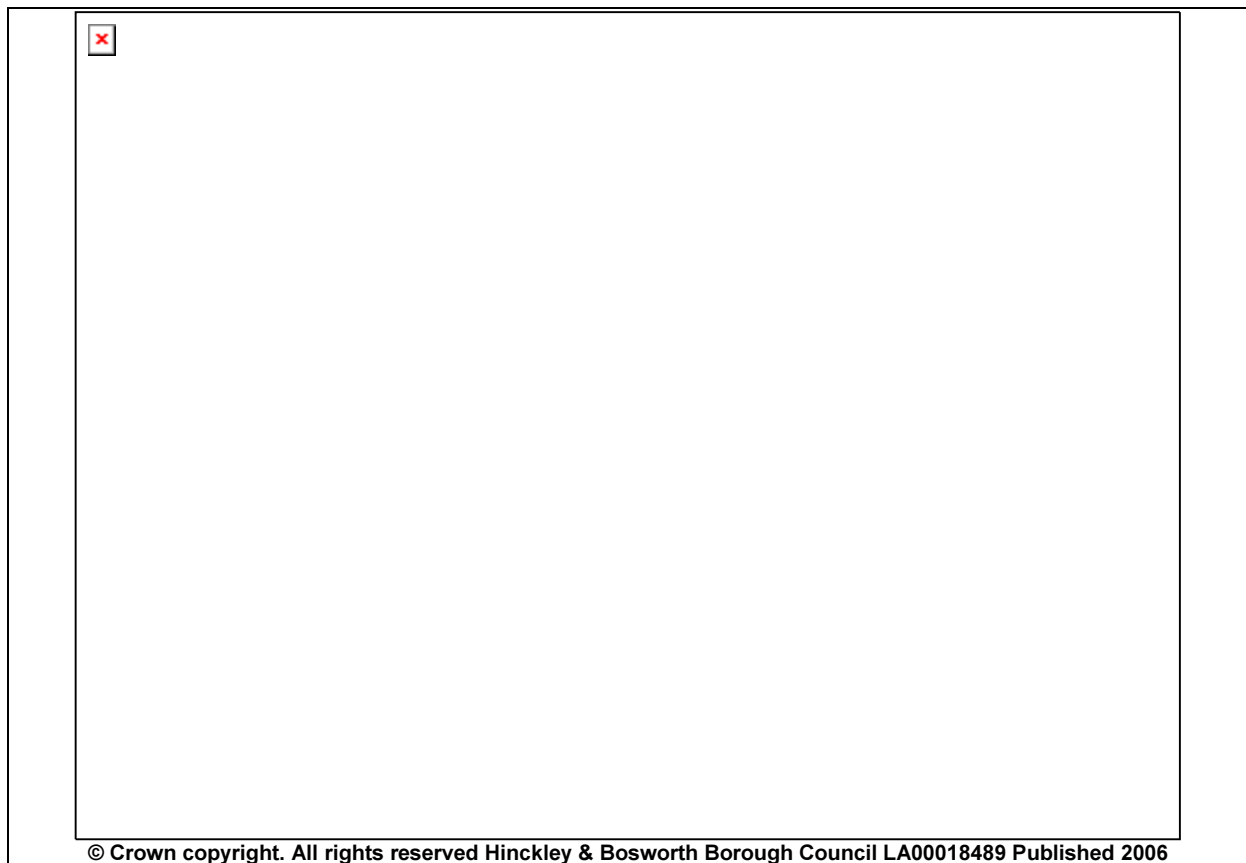
The Caterpillar complex is located in the countryside to the south of Desford and to the north east of Peckleton. It occupies approximately 106 hectares of land and comprises of a number of industrial buildings of varying scales used for storage and distribution, vehicle assembly, maintenance and repair and offices along with areas of hard-standing used for testing, external storage and car parking. The part of the site to which this application relates is an area of hardstanding within a large external storage area located towards the southern end of the site and enclosed by existing buildings to the north, south and east. The complex is, in the main, surrounded by agricultural fields with an unrelated industrial estate located to the south along with a number of farms and sporadic dwellings around the site.

Technical Documents submitted with Application

Planning Statement
Design and Access Statement

Relevant Planning History:-

There is an extensive planning history relating to the site including the erection of industrial buildings of varying scales and of a permanent and temporary nature.



Consultations:-

No objection has been received from:-

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

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

Desford Parish Council
Peckleton Parish Council
Head of Business Development and Street Scene Services (Waste Minimisation)
Site Notice
Neighbours.

The consultation period remains open at the time of writing this report and closes on 5 April 2012. Any further consultation responses received before the committee meeting date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth

The National Planning Policy Framework (Draft) July 2011

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 20: Regional Priorities for Employment Land

Local Development Framework Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites
Policy EMP2: Expansion of Existing Employment Uses
Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside

Other Material Policy Guidance

The Employment Land and Premises Study 2010

Appraisal:-

The main considerations with regards to this application are the principle of development, the siting and design of the proposed building and its impact on the character and appearance of

the site and surrounding countryside and the amenities of the occupiers of neighbouring dwellings.

Principle of Development

The Caterpillar complex is a long standing established employment site of long standing covering a large area and operates on a 24 hour basis. The proposed building is required on a temporary basis as a result of the launch/production of a new machine model that will initially run alongside but separate from the existing production processes and the need for a dedicated space post production in which to check the machines, catch any quality related issues or potential problems and rectify them prior to the machines being released for shipping. The Planning Statement advises that the new machine model is an important part of the future economic success of the plant as it will become 80% of the production volume of the facility and meets global emissions regulations. As a result of the existing uses on the site, the erection of an additional building within the complex for ancillary uses to improve economic performance is considered to be acceptable in principle and accords with Policies EMP1 and EMP2.

Siting, Design and Impact

The proposed building is to be located within a hard surfaced external machine storage yard area between existing buildings of larger scale which will provide screening of the proposal from any public areas. It is considered that the siting is therefore acceptable. The existing machine storage area can be accommodated elsewhere within the site. The proposed building is similar in construction and appearance to other buildings approved within the complex and has a lightweight and functional design. It is also demountable to make it easily removable when no longer required in the future. As a result of the design, scale and appearance of existing buildings within the site, it is considered that the proposed building will not have any adverse impact on the character or visual appearance of the site and therefore the design, scale and appearance of the proposed building are considered to be acceptable. The proposed heat units to be installed on the north elevation are utilitarian in appearance but will not be prominent features and are considered to be acceptable. Further details of the design, appearance and specification of the proposed ventilation units are awaited and will be reported as a late item to this agenda.

The external yard in which the building is to be sited is screened from external views by buildings of greater scale to the north and south and by perimeter landscaping to the east and west. As a result the proposed building will not have an adverse impact on the visual amenity of the surrounding countryside.

The proposal will have no impact on the existing parking provision within the site which is located at some distance from the proposal and therefore unaffected.

Amenity of Neighbours

The nearest residential properties are a number of cottages located at over 290 metres to the south west of the proposed building on Peckleton Common. The complex also operates on a 24 hour basis. As a result of the screening and separation to neighbouring residential properties, the 24 hour operation and existing uses on the site and the proposed use and siting of the building, it is considered that the proposed development would not have any material adverse impact on the amenities of neighbouring properties in terms of visual impact, noise or disturbance.

Conclusion

The proposed temporary building is to be located within an established employment site and to be used for purposes ancillary to existing uses within the site. The design, scale and appearance of the building are in keeping with the character and appearance of existing buildings within the site. The proposed building and its use will not have an adverse impact on the visual amenity of the countryside or residential amenity. The proposals are therefore considered to be in accordance with national guidance in Planning Policy Statement 4 and adopted Local Plan policies EMP1, EMP2, BE1 and NE5. The application is therefore recommended for approval subject to conditions.

Recommendation:- That the Head of Planning shall be granted delegated powers to grant planning permission subject to the submission of satisfactory ventilation unit details and no new significant material planning objections being received before the expiry of the consultation period on 5 April 2012 and subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would be within an existing employment site, used for purposes ancillary to the existing uses and by virtue of its siting, design and appearance would not have any adverse impact on the character or appearance of the site, the surrounding countryside or the amenities of the neighbouring dwellings.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies EMP1, EMP2, BE1 and NE5.

- 1 The building hereby permitted shall be removed and the land restored to its former condition on or before the expiry of a period of 6 months from the date of this planning 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 Drawing No. PE003; Site Plan Drawing No. PETB003; Block Plan Drawing No. PETB004; Floor Plan Drawing No. PETB007 and Elevations Drawing No. PETB006 received by the local planning authority on 28 February 2012 and Heating Unit details received by the local planning authority on 16 March 2012.
- 3 The temporary building hereby approved shall be constructed on a concrete base with an aluminium alloy frame and galvanised steel sheet panel walls with a white PVC coating, galvanised steel roller shutter doors and inflatable industrial grade PVC coated translucent polyester roof panels.

Reasons:-

- 1 The building hereby approved is required for a temporary period only to satisfy the short term needs of the applicant.
- 2 For the avoidance of doubt and in the interests of proper planning.

- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894