

PLANNING COMMITTEE

24 July 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: 11/00634/COU
Applicant: Mr J Winter
Location: The Paddock Watling Street Higham On The Hill
Proposal: CHANGE OF USE OF LAND TO THE SITING OF EIGHT MOBILE HOMES FOR GYPSIES.
Target Date: 14 October 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by a local councillor.

Application Proposal

This application seeks full planning permission for the change of use of land for the provision of eight mobile homes for use by families whom fall under the definition of gypsies and travellers as defined in Annex 1: Glossary to the 'Planning Policy for Travellers Sites. The application represents a re-plan and six additional mobile homes of this existing gypsy site.

The proposed mobile home pitches will each measure approximately 9 metres x 7 metres and will be laid out a minimum distance of 8 metres apart. A hard surfaced parking area is to be provided adjacent to each pitch and the existing access and internal roadway is to be improved.

This is a re-submission of a similar previously withdrawn application (reference 11/00264/FUL) for four permanent mobile home pitches for gypsies. The earlier application was withdrawn because the proposed layout conflicted with a previously approved layout for the site.

In 2005 an application was refused on the site for the change of use to residential Gypsy Caravan site for four caravans (05/017073/COU). However this was subsequently allowed on appeal on the 13 April 2007. The specified layout approved was never adhered to. Due to this, and as the 2007 approval has now expired, it was considered more appropriate for the change of use and layout of the site to be considered in one comprehensive application, this time illustrating the existing two mobile homes along with the additional pitches proposed.

An amended site plan has been received which accurately reflects the site and the proposed position of the mobile homes and additional detailed highway drawings have been submitted. Further information has also been received in respect of the future occupants of the site.

The Site and Surrounding Area

The application site comprises a large rectangular field which is split into two elements. Adjacent to Watling Street (A5) is a grazing paddock which is screened from the highway by a mature native hedgerow. To the rear of this, set back from the road by approximately 80 metres is a parcel of land on which two mobile homes (associated paraphernalia and hard standing) are situated. There is a gated access in the south western corner of the site,

leading from Watling Street and internal access road which runs alongside the north eastern boundary. The total site has an area of approximately 0.49 hectares and is relatively flat.

The site is within the open countryside, approximately 2.5km west of the settlement boundary of Hinckley. The majority of the site to the north is situated within the administrative boundary of Hinckley and Bosworth Borough Council, however the southern part of the site where the access is situated, is within the administrative boundary of Nuneaton and Bedworth Borough Council.

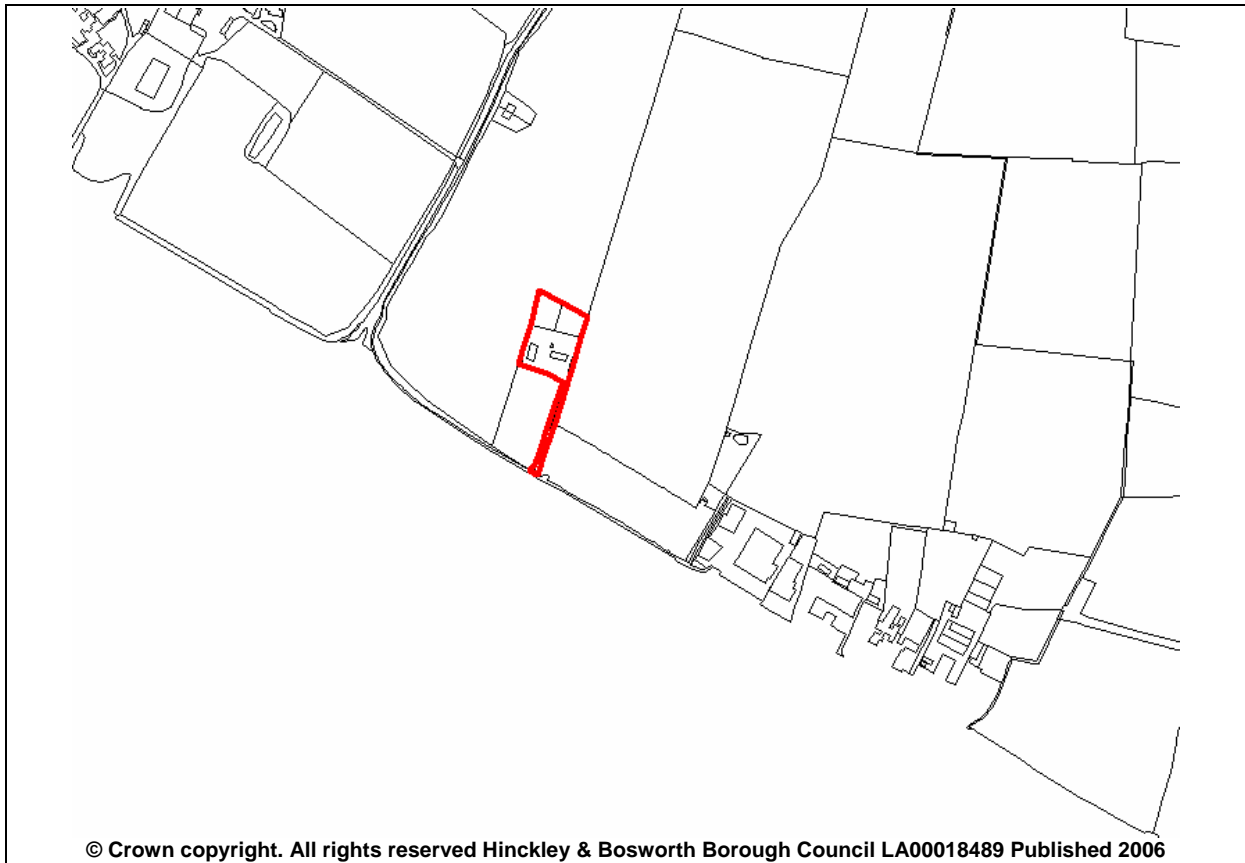
The site is generally surrounded by open countryside. Adjacent to the sites Watling Street frontage are residential properties comprising of two-storey semi-detached dwellings along with offices and works of an industrial company, a HGV repair depot, a residential mobile home park and a large area of caravan storage.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

11/00264/FUL	Change of use of the land to the Siting of four permanent mobile Homes for gypsies	Withdrawn	29.06.11
05/01073/COU	Change of use to residential gypsy caravan site for four caravans	Appeal Allowed	13.04.07
04/00241/COU	Transit gypsy site for 12 caravans with toilet block and septic tank	Withdrawn	17.05.04
04/01284/COU	Change of use to residential caravan site for three Gypsy families with a total of six caravans	Refused Appeal withdrawn	06.01.05
08/00360/UNUSE	Enforcement Enquiry - non compliance with planning approval, two additional caravans stored	Closed - caravans not for human habitation, for sale	05.02.09
06/00015/ENF	Appeal against enforcement (change of use)	Notice Quashed	13.04.07
05/00235/BOC	Unauthorised Use of land for the siting of caravans	Approved	



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Director of Property Services (Gypsy Liaison)
Environment Agency.

No objection subject to conditions have been received from:-

Highways Agency
Severn Trent Water Limited
Head of Business Development and Street Scene Services (Waste Minimisation).

Cllr Ward has requested that this application be determined by the Planning Committee.

Site notice and Press notice were displayed and neighbours notified.

No comments have been received from:-

Higham on the Hill Parish Council
Nuneaton and Bedworth Borough Council
Neighbours.

Development Plan Policies:-

National Policy Guidance

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

Local Plan 2006–2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards
Policy NE10: Local Landscape Improvement Sites

Other Guidance

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

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

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

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

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

Appraisal:-

The proposed development is for eight mobile homes for Gypsy and Traveller families.

The County Council Traveller Site and Liaison Officer has submitted a letter supporting the application and confirming that the occupants meet the definition of Gypsies and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The Officer also verifies the applicant's details and needs of the site. Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the surrounding countryside, neighbours and highway safety.

'Planning policy for traveller's sites' published on the 25 March 2012 came into effect on the 27 March 2012, and must be read in conjunction with the National Planning Policy Framework (NPPF). Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople was cancelled upon the adoption of the NPPF, and is no longer a material planning consideration. As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in 'Planning Policy for traveller's sites' and the NPPF. Policy H of the new traveller sites policy (Paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues will be discussed below:

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

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

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, ten temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

As there is a deficit of 35 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site. Approval of this application would go towards meeting the current shortfall in pitches. For clarification, this application would provide a contribution of six additional pitches, as opposed to eight, for two have already been included within the count above.

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

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. There is no other known pitch availability within the Borough and as no suitable alternative accommodation available to the applicant.

c) other personal circumstances of the applicant

Confirmation has been received from the County Council Traveller Site and Liaison Officer in respect of the occupiers of the site. The occupants are all related and comprise a large family unit including school age children and the elderly. Currently the occupants are residing on temporary sites or on land allocated for other uses, as such they have no permanent site. This site would provide a permanent base for the family unit, allowing access to education and health services, amongst others. The site as proposed would allow the occupiers to maintain a traditional gypsy lifestyle, in that younger generations care for the elderly and related children play with one another. The site has been occupied since roughly 2005 by some family members and the existing family unit have and the local settled population live peaceably with no reported issues. In addition, it is noted there have been no neighbour objections to this application.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

The locally specific criteria is Local Plan Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy below.

e) that they should determine applications for sites from any travellers and not just those with local connections

The origins of the proposed end users of the site are unknown; however the owners of the site have been residing there since roughly 2004.

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

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

Whilst the application site is not wholly previously developed land, untidy or derelict it offers the opportunity for a natural extension to an existing lawful site. The proposals provide a layout that offers additional hard landscaping and additional soft landscaping measures to compliment the existing mature landscaping around the site and this will be controlled by a the use of a landscaping condition. In this case, the site is not adjacent to any other residential development.

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

Policy 18

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

Local Services

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a reasonable distance of local services and facilities.

The application site is situated around 2.1km from the village of Higham On The Hill, 4.6km from Hinckley town centre and 5.1km from Nuneaton. Higham On The Hill has limited local facilities, comprising of a post office, primary school and church.

The nearest substantial facilities would therefore be within Hinckley or Nuneaton. Due to the distance of these settlements from the site it is likely that journeys will be made by car. This said the site in question was granted approval on appeal for a gypsy site and within the appeal decision the inspector considered the sites proximity to local services as acceptable. Since that time the site has been occupied by gypsy families and no problems have been identified in respect of difficulties accessing local services. In addition, the requirement to be situated with a 'reasonable' distance of local services must be weighed against the needs of the applicants to be situated within an area which can provide the grazing facilities for their animals. As such grazing facilities are unlikely to be available within close proximity to larger, service providing settlements, on balance the separation distances identified render this site a 'reasonable' distance from local services.

Highway Safety

It is important to note that the sites access is located within Nuneaton and Bedworth Borough and as such the suitability of the access is not for consideration by Hinckley and Bosworth. Nuneaton and Bedworth Borough Council has not responded to the application consultation. For clarification since the original application was allowed on appeal, the landowner has undertaken works to the access comprising of widening the area to the rear of the footway edge. This provides an area sufficiently wide enough (6.60m) for two vehicles to pass each other and created a gate entrance set back sufficiently for vehicles to stand back from the mainline carriageway. Furthermore there is sufficient vehicle/pedestrian inter-visibility to give pedestrians warning of approaching vehicles. No road safety issues have arisen resultant of the access.

There is considered to be adequate space on site for the provision of parking and turning and for the servicing of vehicles.

As the site gains access off a trunk Road, the Highways Authority have provided comments in respect of the access. The Highways Agency's do not object to the application, however, initially a holding Direction was placed on the application, to allow for more time for the assessment of the scheme. During this time, the access, in terms of width and visibility was considered to be inadequate to cater for the scale of the proposed use. A highway consultant was employed by the applicant and further technical drawings were submitted. Consequently the holding direction was lifted and the Highways Agency has confirmed that they had no objections to the scheme subject to the application being condition in accordance with the technical highway drawings. However, as the site access falls within the borough of Nuneaton and Bedworth, the suggested condition can not be secured against this application (for it would not be compliant with the tests outlined within Circular 11/95). Consequently, further discussion has taken place with the Highways Agency who have subsequently issued a revised T111, stating no objections.

For further clarification, as the access does not fall within the Borough of Hinckley and Bosworth, its suitability is not a matter for consideration during this application. The Highways Agency is seeking to resolve the access issues with Nuneaton and Bedworth

Borough Council who are the correct determining LPA for the purposes of the access to the site.

Sympathetic Assimilation

Although the site is bounded to the north, south and west by open countryside and to the east is a ribbon of development comprising of both residential and commercial uses. This has a significant urbanising effect on the character of the sites frontage. Accordingly it is considered the development proposed will result in an extension of the already developed form of the local area, and thus is not considered out of character. There are no views of the site from the north, due to the existing built development and there will only be limited views from the A5 to the south due to the maturely landscaped southern boundary. Views of the site are available from Nuneaton Lane, to the west, however due to the distance of approximately 150 metres between the site and the highway, only the roofs of the mobile homes will be available. This said, as the mobile homes proposed will have a stark utilitarian impact on this rural landscape, additional landscaping along western boundary of the site is considered necessary. The intention of this will not be to completely screen the site, but to soften the appearance of the development within its rural landscape. This will be requested by way of condition. This is considered in accordance with point b, paragraph 24 of the 'Planning Policy for Traveller Sites', which suggests that sites should be soft landscaped in a way as to positively enhance the environment.

Scale

The scale of the application should be acceptable in relation to the level of provision of local services and infrastructure. The application proposes to accommodate a total of eight Gypsy and Traveller families. Although the site is not situated within a defined settlement, due to the sites proximity to the urban areas of Hinckley and Nuneaton, the scale of site proposed is considered appropriate.

Residential Amenity

The closest residential properties to the site are those to the south east, with the nearest property, number 359 Watling Street being approximately 60m from the site. Whilst there may be additional noise form the increased number of vehicle trips to and from the site, as this site is existing, the number of additional trips generated by the application are not considered to result in a material level of harm to the detriment of the residential amenity of surrounding properties given the vehicle movements and associated noise of traffic on Watling Street. Accordingly there are considered to be no adverse impacts on the residential amenity of surrounding properties.

Safe and Healthy Environment for Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide) This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is flat (not exposed) and not located on contaminated land not within an area of flood risk. Separate vehicular and pedestrian access is not provided in this case and is not is it considered to be achievable in any event. Emergency vehicles could access the site.

The Good Practice Guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available as this is an existing site. Although the provision of the above services has not been specifically identified within this application, there is the capacity to provide these services within the site. Information has been submitted confirming that the site has been connected to the mains sewage network.

Design and Layout

The Good Practice guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with Watling Street. The permanent pitches proposed on this site are for extended family members and the Guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the Guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case there is an existing amenity block on site providing a toilet and laundry facilities, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

Other Issues

As the site is situated within the open countryside, policy NE5 of the Local Plan is applicable. The requirements of this policy have been assessed for their consistency in relation to the NPPF. This determines the amount weight the LPA can accord to the policy. Criteria a-c of this policy are considered to be in conflict with the NPPF, which provides a presumption in favour of sustainable development, however, notwithstanding this, the design criteria i-iv remain generally relevant to development within the countryside and are similar to those contained within Saved policy BE1. As a result this policy affords only limited weight in consideration of the application.

Conclusion

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

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within National Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, the 'need' for the site in question is considered to be justified and the requirement to provide sites, considered paramount. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact in terms of visual or residential amenity, or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all other material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of NPPF and the Planning Policy for Traveller Sites. Hinckley and Bosworth Local Plan 2001:- BE1 (criteria a and i), NE5, T5, NE10 Local Plan 2006-2026: Core Strategy 2009:- Policy 18

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs: - 'DCSitemap', DCPlan received by the Local Planning Authority on the 19 August 2011
- 3 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of development Act 1960 and the Caravan Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purpose without the prior written approval of the Local Planning Authority.
- 4 There shall be no trade or business use carried out on the caravan site hereby permitted, in particular no trading in breaking of or similar operation to scrap metal, timber, motor vehicles or other waste materials.
- 5 No development shall take place until details of soft landscape works along the north western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) planting plans
 - b) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - c) implementation programme.
- 6 The approved soft landscaping scheme shall be carried out and completed 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.

- 7 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for traveller's sites'

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 For the avoidance of doubt and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the character and appearance of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual amenity and the character of the area, in accordance with Policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use.

Notes to Applicant:-

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

Contact Officer: - Eleanor Overton Ext 5680

Item: 02

Reference: 12/00127/FUL

Applicant: Persimmon Homes North Midlands & Omnivale Ltd

Location: Land South Of The Maynard Station Road Bagworth

Proposal: ERECTION OF 50 DWELLINGS, 6 APARTMENTS AND 4 RETAIL UNITS (USE CLASSES A1/A3/A5/D1) WITH ASSOCIATED ACCESS, SERVICE INFRASTRUCTURE AND OPEN SPACE

Target Date: 26 June 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 the erection of 50 dwellings, six apartments and four commercial units.

The residential element of the scheme consists of 50 dwellings varying between two, three and four-bedroomed two-storey properties with the exception of three, three-storey dwellings located at the head of the service road within the site. The proposed dwellings facing Jackson Road and Daisy Close would have private driveways off these existing estate roads with access into the main element of the proposal through a new estate road from Daisy Close.

The other element of the scheme seeks consent for commercial units for use within Use Class A1 (retail), Class A3, (restaurants and cafes), Class A5, (hot food take away) and Class D1, (non residential institutions). This is proposed to the east of the site facing Station Road, with access from Station Road, utilising the existing access points. Parking is proposed to the north side of the building with parking for the residential flats to the east of the commercial building. Bin stores for both the commercial and residential elements are proposed adjacent to the parking areas.

The far west of the site, opposite 21-25 Daisy Close inclusive, is proposed as open space and includes a flood attenuation basin.

Amended plans have been received to address concerns raised over the initial affordable housing provision. This has resulted in six two-bedroomed apartments proposed above the retail block rather than the ten one-bedroomed affordable units. This has resulted in a reduction in units from 60 to 56. Two three bedroomed dwellings within the site are being offered to provide some affordable provision in lieu of the ten one-bedroom flats. Other alterations have included moving plot 30 further from the rear boundary of plot 17 and introducing chimneys to some of the plots. A 14 day re-consultation has been undertaken which expires on 20 July 2012.

The Site and Surrounding Area

The site abuts Station Road to the east and consists of the derelict Maynard Public House site and paddock land abutting the northern boundary of Jackson Road and Daisy Close. The land slopes from the Station Road down to the west with the result of a change in levels of approximately between 4 and 5 metres. The paddocks are divided by hedgerows and post and rail fencing and are currently used for the grazing of horses.

The Maynard Inn is a large two-storey detached red-brick and slate-roofed public house, with ancillary brick outbuildings. The pub has been vacant and on the market since 2008 before being purchased by the applicant. Recently the building has been subject to vandalism. The pub is set behind a tarmac forecourt with the main parking area on the northern side of the building. To the north of the Maynard, continuing along Station Road, are Victorian terraced dwellings with vehicular access to the rear.

The site is surrounded by residential properties to the south and east. These are two-storey red-brick dwellings broken by some rendering, with concrete roof tiles and detailing including chimneys and contrasting brickwork above the windows.

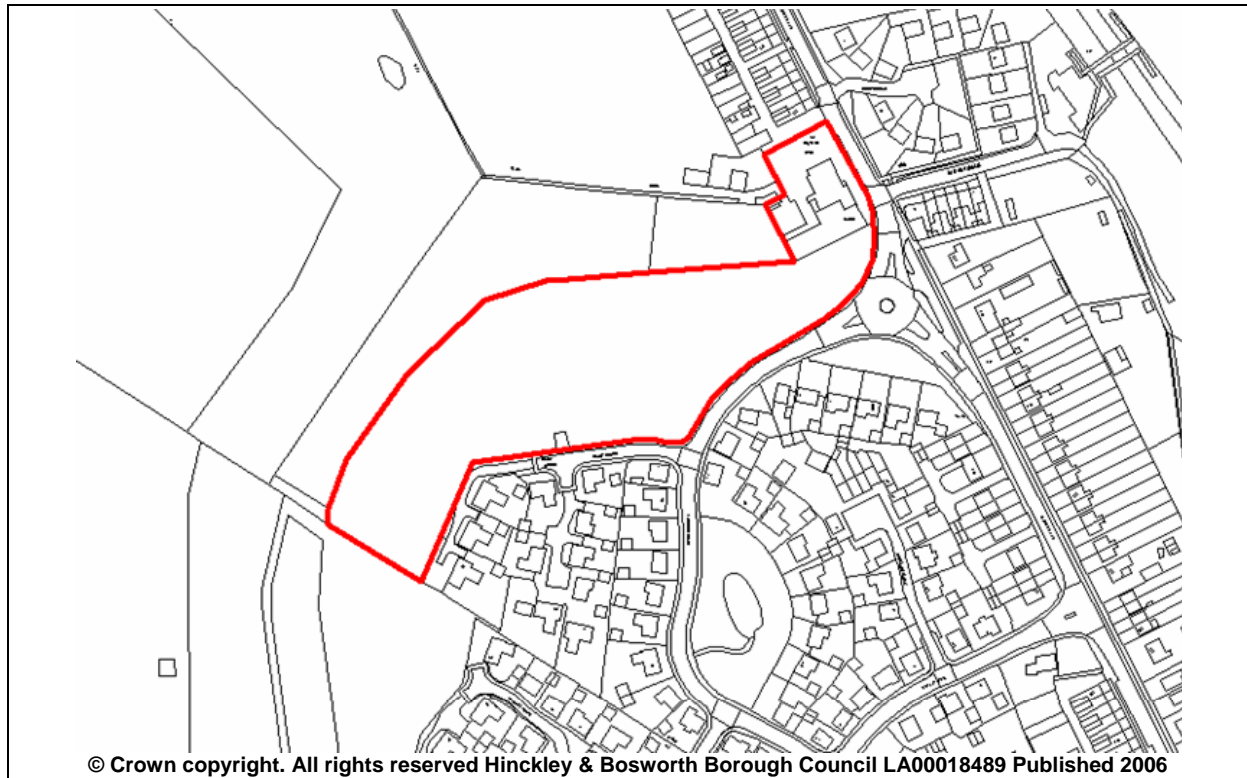
To the north and west the site abuts a landscaping belt planted with a mixture of tree species beyond which is countryside.

Technical Documents submitted with application

Design and Access Statement
Energy Statement
Transport Statement
Statement of Community Involvement
Financial Viability Report
Heads of Terms
Draft Site Waste Management Plan

Relevant Planning History:-

01/00522/REM	Erection of 75 Dwellings and associated works	Approved	15.08.2001
99/00820/OUT	Residential development and associated open space including village green and play areas and provision of a local retail facility	Approved	01.05.2001



Consultations:-

No objection has been received from:-

Highways Agency
The Director of Environment and Transport (Highways)
The Directorate of Chief Executive (Ecology).

No objection subject to conditions have been received from:-

Environment Agency
Severn Trent Water Limited
Head of Business Development and Street Scene Services
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Rights of Way).

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) a contribution of £120,990.10 is requested towards proving additional 10 primary school places at Dove bank Primary School and / or Ellistown Community Primary School
- c) Director of Environment and Transport (Civic Amenity) a contribution of £4,264.00 is requested towards the Coalville civic amenity site o mitigate the impacts of the development on this site
- d) Director of Adults and Communities (Libraries) a contribution of £3,420.00 is requested towards the additional demands placed by the development on the libraries facilities at Coalville

- e) Director of Environment and Transport (Highways) has requested contributions towards improvements to the two nearest bus stops at £3,263.00 per stop, two Information display cases at £120.00 per case, travel packs of £50.18 per pack, provision for two 6 month bus pass per dwelling at £331.20 per pass.

The Primary Care Trust has requested a contribution of £3,515.46 towards improvements to the local GP's surgery.

The Leicestershire Constabulary Crime Reduction Officer has requested a contribution of £30,300.00 towards the additional cost of policing.

National Forest Company comments that earlier phases of the development have fulfilled the National Forest planting requirement. However, there is potential, through the landscaping scheme, for the development to reflect the location within the National Forest.

The Parish Council raise no objection to the development but requests that the shops are built first.

Site notice and Press notice were displayed and neighbours notified.

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

- a) increase in the volume of traffic resulting in noise and light pollution
- b) junction of Daisy Close and Jackson Road is already dangerous in icy conditions and more traffic would exacerbate the problems
- c) increase in on street parking creating a highway hazard
- d) is this the best site given other permissions within the area?
- e) Bagworth has no amenities or facilities to cope with the population increase
- f) the access should be from Station Road
- g) loss of privacy
- h) noise and disturbance
- i) overshadowing/overbearing
- j) traffic and parking
- k) no interest to develop other retail sites within the village
- l) on street parking would reduce light to existing dwellings
- m) concerns on drainage system resulting in a drowning hazard for young children
- n) too many houses for the plot
- o) detrimental to Conservation Area
- p) intrusion in to the countryside
- q) loss of view
- r) no consideration to pedestrians and children
- s) de-value 'executive' homes on Daisy Close
- t) why is development required in Bagworth?
- u) too large for the village
- v) in-sufficient open space for amount of dwellings shown on the plan
- w) insufficient parking within the development
- x) noise and light pollution from the shops
- y) loss of on-street parking
- z) should be more like other properties i.e., 4 bed, double garage etc.

Development Plan Policy:-

National Policy Guidance

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

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 12: Development in the Three Cities Sub-area.
Policy 15: Regional Priorities for Affordable Housing in Rural Areas

Local Plan (2006-2026): Core Strategy (2009)

Policy 7: Key Rural Centres
Policy 10: Key Rural Centres within the National Forest
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 21: National Forest

Hinckley and Bosworth Local Plan (2001)

Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy RES 1: Residential Proposals- North of Bagworth Colliery, Bagworth
Policy BE1: Design and Siting of Development
Policy NE2: Pollution
Policy T5: Highway Design and Vehicle Parking Standard.
Policy T9: Facilities for Cyclists and Pedestrians.
Policy Retail 9: Proposed Local Shopping Centres
Policy Retail 11: Small Local Shopping Centres
Policy REC2: New Residential Development, Outdoor Open Space for Formal Recreation
Policy REC3: New Residential Development, Outdoor Play Space for Children.

Supplementary Planning Guidance/Documents

Play and Open Space SPD
New residential development SPG

Appraisal:-

The main considerations with regards to this application are the principle of development, housing supply, layout, design, highways, amenities, landscaping and developer contributions.

Principle of development

The site is located within the Bagworth settlement boundary as defined by the Local Plan (2001). Within this adopted document the site was part of the housing allocation within Policy RES1 (a). The more recently adopted Core Strategy, within Policy 10, seeks to allocate land for a minimum of 60 new dwellings and provision of local services within Bagworth including a local shop.

Policy 7 of the Core Strategy seeks to retain local facilities in Key Rural Centres. The Maynard pub did provide a community facility. However, this pub has been closed for a number of years and is now derelict and run down. It is considered that this loss should carry limited weight in the determination of the application.

Policy RETAIL 9 supports the provision of a local shopping centre to the west of Station Road, Bagworth, whilst Policy RETAIL 11 supports the provision of new retail developments especially in villages without any existing provision. This is reiterated within the Core Strategy Policy 10 which supports the provision of local services in Bagworth including a shop, and possibly a post office and primary care provision. The principle of the commercial element of the scheme complies with these policies.

The provision of a shop is an important factor within the decision. The application is for a mixed commercial scheme proposes uses within Use classes A1, A3, A5 and D1. Whilst the other uses are acceptable, it is desirable to preserve a retail element on the site. Therefore a suitably-worded condition is considered necessary.

It is therefore considered that the principle of development on this site complies with policy and therefore is acceptable subject to other policies and matters discussed below.

Housing Supply

Housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date, planning permission should be granted unless they have an adverse impact and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted (paragraph 14 of the NPPF). The NPPF retains the need for Local Planning Authorities to provide five years' worth of housing against their housing requirements; it goes further than PPS3 and states that there should be an additional 5% buffer; and where there is a persistent under delivery of housing the buffer should be increased to 20%.

The Borough Council have recently been able to demonstrate a 5-year supply of deliverable housing sites with a 5% buffer. Whilst the Council currently has a housing supply, being able to maintain this relies upon acceptable developments being considered favourably. The Core Strategy requires a minimum of 60 dwellings in Bagworth. The application site is within the settlement boundary and would provide scope for a community shop/facility which would dramatically increase the sustainability of the settlement. This is considered to be in accordance with the NPPF, the principle of the development having regard to housing supply is considered acceptable.

Layout

Policy BE1 (a) requires development to compliment or enhance the character of the surrounding area by having regard, amongst other things, to the layout.

The proposal seeks permission for a small residential estate with four commercial units located to the north of the site. Access to the residential element of the scheme would be off Daisy Close, with access to the retail units and flats above from Station Road, utilising the existing access arrangements to the Maynard Public House.

The development has been designed to provide a strong active frontage to Jackson Road, with development facing the traffic island at the eastern extent of the site and along the whole length of its boundary with Jackson Road and Daisy Close.

Jackson Road is a residential development characterised by a mix of cul-de-sacs off estate roads, dwellings have direct access off the estate roads or small private driveways. The layout of the proposal continues this form of development, with one access into the scheme, dwellings directly off Jackson Road and Daisy Close, and a small number of shared private driveways.

It is considered that the layout of the proposed residential development is similar in character to the surrounding residential area. The commercial element of the scheme proposes built form in a similar position to that existing on site currently. As such with regard of the layout, the proposal is considered to comply with Policy BE1 (a).

Design

Policy BE1 (a) requires development to compliment or enhance the character of the area through having regard to the scale, mass, design and architectural features.

Commercial Element

The commercial element of the proposal comprises a two-storey development with retail units, and other services on the ground floor and six flats at first floor. The building is generally rectangular in form with a hipped roof. The building would have a height to the eaves of 6 metres and height to the ridge of 11.5 metres. The front element of the proposal would have a central projecting element with a higher eaves height, which breaks up the roof mass and provides some interest to the front elevation. A shallow canopy would be proposed to the front and northern elevation, of the building, providing a shelter above the entrances to the units. As befitting the retail nature of the proposal, the ground floor of the east and northern elevations would be glazed. Equally spaced windows at first floor serve the residential part of this element of the proposal.

The Maynard public house is a two-storey, white-rendered, slate-roofed, traditional building with two different sized gables facing the highway. The building contains features such as chimneys and bay windows. None of these features have been replicated on to the proposed commercial unit. The design of the commercial unit and apartments is functional and could be improved at a financial cost to the applicant. However, it is not considered that the design would be so detrimental to the character of the area to sustain a refusal of planning permission furthermore design improvements to this element of the scheme will impact further on viability which is considered later in this report.

Residential Element

The development to the south of the proposed application site was a previous phase built by the developer and consists of two -storey estate dwellings of red brick broken with the occasionally-rendered dwelling to break up the streetscene and add variety. The properties generally have forward-facing gables, with brickwork detail above the windows and eaves. Chimneys provide interest to the roofscape.

The proposed dwellings follow these general principles. Revised plans have been received that include chimneys, and the streetscene now reflects the change in levels of the site. It is considered that the design of the residential properties reflects that of the adjoining residential development which they abut. It is considered that there are aspects of the proposal that could be improved, including plots 24 and 56 which flank the vehicular access into the site, and the relationship between plots 21 and 22 and whilst these have been requested of the applicant, no alterations have been forthcoming. It is not considered however that a refusal of this application could be sustained on these points.

It is considered that the proposal complements the character of the nearest residential development to the south of the site, and therefore complies with the design aspects of Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan (2001).

Highways

Most dwellings have been provided with two off-street car-parking spaces, one of which is often within a garage. The exception to this is for the flats where one space per apartment has been provided with two visitor spaces; and plots 42, 43 and 44 where one space per dwelling is proposed with an additional two communal visitor spaces.

Bagworth is considered to be a rural location, but it does benefit from a regular bus service linking it to other nearby settlements of Coalville and Leicester. The length of some of the driveways would allow more than one car to be parked within the curtilage. The properties which only have one space are smaller properties and would appeal to a person living alone or couple who may share a car.

17 spaces with two allocated for disabled are proposed to serve the commercial element of the proposal. To accord with Leicestershire County Council 6Cs document, there is a requirement for ten spaces. The provision exceeds this and accordingly there is considered to be a satisfactory level of off-street parking provided for the commercial element.

Having regard to all of the above, it is considered that the proposal provides enough parking within the site to meet current requirements and not result in an on-street parking problem in the area.

No objection has been received from the Director of Environment and Transport (Highways). They have submitted comments requesting a footpath link through the development to the shops. However whilst this is desirable, its omission would not justify a reason for refusal.

It is noted that a number of objections have been received expressing highway concerns. These include the danger of the junction of Jackson Road and Daisy Close in icy conditions due to the gradient, increase in on-street parking and the increase in traffic on Daisy Close. No objections have been received from the Director of Environment and Transport (Highways) in relation to these matters. Where there are no parking restrictions within the highway it is not possible to control either the loss of on-street parking or prevent it in the future. The creation of the access and individual accesses cannot be refused on the basis of these objections. Other objections have suggested that the access should come from the traffic island on Station Road. This option has been explored with the Director of Environment and Transport (Highways), who indicated that this would not be a suitable or safe access that they would be able to support.

Developer contributions

The application proposes 56 residential units which attracts infrastructure contributions. The general approach to developer contributions must be considered alongside the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs particularly for affordable housing. Notwithstanding the

fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

The threshold for the provision of affordable housing in rural areas is four dwellings and above. As this scheme is in a rural area, Policy 15 indicates that 40% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure. The provision of affordable housing for this site would equate to 22 dwellings; 18 for social rent and 6 for intermediate tenure.

The latest housing register for Bagworth indicates that there are 229 applicants seeking affordable housing, of which 110 were seeking one bedroomed dwellings; 71 two bedroomed dwellings; 38 three bedroomed dwellings and; ten four bedroomed dwellings. There is therefore a high demand for properties within the Bagworth area.

There is an identified need for affordable units within Bagworth and as such it is considered necessary to provide them within this development. This scheme has triggered a request for affordable housing in line with Core Strategy, Policy 15 and is therefore considered to be directly related to the development. The amount and type requested is considered fairly and reasonable related in scale and kind to the development proposed. It is therefore considered that the request complies with the requirements of the CIL 2010.

Originally the scheme proposed 10 affordable one-bedroomed units above the commercial units however this was considered inappropriate due to the turn over of one bedroomed properties being high, there is less demand for one-bedroomed units. Registered providers are reluctant to take such a high number of one bedroomed properties due to the belief that this results in management issues. As such in consultation with the Council's Housing Strategy and Enabling Officer the scheme was amended to provide two units which equates to 3.6% provision. As such the scheme is not in accordance with Core Strategy Policy 15.

However, Government guidance suggests that local authorities should be reasonable and flexible and have regard to a scheme's viability when considering developers requests to reduce section 106 obligations (including affordable housing). The application is accompanied by a viability assessment which states that the scheme would not be viable if it had to provide the commercial element and 40% affordable housing. The statement indicates that the provision of two three bed-roomed residential units, which equates to a percentage of 3.6% provision would be viable and result in a reasonable return for the developer. The submitted figures have been assessed and verified by an independent viability consultant.

Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Spaces Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and 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 Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards to provision and maintenance of formal and informal play and open

space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

The site is located within 400 metres of the Jackson Road equipped site, but not within 1km of any formal provision Under the terms of the Council's Policy an off-site contribution can be made towards the Jackson Road site however as the site falls outside the catchment for formal provision no request can be justified towards formal provision in this instance.

Within the Green Space Strategy Bagworth had a deficiency of -0.04 ha per population of equipped play space and -0.03 ha per population of casual informal space. Since this survey was undertaken the Jackson Road informal play space has been designated and equipped with equipment for young children. Within Open Space, Sport and Recreation Facilities Study the Jackson Road Site was given a score of 60 it is envisaged that this development will result in increased use of this facility due to the family sized dwellings being proposed.

There is a deficiency of informal play space within Bagworth when compared with the National Playing Fields standard. The development is of a type that would result in additional use of open space which would be directly related to the development. The Parish Council have informally indicated that they would like monies towards providing a MUGA within Bagworth to provide facilities for older children. There is scope to erect this on the open space proposed as part of this development. It is considered that subject to the Parish Council confirming that this is their intention, the request is fairly and reasonable justified and would meet the requirements of CIL regulations.

The development includes provision of 1,488 square metres of informal play space which is over the policy requirement (1210 square metres). Given that the Jackson Road site has recently had new equipment installed information is being sought from Bagworth Parish Council as to their future plans for providing informal play space within Bagworth and this will be reported as a late item.

As such the contribution sought totals £68,304.80 consists of the following elements:

- a) £40,622.40 for provision of Children's equipped play space off site
- b) £19,796.00 towards maintenance of the off site provision
- c) £7,886.40 towards the provision of the on site provision

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy 19 of the Core Strategy, Policy REC3 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

The consultation responses set out above specify the requests from:-

- a) Director of Children and Young Peoples Services (Education) requests £120,990.10
- b) Director of Environment and Transport (Civic Amenity) requests £4,264.00
- c) Director of Adults and Communities (Libraries) requests £3,420.00
- d) Director of Environment and Transport (Highways) requests contributions towards improvements to the two nearest bus stops at £3,263.00 per stop, Information display cases at £120.00 per case, travel packs of £50.18 per pack, provision for two 6 month bus pass per dwelling at £331.20 per pass

- e) The Primary Care Trust – have requested £3,515.46 towards improvements to the local GP's surgery
- f) The Leicestershire Constabulary Crime Reduction Officer requests a contribution of £30,300.00 towards the additional cost of policing.

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

- a) Affordable housing (2 units)
- b) Play and Open Space (£68,304.80)
- c) Director of Children and Young Peoples Services (Education) (£120,990.10)
- d) Director of Environment and Transport (Highways) travel packs at (£50.18 per dwelling)

Since the consultations have been received, the scheme has been amended and the number of proposed units reduced. This will have an impact on the contributions and the updated amounts will be reported as a late item.

In conclusion with respect of the developer contributions, the proposal falls considerably short of the affordable housing level required by Policy 15 of the Core Strategy; however it does provide a retail and accommodation for doctor/ dentist etc which is supported by adopted policy both within the Local Plan 2001 and the Core Strategy. In providing a non-residential element to the scheme the viability report has shown that the scheme would not be able to provide both the shop and the level of affordable housing required and meet the other obligations. The shop will ensure that Bagworth is a more sustainable settlement, which accords with the objectives of the NPPF, in-particular paragraph 28. Accordingly the provisions of the shop and community facility is given substantial weight and in this instance as a consequence outweighs the policy requirement of 40% affordable housing in this instance.

Given the significant weight the commercial element carries, it is important for this element of the application to come forward. A suitably worded clause will be included within the S106 to ensure that this element is delivered.

Amenities

Residential amenity

The nearest residential properties and as a consequence likely to be affected by the development are those facing the development and comprise 5, 7, 9, 11 Jackson Road and 1, 3, 19 and 21 Daisy Close. The application proposes dwellings with direct access off Jackson Road and Daisy Close facing these existing dwellings. The separation distances vary between 17m and 21m across a public highway. Whilst the SPG on New Residential Development suggests that a minimal distance of 25m should be sought where windows serving habitable rooms face each other, the siting of these dwellings would be over a public highway from which privacy is already compromised. This layout and relationship between dwellings is not uncommon and reflects the relationship between other properties within the existing estate. It is therefore considered that the proposal would not significantly affect the amenities of these properties.

Objections have been received regarding additional noise and disturbance from these dwellings, including disturbance from headlights. It is not considered that the additional comings and goings would significantly affect the amenities of neighbouring properties. The proposed estate road serving the development has been sited so not to be directly opposite any dwelling. Notwithstanding this it is not considered the comings and goings and resultant headlights would not result in a significant disturbance to sustain a reason for refusal.

Within the site there is adequate distance between dwellings to preserve the amenities of new residents. Each property has an appropriate level of private amenity space.

The proposed use of the commercial building seeks permission to be used for a variety of uses including a restaurant/café, hot food takeaway or as a non residential institution (i.e. medical or health service). Hot food takeaways can cause a nuisance due to smells, noise of extraction equipment and late night opening hours. As flats are proposed above the commercial element there could be the potential for an effect on the amenities of the residential element above the shops. There are no proposals for flues or other extraction equipment, and these would require a separate application should they be required, at which point the proposal could be controlled.

No objection has been received from Head of Community Services (Pollution) subject to conditions being imposed requiring details of any ventilation equipment required. An external extraction flue would require separate consent, at which point noise and ventilation could be controlled. The concern arises if a take-away use is implemented without installing a flue and it is this that the Council would want to control. A suitable worded condition will therefore be imposed.

Accordingly the proposal is considered not to significantly affect the amenities of existing neighbouring residents, nor result in an unacceptable level of amenity for new residents. The proposal is therefore considered to comply with Policy BE1 (i) of the adopted Local Plan (2001).

Landscaping

Comments from the National Forest Company accept that the planting requirement has already been fulfilled through an earlier phase of development. However they comment that the development could better reflect the location within the National Forest. This can be obtained through an appropriately worded landscaping condition.

Other comments regret the loss of the hedgerow that runs north to south across the centre of the site. The ecological report submitted with the application states that this is not an important hedgerow as defined by the hedgerow legalisation. It is a thin hedgerow with a few breaks within its length and its retention would not contribute to the appearance or character of the proposal. The Directorate of Chief Executive (Ecology) has raised no objection to its loss and therefore there are no planning grounds for its retention.

Other issues

Objections have been received on grounds of loss of view or devaluation of nearby property; these are not material planning considerations that would influence the determination of this application.

An objection was also received due to the inclusion of the surface water attenuation basin on the site causing a drowning hazard for children. The basin was included to provide a sustainable drainage solution on the site to deal with surface water run off. The basin has been revised with shallower slopes which are in accordance with the ROSPA Inland Water Safety Guidance. It is considered that as the gradient of the basin sides is in accordance with the guidance it would not be possible to sustain a refusal on these grounds.

Severn Trent Water Limited have requested that a condition be imposed requiring drainage details to be submitted for approval. There are no records of this area suffering from capacity issues and the drainage layout and details will be subject to approval through Building Regulations and Severn Trent Water Limited. The planning system should not seek to control

aspects of development which is controlled by other legislation and therefore in this instance a condition is not justified.

Conclusion

The principle of development of this site is considered to comply with Policy RES1 (a), and Policies 7 and 10 of the Core Strategy. The proposal has been assessed against Policies BE1 (a) design and appearance, BE1 (i) impact on amenities and T5, highway safety. The proposal has been found to comply with these policies.

Whilst the proposal falls considerably short of the affordable housing level required by Policy 15 of the Core Strategy, it does provide a retail and accommodation for doctor/dentist etc which is supported by Policy both within the Local Plan 2001 and the Core Strategy. In providing a non residential element to the scheme the viability report has shown that the scheme would not be able to provide both the shop and the level of affordable housing required to comply with Policy 15 of the Core Strategy. Paragraph 173 of the NPPF requires decision makers to have regard to the need to provide competitive returns for developers. The commercial element will ensure that Bagworth is a more sustainable settlement, which accords with the objectives of the NPPF. Accordingly the provisions of the shop is given substantial weight and, in this instance justifies the low provision of affordable housing on the site. The application is therefore considered acceptable.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards education, play and open space, and travel packs, the Head of Planning shall be granted delegated powers to granted planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposed development by virtue of providing a commercial element for the local community will improve the sustainability of the Bagworth Settlement. The proposed siting, design and appearance of the development is considered not to detrimentally affect the character or appearance of the area, create a significant highway danger, or detrimentally affect the amenities of neighbouring development. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES1 (a), BE1, NE2, T5, T9, RETAIL 9, and 11. REC2, REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 10, 15, 16, 19 and 21.

- 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:
Drawing number 19, 20 received 27 March 2012,

Drawing numbers 03, 04 F, 17, 18, 05/c, 06, 07/a, 08/a, 09/a, 10/a, 13/a, 14/a, 15/b, 21, 22, 23, 24, 25, 26/b, 33, 34, received 09.07.12 Drawing numbers 30, 31 received 08.05.12

Drawing number 1601-200 C (storm attenuation swale) received 31.05.12

- 3 Before the implementation of any use within Class A3 or A5 hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented in accordance with the approved details. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 4 Not more than 212 square metres in total of the ground floor commercial space hereby approved on drawing number 17 revision 'j' submitted 09.07.12 shall be used for uses within classes A3, A5 or D1 of the Town And Country Planning (Use Classes) Order 1987 (as amended).
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed commercial units and residential properties 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.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - h) implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 The gradients of the access drives shall not exceed 1:10 for the first 10 metres behind the highway boundary.
- 9 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 10 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 11 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 12 Before the commercial element of the development hereby permitted is first used, off-street car parking/lorry parking provision shall be made within the application site in accordance with the details shown on drawing aah4984/03 received 09.07.12. The parking area shall be surfaced and marked out prior to the development being brought into use and shall be so maintained at all times.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To protect the amenities of nearby residents should a commercial unit be used for either A3 or A5 use In accordance with Policies BE1 (i) and NE2 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that a proportion of the commercial floor space is retained for retail use to provide a local shopping provision in accordance with policies RETAIL 9 and 11 of the adopted Hinckley and Bosworth Local Plan and Policy 10 of the Local Plan 2006-2026: Core Strategy 2009.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development has an appropriate landscape scheme in accordance with Policy BE1 (e) of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 Due to the changes in levels across the site and to ensure vehicles can leave and enter accesses in a safe and controlled manner in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan,
- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 10-12 To ensure that an adequate level of off street parking is provided in accordance with Policy T5 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 application does not permit consent to display advertisements on the commercial building.

Contact Officer: - Sarah Fryer Ext 5682

Item: 03

Reference: 12/00100/FUL

Applicant: Lighthouse Property Ltd

Location: Land Adjacent 7 London Road Hinckley

Proposal: ERECTION OF 11NO. FLATS AND 1NO. DWELLING

Target Date: 10 August 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 the erection of eleven, two bedroomed flats, and one dwelling. The eleven flats would be contained within a purpose built three storey blocks. The building would have a traditional appearance to the London Road frontage with the second floor contained predominantly within the roofspace. Rooms at this level would be served by a mixture of dormer windows and roof lights. Parking to the site would be to the rear with access off Gladstone Terrace. The first and second floor of the proposal would overhang the vehicular access and this covered area also provides a large bin store.

The proposed single dwelling would be located on the opposite side of Gladstone Terrace from the flats, and would adjoin the terrace located to the east of the application site. This two storey dwelling would consist of three bedrooms with a small private amenity space to the rear. Chimneys are proposed on both the flats and dwelling aspect of the proposal.

In total the proposal would provide a total of 13 parking spaces, 7 to the rear of the flats and 6 along the western elevation of the proposed dwelling. The site benefits from planning

permissions for 10 flats. This application seeks to vary this extant permission due to new entrance arrangements from Gladstone Terrace, an additional flat, and dwelling and re-configuration of the parking layout.

The Site and Surrounding Area

The application site is located on the south side of London Road, opposite St Peters primary school and includes the first 20.5m of Gladstone Terrace. The site is currently an overgrown brownfield site located between The Lawns business centre to the west and a terrace of three storey dwellings to the east. To the south the private, un-adopted Gladstone Terrace continues and provides rear access to the properties on The Lawns and a terrace of dwellings facing onto Gladstone Terrace on the east side. Gladstone Terrace is an un-adopted private access driveway and currently is formed of compacted hardcore.

There is a yew tree which is the subject of a Tree Preservation Order located within the grounds of the Lawns Business Centre to the west of the application site. The site is within the designated retail area of Hinckley Town Centre.

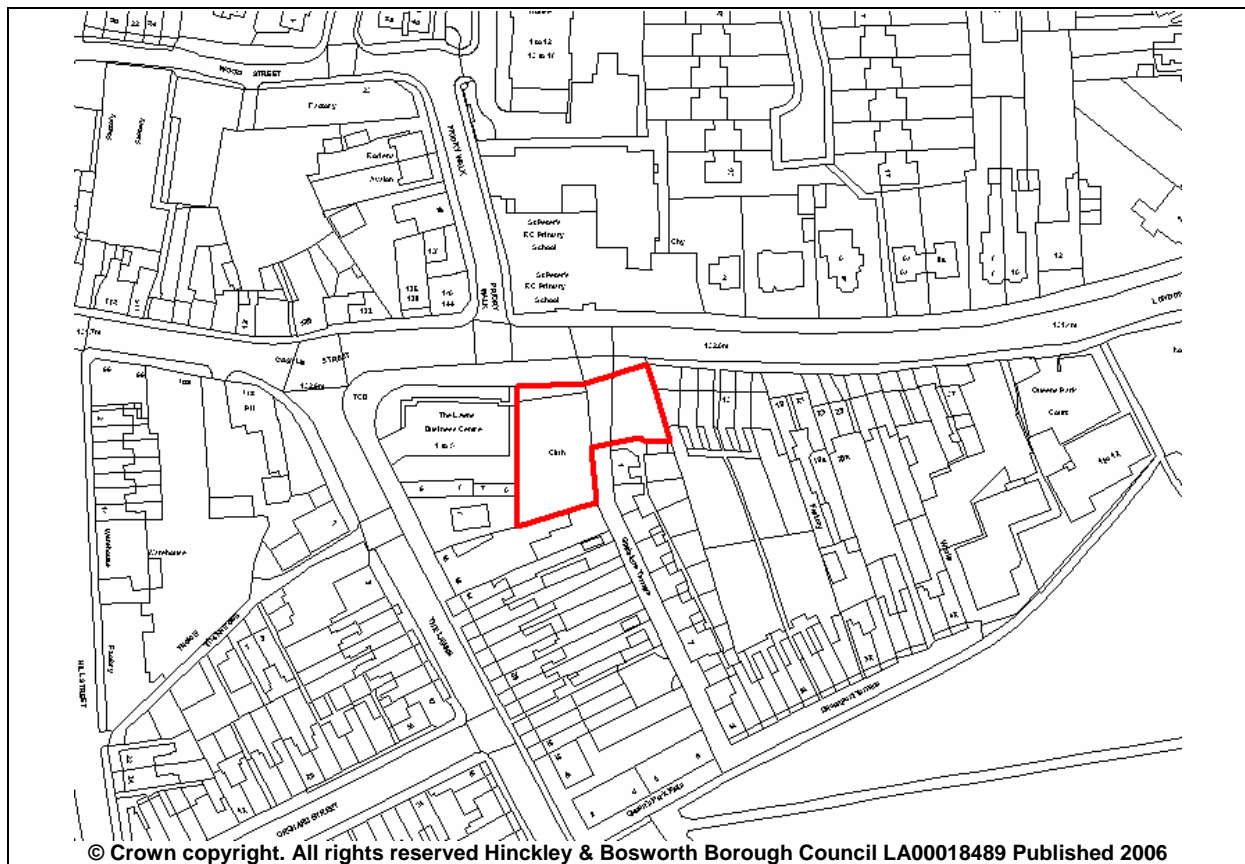
This area of Hinckley is located on the edge of the town centre and is dominated by terrace properties, occasionally broken by other commercial buildings including to the west of the site The Lawns Business Centre and to the north St Peters Catholic Primary School.

Technical Document submitted with application

Design and Access Statement
Tree Report
Heritage Statement

Relevant Planning History:-

11/00581/EXT	Extension of time for extant planning permission 08/00442/FUL for the erection of 10 No. apartments	Approved	03.11.11
08/00442/FUL	Erection of 10 No. apartments	Approved	15.08.08
07/00893/FUL	Demolition of existing bar and erection of 10 no. apartments	Withdrawn	20.09.07
06/00879/FUL	Erection of 3 apartments with associated parking and access	Refused	18.12.06
05/01108/OUT	Demolition of existing bar and erection of 12 No apartments (revised scheme)	Approved	16.01.06
05/00700/OUT	Demolition of existing bar and erection of 12 apartments	Withdrawn	06.09.05



Consultations:-

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

No objection subject to conditions have been received from:-

- Severn Trent Water Limited
- Head of Community Services (Land Drainage)
- Head of Corporate and Scrutiny Services (Green Spaces).

The Director of Environment and Transport (Highways) has commented that the proposal encloses highway land. The level of car parking is considered to be borderline and no secure cycle parking is proposed. Whilst the edge of town centre location is acknowledged, secure cycle parking should be sought to encourage alternative uses to the car.

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

- a) Directorate of Chief Executive (Ecology) none requested
- b) Director of Children and Young Peoples Services (Education) requests £8,590.30 towards a primary school place and £5,139.44 towards an upper school place
- c) Director of Environment and Transport (Civic Amenity) requests £565.00 towards the nearest civic amenity site which is located at Barwell
- d) Director of Adults and Communities (Libraries) requests £660.00 towards Hinckley Library on Lancaster Road.

Site notice and Press notice were displayed and neighbours notified. At the time of writing the report comments have not been received from:-

Directorate of Chief Executive (Archaeology)
The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer
Head of Business Development and Street Scene Services
Neighbours.

Development Plan Policies:-

National Policy Guidance

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

Regional Policy Guidance: East Midlands Regional Plan 2009

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 1: Development in Hinckley
Policy 16: Housing Density Mix and Design
Policy 24: Sustainable design and Technology.

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan (2011)

None relevant.

Hinckley and Bosworth Local Plan (2001)

Policy IMP1: Contributions towards the provisions of infrastructure and facilities
Policy RES5: Residential proposals on unallocated sites
Policy BE1: Design and siting of development
Policy NE2: Pollution
Policy T5: Highway design and vehicle parking standards
Policy T9: Facilities for cyclists and pedestrians
Policy REC3: New Residential Development: Outdoor play space for children

Supplementary Planning Guidance/Documents

New Residential Development SPG
Play and Open Space SPD

Appraisal:-

The main considerations with regards to this application are the principle of development, layout, design, scale and mass, highway safety, impact on the amenities of neighbouring residents and developer contributions.

Principle of Development

The application site is a brownfield site located within the Hinckley Settlement boundary. The site benefits from an extant planning permission (ref. 11/00581/EXT). The NPPF supports sustainable development including that sited close to facilities and that re-uses previously developed land. It is therefore considered that the principle of development is acceptable.

Layout, Design, Scale and Mass

Policy BE1 seeks new development to have a high standard of design that compliments the character of the surrounding area through the mass, design, and architecture details. Good design is one of the core principles identified by the NPPF.

Flats

The frontage of the flats is located almost on the back edge of the highway boundary there is a narrow sliver of land to the front behind a low wall with railings which is proposed along the back edge of the highway. and the flats take the form of a single large dwelling with three equally spaced dormer windows breaking up the roof mass. Two chimneys flanking either end of the building add to the traditional element of the building and reflect the chimneys on the surrounding terrace dwellings. The windows have arched brick headers. The other elevations that would be visible from public areas have been well treated with windows equally and proportionally spaced.

The surrounding area consists mainly of terraces and the detached buildings tend to be larger buildings. There are a variety of heights in the area, with 2 and 3 storey terrace buildings, single storey commercial and parts of the school buildings. The mass and scale of the proposal is considered to replicate this and therefore would not be out of character with the area. The flats would have a roughly square footprint resulting in a deep side elevation. This has been treated well with the regular and symmetrical placement of windows. The design and appearance of the proposed elevation to London Road is the same as that approved by the 2008 scheme... It is therefore considered that the layout, design, scale and mass of the flats element to the proposal are acceptable.

Dwelling

The proposed dwelling is sited so as it would be attached to 7 London Road, the end terrace dwelling located to the east of the application site. The front elevation of the proposed dwelling would align with the front elevation of the existing dwelling which is set back from London Road behind a small front garden. The rear wall of the proposal finishes short of the rear elevation of No. 7 resulting in the proposal having a lower ridge line. This will ensure the proposed dwelling has sufficient amenity space and a lower ridge line in the context of the streetscene will be acceptable in appearance.

The fenestration details at first floor match that of the rest of the terrace to which it would be associated. The proposed dwelling does not carry on the bay windows at ground floor level, however the proposed dwelling is slightly narrower than other properties and the inclusion of a bay window would appear squashed and out of character. Accordingly its omission is considered acceptable.

The overall siting, design and appearance of the dwelling is considered acceptable and in accordance with Policy BE1.

Highway Safety

The 2008 application proposed 12 parking spaces within the rear parking court. This application has reduced these to seven with a further six off Gladstone Terrace which are overlooked by five of the flats. One space is allocated for the dwelling and one visitor space with the result that there are 11 parking spaces proposed, one per flat. The site is a sustainable location, within walking distance of Hinckley Town Centre, the train and bus stations. The Director of Environment and Transport (Highways) has commented that the proposal is slightly deficient regarding parking provision however this would be acceptable if a secure cycle parking store was provided. The applicant has submitted revised plans which include an area for secure cycle parking. Comments also refer to the front dwarf wall with railings being sited on part of the adopted highway. The applicant is aware of the comments from the Director of Environment and Transport (Highways). This is a land ownership matter and not a material planning consideration.

It is considered that the proposal would not result in a detrimental impact upon highway safety. The proposal is considered to be in accordance with Policy T5.

Impact on Neighbours

The application site is bound to the north south and west by non-residential properties. It is therefore numbers 1 Gladstone Terrace and 7 London Road that the proposal is going to have the most impact upon.

1 Gladstone Terrace is located to the south of the proposed dwelling and south-east of the flats. The south-east corner of the proposed flats (elevation closest to Gladstone Terrace) would be located level with the northwestern corner of 1 Gladstone Terrace. This element of the proposal has an area with no windows facing Gladstone Terrace in order to ensure there is no overlooking. The windows proposed on the east elevation of the rear projection set back from Gladstone Terrace are not only located some 35 metres from the front elevation of Gladstone Terrace but the window at second floor is provided with obscure glazing and the lower half of the first floor window is proposed to be obscure glazed.

The rear elevation of the proposed dwelling is located approximately 12 metres off the boundary with No 1 Gladstone Terrace. However there are no windows within the north elevation of 1 Gladstone Terrace and the property has a garage along its north elevation (this encloses the garden area) as such overlooking of the existing dwelling and amenity space will be limited. The majority of the development would be located to the north of 1 Gladstone Terrace and therefore it would have little impact on the direct sunlight received by this dwelling.

7 London Road has no west facing windows. The proposed dwelling would be attached to the flanking wall, but not projecting further forward or beyond the rear or front elevation of the dwelling. The proposal would therefore not affect the amenities of this dwelling. There will be a degree of overlooking from the rear first floor windows of the proposed dwelling however this would be no more detrimental to that already experienced from neighbouring properties on the other side to the No 7 London Road.

The proposal has been designed and sited so as to not detrimentally affect the amenities of neighbouring residents and as such is considered acceptable.

Developer Contributions

The application proposes 12 new dwellings which attracts infrastructure contributions.

The request for any contribution must comply with 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.

Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Spaces Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and 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 Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards to provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The scheme does not propose any on site public open space and therefore a contribution in lieu must be considered in order to overcome a planning objection due to the lack of on-site public space.

The application site is located within 400m of existing equipped facilities at Queens Park. The development proposed would increase the number of residents and as such would impact upon the existing facilities at this site. Within the Green Spaces Strategy, Hinckley was found to have a deficiency of equipped play space of -1.20 and sufficiency of 3.83 of Casual Informal play space when confirmed with the National Playing Fields Standard. The quality of Queens Park was considered within the Green Space Strategy, Audits of Provision 2007 update which awarded the park with a quality score of 32.4%. Recently Queens Park has been improved through the erection of new play equipment including a skate ramp and other equipment including swings, slide and sand pit. Whilst this will have increased the provision of services in the area, the development will still place a higher demand on this area, increasing wear and tear, and requirement for provision of facilities.

The Head of Corporate and Scrutiny Services (Green Spaces) has commented that whilst Queen's park has recently benefited from large scale improvements, there are plans to improve the safety surfacing under some of the play equipment and provide outdoor gym equipment. The surfacing alone is likely to cost within the region of £500.

Given the proximity of Queens Park to the application site it is considered highly likely that future residents would use the facility. It is considered that the size of the units, 2 and 3 bedrooms are family units and the occupants would use the facilities within Queens Park, increasing wear and tear on the existing facilities and equipment. Given the above, it is considered that the contribution request for the provision and maintenance of informal play space is necessary, directed related and fairly and reasonably related in scale and kind to

the development proposed. In this instance the contribution requested consists of £9,813.60 towards provision and £5,196.00 towards maintenance.

Other Developer Contributions

Requests have been received from:-

- a) Director of Environment and Transport (Civic amenity) requests £565 towards offsetting the impact of the additional population on the Barwell Civic Amenity Site.
- b) Director of Adults and Communities (Libraries) request £660 towards improving facilities at Hinckley Library located 0.6km from the site, to increase provision of materials (books, audio books, newspapers etc)
- c) Director of Children and Young Peoples Services (Education) has requested a contribution of £8,590.30 towards one primary school place at St Mary's Primary School and £5,139.44 towards one Upper School place at John Cleaveland College.

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

- a) Director of Children and Young Peoples Services (Education)
- b) Play and Open Space.

Other Issues

Drainage

Severn Trent Water Limited and the Head of Community Services (Land Drainage) have no objection to the application subject to conditions requesting drainage details. The site is a brownfield site constrained by surrounding developments. Due to the dense form of development there are no opportunities within the site to provide many of the forms of sustainable drainage. The drainage system would have to be approved under the Building Regulations and by Severn Trent Water Limited themselves. There are no known flooding issues that would be exacerbated by this development. It is therefore considered that the imposing of conditions is not necessary to make the development acceptable and as such any drainage conditions cannot be justified.

Landscaping

Indicative landscaping is proposed to the front and side of the site. The specific detail of this will be the subject to a condition to ensure that suitable plants for the site are planted.

There is an English Yew (*Taxus Baccata*) protected by a Tree Preservation Order within the grounds of The Lawns Business Centre, which overhangs the site. The tree report submitted with the application makes reference to an application for its removal being refused and upheld at appeal, however the report recommends reducing the canopy by 20% to bring it into scale with its surroundings. This appears logical as the canopy is reaching The Lawns Business Centre and the shape is being influenced by the building. This would be subject to a separate application for works to the tree; however it is not considered that the proposal would detrimentally affect the health of the tree.

Code for Sustainable Homes

Policy 24 of the Core Strategy requires new residential development within the urban area to be constructed to comply with Code 3 of the Code for Sustainable Homes. To comply with this level the development has to include certain additional features that are difficult to

include within an apartment development. The structure would have to be constructed to Code 3 Standards to comply with the requirements under building regulations. Justification is being sought of the agents to confirm that this is the case, and should that be satisfactory, it would not be possible for the applicants to comply with a condition should it be imposed and therefore such a condition would not be valid. In respect of the dwelling, there is no reason why this element of the scheme cannot be constructed to Code 3 standard and this will be controlled by a suitably worded condition.

Amenity Space

The proposed flats do not have any private amenity space for their occupiers. The proposed dwelling has a private rear amenity area of 37.5 square metres. The previous approved scheme did not propose any private amenity space for the flats. The site is located within 100m to the amenity space of Queens Park. The SPG on new residential development recommends that 3 bedroomed properties have a private amenity area of 80 square metres. The proposed amenity area falls short of this, however the proposal is located close to the town centre where residential gardens are traditionally smaller and within easy and safe walking distance of Queens Park. Given these considerations, it is not considered that a reason for refusal could be sustained on amenity space.

Conclusion

It is considered that the principle of development is acceptable on this brownfield site. The size, scale and siting of the proposal is not considered to detrimentally affect the amenities of surrounding properties. The design and appearance is considered acceptable and would not detrimentally affect the character or appearance of the area.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards Education and Play and Open Space, 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 10 August 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting, design and appearance the proposed flats and dwelling are considered not to detrimentally affect the amenities of neighbouring residents, or highway safety. The proposal is considered acceptable.

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

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 16 and 24

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 06 202 - 04B,

24 (location plan), 25 (block plan) received 11th May 2012 and drawings 02E, 21B, 22B, 23A received 09.07.12.

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the submitted details and before any development hereby permitted is commenced on site a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment of all ground surfaces together with plant species, size and numbers and their disposition throughout the site and implementation programme. The development shall then be carried out in accordance with the approved details.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 The car parking and turning facilities shown within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for use thereafter.
- 7 Notwithstanding the details submitted, prior to the commencement of development, a scheme of improvements including construction details and detailed design drawings of the Gladstone Terrace junction and the access to the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 Prior to the commencement of the dwelling house, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of any dwelling house constructed as part of the development hereby approved, a final certificate demonstrating that the dwelling house hereby approved has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 9 The windows on the elevation to Gladstone Terrace shown on drawing number 02E as being obscurely glazed shall be installed as such and as retained thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

- 4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 To enable vehicles to enter and leave the highway in slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect and free and safe passage of traffic in the public highway to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 8 In the interests of sustainable development to accord with policy 24 of the adopted Local Plan 2006-2026: Core Strategy (2009).
- 9 To protect the privacy of neighbouring residents in accordance with Policy 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).

Contact Officer: - Sarah Fryer Ext 5682

Item: 04

Reference: 12/00371/FUL

Applicant: Mr Martyn Pask

Location: North Warwickshire And Hinckley College London Road Hinckley

Proposal: SUBSTITUTION OF HOUSE TYPES TO PLOTS 44-52 & 117-132 (25 No. PLOTS) REFERRING TO RESERVED MATTERS APPROVAL REFERENCE 11/00082/REM

Target Date: 13 August 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

The scheme relates to the substitution of house types at plots 44 to 52 and 117 to 132, equating to 25 plots.

These plots are located centrally, within the wider layout of the scheme, with plots 117, 118 and 131 and 132 forming the frontage to London Road. Plots 44-52 are located to the east of plots 117-132.

The scheme proposes six house types. Each property is proposed with either a single detached or single integral garage. The design includes bay windows, porches, dormer window, chimneys and architectural detailing—arched head soldiers and plinth brick cills, and materials including red facing brick and rendering with smooth grey roof tiles.

The layout of the plots and the house types have altered to largely 'design out' rear car parking courts to provide more closely associated parking to each house type and to add variation to design for consumer choice.

For the avoidance of doubt there are no changes to the number of units proposed to that previously approved as part of application ref: 11/00082/REM.

During the course of the application additional plans have been submitted showing the external material finishes schedule, details of boundary treatments and surfacing of the access drives.

The Site and Surrounding Area

The larger site approved under 11/00082/REM is currently under construction.

The site extends to 4.4 hectares and is bound by London Road to the south with residential properties and nursing homes facing the site. To the west the site is bound by College Lane with residential properties beyond. The north-western corner of the site is bound by Trevor Road which currently provides a secondary access to the site. The northern boundary is formed by the rear gardens of properties on Welwyn Road while the eastern boundary is

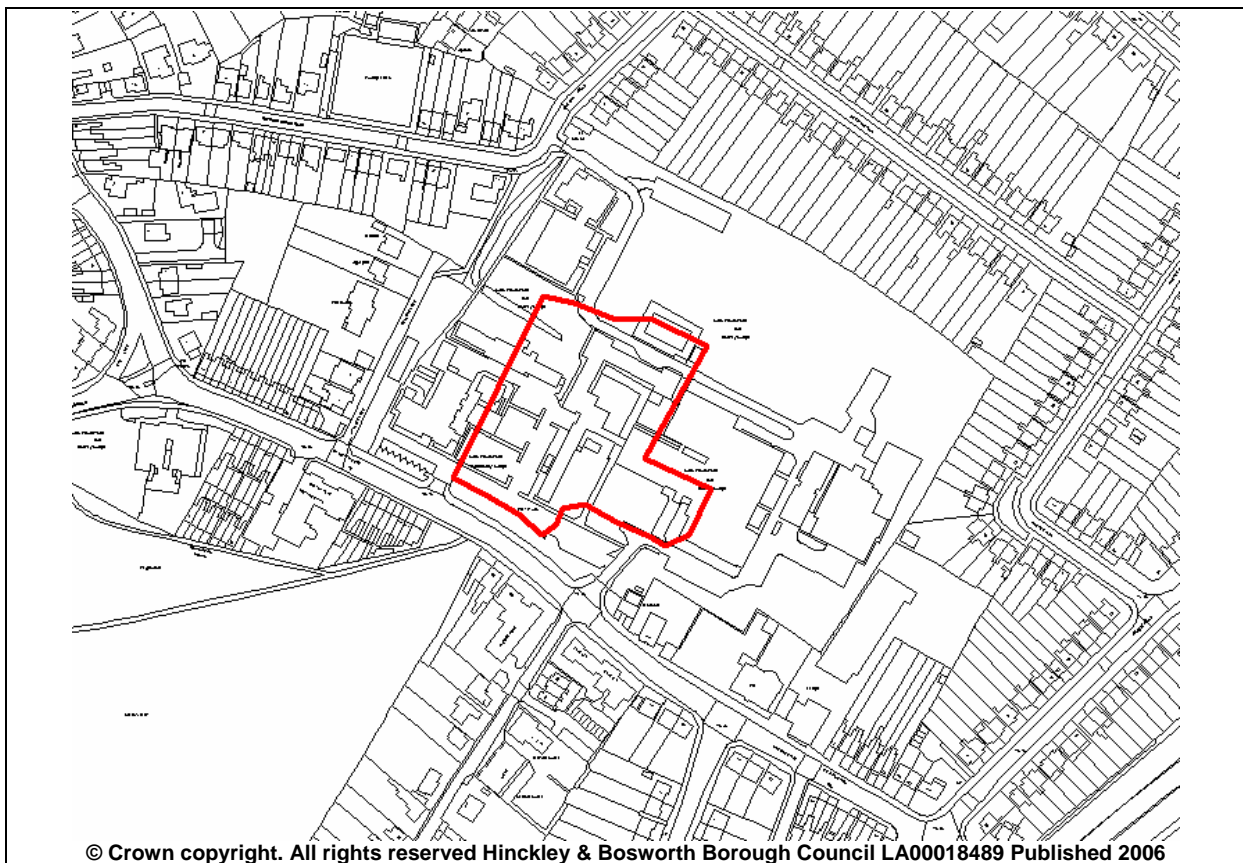
formed by the rear gardens of properties on Glebe Road and the Peugeot Garage accessed from London Road.

Technical Document submitted with application

The application is accompanied by a Design and Access Statement and Deed of Modification.

Relevant Planning History:-

11/00082/REM	Approval of reserved matters for a residential development consisting of 132 dwellings and associated works.	Approved	28.04.11
10/00505/OUT	Residential Development (Outline-Access Only)	Approved	20.10.10



Consultations:-

No objection has been received from:-

- Environment Agency
- Director of Environment and Transport (Highways)
- Directorate of Chief Executive (Ecology)
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage).

No objection subject to conditions has been received from Severn Trent Water Limited

Site notice and Press notice were displayed and neighbours notified.

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

The Leicestershire Constabulary Crime Reduction Officer
National Grid
The Primary Care Trust
Head of Corporate and Scrutiny Services (Tree Officer)
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Corporate and Scrutiny Services (Green Spaces).

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy 2009

Policy 16: Housing Density, Mix and Design
Policy 24 Sustainable Design and Technology

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011

Policy 10 North Warwickshire and Hinckley College Site identifies the site as having the potential for a mixed use scheme incorporating residential and office uses. The protection of important trees, provision of landscaped open space and potential retention of high quality buildings are also aspirations of this policy.

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: New Residential Development

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, overall appearance, and impact upon residential amenity, highway considerations and other matters.

Principle of Development

The principle of residential dwellings on this site has already been established by the earlier grant of planning permission (ref: 11/00082/REM) therefore the main considerations with regards to this application are the impact of the proposed substitutions to the approved scheme on the overall appearance, residential amenity, highways and other matters.

For the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to the overarching intentions of the NPPF and other development plan policies.

Overall Appearance: Scale/Layout/Mass/Design

Saved Policy BE1 (criteria a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. It is considered consistent with the NPPF and as such should be given weight in consideration of this application.

There are no adjustments to the number of dwellings and therefore the density remains unaffected.

The plots are set within the same parameters to that previously approved and therefore these house types are located centrally within the scheme.

The scheme proposes six house types; Gleneagles, Kibworth, Smithy, Walton and Willesley which are all two storey dwellings of four bed configuration and Dalton which is a two and half storey house type (with accommodation in the roof space) of three bed configuration. These proposed house types are semi-detached and detached.

There are a range of house types within the immediate vicinity of the site consisting of semi detached properties to the north and east, terraced to the south and detached to the west of the site. The site is bound to the north, east and west by predominantly two storey dwellings and to the south on the opposite side of London Road by both two storey dwellings and large nursing homes of varying heights. In addition, the surrounding approved plots comprise of a range of apartments, terraced, semi-detached and detached properties of two, three and four bedrooms of two and two and a half storey proportions. As such this scheme proposing detached and semi detached and predominantly two storeys (with four properties at two and half storey) is considered to be acceptable in this setting, as they are reflective of the immediate and surrounding dwellings.

There are a range of house types already approved. This scheme proposes an additional six house types and the design incorporating bay windows, porches, dormer window, chimneys and architectural detailing – arched head soldiers and plinth brick cills, and materials including red facing brick and rendering with smooth grey roof tiles adds additional interest to the external appearance of the site as a whole whilst still being in keeping with the character.

All of the dwellings have been designed to face onto the road frontages, within garaging and parking attached where possible, providing both natural surveillance and attractive street scenes. Dwellings occupying prominent positions on corner plots (plots 50, 52, 118, 122, 124

and 131) have been carefully considered to ensure that there are no poorly designed or blank frontages. Plots 117 and 132 and been designed to face onto London Road to ensure there is interest added to the streetscene of London Road.

All dwellings have either single detached garages or single integral garages, in addition to car parking spaces. The scale and design of the garaging is both subservient in scale and reflective of the style of the dwellings to which they serve.

Whilst there have been alterations to garden plots sizes previously approved with some garden sizes being increased and some decreased, the three and four bed dwellings now proposed have appropriately sized gardens in accordance with the standards set down in the Council's SPG on New Residential Development.

In summary, the proposed development accords with the general siting and scale of approved and existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable. As such, the scheme is considered to be in accordance with guidance contained within the NPPF, Saved Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001, Policy 16 of the Core Strategy 2009 and with the principles outlined in the Council's SPG on New Residential Development.

Impact upon Residential Amenity

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

Given that the plots in question will not be sited any closer to surrounding residential properties it is not considered that the scheme gives rise to any additional material impacts upon residential amenity over and above that previously approved.

The internal alterations to the plots is not considered to give rise to any significant overbearing, overlooking overshadowing upon the future occupiers of surrounding plots over and above that previously approved.

It is considered necessary to impose a condition to obscure glaze the windows shown to be serving bathrooms, en-suites and wc's within the drawing no and ensure that they are top opening only.

In summary, the proposal is considered to have minimal impacts upon amenity of existing and future neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policies T5 and BE1 (criteria g) are both considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

The existing access points and layout of the internal roads has not been altered. All of the dwellings have either detached single or single integral garaging, in addition to one on-site parking space.

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

In summary, it is considered that there is sufficient on site parking provision and there would not be any significant impacts upon highways safety. Accordingly the development accords with Saved Policies T5 and BE1 (criteria g) of the adopted Hinckley and Bosworth Local Plan 2001.

Other Issues

Inline with Policy 24 of the Adopted Core Strategy, the residential units to be constructed within this scheme will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to a condition. A separate condition is required for this, as the house types differ from those approved within the original application.

Under the outline permission previously granted, the plots identified were not affordable housing units. No additional affordable housing is required as a result of these substitutions as it is simply amending the approved designs.

A deed of variation is being finalised in order to ensure that the financial contributions requested as part of the outline consent are tied to this development. There are no additional contributions required as a result of this application owing to the fact it is simply a substitution of house type, with no increase in dwellings to be provides as part of the overall development.

The on site green space, the planting of lime trees to London Road's street frontage and a low wall detailing a plaque, is all conditioned within the previous approved scheme ref: 11/00082/REM and is not required to be requested under this application.

Conclusion

In conclusion, the principle of residential development in this location has already been accepted through the earlier grant of planning permission. It is considered that this application, involving amendments to the internal layout and design of plots would not give rise to any significant material impacts upon the character and appearance of the area, occupiers of existing and future neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: - That subject to an Agreement under Section 106A of the Town and Country Planning Act 1990 to vary the original agreement and secure the obligations contained therein, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential

amenity or highway safety.

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

Local Plan 2006-2026: Core Strategy (2009):- Policy 16 and 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Site Location Plan Drawing No. PC0282/100/02; Site Planning Layout Drawing No. PC0282/100/01; House Type Dalton Drawing No's: PC0282-PLTDAL/01; PC0282-PLTDAL/02; House Type Gleneagles Drawing No's: PC0282-PLT45; PC0282-PLT49; House Type Kibworth Drawing No's: PC0282-PLT51; PC0282-PLT117; PC0282-PLT120; PC0282-PLT121; PC0282-PLT123; PC0282-PLT125; PC0282-PLT126; PC0282-PLT132; House Type Smithy Drawing No's: PC0282-PLT47; PC0282-PLT48; House Type Walton Drawing No's: PC0282-PLT44-A; PC0282-PLT46; PC0282-PLT52; PC0282-PLT119; House Type Willesley Drawing No's: PC0282-PLT50-A; PC0282-PLT118-A; PC0282-PLT124-A; PC0282-PLT131-A and Garages Drawing No PC0282-GAR received by the Local Planning Authority on 14 May 2012.
- 3 The types and colours of materials to be used on the external elevations of the dwellings and garages hereby approved shall be those strictly specified within the external finishes schedule received by the Local Planning Authority on 13 July 2012.
- 4 Prior to the first occupation of the dwellings hereby approved the erection of enclosures and boundary treatments shall first be implemented in accordance with plans entitled 'Close Boarded Fence' and '1.8 m Screen Wall Detail' received by the Local Planning Authority on 13 July 2012.
- 5 The windows, as identified as obscure glaze on Drawings No's: Gleneagles PC0282-PLT45; PC0282-PLT49; Kibworth PC0282-PLT51; PC0282-PLT117; PC0282-PLT121; PC0282-PLT123; PC0282-PLT125; PC0282-PLT126; PC0282-PLT132; Smithy PC0282-PLT47; PC0282-PLT48; Walton PC0282-PLT44-A; PC0282-PLT46; PC0282-PLT52; PC0282-PLT119; Willesley PC0282-PLT50-A; PC0282-PLT118-A; PC0282-PLT122-A; PC0282-PLT124-A; PC0282-PLT131-A shall be fitted with obscure glass and be non opening and retained this way thereafter.
- 6 No development shall commence unless and until a Code for Sustainable Homes 'Pre-Assessment Report,' carried out by a qualified code assessor for each plot demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 3, is provided to and approved in writing by the Local Planning Authority. In addition, within three months of the first occupation of each individual dwelling, the associated Final Code Certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to and approved in writing by the Local Planning Authority.
- 7 Prior to the first occupation of the dwellings hereby approved the surfacing of the access drives shall be carried out in strict accordance with the plan drawing no. PC0282/100/10 received by the Local Planning Authority on 13 July 2012.
- 8 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in

writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

- 9 The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Extended Phase 1 Habitat Survey (April 2010).
- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010 Issue No.3, reference number BDRP0001 FRA NWHC undertaken by URS and the following mitigation measures detailed within the FRA:
 - a) a scheme for the provision and implementation of surface water run-off limitation to 40l/s for the redevelopment site as detailed in section 8.2.2 unless otherwise agreed in writing with the Local Planning Authority
 - b) provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 20% climate change allowance as detailed in section 8.2.2
 - c) provision of means of enclosure to mitigate against overland flood flow as detailed in section 3.2.2.2.
- 11 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 12 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 In the interests of visual amenity, to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
- 7 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 8 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development has no detrimental impact on protected species to accord with the National Planning Policy Framework.
- 10 To prevent flooding by ensuring the satisfactory disposal of surface water from the site. To prevent flooding by ensuring the satisfactory storage of surface water from the site. To reduce the impact of overland flooding on the proposed development and future occupants and to accord with the National Planning Policy Framework.
- 11 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer: - Ebony Mattley Ext 5691

Item: 05
Reference: 12/00370/FUL
Applicant: F P McCann Ltd
Location: FP McCann Brascote Lane Cadeby
Proposal: EXTENSION TO PRODUCTION UNIT
Target Date: 17 July 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the footprint of the proposal exceeds 500 square metres.

Application Proposal

This application seeks full planning permission for the extension to a production unit. The unit referred to as 'Shed 0' within the application is to be extended from the northern elevation of 'Shed 1'. There is an existing small store adjacent to Shed 1 which is to be removed.

The proposed unit is ancillary to the main production facility, for the storage of steel and falls within Use Class B8 (Storage or Distribution).

The materials proposed are green corrugated sheeting for the walls and roof, to match the appearance of the existing units.

The Site and Surrounding Area

F P McCann specialise in precast concrete products. The site measures approximately 0.45 hectares and is located in the countryside off Brascote Lane to the east of Cadeby and the A447. The site is located within the countryside adjacent to Cadeby Quarry and access is gained via Brascote Lane a rural road. The site comprises of a number of large scale commercial buildings, associated workshops and offices together with extensive external storage areas and parking. There are agricultural fields to the west and south of the site, a quarry to the east and a sand extraction area to the north. There are also isolated dwellings within the surrounding landscape. The nearest residential property is 'Freshfields' located to the north west of the site.

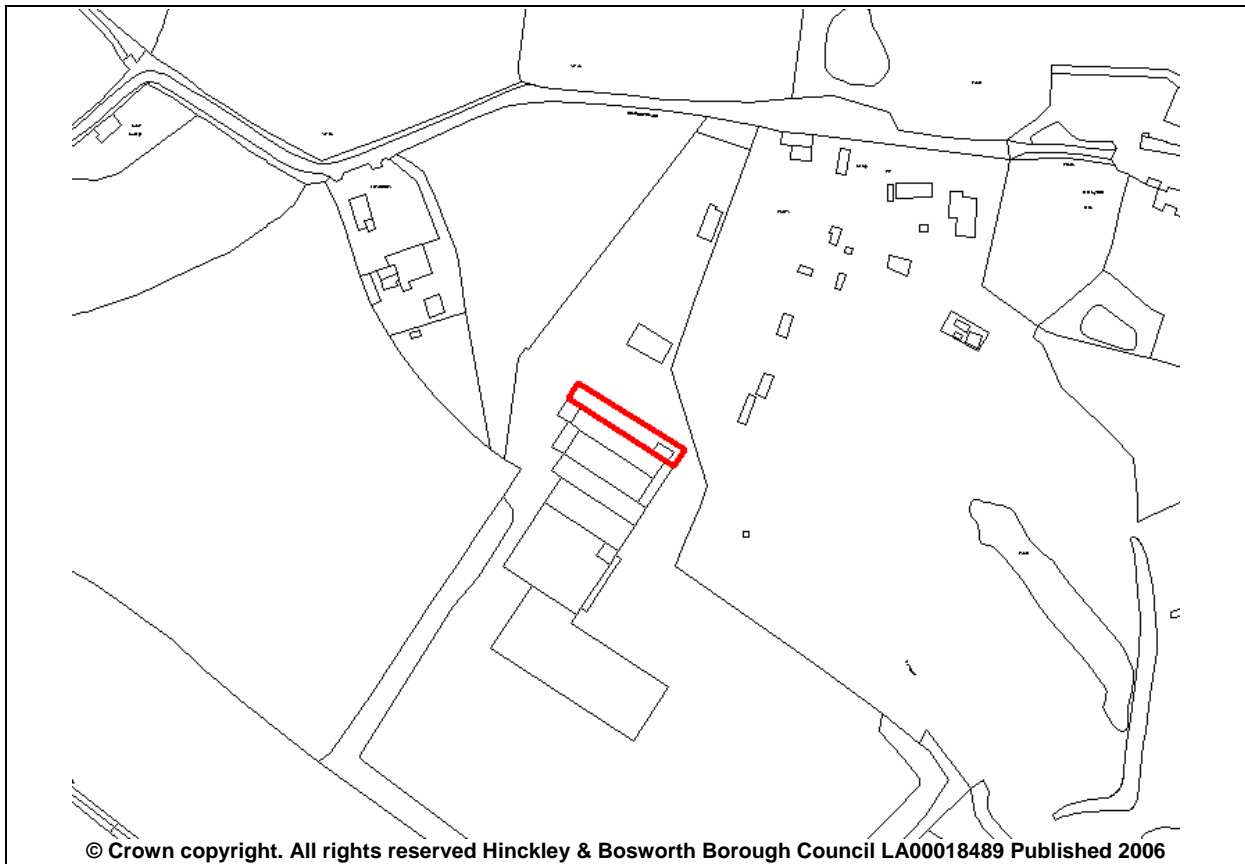
Technical Document submitted with application

Design and Access Statement
Environmental Statement
Noise Assessment.

Relevant Planning History:-

There is an extensive history relating to the erection and use of buildings on the site.

12/00369/FUL	Extension to canopy cover to loading bay	Pending Consideration	
12/00060/FUL	Alterations to roof (retrospective)	Approved	15.03.12
10/00783/FUL	Extension to production building and alterations to aggregate bay area (retrospective)	Approved	01.12.10



Consultations:-

No objection has been received from:-

Severn Trent Water Limited
The Director of Environment and Transport (Highways).

No objection subject to conditions have been received from:-

The Head of Community Services (Pollution).

Cadeby Parish Council object on the grounds that insufficient details are provided to properly determine the impact on neighbouring properties as a result of the scheme. The Parish

Council state that the Noise Report identified the noise environment within the buildings as being of concern and identified issues with equipment in use on the premises and that measures are taken to reduce noise levels to improve the noise environment for workers and that there is no assessment of the impact of the noise from the facility on surrounding properties.

Site notice and Press notice were displayed and neighbours notified.

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

- a) continual noise pollution from the site
- b) the noise is having a direct impact on my family's quality of life
- c) there is inadequate infrastructure to support the increase in building size and production, whilst maintaining the quality of surrounding environment
- d) visual impact will have a detrimental effect on this rural hamlet and neighbouring residents
- e) there is no consideration over lorries that are parked over night of the continual flow of heavy traffic speeding down this very narrow lane
- f) the local policy is to encourage cottage industries not huge commercial ventures in rural areas
- g) the countryside is precious and should be protected.

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

Head of Community Services (Land Drainage).

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Policy EMP2: Expansion of Existing Employment Uses

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Employment Land and Premises Study categorises the site as a fit for purpose employment area and recommends 100% of the site should be retained for employment uses.

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 countryside, impact upon residential amenity and highway considerations.

Principle of Development

The application site lies outside of the current settlement boundary of Cadeby, as defined on the proposals map of the adopted Local Plan 2001 and is therefore within an area designated as countryside. Whilst located outside of the settlement boundary, it is considered that the site does not represent a typically open countryside location as the planning history confirms that the site occupied by FP McCann is a well established manufacturer of precast concrete products.

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and help achieve economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Whilst the site does not constitute a typical countryside location, by virtue of being outside of the settlement boundary of Cadeby, falls to be considered against Saved Policy NE5 of the Local Plan. Criteria a of Policy NE5 supports development that is important to the local economy and criteria b supports extensions to existing buildings, both of these are considered to be consistent with the overarching intentions of the NPPF and therefore the policy should be given weight in the determination of this application.

The site is identified within the Employment Land and Premises Study which states that the site is a fit for purpose employment area and recommends 100% of the site should be retained for employment uses. Whilst the site does not afford the benefit of a specific employment development plan policy it is considered that Saved Local Plan Policy EMP2 is relevant to this application and is consistent with the intentions of the NPPF. This policy supports the expansion of existing firms subject to design and layout, impact upon neighbouring amenity and protecting and improving the character of the site and immediate environment.

The accompanying Design and Access Statement states that the building would create economic efficiencies that will ensure the long term viability of the facility in accordance with the NPPF and the Employment Land Study (May 2010).

It is considered that the proposal by virtue of its being for commercial purposes is economic development. It is considered that this would benefit the economic competitiveness of the site which in turn would benefit the wider economy of the immediate area and the Borough. The proposed store building represents an acceptable form of development that conforms to the adopted planning policy at this employment site and overarching intentions of the NPPF.

It is considered that there is no in-principle objection to the extension of a storage unit to be used in association with the main production facility at this established employment site, subject to all other planning matters being appropriately addresses.

Siting and Design and Impact upon the Character and Appearance of the Countryside

The design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and consistent with the NPPF. It states that development will have to meet the following criteria:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

As previously discussed Saved Local Plan Policy EMP2 is considered to be consistent with the NPPF and also should be given weight in consideration of this application. Criteria a and c states that planning permission for development involving the expansion of existing firms will be permitted subject to

- a) meeting design, layout, landscaping, access, parking and highway requirements
- c) protecting and where possible improving the character, appearance and quality of the site and its immediate environment.

In addition, Saved Policy BE1 (criteria a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. It is considered consistent with the NPPF and as such should be given weight in consideration of this application.

The footprint, scale and design of the unit replicates that of the other units from which it is proposed to project from. The scale of the unit would appear subservient in scale when viewed in context with the backdrop of all of the existing units on site. The materials proposed are green corrugated sheeting for the walls and roof, to match the appearance of the existing units.

It is therefore considered that the unit would be in keeping with the scale and character of existing buildings and would complement the existing character of the surrounding area with regards to scale, layout, mass and design and therefore would protect the appearance, quality and character of the landscape in conformity with aspirations of Saved Policies NE5 (criteria i and ii), EMP2 (criteria a and c) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.

In respect of wider views from the countryside beyond, the unit would not be visible from the south of the site due to the existing buildings and peripheral landscaping bund and would be screened by existing trees and hedgerows to the east and west. The unit is set to be located to the north of the site, however it would not be visually prominent from views from outside of the site due to the partial screening by the existing office buildings further north. In addition, the unit would be read within the context of the existing buildings and therefore the long range public views into the site would remain relatively unaltered.

In response to the neighbouring letter of objection regarding visual impact, the siting of the building would be on an existing area of hardstanding and therefore would not extend or encroach upon the countryside beyond.

It is therefore considered that the unit would be effectively screened by existing landscaping and buildings in conformity with the intentions of Saved Policy NE5 (criteria iii) of the adopted Hinckley and Bosworth Local Plan 2001.

Impact upon Residential Amenity

Criteria i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties. Criteria b) of Saved Policy EMP2 states that planning permission for development involving the expansion of existing firms will be permitted subject to safeguarding any amenities enjoyed by the occupants of adjoining or neighbouring properties. Both policies are considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The nearest residential property is 'Freshfields' and there is a distance of 70 metres between the closest point of the proposed unit and the rear boundary curtilage of the residential property.

Objections have been raised from a neighbouring property and Cadeby Parish Council. Concerns are also raised regarding the continual noise pollution from the site and noise having a direct impact on their family's quality of life.

Given the use of the site for the storage of products and not the manufacture, it is considered that the noise and disturbance from the proposed unit would not be over and above that of the existing operations on the site.

The scheme has been considered by the Head of Community Services (Pollution) who has no objection, subject to a condition be imposed restricting the use of the building for the storage of materials/goods, in the interests of noise pollution to safeguard the amenities of the nearest residential property. It is considered that a condition to this effect be imposed.

It should be noted that the concerns raised regarding impacts from the existing site is not relevant to the determination of this application. This application relates to the erection of a storage building which has been assessed by the Head of Community Services (Pollution) who has no objection, subject to a condition and does not relate to the existing operations on site.

Overall it is considered that the use of the building for the storage of products would have minimal impacts upon amenity of existing neighbouring residents. As such the scheme is considered to be in accordance with Saved Policies BE1 (criteria i) and EMP2 (criteria b) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policy T5 is considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. As previously discussed criteria iv) of Saved Policy NE5 is also applicable as is criteria a) of Saved Local Plan Policy EMP2.

The current access and parking arrangements will remain unchanged. The accompanying Design and Access Statement states that the unit would enable greater quantities of steel to be securely stored on site than at present, this has the potential to reduce the frequency of deliveries and therefore unnecessary additional HGV movements and any associated noise.

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

It is considered that the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair highway safety in conformity with the intentions of

Saved Policies T5, EMP2 (criteria a) and NE5 (criteria iv) of the of the adopted Hinckley and Bosworth Local Plan 2001.

Conclusion

In conclusion, the principle of a storage unit to be used in conjunction with a production facility at a well established employment site is considered to be in accordance with the overarching intentions of the NPPF. The scheme does not give rise to any significant materials impacts upon the occupiers of neighbouring dwellings, the character and appearance of the countryside or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the principle of a storage unit within an established employment site is acceptable, the scheme is characteristic of the surrounding area and existing buildings on site and would not be detrimental to visual or residential amenity, the countryside or highway safety.

Hinckley and Bosworth Local Plan (2001):- NE5 (criteria a and i-iv), EMP2, BE1 (criteria a and i) and T5.

- 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 following details: OS Sitemap (Scale 1:2500); OS Sitemap (Scale 1:1250); Elevations and Plans (Scale 1:500) received by the Local Planning Authority on 22 May 2012.
- 3 The materials to be used on the external elevations of the unit hereby approved shall be strictly those specified within the application.
- 4 The use of the building hereby approved shall at all times be only for the storage of materials ancillary to the main production of the use of the site, as specified within the application details received by the Local Planning Authority on 22 May 2012.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.

- 4 To define the scope of this permission and to safeguard the amenities of neighbouring properties to comply with Policies BE1 (criteria i) and EMP2 (criteria b) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer: - Ebony Mattley Ext 5691

Item: 06

Reference: 12/00475/CONDIT

Applicant: Mr H Choudhury

Location: The Pantry 102 Rugby Road Hinckley

Proposal: VARIATION OF CONDITION 4 OF PLANNING PERMISSION
10/00908/COU TO VARY OPENING HOURS TO 07:30 - 23:00.

Target Date: 25 July 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member as it is considered by the member that the proposed extension to open hours would be unacceptable to the surrounding residential area.

Application Proposal

This is an application for variation of condition 4 of approval 10/00908/FUL which was allowed on appeal in September 2011.

The application allowed at appeal (ref: 10/00908/FUL) sought permission for the change of use from retail (class A1) to hot food takeaway (class A5) and retention of an external extractor flue (retrospective).

Condition 4 restricted the hours of opening to 7.30 am to 6pm Monday to Saturday (closed on Sundays and Bank Holidays).

This application seeks to vary that condition to extend the opening hours from 7.30 am to 11 pm Monday to Saturdays (closed on Sundays and Bank Holidays).

The Site and Surrounding Area

The property is situated on the junction with Rugby Road and Willowbank Road. The residential property of 100 Rugby Road is now within the applicant's ownership and the front elevations of residential properties 157-161 Rugby Road are opposite the site.

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

Technical Document submitted with application

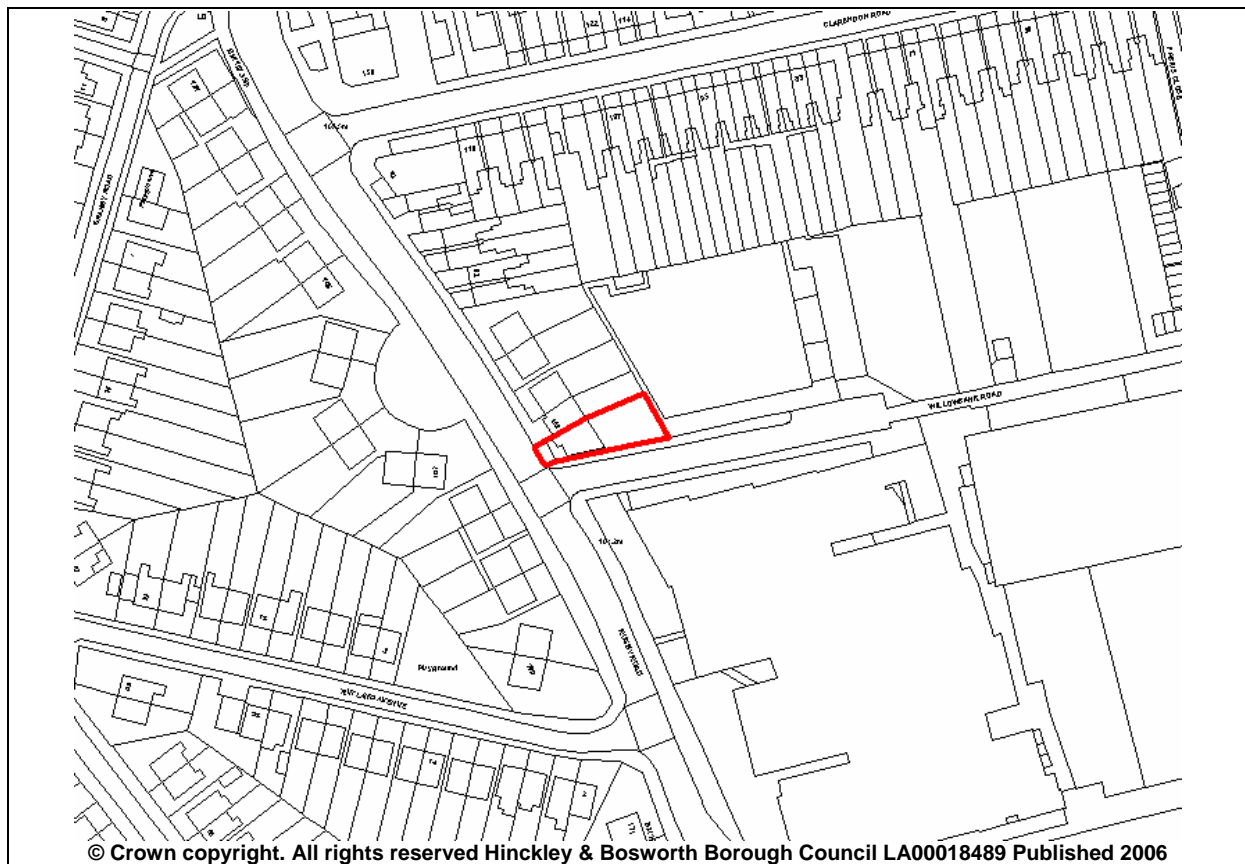
The application is accompanied by a Planning Statement which incorporates traffic counts.

Relevant Planning History:-

The property is a semi-detached residential property which was converted into a commercial unit more than 20 years ago. The first record of this property's use is through an application to extend the shop at 102 Rugby Road in 1971.

The most relevant planning history for this application is:-

10/00908/FUL	Change of use from retail (Class A1) to hot food takeaway (Class A5) and retention of an external extractor flue (retrospective)	Appeal Allowed	02.09.11
10/00241/FUL	Change of use from retail to hot food takeaway and retention of external extractor flue (retrospective)	Appeal Dismissed	08.10.10
09/00755/CLU	Certificate of existing lawful use of A3 hot food takeaway and restaurant.	Refused	15.12.09



Consultations:-

The consultation period remains open at the time of writing and closes on 20 July 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from The Director of Environment and Transport (Highways).

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Document: Shopping and Shop Fronts

Appraisal:-

The principle of the change of use from retail (Class A1) to hot food takeaway (Class A5) and retention of an external extractor flue has been established through the grant of permission at the latest appeal.

The existing condition and reason are as follows:-

Condition

The use hereby permitted shall not be open to customers outside the hours of 07:30 to 18:00 on Mondays to Saturdays, including Bank Holidays, or at any time on Sundays.

Reason

A condition restricting the hours of opening is also necessary, in line with the appellant's proposals, in the interests of wider residential amenity.

As such the main considerations with regards to this application are the impact as a result of the change of hours upon the amenities of neighbouring properties.

The Site and Local Plan Policy

The site is located within the settlement boundary of Hinckley. The site is not located within the town centre boundary of Hinckley and has no statutory retail designation within the Hinckley and Bosworth Local Plan 2001 or Hinckley Town Centre Area Action Plan.

The first Inspector accepted that the appeal premises are situated in a mixed use area, but there is a concentration of residential properties near the appeal site. The second Inspector stated that the area is not exclusively residential and would be fair to describe the character of the area where it is located as mixed.

An industrial premises is located to the east and there are other commercial uses within the vicinity. The residential property of 100 Rugby Road adjoins the site to the north and the front elevations of residential properties 157-161 Rugby Road are opposite the site. A mixed use development of 50 dwellings, six apartments and A1,A2,A3,D1 and B1 uses have been approved as part of the Rugby Road/Hawley Road development site (ref: 09/00810/FUL) to the south of the site. Residential premises are being implemented and some are already occupied. That scheme proposes two apartments on the corner of Willowbank Road and Rugby Road, adjoined by dwellings to the east and south.

It is therefore considered that whilst the area is not exclusively residential that the site is immediately bound by residential uses to the north, south and west and therefore primarily residential in nature with some interspersed commercial and industrial premises within the wider surrounding area.

Commercial properties are interspersed with residential premises to the north of Rugby Road on the eastern side, but are located within an area designated as "secondary shopping frontage" within the Hinckley and Bosworth Local Plan 2001 (which has subsequently been superseded by policies within the Hinckley Town Centre Shopping Areas Policy 13). There are three hot food takeaways within this shopping area. Two of the three establishments

display their opening times. A fish and chip shop has opening hours from 12 noon to 10.00 pm, whilst a Chinese has opening hours from 5.00 pm until 11.00 pm Tuesday to Thursday and Sunday and from 5.00 pm to 11.30 pm on Friday and Saturdays.

Whilst Part 2 of the Council's SPD on Shopping and Shop Fronts has been superseded by the Area Action Plan, Parts 1 and 3 are still applicable. Part 3 states that where an A3, A4 or A5 use is considered acceptable, opening hours will be controlled by the imposition of conditions and in the majority of cases, the hours of service to the public will be restricted to 11:30pm, or earlier where the proposed use is in a primarily residential area, and such a restriction would be in the interests of residential amenity. It also states that opening hour restrictions will be more flexible in town centres.

In summary, it is considered that whilst there are other uses within the vicinity, that the area is primarily residential in nature and should therefore be restricted to earlier than 11.30 pm based upon the guidance within the SPD. Furthermore given that the site is not within the town centre and affords no retail designation it must be considered whether the current restriction is necessary in line with the interests of residential amenity and in accordance with policy. For the reasons discussed below it is not considered appropriate to allow any greater flexibility in relation to opening hours.

History of the Site

Application ref: 10/00241/FUL proposed opening hours from 7.00 am to 8.00 pm. This application was refused by the Council and was later dismissed at appeal. The Inspector at the time of appeal stated that whilst the potential for the disturbance of neighbours at No.100 [with opening hours to 8.00 pm] might not be so great as could occur if the outlet was open until 11.30 pm, that a concentration of trade towards the earlier closing time of 8.00 pm is still likely to result in the manoeuvring of vehicles, the opening and closing of vehicle doors and the regular passage and congregation of pedestrians outside the premises, such as to disturb the amenity of those living immediately next door at No. 100.

That first appeal was dismissed and the applicants later sought consent through application ref: 10/00908/FUL which sought to address the concerns raised by the Inspector in the first appeal by reducing the proposed opening hours from 7.30 am to 6.00 pm. This application was refused by the Council but was later allowed at appeal. The Inspector within the second appeal accepted that the change in opening hours would address concerns about noise and general disturbance in the mid-evening.

In summary, based on the history of the applications and appeal decisions it has been considered by the Planning Inspectorate that an opening time until 6.00 pm is acceptable, but that an opening time to 8.00pm would not be acceptable, due to concerns about the potential for traffic between tea-time and 8.00 pm to introduce noise and disturbance from vehicles manoeuvring and pedestrians congregating at a time when wider background noise would be lessening. As such the proposed opening hours to 11.00 pm within this application are in excess of those deemed acceptable by the Planning Inspectors within the previous appeals.

Impact upon Residential Amenity

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

The second Inspector stated that the first Inspector had particular concerns regarding the effects on occupiers of houses in close proximity to the premises from a full-scale takeaway use, both adjoining it and on the opposite side of the road.

During the time between the second appeal and the submission of this application, the applicant is now in ownership of the adjacent property No. 100 Rugby Road. It is considered that the future occupiers of this site could change and that the impact upon residential amenity will still occur upon the occupiers, irrespective of whether they have involvement or ownership of the adjacent premises to which this application relates.

By increasing the hours of operation this would lead to an increase in noise and disturbance of people coming and going; the starting and stopping of visitors cars; and the noise associated with the closure of car doors. As such it is considered that an extension to the operation hours, combined with the residential premises in close proximity would result in additional noise and general disturbance to these neighbouring properties, which it is considered would be to the detriment of the amenities currently experienced by the adjacent and nearby occupiers.

In summary, cumulatively the increase in comings and goings of pedestrians and cars, and associated starting and stopping of vehicles into the late hours are considered to be detrimental to the occupiers of surrounding residential properties. It is in the opinion of the Local Planning Authority that the proposal would be to the detriment of residential amenity and therefore contrary to the provisions of Saved Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document (SPD) on Shopping and Shop Fronts.

Other Issues

For the avoidance of doubt concerns previously raised about noise from the cooking area and extractor fan causing disturbance to the occupiers of No.100 were satisfied within the second appeal following soundproofing and extractor fan implementation.

There has been no issues previously raised in respect of parking or highway safety and there are no changes to the parking arrangements. The Director of Environment and Transport (Highways) has no comments on this application. Accordingly it is considered that the proposal accords with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, the principle of the change of use from retail (Class A1) to hot food takeaway (Class A5) and retention of an external extractor flue has been established through the grant of permission at the latest appeal.

It is considered that by virtue of the latest appeal decisions that an opening time until 6.00 pm has been considered acceptable, but that an opening time to 8.00pm has not been considered to be acceptable and having considered the issues at present there is no reason to consider that this has changed. Accordingly the proposed opening hours to 11.00 pm within this application are in excess of those deemed acceptable by the Planning Inspectors within the previous appeals.

The proposed changes to the opening hours of the hot food takeaway are considered to be significantly detrimental to the occupiers of surrounding residential properties. Accordingly it is recommended that planning permission be refused.

RECOMMENDATION: - REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

- 1 In the opinion of the Local Planning Authority the proposed extension of opening times would lead to a level of noise and general disturbance that is likely to be significantly detrimental to the amenities of neighbouring residents contrary to Saved Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Shopping and Shop Fronts (Part 3).

Contact Officer: - Ebony Mattley Ext 5691

Item: 07

Reference: 12/00489/GDOT

Applicant: Vodafone Ltd

Location: Street Record Tudor Road Hinckley

Proposal: INSTALLATION OF 15M MONOPOLE AND VULCAN CABINET AND ASSOCIATED ANCILLARY EQUIPMENT.

Target Date: 1 August 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has objections have been received from more than 5 addresses.

Application Proposal

This application is a prior approval application for the erection of a telecommunications installation within the public footpath on Tudor Road, Hinckley. The installation comprises a 15m pole with a diameter of 0.3m which then increases to 0.5m for the top 2.5m finished in grey. Consent is also sought for the installation of associated equipment cabinet measuring 1.9m by 1.9m by 0.8m and a meter cabinet. The mast is required to provide 3G coverage to the northern side of Hinckley.

The application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

It is proposed to erect the mast on the north side of Tudor Road to the west of the junction with Richmond Road, in front of the Tudor Road convenience store. The telecommunications

mast would be located on the pavement adjacent to the kerb line. The mast would be sited equidistant from two trees 7.5m and 6.5m in height.

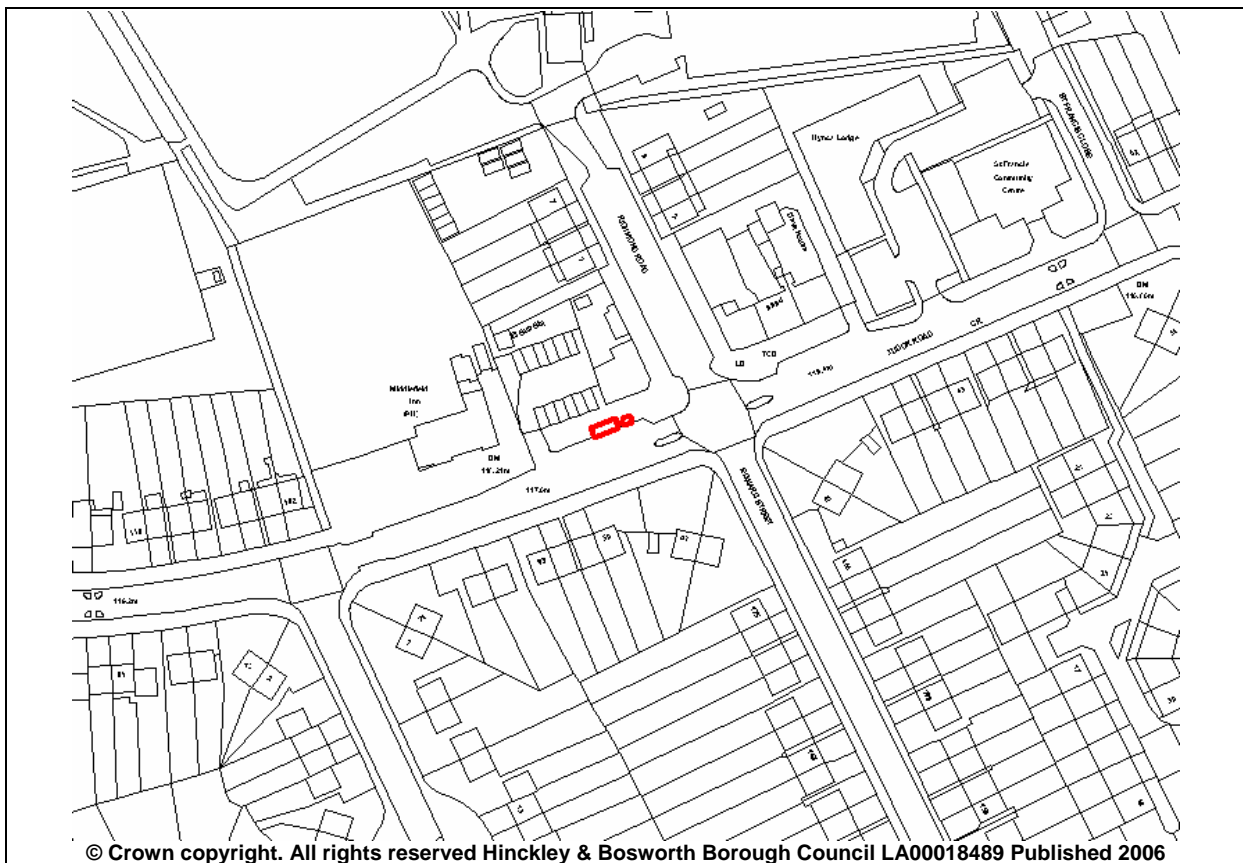
Tudor Road is predominantly a residential road. The application site is located approximately half way along Tudor Road, to the south of a retail unit with residential accommodation over. To the west of the store is a garage court with the rear elevations of the garages facing towards the application site. To the south of the application on the opposite side of Tudor Road are residential properties. The area is urban with the associated paraphernalia including street light poles (height of 8m) and a surveillance CCTV camera mounted on a pole (approximately 9m in height). This is located on the opposite side of Tudor Road, approximate 5m from the application site.

Technical Documents submitted with application

ICNIRP Declaration
Supporting technical information.

Relevant Planning History:-

None relevant.



Consultations:-

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

A petition containing 183 signatures has been received stating that such developments should be sited in industrial areas away from residential areas.

Development Plan Polices:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012 – specifically Section 5.

Local Plan 2006-2026: Core Strategy (2009)

None relevant.

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Siting and Design of Development.

Other Material Policy Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (England) Order 2001 (GPDO)

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code Systems Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24 of the GPDO, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground-based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the GPDO. The legislation states that the radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(I) ii of part 24 of the Order).

In this case the proposal consists of a 15-metre-high telegraph pole with the antennas contained within? the shroud. The equipment housing would have a volume of 2.8 cubic metres and it is therefore considered that both the proposed monopole and equipment cabinet meet the criteria within Part 24.

As the application complies with the GPDO the Local Planning Authority is restricted to expressing opinion on matters of siting and appearance only.

Appearance and Siting

The NPPF whilst recognising the need for a high quality communications infrastructure states that new sites should be justified, and where justified, sympathetically designed and camouflaged where appropriate. The NPPF also attaches significant weight to the design of the built environment and identifies good design and one of the core principles being always to seek to secure high quality design. Policy BE1 requires development to complement or

enhance the character of the surrounding area and is considered to be consistent with the NPPF.

It is proposed to site the mast adjacent to the kerb line within the public footpath. The mast would be 15m in height and is designed to resemble other street furniture. The applicants justify siting the mast in this location due to the screening afforded by the trees at this point and the other street furniture within the area.

The proposed siting of the mast on the back edge of the footpath would result in a prominent feature within the streetscene. This would be exacerbated by its height, which at 15m in height would be significantly higher than the surrounding street lighting columns at 8m in height, and trees at 6.5m and 7.5m. The mast would therefore have a poor visual relationship to existing street furniture. The siting would be directly opposite residential properties, particularly number 59 Tudor Road. It is acknowledged that the trees would provide a limited degree of screening from certain angles. However, this is not considered sufficient enough to overcome the concern regarding the height of the proposal.

The proposed equipment housing cabinets are proposed to be sited at the base of the mast, again on the back edge of the highway. There are other service cabinets within the vicinity of the site, but these are located at the back edge of the footpath, against existing structures. It is considered that the siting of the housing would form an isolated structure which would not be screened or assimilated into the streetscene.

It is therefore considered that the siting, on the back edge of the highway and the significant height of the proposal would result in a prominent feature within the streetscene out of character with the surrounding development. The mast is therefore considered contrary to Policy BE1 (a) supported by the NPPF paragraph 43.

The proposed telecommunications mast is designed to resemble other street furniture in the area and would be finished in the metallic silvery grey of most lampposts. Whilst this is considered an appropriate finish the mast due to its height is considered to be an inappropriate feature within the streetscene.

Alternative Sites

The NPPF seeks that proposals for new telecommunications installations should be supported by evidence that demonstrates that the possibilities of erecting antennas on an existing building, mast or other structure have been explored and discounted.

The supporting information states that a number of sites have been looked into. These include an existing base station in Normandy Way, various locations along Tudor Road, including on top of the convenience store and CCTV pole. The applicant has also considered siting the proposal at Morrison's and the industrial estate on Wheatfield Way. These sites have been discounted for a variety of reasons. The base station on Normandy Way is not suitable for site sharing. However, it does not appear that the possibility of re-development of this to make it appropriate has been explored. The sites on Tudor Road including the CCTV column have been discounted due to the visual prominence against the skyline. These sites have not been specifically identified and therefore no direct comparison of their prominence with the application site can be assessed. Morrison's and Wheatfield Industrial estate have been discounted due to there being no agreement with the landlord and being outside the search area respectively. No coverage plots have been submitted demonstrating that these sites are unsuitable.

Whilst a number of alternative sites have been assessed and discounted it is not considered that sufficient evidence or justification has been submitted to demonstrate that the proposed siting of a new mast in this location is the only option to provide the required coverage.

Conclusion

It is acknowledged that the NPPF supports the development of a high quality communications network and the coverage plots submitted demonstrate a need for an installation in the area. The joint application by two providers on one installation is welcomed and considered to be in accordance with the Government's guidance that is in favour of mast sharing. However, it is considered that the above does not outweigh the harm to the streetscene by virtue of the mast's siting and height. Whilst other sites have been discounted it is not considered that the reasons for discounting have been fully explored to properly justify the siting in this location. The proposed installation of a mast with associated equipment cabinet, by virtue of its height and siting would result in a prominent feature within the streetscene out of character with other street furniture installations within the area. For this reason the proposal is considered to be contrary to the objectives of Policy BE1 and paragraph 43 of the NPPF.

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, by reason of its height and siting, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 Due to the lack of detail relating to suitable alternative sites and site sharing options, the applicant has failed to demonstrate that he has adequately undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

Contact Officer: - Sarah Fryer Ext 5682

Item: 08

Reference: 12/00526/FUL

Applicant: Ms Danielle Sullivan

Location: 19 Main Road Sheepy Magna Atherstone

Proposal: DEMOLITION OF VILLAGE SHOP AND ERECTION OF 3 DWELLINGS WITH ASSOCIATED PARKING

Target Date: 15 August 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is considered to raise local controversial issues based on the responses on the previous similar application.

Application Proposal

This application seeks full planning permission for the demolition of the village shop and attached residential accommodation and the erection of three detached dwellings with associated parking.

The application proposes the demolition of the two storey derelict shop and associated dwelling, sited towards the southern side of the site and the erection of three x two storey dwellings. The larger dwelling will be situated to the south of the existing access, roughly on the same footprint as the shop and associated dwelling, and the two smaller dwellings will be to the north, on a large grassed area. The layout seeks to retain the existing access serving 17 Main Road but this will be slightly re-aligned. A new access will be formed to serve plots 2 and 3, and the access which currently serves the shop is to be modified following the demolition of the shop, to serve plot 1. The design of the buildings will be of a more vernacular style, with plain clay tiles on steeply pitched roofs, a mid red facing brick, traditional eaves and verge detail, blue brick fenestration details and brick corbelling string courses. The properties will incorporate a staggered layout and ridge height, in line with those either side.

This application follows previously refused application 12/00124/FUL, the reasons for refusal were:

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 criteria a, b, e and i of policy BE1 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development' and the overarching guidance contained within the National Planning Policy Framework.

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 criteria a, b and e of policy BE1 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development' and the overarching guidance contained within the National Planning Policy Framework.

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 Magna 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 criteria a and i of policy BE1 of the adopted Local Plan and to the Supplementary Planning Guidance (SPG): 'New Residential Development'.

The Site and Surrounding Area

This site comprises the derelict former village shop and associated dwelling 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.

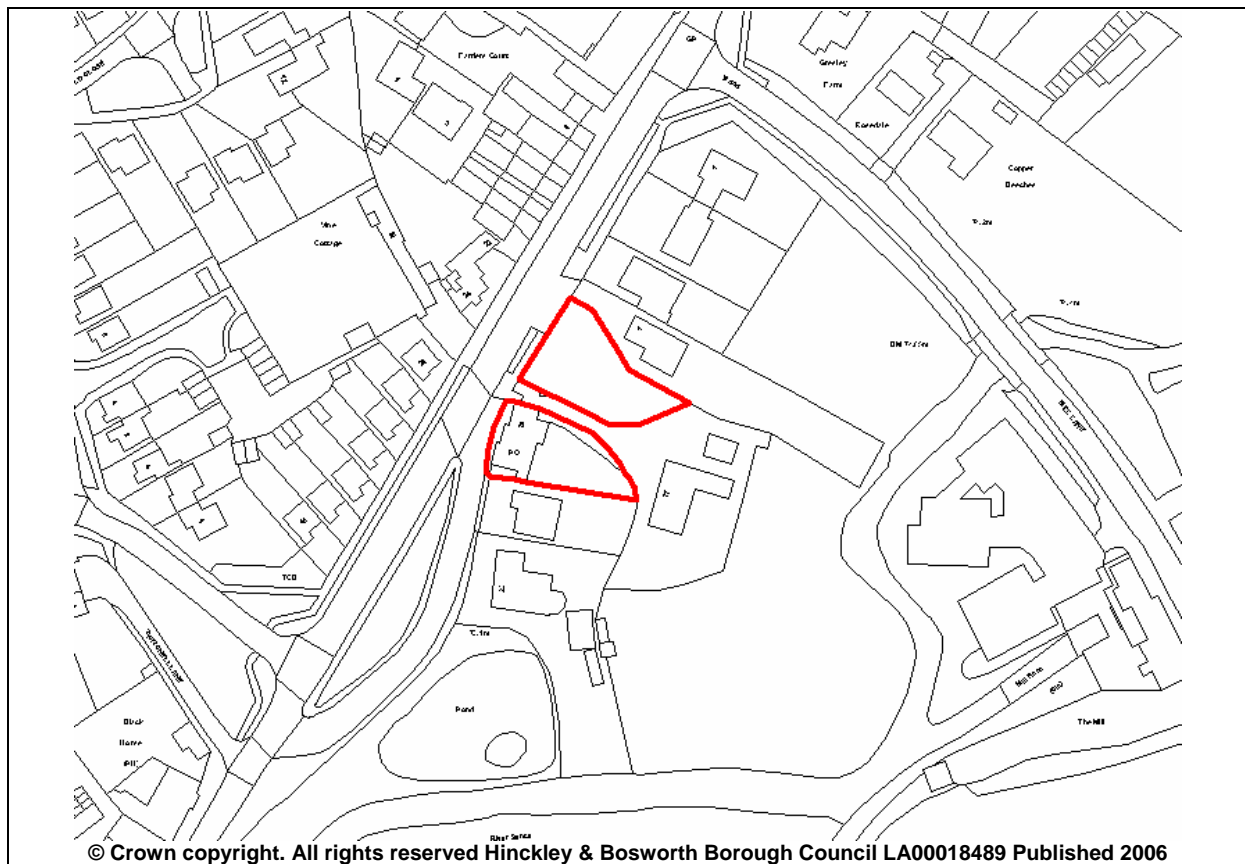
The area is predominantly residential and of mixed character. The surrounding properties are mainly detached, with the exception of a row of traditional terraced cottages on the opposite side of the road. The properties adjacent to the application site are predominantly bungalow or dormer bungalow and of modern design. In contrast on the opposite side of the road, where 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:-

12/00124/FUL	Demolition of village shop and erection of 4 dwellings with associated parking	Refused	04.04.12
11/00783/FUL	Erection of four new dwellings with associated parking	Withdrawn	18.01.12



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from:-
 The Director of Environment and Transport (Highways)
 Head of Community Services (Land Drainage).

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

- a) flooding issues
- b) noise, dust and disruption during construction
- c) concerns over the historic petrol tanks which are buried under part of the site, not mentioned within the Ecology Survey, how will their removal be dealt with? contamination issues
- d) no objections to the scheme subject to the dwelling being two storey as oppose to three storey.

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

Head of Business Development and Street Scene Services (Waste Minimisation)
 Sheepy Parish Council.

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Local Plan 2006-2026: 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: New Residential Development

Supplementary Planning Document: Play and Open Space

Supplementary Planning Document: Sustainable Design

Appraisal:-

The main considerations with regards to this application are whether the previous reasons for refusal have been overcome and whether there are any further impacts from the revised scheme in respect of highway safety, 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.

Paragraph 53 within the National Planning Policy Framework states that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The relevant local plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the

site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intentions of RES5 and paragraph 53 of the NPPF for Local Authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

In summary, there is no in-principle objection to residential development within the defined settlement boundary of Sheepy Magna, subject to all other planning matters being adequately addressed.

Reason for Refusal 1 - Impact upon Character

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the requirements within paragraph 53 within the NPPF came into force, through consideration of the requirements of Policy BE1. Criteria a) of Policy BE1 is consistent with the NPPF and as such should be given weight in consideration of this application. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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 and 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, and 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.

In an attempt to overcome the above reason for refusal, the scale of the dwellings has been significantly reduced. Their ridge height now ranges between 7.1 metres and 7.3 metres as oppose to roughly 10.3 metres. The massing has been lessened through the incorporation of detached properties, as oppose to two blocks of semi-detached dwellings, and a reduction in numbers. In addition, through the reduction in numbers, the layout is less dense, which has resulted in the dwellings having larger gardens and more parking and circulation space; more in keeping with the character of properties in the vicinity. Finally, the footprint of the development has been scaled back through the removal of the ground floor projections and accommodation on the second floor.

Following officer concerns in respect of the design, the overly fussy timber cladding below the gables has been removed and uniform fenestration has been incorporated. In addition the architectural details are common of the locality. This has simplified and improved the appearance of the development and renders it more in keeping with its setting.

Although the proposed ridge heights will remain higher than the dwellings either side and the siting has not changed significantly; given the revisions mentioned above, by virtue of its scale, mass and design, the development is now considered to be more reflective of the existing pattern in the street and will not have an adverse impact on its character. Thus it is considered that reason for refusal 1 has been overcome.

Reason for Refusal 2 – Inappropriate design

As mentioned above, the overall design of the scheme has been simplified and the overly fussy architectural detail has been removed. By virtue of this, the design of the proposal is more appropriate in its setting and it is considered that reason for refusal 2 has been overcome.

Reason for Refusal 3 - Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be number 17 Main Street, to the rear (east) of the site, number 7 Main Street to the north east of the site, and 21 Main Street, 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 elevation of plot 1. There is a distance of approximately 21 metres between the two storey rear elevation and this property. The ground floor sun room has been omitted from the current scheme. The Council's SPG on New Residential Development usually seeks a distance of 25 metres between two walls containing windows serving habitable rooms. In this case although the separation distance between plot 1 and the property to the rear have been increased slightly from the previous scheme, to further reduce any impacts on the privacy of this property, amended plans have been requested. These will reposition the first floor bedroom window to the side elevation and will reposition the existing first floor window within the apex. These amendments will mitigate any impacts in terms of overlooking from this window to the property to the rear. The remaining two first floor windows serve a bathroom and a study. Whilst the bathroom window will be obscurely glazed, the window to the study, which could be used as a principle room, is not. This window is a distance of approximately 24 metres from the property to the rear. Accordingly, as this is slightly under the separation distance advised, in order to ensure that there will be no impacts in terms of overlooking on the property to the rear, a condition will be added requiring these windows to be obscurely glazed. Resultant of the requested amendments and the suggested condition, it is considered that there will be no adverse impacts on the property to the rear in terms of overlooking. The specific detail of the amended plan will be reported as a late item. As the overall scale of plot 1 has been reduced, there are now considered to be no overbearing impacts on the property to the rear.

Number 7 Main Street comprises a dormer bungalow. This has a secondary first floor bedroom window and a secondary ground floor window facing towards the application site. There would be a distance of approximately 7.5 metres between the windows of this property and the blank elevation of the proposed property. This distance is considerably under the 14 metres recommended within the SPG. Any impact in terms of overshadowing of the windows is compounded as the proposal is sited to the south of this property. Although impacts of overshadowing will remain, on balance, overshadowing in this case would not warrant refusal of the application due to the fact that it affect only secondary windows. The height of plot 3 has been reduced from over 10 metres to just over 7 metres, and at the point where the

property will be adjacent to the neighbouring dwelling (due to the fact that the roof slopes away) the height will be approximately 6.4 metres. Accordingly the proposal will be reduced in terms of over-dominance and overbearing impacts. Accordingly on balance, there are considered to be no material impacts in terms of overshadowing, over-dominance and overbearing impacts that would warrant refusal of the application.

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 plot 1 and this property. However in this case although the application property is 2 storeys, as it is to the north of number 21, is sited at an angle, has a ridge height of roughly 7.5 metres, any overbearing impacts, or those associated with loss of light would not warrant refusal of the application. Further, due to the siting and scale of the existing shop and residential accommodation (which is similar to that of the proposed dwelling) the situation is not materially worse than at present

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.

In summary, on balance, following the revisions made to the scale, siting and design of the proposal, there are considered to be no material impacts on the residential amenity of numbers 7 and 17 Main Road Sheepy Magna by way of being over-bearing, over dominant, causing loss of light and having an adverse impacts on their privacy which would warrant refusal of the scheme. Accordingly it is considered that reason for refusal 3 has been overcome.

Highway Considerations

In terms of access and parking provision, the revised scheme has not changed. Accordingly, the Director of Environment and Transport (Highways) has raised no objections, 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 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 supported 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 based on a net increase of 2 dwellings.

The request for any contribution must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 regulation 122 and paragraph 204 of the NPPF. Both state that developer contributions may only be requested where they are shown to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In Sheepy Magna the contribution would be required for to mitigate the impact of the increase in use of the open space as a result of this development, specifically towards the improvement of the play equipment at Brookside Place Recreational Facility.

Within the Green Space Strategy 2005-2010, Sheepy Magna 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 development will further impact upon the quality of this facility as the units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility. This would increasing wear and tear and require more equipment.

As a result of the above it is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. This revised scheme results in a net gain of two dwellings. Accordingly, the total contribution request in this case will be £2,501.60; comprising £1635.60 for provision and £866 for maintenance.

A Unilateral Undertaking is currently under negotiation with the developer and will be reported as a late item.

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 three dwellings will be well above the 1 in 100 and 1 in 1000 year flood level. Main Road, Sheepy Magna 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. Concerns have been raised by a neighbour that the flood risk assessment has not been updated for the current scheme, however, as this scheme seeks to reduce the proposal by one dwelling, impacts in terms of flood risk are not considered to have been increased.

The drainage information submitted with the application, states that the surface water will be drained to a Mains Sewer, In order to ensure that surface water is managed in a sustainable manor and does not result in an increased level of surface water flooding, the Head of Community Services (Land Drainage) has commented that surface water must be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. To ensure that surface water is dealt with adequately, the following condition has been suggested, which is considered necessary and reasonable in this case:- Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Council, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Whist the service provider, in this case Severn Trent Water do deal with drainage of both surface and foul water, they would not become involved with the design of a sustainable drainage system for a development of the scale proposed. Accordingly the responsibility for this falls with the Local Authority. Accordingly it is considered justified that the suggested condition is imposed.

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 Issues

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

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).

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 that would warrant refusal of planning permission.

Conclusion

In conclusion, the proposal, by virtue of its revised siting, scale, mass and design will have no material impacts in terms of visual or residential amenity or on the character of the street scene which would warrant refusal of the application. Accordingly it is considered that the previous reasons for refusal have been overcome. Furthermore the scheme is considered acceptable in terms of highway safety, ecology, drainage and floodrisk, sustainability and developer contributions. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space at Brookside Place Recreational Facility, 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 15 August 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 according to their degree of consistency with the National Planning Policy Framework and the signing of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of its revised siting, scale, mass and design will have no material impacts in terms of visual or residential amenity or on the character of the street scene. Accordingly it is considered that the previous reasons for refusal have been overcome. Furthermore the scheme is considered acceptable in principle, in terms of highway safety, ecology, drainage and floodrisk, sustainability and developer contributions. The application is therefore recommended for approval subject to conditions. Hinckley and Bosworth Local Plan 2001:- RES5, IMP1, BE1 (criteria a, b, g, i), REC3, NE14, T5 Local Plan 2006-2026: Core Strategy 2009:- Policy 12, 16, 19, and 24

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos: - 9085.56, 9085.58, 9085.59, 9085.57 received by the Local Planning Authority on the 20 June 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 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 5 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.
- 6 Before first occupation of any dwelling, the access drive serving it and any turning and parking space shall be surfaced with a porous tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
- 7 The first floor windows on the rear elevation of plot 1, serving the study and bathroom shall be obscurely glazed and shall remain so thereafter.
- 8 Before development commences, drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in

accordance with the approved details before the development is completed and be retained thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 In the interests of visual amenity and the character of the street scene, in accordance with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of the residential amenity of number 17 Main Street, in accordance with criteria i of Policy BE1 of the adopted Local Plan.
- 8 To ensure there are adequate sustainable measures in place to deal with surface water runoff in accordance with Policy NE14 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 Notwithstanding the drainage information submitted, alternative methods of sustainable drainage should be further explored prior to commencement.

Contact Officer: - Eleanor Overton Ext 5680

Item: 09
Reference: 12/00277/LBC
Applicant: Rebecca Wilbur
Location: Atkins Building Lower Bond Street Hinckley
Proposal: ERECTION OF 4 NO. PROJECTING ADVERTISEMENT SIGNS
Target Date: 21 August 2012

Introduction:-

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

Application Proposal

Listed Building Consent is sought for the erection of 4 no. projecting advertisement signs in the form of banners.

Each banner would measure 500 mm in width and 1700 mm in height, positioned 2600 mm from ground level, sited either side of two archway entrances on Lower Bond Street.

The banners would be constructed from waterproof vinyl, supported by tension wires fixed to top and bottom powder coated steel bars. There are two bars per banner which will be fixed to the brick mortar where possible.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The obvious industrial appearance of the building is a reminder of the town's industrial past, this appearance has been preserved and enhanced through the recent works to utilise the building as a creative industry centre.

The site is bound by three roads: Lower Bond Street, Baines Lane and Druid Street, a public footpath links Lower Bond Street to Druid Street. Its principal frontage is to Lower Bond Street.

A mix of uses surround the site, the new North Warwickshire and Hinckley College building is located to the north of the site. To the south east is the Unitarian Great Meeting Chapel, Grade II* listed; the Hollybush Public House to the north east, Grade II listed; the Museum, Grade II listed; and the Leicestershire County Council Social Services building to the north. The framknitters cottages have been recognised as a nationally important building by English Heritage and have been listed Grade II.

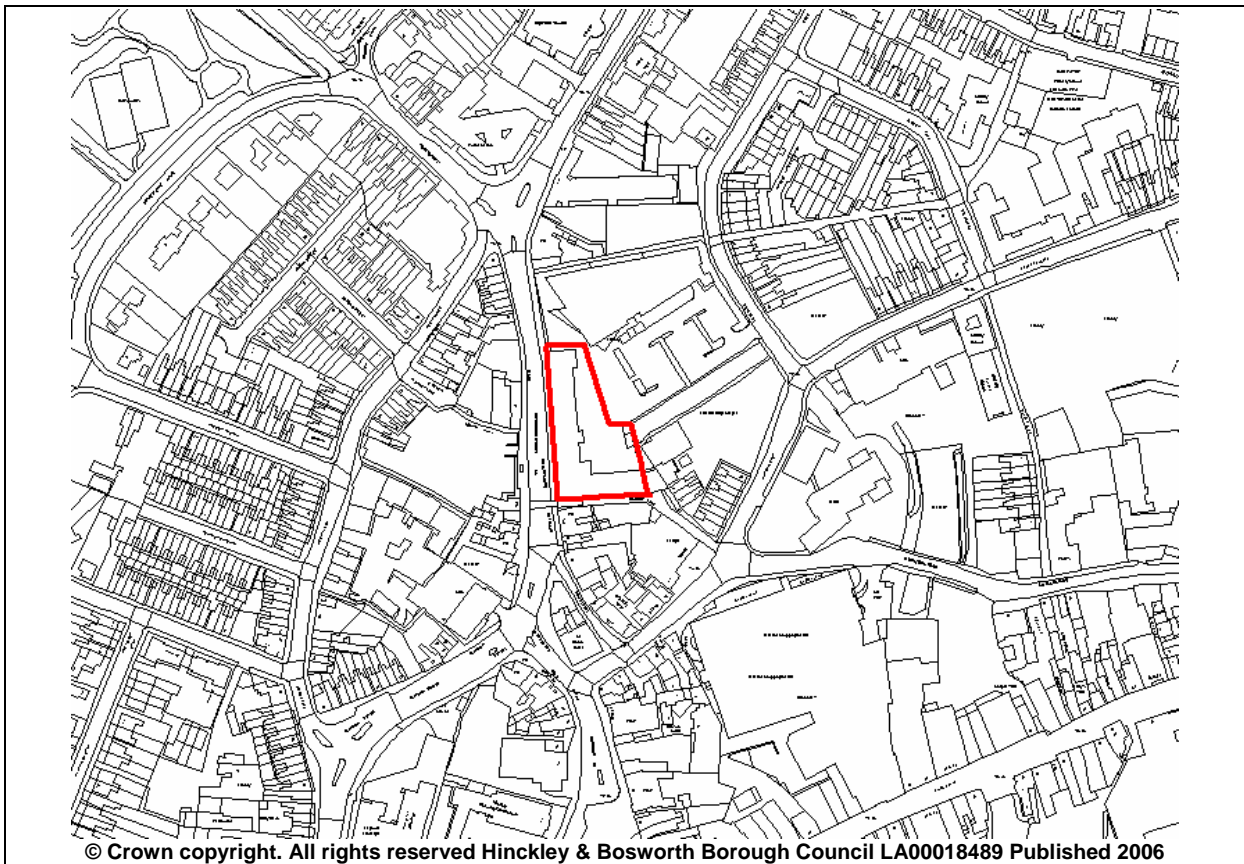
The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centre Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

Technical Document submitted with application

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

Relevant Planning History:-

Listed Building Consent (ref: 07/01218/LBC) was granted by the Government Office for the East Midlands on 25 January 2008 for the demolition of the vacant post 1920's buildings. Those buildings have since been demolished. Subsequent permission has been granted (ref: 09/00141/DEEM) for the re-development of a new college building and the change of use and conversion (ref: 09/00142/LBC) of the existing Grade II Listed Goddard Building to facilitate use as a creative industries centre.



Consultations:-

No objection has been received from:-

The Director of Environment and Transport (Highways)
The Council's Conservation Officer.

The consultation period remains open at the time of writing and closes on 26 July 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

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

The Victorian Society
Ancient Monuments Society

The Society for the Protection of Ancient Buildings
Historic Buildings Panel
Leicestershire County Council Conservation Officer
Georgian Group
Council for British Archaeology.

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan (2001)

Policy BE4: Alterations to Listed Buildings

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main consideration in the determination of the application relates to whether the works proposed preserve the architectural or historical character of the building and therefore accord with Policy BE4 of the adopted Hinckley and Bosworth Local Plan 2011 and the overarching guidance contained within Chapter 12 of the NPPF.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Impacts on the Fabric and Character of the Listed Building

Lower Bond Street is a major entry route into the town centre from the north. The Atkins building is considered an outstandingly large factory for Hinckley and of pivotal importance in Hinckley's hosiery business and townscape. The group of surrounding buildings form a significant local heritage landmark which is visible from several points in the area.

It is considered important to protect the architectural integrity of the building in which the signage will be displayed.

There are four banners in total; two positioned either side of two archway entrances along Lower Bond Street. The scale of the banners is considered subservient to the entrance, particularly when viewed against the backdrop of the scale of the building. The materials proposed ensure that they do not detract from any of the original features of the Grade II Listed Building.

With regard to the fixtures and fittings, the main fixings will be in alignment with and into building mortar lines; as such the impact upon the brickwork will be reduced. The Council's Conservation Officer is satisfied with the fixings.

In light of the above it is therefore considered that by virtue of the scale and materials the proposed banner signage would not have a detrimental impact on the character and appearance of the Grade II Listed Building.

Conclusion

Overall it is considered that the proposals represent an appropriate form of advertisement that does not detract from the historic and architectural character and appearance of the Grade II Listed Building for the reasons stated above. Accordingly it is considered the works proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles enshrined within the NPPF,

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

RECOMMENDATION: - That powers be delegated to the Head of Planning to refer the application to the Secretary of State following the expiry of the consultation period 26 July 2012 and resolution of any matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990.

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

Having regard to the historic fabric, character and setting of the Grade II Listed Building, design and use of materials, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as resultant of scale and design, it is not considered that the proposed works would detract from the historic nature of the Grade II Listed building itself.

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

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The works hereby permitted shall not be carried out otherwise than in complete accordance with the following details: - Site Location Plan (ref: 1849925); Banner Locations; Banner Elevation (Scale 1:20) received by the Local Planning Authority on 26 June 2012.
- 3 The signage hereby permitted does not grant approval for any illumination.

- 4 The materials to be used in the works hereby permitted shall be those strictly specified within the application and thereafter retained as such.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 In the interests of external appearance to accord with Policy BE4 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: - Ebony Mattley Ext 5691

Item: 10

Reference: 12/00250/FUL

Applicant: Bloor Homes Limited East Midlands

Location: Land East Of Groby Village Cemetery Groby Road

Proposal: ERECTION OF 91 DWELLINGS WITH GARAGES, PARKING SPACES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

Target Date: 17 July 2012

Introduction:-

The application is to be considered at Planning Committee in accordance with the scheme of delegation as it is a major application.

Application Proposal

Planning permission is sought for the erection of 91 dwellings and associated infrastructure, public open space and a new access from Ratby Road.

The application proposes a mix of 1, 2, 3, 4 and 5 bedroom properties, mostly two storeys in height but with some being two and half storeys. These will comprise terraced, semi-detached and detached houses and apartments. Of the 91 units 36 have been identified as affordable housing (40%). The proposals incorporate on-site public open space and landscaped areas including a balancing pond.

Amended plans have been received to address officer concerns in respect of aspects of the layout; to meet distances between dwellings, to break up the groups of affordable houses and to improve street frontages.

The Site and Surrounding Area

The site is an existing agricultural field of approximately 4.4 hectares. The site is adjacent to the settlement boundary of Groby, to the south-west of Groby village but lies within the Parish of Ratby. It is set to the north-east of Ratby and separated from the settlement boundary of Ratby by the M1 and the green wedge.

The application site is bounded by a terrace of three cottages to the north, a stream and former rail line used as a public footpath with residential development beyond to the east, by an open field and Sacheverell Way to the south and by a further public footpath (R53), the Cemetery, Ratby Road and a detached residential property in large grounds to the west.

Technical Documents Submitted With Application

Design and Access Statement
Building for Life Assessment
Affordable Housing Statement
Draft Heads of Terms
Green Wedge Review
Transport Assessment
Outline Travel Plan

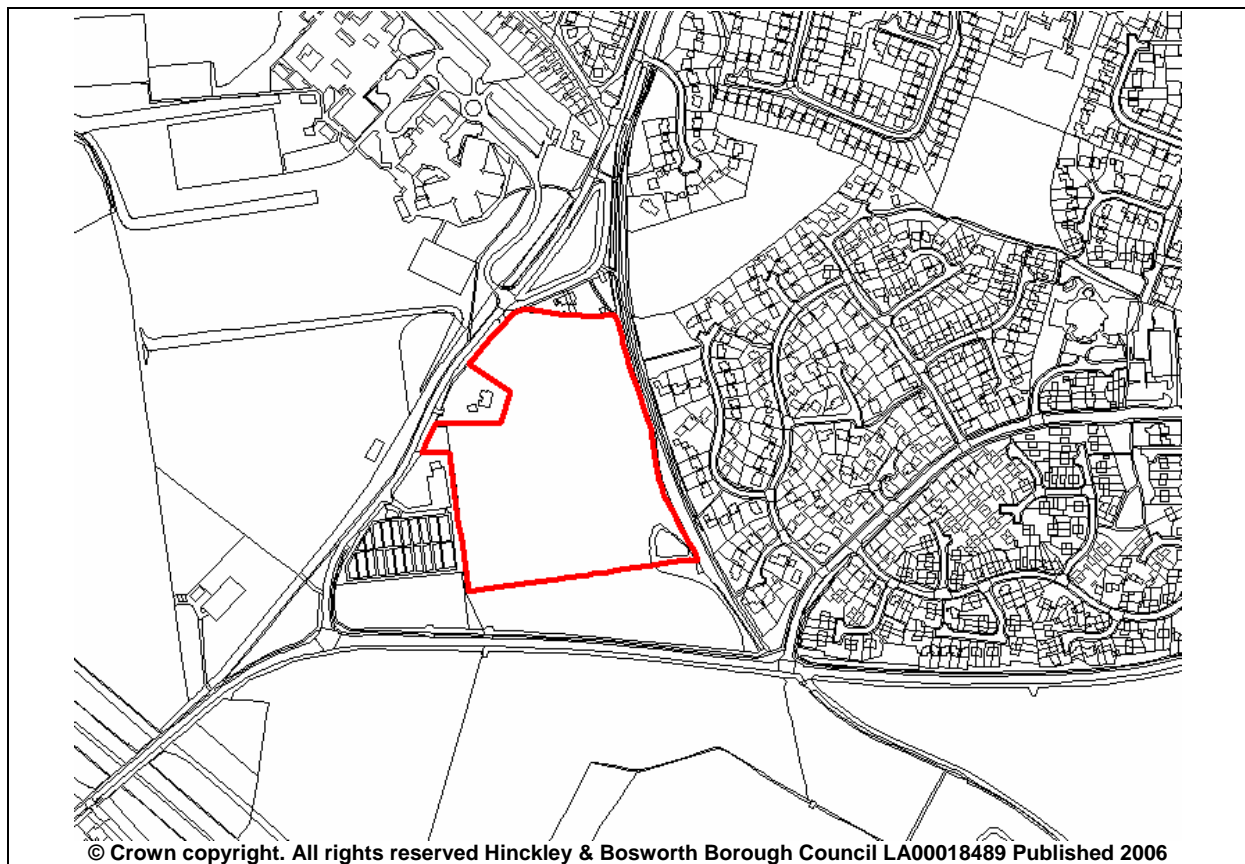
Ecological Assessment
 Flood Risk Assessment and Drainage Strategy
 Tree Survey

The applicants also submitted further comments in response to the Parish Councils' objections, raising the following issues in support of their proposals:-

- a) There has been significant change in relation to two of the three factors of the previous appeal decision, namely, the S106 package and flood risk and the local planning authority should not decline to determine the application under section 70A of the Town and Country Planning Act.
- b) Consistency in decision making is not an issue where the circumstances have clearly changed.
- c) Prematurity. Paragraph 216 of the NPPF says that weight can be afforded to plans as they emerge but the Site Allocations process still has far to go. They consider it misleading to assert that the Inspector's decision amounted to an in principle rejection of the site. The appeal was dismissed because in the Inspector's judgement the planning balance was in favour of refusal, based on the facts as they stood at the time.
- d) Education Authority/PCT. An applicant for planning permission is entitled to rely on the views of those bodies who hold statutory responsibility for these services.
- e) Green Wedge. The applicants have carried out their own Green Wedge review which has been subject to extensive consultation. The Parish Councils incorrectly assert that the Council's current Green Wedge review has been subject to consultation. They further advise that Inspectors on appeal will release even more Green Wedge land in order to meet the identified housing need.
- f) Housing Land Supply. Local planning authorities should plan to meet in full the objectively assessed needs of the area and should maintain a five year supply of deliverable housing land (to include an additional 5% or 20% allowance based on past performance). They consider that the Council cannot demonstrate a five year supply of housing land.

Relevant Planning History:-

09/00798/FUL	Erection of 133 dwellings with garages and car parking and construction of roads and sewers	Appeal Dismissed	08.01.2010
09/00469/FUL	Erection of 140 dwellings with garages and car parking and construction of roads and sewers	Withdrawn	20.08.09



Consultations:-

No objection subject to conditions have been received from:-

Severn Trent Water
The Environment Agency
Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Directorate of Chief Executive LCC (Ecology)
Head of Business Development and Street Scene Services
Head of Community Services (Pollution)
Head of Community Services (Drainage)

No objections have been received from Leicestershire County Council Mineral Planning Authority

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

- a) Directorate of Chief Executive (Ecology) has not requested contributions.
- b) Director of Children and Young Peoples Services (Education) requests an education contribution of £229,397.23 to provide additional primary school places at Lady Jane Grey Primary School. The contribution would be spent on improving, remodelling or enhancing existing facilities.
- c) Director of Environment and Transport (Highways) requests contributions to encourage sustainable travel; travel packs (£50.18 per pack), 6 month bus passes at £331,20, new improvements to 2 nearest bus stops at £3,263 per stop, information display cases at 2 nearest bus stops at £120 per display and provision of bus shelter at £4,908.

- d) Director of Environment and Transport (Civic Amenity) requests a developer contribution of £4,536 to address the impact on the delivery of Civic Amenity waste facilities within the local area from a development of this size.
- e) Director of Adults and Communities (Libraries) requests a contribution of £5,140 to meet the additional demand on Groby Library on Leicester Road.

The Primary Care Trust has requested a contribution of £7,912.32 towards the cost of an additional clinical room by extension to the existing building of the GP practice in Ratby.

The Leicestershire Constabulary Architectural Liaison Officer has requested a contribution of £55,146 to ensure the existing levels of service can be maintained as this growth takes place.

Groby and Ratby Parish Councils object to the proposal, they consider that the local planning authority should decline to determine the application under Section 70A of the Town and Country Planning Act. They further submit that the application should in any event be refused on its own merits for the following reasons:-

- a) Consistency in decision making. An appeal for residential development of this site was refused in 2011.
- b) Development should be 'plan-led'/prematurity. The Borough Council has yet to allocate land to meet the need for housing in the Borough or to review the boundary of the Green Wedge in the context of housing land allocations required by the Core Strategy. This will be the appropriate forum to engage the local community and if this application is approved it would undermine the development plan process.
- c) Impact on services such as education and health care. Lady Jane Grey Primary School does not have the capacity for additional pupils generated by this development.
- d) The principle of development. The appeal decision has already accepted that development of the Green Wedge would be contrary to Core Strategy Policy 9.
- e) Sustainability. The NPPF has a presumption in favour of sustainable development and this proposal is considered to fail on all three dimensions set out in the NPPF; economic, social and environmental.

Groby Village Society object on the following grounds:-

- a) loss of the green wedge
- b) increased congestion and impact on highway and pedestrian safety opposite the school
- c) impact on services
- d) Wildlife should not be viewed as something that can be compartmentalised in specific areas of the site.
- e) they are not able to consider the possible appearance as building materials are not detailed.

Leicestershire Badger Group objects on the following grounds:-

- a) Considerable loss of habitat
- b) Disturbance to the badgers
- c) Conflict between people and badgers

The Stepping Stones Project Co-ordinator has raised concern that development of this site could prejudice the stepping stones project.

247 objections have been received from local residents in respect of the submitted application. These raise the following concerns:-

- a) The application goes against the settlement boundaries previously agreed by the Council.
- b) Housing in Groby has increased hugely and the designated Green Wedges must be preserved to enhance the quality of life and to protect wildlife.

- c) The proposed development is in the Rothley Brook Green Wedge where two Planning Inspectors have previously refused similar applications by putting significant weight on this ground.
- d) Further loss of the Green Wedge between villages would result in urban sprawl and lose village identity
- e) Residents do not want more housing in the village.
- f) Housing is too expensive and cannot be afforded by a first time buyer.
- g) The development would destroy a valuable ecological environment and wildlife habitat which has a history of bats, badgers and newts.
- h) Impact on facilities such as dentist and doctors which are at capacity resulting in residents having to travel to neighbouring villages.
- i) Although in Ratby Parish the children would be sent to Groby's already overcrowded schools where there are already significant waiting lists
- j) There is no dentist in the area.
- k) Increase in traffic, including commuter traffic causing highway safety impacts, congestion and pedestrian safety issues
- l) Insensitive development next to the cemetery
- m) The village cannot be kept clean now so what will it be like with more houses?
- n) The council tax will go to Ratby but the residents will rely on services in Groby.

At the time of writing the report comments have been received in response to re-consultation on amended plans.

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

Green Space Manager
 The Borough Council's Arboricultural Consultant
 Ramblers Association
 Leicestershire County Council Historic and Natural Environment Team
 Western Power Distribution
 National Forest Company

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
 The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, regulation 122

Regional Policy: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres Relating to Leicester
 Policy 9: Rothley Brook Meadow Green Wedge
 Policy 12: Rural Villages
 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 lies within the Parish of Ratby and outside of the settlement boundary of Groby as defined in the adopted Hinckley and Bosworth Local Plan

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 REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation

Policy REC3: New Residential Development - Outdoor Play Space for Children

Policy NE14: Protection of Surface Waters and Groundwater Quality

Policy T3: New Development and Public Transport

Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians

Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

New Residential Development SPG

Play and Open Space SPD

Sustainable Design SPD

Affordable Housing SPD

Rural Needs SPD

Other Material Policy Guidance

Local Development Framework Site Allocations and Generic Development Control Policies Development Plan Document, Consultation Draft Preferred Options Report February 2009. The site is referenced as GR021, Land to the West of Sacheverell Way, Groby for a residential use with a minimum of 82 dwellings.

Strategic Housing Land Availability Assessment (SHLAA) Review 2010 published in April 2011. The application site (AS498) was assessed through this process. The site was identified as suitable, available and achievable and, as a result, developable.

Landscape Character Assessment July 2006

Green Wedge Review (December 2011)

Appraisal:-

The Parish Council considers that under Section 70A of the Town and Country Planning Act the local authority should decline to determine the application as an inspector has dismissed an appeal for the same development within the last two years. The application has altered in respect of trying to overcome the technical issues, both flooding and affordable housing provision. As such it is considered that these changes and the publication of the NPPF are sufficient for the Local Planning Authority to determine the application and therefore Section 70A could not reasonably be invoked.

The report appraises the application in accordance with the following headings and order;

- a) a summary of the Inspector's concerns in the appeal reference 2130103, given on 24 February 2011

- b) an assessment of how those concerns have been dealt with in the context of the current application
- c) Principle of development and relevant policy considerations
- d) Developer contributions
- e) Other matters
- f) Conclusion

a) Appeal decision

Following refusal of planning application, reference 09/00798/FUL, in 2010, for a residential scheme consisting of 133 dwellings on this site an appeal was lodged and heard by Public Inquiry. The appeal was subsequently dismissed. The Inspector concluded that:-

- As the development would be on land outside of the settlement boundary, and on land within the designated Green Wedge, it would be contrary to Local Plan Policy RES5 and Core Strategy Policy 9. It would also fail to deliver the 40% affordable housing sought by Core Strategy Policy 15. Insufficient evidence was submitted to demonstrate that the scheme would be unviable with higher levels of affordable housing.
- The flood compensation scheme was not considered to incorporate satisfactory arrangements for access to the northern watercourse.
- * In his discussion of housing delivery the Inspector noted that there had been a shortfall in the annual provision of 450 dwellings over the period 2006/10. However, neither the Council's or the Appellant's figures in the joint review allowed for large sites approved post April 2010 and the Inspector heard nothing to persuade him to ignore these sites. Therefore, whilst there would be some shortfall in delivery against the 450 dwellings per annum requirement these shortfalls would be made good in later years when the major developments in the Sustainable Urban Extensions come on stream fully. The Inspector noted that the delivery of 133 new dwellings would make an appreciable contribution towards the acknowledged shortfall in the Council's overall five year supply of developable sites and in this regard with respect to PPS3 the development should be viewed favourably, a matter carrying significant weight. Core Strategy Policy 8 also requires the Council to allocate land for development of a minimum of 110 new homes in Groby. However, the Inspector considered that this carried limited weight.
- * The reviews of the Green Wedge carried limited weight against the conflicts with Core Strategy Policy 9 due to the lack of formal consultation. Similarly, whilst the site is one of three preferred locations for residential development in Groby, public consultation was not complete and again the weight given was limited at that stage. He said that notwithstanding the difficulties in identifying suitable sites in Groby and the delay in producing the SA, the weight to be given to the site's preferred allocation in the draft SA must again be limited at this stage

The previous appeal decision is a material consideration and the local planning authority has a duty to have regard to the 2011 appeal decision.

b) Issues from the appeal decision

The issues from the appeal decision are considered below

Affordable Housing

Policy 15 of the Core Strategy seeks 40% affordable housing for sites in rural locations of 4 dwellings or more. The tenure split should be 75% rented and 25% intermediate. In his conclusions in the 2011 appeal decision the Inspector noted that the development would fail to deliver the 40% affordable housing sought by Core Strategy Policy 15.

This application now proposes 40% affordable housing with the required tenure split of 36 affordable units, 27 for social rent and 9 for intermediate tenure. The affordable housing will be located in three clusters and will comprise 12 one bedroom apartments, 22 two bedroom houses and 2 three bedroom houses. This is considered acceptable in accordance with Core Strategy Policy 15.

Flood Risk and Drainage

In considering the previous proposals the Environment Agency raised objections to the development as it would infill an area of floodplain without compensation and as such was considered contrary to their policy for protection of floodplain storage capacity. They also raised concern that the proposals failed to satisfactorily demonstrate the incorporation of sustainable urban drainage within the site layout and that the development did not provide a suitable buffer (normally 5m or 8m) adjacent to the watercourse, left free from development. These are required for flood risk management and environmental protection and should be left in a natural form. The Inspector concluded that the proposal included only illustrative proposals for flood compensation and did not incorporate satisfactory arrangement for access to the northern watercourse. This was considered to carry significant weight against the proposal.

A revised Flood Risk Assessment has been submitted in support of this application as well as a conceptual drainage strategy. The proposed development does not encroach on the area of flood risk and provide easements to the watercourses on the northern and eastern boundaries of the site. A landscaping scheme is proposed for the area of flood risk which will be seeded with meadow grassland and clear stem trees. The Environment Agency have no objections to the current application subject to conditions in respect of finished floor levels. They consider that the conceptual drainage strategy submitted as part of this application to be acceptable in principle but will require further discussion with the Environment Agency in due course. They therefore recommend a pre-commencement condition requiring submission of details of a sustainable drainage system. The proposals are therefore considered acceptable in respect of flood risk and drainage.

Principle of Development: Green Wedge and Five Year Land Supply

The site is within the Parish boundary for Ratby but adjacent to the settlement boundary of Groby. The site is outside of the settlement boundary of Groby and within the Rothley Brook Meadow Green Wedge. Policy 9 of the Core Strategy encourages uses that provide appropriate recreational facilities within easy reach of urban residents and promotes the positive management of land to ensure that the Green Wedge Remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents. Policy 9 lists a number of uses which are considered acceptable within the Green Wedge. The operational development associated with those uses should not damage the function of the Green Wedge. Housing is not amongst the uses considered acceptable in the Rothley Brook Meadow Green Wedge.

The supporting text to Policy 9 of the Core Strategy requires the local authority to carry out a Green Wedge Review to inform the Site Allocations and Generic Development Control Policies DPD. A Green Wedge Review was undertaken in December 2011 using the Leicester and Leicestershire Green Wedge Review Joint Methodology which sets out four evaluation criteria:

- i. prevents the merging of settlements;
- ii. guides development form;
- iii. provides a green lung into the urban area; and
- iv. acts as a recreational resource.

The Green Wedge Review was adopted as an evidence base by the Borough Council in December 2011. In light of this a comparable assessment of the application site and alternative sites will be undertaken and this will inform the Site Allocations and Generic Development Control Policies DPD.

The applicants have carried out their own review of the Green Wedge. Taking the Council's review which identifies the Green Wedge as being 1375 hectares they calculate that, as the site covers 4.4 hectares of land of which 1.4 hectares will be laid out as public open space, the removal of the site from the Green Wedge would result in a 0.32% reduction to the overall designation. In respect of the function of guiding development form their appraisal identifies limited growth opportunity beyond the settlement limits of Groby without impacting on Green Wedge land and breaching infrastructure thresholds that provide a logical boundary to the settlement. In contrast they consider that Area F and the site has a closer relationship with the settlement and does not breach highway thresholds. Whilst the area of Green Wedge to be lost to the development may be small in terms of the overall designation, the on site open space is necessary for flood plane and ecology measures and has not been proposed to specifically address the openness of the Green Wedge. Furthermore, there may be alternative sites which have less of an impact on the function of the Green Wedge and these will need to be considered as part of the site allocations and Green Wedge review.

In the appeal decision the Inspector noted in the appeal decision that "the inclusion of the site in the draft Site Allocations as one of three preferred options for residential development in Groby must, along with the difficulties in identifying sufficient additional and appropriate housing land within Groby and the delay in producing the SA, carry weight in favour of the proposal. However, any weight ascribed to the allocation of the site in the draft SA must be tempered by the fact that the SA is at a very early stage in its preparation and consultation is ongoing".

Notwithstanding the reviews carried out both by the Borough Council and the applicants, it is considered necessary to review the boundary of the Green Wedge through the Development Plan process and in line with the Core Strategy. This site needs to be considered alongside other options for housing in Groby and to approve development of sites within the Green Wedge at this stage of the plan making process would be premature.

Housing Supply

Policy 8 of the Core Strategy states that land should be allocated for the development of a minimum of 110 dwellings in Groby. Land is to be allocated for residential development through the Site Allocations and Generic Development Management Policies DPD. The site has been identified for residential development in the Preferred Options version of the DPD which is a Consultation Draft document, subject to change and further consultation and therefore cannot be considered as an allocation. The development plan is currently absent in terms of the allocation of land to meet the Groby housing requirement and in this case, the NPPF states that decision takers should grant planning permission "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework (NPPF) taken as a whole; or specific policies in this framework (NPPF) indicate development should be restricted". To maintain a rolling five year supply of housing planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

At the time of the appeal the Borough Council did not have a five year supply of housing land. The Inspector considered that the delivery of housing on this site would make an appreciable contribution towards the shortfall in the Council's overall five year supply of

developable sites. However, the Inspector did not consider that this and other material considerations weighing in favour of the development were, collectively, sufficient to outweigh the clear development plan conflict and the lack of appropriate controls over flood risk. The Borough Council now has a five year supply of housing land and as such it is considered that this removes the need to bring sites forward ahead of the plan making process.

Summary of Issues from the Appeal Decision

The technical issues of both Flood Risk and provision of Affordable Housing have been addressed within this submission and as such would no longer form reasons for refusal. However the matter of principle of development in the Green Wedge balanced against the 5 year land supply has not been addressed to overcome the original objection. The Council can now demonstrate a 5 year land supply and as such this needs to be balanced against the impact upon Green Wedge and the provision of housing in Groby to meet the Core Strategy requirement. These matters will be determined through the development plan process and to determine this application favourably at this time is considered to be premature of this process and would prejudice it.

d) Developer Contribution requests

Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Spaces Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and 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 Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards provision and maintenance of formal and informal play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

The site is located within 1 km of Stamford Drive (Neighbourhood Park) and within 400 metres of the Spinney Close (Local Open Space) sites. Therefore, developer contributions are applicable under Policies REC2 and REC3 as the site falls within the catchment of both formal and informal provision.

Within the Green Space Strategy Groby had a deficiency of -0.59 ha per population of equipped play space and a sufficiency of 9.39 ha per population of casual informal space.

There is a deficiency of formal play space within Groby when compared with the National Playing Fields standard and the quality of both formal and informal open space is poor with quality scores of 32.6% for Spinney Close and 50% for Stamford Drive. The development is of a type that would result in additional use of open space which would be directly related to the development. In the analysis of provision it was considered that informal play provision in Groby is good but the quality of facilities needs improvement.

The application proposes on-site provision of 430 square metres of children's equipped play space and 8490 square metres of informal play space. This leaves a shortfall of 3,520 square metres of formal open space and a shortfall of 10 square metres of equipped play space.

As such the contribution sought totals £129,194.20 and consists of the following elements:-

- £51,638.40 for formal off-site open space (REC2), comprising £28,406.40 for provision and £23,232 for maintenance.
- £77,555.80 for informal and equipped play space (REC3), comprising £1,450.80 for provision and £76,105 for maintenance.

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy 19 of the Core Strategy, Policy REC3 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

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

Director of Children and young Peoples Services (Education) requests an education contribution of £229,397.23 to provide the additional primary school places anticipated by the proposed development. This would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Groby Lady Jane Grey Primary School. The Parish Council, local residents and the Chair of Governors of the school have raised concern about the capacity of the school to accommodate the additional number of pupils generated by the proposed development. They have also questioned the allocation of developer contributions once the school achieves academy status later this year. Further clarification on these matters has been sought from The Director of Children and Young Peoples Services (Education) and his response will be reported as a late item.

Director of Environment and Transport (Civic Amenity) requests a developer contribution of £4,536 to address the impact on the delivery of Civic Amenity waste facilities within the local area from a development of this size.

Director of Adults and Communities (Libraries) requests a contribution of £5,140 to meet the additional demand on Groby Library on Leicester Road.

The Director of Environment and Transport (Highways) requests contributions to encourage sustainable travel; travel packs (£50.18 per pack), 6 month bus passes at £331,20, new improvements to 2 nearest bus stops at £3,263 per stop, information display cases at 2 nearest bus stops at £120 per display and provision of bus shelter at £4,908.

The Primary Care Trust has requested a contribution of £7,912.32 towards the cost of an additional clinical room by extension to the existing building of the GP practice in Ratby. Concern has been raised by the Parish Council and local residents about the capacity of the existing health care services to accommodate the additional demand generated by this development. Clarification has been sought from the PCT and their response will be reported as a late item.

The Leicestershire Constabulary Architectural Liaison Officer has requested a contribution of £55,146 to ensure the existing levels of service can be maintained as this growth takes place.

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

Affordable Housing (36 units)
Play and Open Space (£129,194.20)
Libraries (£5,140)
Highways travel packs at (£50.18 per dwelling)

e) Other matters

Ecology

The application is accompanied by an ecological assessment. The site was surveyed based around extended Phase 1 survey methodology as recommended by Natural England. In addition specific surveys were undertaken in respect of bats and badgers. No trees within the site were considered suitable to support roosting bats, but the boundary hedgerows and trees offer suitable foraging and navigational resources. A main badger sett was recorded in the south of the application site with smaller annex/subsidiary setts in the south-east and south-west of the site and an outlier sett to the west of the site, associated with an area of scrub. There is no evidence of the presence of reptiles and Great Crested Newts within the application site.

The Directorate of Chief Executive (Ecology) is satisfied with the revised proposals and considers that the southern open space area is now clearly shown as a wildlife area with planting to protect badger habitat and as such overcomes their previous concerns. They are also satisfied that the areas for open space are located as such to not compromise the survival of the badger population. The proposals are therefore considered acceptable from an ecology point of view subject to notes to applicants in respect of protection of species.

Design and Layout

The application proposes a mixture of terraced, semi-detached and detached dwellings and quarter-house apartments. There will be 91 dwellings giving a net density of 26 dwellings per hectare having regard of the easements, flood plain, and areas of protected species. The Core Strategy indicates a net density target of 30 dwellings per hectare, however, given the site constraints the density of the development is considered acceptable.

The dwellings will be accessed from Ratby Road with three dwellings having a frontage to Ratby Road. The properties will then be arranged around the internal estate roads with dwellings either having access to driveways and garages from the estate road or with parking provision in courtyard areas. Properties fronting the main estate road are essentially the larger detached dwellings and there is an area of public open space set to the rear of Ashdale, an existing large detached dwelling in large grounds.

An area to the north of the site is within the flood plain and this is to be landscaped with properties around this area consisting of detached and semi-detached dwellings either fronting or having a side elevation to the landscaped area.

There is a sewer easement that runs the length of the site to the eastern boundary and there will be a mixture of properties facing directly onto the easement with vehicular access via

shared driveways. These properties comprise detached market housing and terraced and semi-detached affordable housing units.

A landscaped area is proposed to the south of the site which will include a balancing pond for flood risk attenuation along with an existing pond and landscaped area to the south-eastern corner of the site. Properties facing the landscaped area to the south are detached dwellings with shared private driveways with semi-detached affordable housing units and a block of quarter-house apartments in the vicinity of the balancing pond. The affordable units either have parking to the front of the units or provision within the small parking court around the quarter-house block.

The cemetery runs along the south-western boundary of the site. Two quarter-house blocks are proposed along the boundary with the cemetery with further affordable housing and marking housing having side elevations to the cemetery.

At the time of writing the report further consultation is underway on amended plans. These have been submitted in response to officers' urban design comments relating to the locations of affordable housing which are now proposed in three blocks and improvements to the areas around the parking courts. The amendments also include re-alignment of plots and improvements to side elevations where they are visible from public areas and re-positioning of plots to ensure sufficient distances are retained in accordance with Supplementary Planning Guidance for new residential development.

The materials to be used are predominantly red and brindle red brick with blue engineering bricks as contrasting brick header details. Flat roof tiles in grey and brown tones are proposed. The proposals incorporate chimney features, with chimney stack detail in key locations.

The scheme is considered to provide an acceptable design, scale and layout with a good mix of properties and active street frontages. Architecturally the designs are considered acceptable and incorporate a good mix of features and continuity.

Highway and Pedestrian Safety

A number of residents have raised concern about pedestrian and highway safety and congestion. Concern has also been raised in respect of the number of vehicles using this access in close proximity to the secondary school opposite the site.

The Inspector considered the matter of highway capacity and car parking and based on 133 dwellings, found that any effect of the development in terms of traffic volumes in Groby and Ratby village centres would not be so great as to cause material harm. A number of objections were raised to the previous application in respect of the access being so close to Brookvale High School and Groby Community College and that the potential to exacerbate highway congestion, particularly at times when children are being dropped off or collected from school would be detrimental to the safety of both pedestrians and road users. During his site visit the Inspector noted that the roads become significantly more congested at school closing time and did have some sympathy with the views of local residents. However, the proposals for inclusion of a ghost island and two pedestrian refuges, onto the north of the access and one 100m to the south would help to keep vehicles and pedestrians segregated. He also considered the loss of the verge outside the school and noted the wide pavement to the south of the access. The Inspector found nothing that would lead to harm or highway or pedestrian safety to warrant dismissal of the appeal.

The access arrangements remain unchanged from the previous submission and the number of dwellings served from the access from Ratby Road has been reduced from 133 to 91.

The Director of Environment and Transport (Highways) has no objection to the proposals subject to conditions relating to construction vehicles, availability of garages for car parking and for highway works to be completed prior to occupation. Developer contributions have been requested to promote sustainable transport and these are covered in more detail in the Developer Contributions section above.

The proposals are therefore considered acceptable in terms of highway and pedestrian safety.

The Head of Business Development and Street Scene Services has advised that bin storage areas will be required for the apartments and these must be adjacent to the adopted highway. He recommends a condition accordingly. In respect of the individual houses he recommends a condition that provision shall be made for waste and recycling storage and collection across the site with details to be submitted for approval by the local planning authority.

The Head of Community Services (Pollution) has advised that the site is within 250m of 3 known landfill sites, is adjacent to an old gravel pit on Ratby Road and has a dismantled railway forming one boundary of the site. He recommends a pre-commencement condition for a scheme of investigation and any remediation works.

e) Conclusion

Due to the alterations in respect of this proposal and the publication of the NPPF, it is considered that there are clear differences in this scheme when compared to the appeal scheme. As such it is considered inappropriate to invoke S70a of the Town and Country Planning Act.

Whilst the proposals are considered to address the technical matters and the infrastructure provision in general, subject to clarification of points in respect of PCT and Education contributions, the principle of development is not considered to be acceptable due to prematurity and the need for the housing allocations and green wedge boundary review to come forward as part of the Development Plans process with consultation as part of that process and therefore the application is recommended for refusal.

RECOMMENDATION: - REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

- 1 In the opinion of the Local Planning Authority the proposed development is contrary to Policy 9 of the Core Strategy by virtue of the site being outside of the settlement boundary and within the Rothley Brook Green Wedge resulting in a loss of Green Wedge. Furthermore, it would be premature to the plan making process in that it would result in a site allocation and amendment to the Green Wedge Boundary ahead of full consideration and consultation of the Site Allocations and Generic Development Control Policies DPD. Therefore the proposals are considered contrary to Policy 9 of the Core Strategy and the principles of the National Planning Policy Framework with regards to plan making and consultation.

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