

PLANNING COMMITTEE

21 August 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: 12/00313/CONDIT
Applicant: Crown Crest (Leicester) PLC
Location: Timken Desford Steel Limited Desford Lane Kirby Muxloe
Proposal: VARIATION OF CONDITION 16 OF PLANNING APPLICATION 10/00332/FUL FOR THE ERECTION OF WAREHOUSE (CLASS B8 USE)
Target Date: 20 August 2012

Introduction:-

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

Application Proposal

This application seeks to vary condition 16 of planning permission reference 10/00332/FUL to enable Heavy Goods Vehicles (HGV's) travelling to and from the Crown Crest warehouse and distribution site to use both available County Council designated HGV routes to access the national motorway network in the interests of reducing trip length, fuel cost and carbon emissions in respect of vehicles travelling to and from the south. The County Council in their capacity as the Highway Authority have designated the routes as being acceptable for use by HGV traffic. The first route from the site is to travel north through Botcheston and Markfield and via the A50 to junction 22 of the M1 motorway. The second route from the site is to travel east along rural roads through Kirby Muxloe to junction 21a of the M1 motorway. Condition 16 currently restricts HGV traffic to and from the site to the first route to junction 22 of the M1 motorway only and prohibits HGV traffic to and from the site from using the second route to junction 21a.

The Site and Surrounding Area

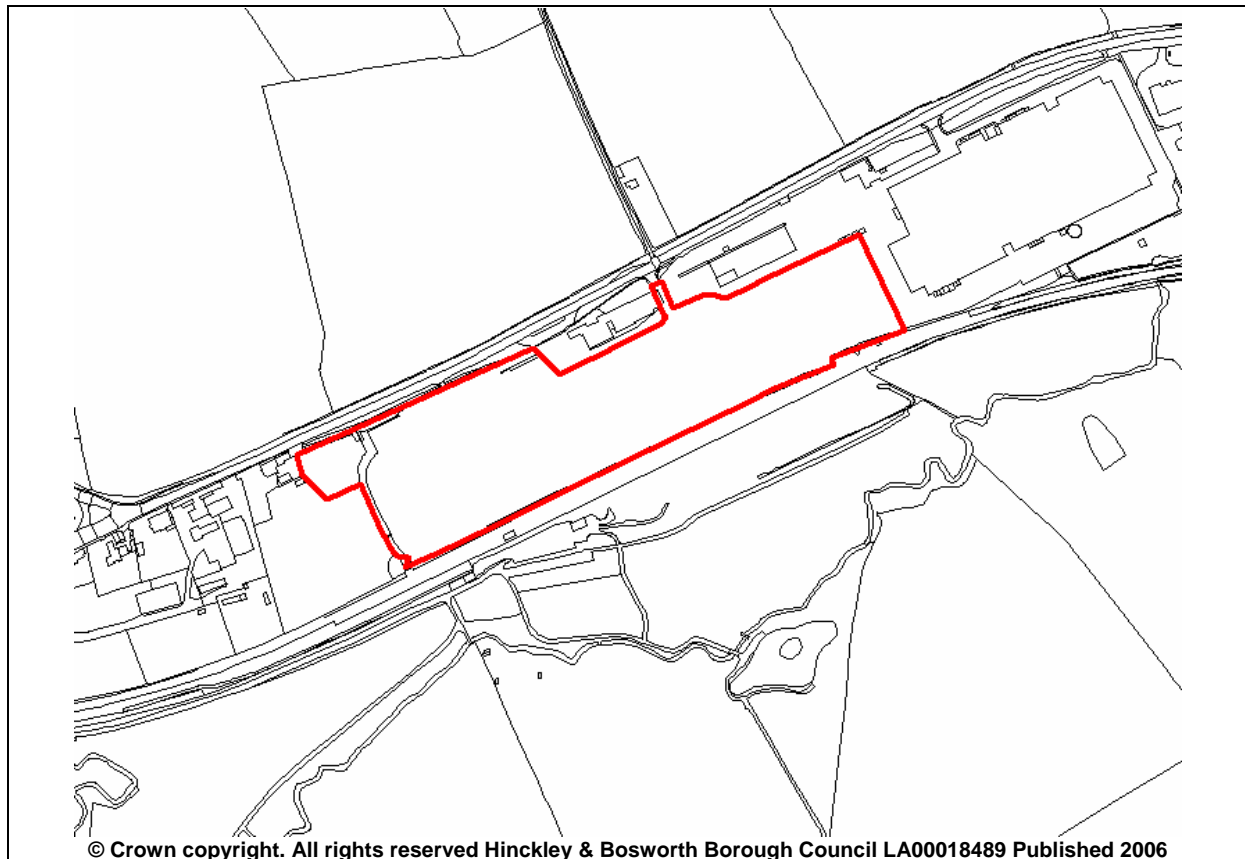
The application site covers an area of approximately 6.8 hectares and is located within an allocated employment site to the south of Desford Lane in the countryside between Desford and Kirby Muxloe. The site was formerly used for the production of steel (Class B2: General Industry). The majority of the site is currently occupied by a warehouse with a gross internal floor area of approximately 43,819 square metres along with office buildings, ancillary infrastructure and associated internal access and parking areas. There is an associated Crown Crest building to the east used for warehouse and distribution purposes with other employment uses including a shopfitting/joinery workshop (GT Morgan) and a waste paper and cardboard merchants (Berridge Waste Paper Ltd) beyond. To the west there is a recreation ground within the applicant's ownership and an unrelated neighbouring dwelling, with a small business park (predominantly offices) beyond. To the north there is an isolated dwelling with open fields in agricultural use. To the south lie the former Desford Railway Junction and a watercourse beyond. The site is protected by a perimeter security fence and also from CCTV coverage. There is mature planting to the frontage of the site with Desford Lane that provides screening although there are views into the site at various points.

Technical Documents submitted with application

None submitted with this application. The original application (reference 10/00332/FUL) was accompanied by a Planning Statement, Transport Statement/Travel Plan, Environmental Investigation Report, Environmental Noise Impact Assessment, Ecological Assessment and Flood Risk Assessment.

Relevant Planning History:-

10/00332/FUL	Erection of Warehouse (Class B8 Use)	Approved	01.09.10
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Consultations:-

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

David Tredinnick MP supports the proposed lorry route changes as it will be viewed as a positive move and beneficial for residents.

Stephen Dorrell MP requests that the concerns of the Kirby Muxloe Action Group be taken into consideration when determining the application.

Blaby District Council neither objects to nor supports the application but comment that if there are no changes in circumstances, a variation might not be justified.

Leicestershire County Council and Blaby District Councillor David Parsons objects to the application on the grounds that Desford Road and Ratby Lane are unsuitable for more HGV movements and are overused and congested routes.

Two objection letters (including one from the Kirby Muxloe Parish Council's solicitors) and a Transport Report have been submitted on behalf of Kirby Muxloe Parish Council. The objections are based on the following grounds:-

- a) the application does not address the increase in, particularly HGV traffic movements through Kirby Muxloe
- b) the roads within Kirby Muxloe are not of a suitable standard for increased HGV use due to inadequate road widths, inadequate footway widths and are subject to on-street parking
- c) The Ratby Lane/Desford Road mini-roundabout is unsuitable for two-way articulated vehicle use and has resulted in accidental damage to kerbing, guard rails and fencing to properties and could result in personal injury accidents
- d) the proposals are contrary to advice given by the Highway Authority on the planning application for HGV movements in the area
- e) lack of an environmental assessment or risk assessment to consider impact on pedestrians (including school children), noise, amenity and air pollution
- f) variation/removal of the condition would be contrary to the development plan.

Site notice displayed and neighbours notified. 497 letters of objection and 131 letters of support have been received:-

The objection letters raise the following concerns:-

- a) increase in volume of HGV traffic using roads that are inadequate to cope with the size and volume of such vehicles in terms of their design/layout, width, footway width, limited visibility, and on-street parking and congestion
- b) detrimental impact on highway safety/increase in accidents of other road users and pedestrians, particularly those accessing community facilities (schools, cemetery, residential care home, sports centre, allotments, paddocks etc.) including draft and spray from passing vehicles and particularly when the free school bus ceases in September 2012 which will increase the number of children walking or cycling to school
- c) damage to highway - including road surface, kerbing, pedestrian guard rails, drains and gulleys
- d) planned development elsewhere will also increase traffic through Kirby Muxloe
- e) lack of access for emergency vehicles/loss of local businesses as a result of additional traffic and congestion
- f) there will be no environmental gain as any reduction in CO2 emissions from using the shorter route will be offset by vehicles queuing in congested streets
- g) detrimental impact on amenity of residents of Kirby Muxloe in terms of noise, vibration, disturbance, health (pollution/CO2 emissions from additional vehicles and queuing traffic)
- h) loss/damage to roadside trees
- i) detrimental impact on Listed Building (Church) and other buildings in the conservation area as a result of vibration
- j) contrary to development plan

In addition to the above issues, a number of objections have been made on the following grounds that, given the specific nature of the application, are not considered to be relevant to its determination:-

- k) decrease in property values
- l) intrusion into the countryside
- m) loss of views and privacy
- n) overshadowing/overbearing
- o) poor design

- p) inadequate road drainage
- q) flooding/washland.

The letters of support make the following comments:-

- a) the route through Kirby Muxloe to junction 21a of the M1 motorway is an established and designated HGV route
- b) it is impossible to differentiate between Crown Crest traffic and other HGV's that are legally licensed to operate along the designated HGV route
- c) the issues raised by Kirby Muxloe residents in respect of highway and pedestrian safety, inadequate roads in terms of their design/layout, width, footway width, limited visibility, and on-street parking and congestion along the route to junction 21A apply equally to the HGV route through Botcheston/Markfield
- d) the condition unfairly provides favour to Kirby Muxloe to the detriment of Botcheston/Markfield
- e) the application seeks to restore the balance of traffic flows through settlements along the designated HGV routes from the site to both junctions of the M1 motorway. It is unrealistic of the residents of Kirby Muxloe to expect HGV traffic through the village to be prohibited
- f) there are more homes affected on the route to junction 22 of the M1 motorway (through Botcheston/Markfield) than there are on the route to junction 21a (through Kirby Muxloe)
- g) there have been no serious or fatal accidents recorded in Kirby Muxloe
- h) the County Council (Highways) have previously resisted changes to the lorry route map to exclude Kirby Muxloe as there was no substantial changes to the locality to warrant the request
- i) the use of junction 21a of the M1 motorway will shorten the route for traffic travelling to and from the site to the south thereby reducing CO2 emissions and fuel usage
- j) greater risk to wildlife along route through Botcheston/Markfield as it is a longer route and more rural in nature.

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

Desford Parish Council
Ratby Parish Council.

Policy:-

National Policy Guidance

The National Planning Policy Framework March (NPPF) 2012
Circular 11/95

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres
Policy 14: Rural Areas: Transport

Hinckley and Bosworth Local Plan 2001

The site is located in the countryside and as a designated employment site on the proposals map of the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE26: Light Pollution
Policy EMP1: Existing Employment Sites

Policy EMP2: Expansion of Existing Employment Uses
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality.
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and pedestrians
Policy T11: Traffic Impact Assessment

Other Material Policy Guidance

The Employment Land and Premises Study May 2010
Site Allocations and Generic Development Control Policies DPD: Consultation Draft Preferred Options Report (February 2009)

Appraisal:-

The principle of development of the site for Class B8 uses (Storage and Distribution) has been established by the approval of planning permission reference 10/00332/FUL. Since the determination of the previous application, the National Planning Policy Framework (March 2012) (NPPF) provides a presumption in favour of sustainable development. The NPPF states that the planning system should support sustainable economic growth, including that in rural areas and not act as an impediment to it. The redevelopment of a long established, allocated 'brownfield' employment site was considered to be acceptable in principle for the proposed purposes at the time of the original application and is considered to remain compliant with the overarching principles of the NPPF, Policy 7 of the adopted Core Strategy and Policies EMP1(a) and NE5 (criteria i, ii and iii) of the adopted Local Plan.

Since the approval of the original permission (reference 10/00332/FUL) the development has been implemented in accordance with the approved plans and additional details in respect of materials, floor levels, landscaping, drainage, land contamination, noise mitigation, entrance details and local employment scheme have been submitted and approved to discharge conditions attached to that permission. As a result the development remains in compliance with Policies BE1 (criteria a, c, e, g, h and i), BE26 (criteria a, b and c), EMP2 (criteria a, b and c), NE2 (criteria a and b), NE5 (criteria i, ii and iii), NE12 (criteria a, b, c and d), NE14 and T9 of the adopted Local Plan.

The main considerations with regards to this application are therefore the impact of the variation of Condition 16 on highway safety, environmental issues and the compliance with the condition in respect of Government Circular 11/95.

Highway Safety/Issues

The application seeks variation of Condition 16 of planning permission 10/00332/FUL to allow Heavy Goods Vehicles (HGV's) travelling to and from the Crown Crest site to use both County Council designated lorry routes through Botcheston/Markfield and Kirby Muxloe to access the national motorway network via junctions 22 and 21a respectively.

Representations have been received, including a Transport Report submitted on behalf of Kirby Muxloe Parish Council (KMPC), that object to the proposal to use the additional lorry route through Kirby Muxloe on the grounds that the roads are not of a suitable standard, the number of HGV movements will increase significantly over existing levels of use through Kirby Muxloe and will result in adverse impacts on highway safety and an increase in accidents involving road users and pedestrians together with damage to the highway

structure. Representations have been received in support of the proposal on the grounds that the route through Kirby Muxloe is an existing designated lorry route used by such vehicles to other sites, the objections raised in respect of the suitability of the roads and impact on highway and pedestrian safety apply equally to the route through Botcheston/Markfield and there have been no serious accidents in Kirby Muxloe to justify any restriction of the use of this route.

The Director of Environment and Transport (Highways) accepts that both the designated lorry routes to and from the site (including Ratby Lane and Desford Road) that have been identified by the Highway Authority as being acceptable routes for HGV traffic, do not meet modern standards for roads carrying HGV's. However given the historical nature of many roads and the uses that they are now subject to, this is not an unusual situation in many locations in the county and throughout the country. In this case, the site has been used for industrial /employment purposes since the 1930's and despite a long history of use of these roads by Hag's, there are no recorded injury accidents along the Kirby Mule route which involve Hag's, no pattern of traffic injury accidents in the last 5 years along the route and only one injury accident at the junction of Discord Road and Ratby Lane in the last 5 years. In addition, there are no regular occurrences of HGV's damaging kerbs or barriers/street furniture since the route was first used for HGV's following the opening of Junction 21A. The Director of Environment and Transport (Highways) considers that there is no evidence that the route through Kirby Muxloe is unsafe. The Transport Report submitted on behalf of KMPC includes theoretical tracking data which shows HGV's not being able to pass each other, however, the Director of Environment and Transport (Highways) considers that there is no evidence to show that, in reality, experienced HGV drivers at low speeds are unable to negotiate the roads adequately without risk to users or the highway infrastructure.

The Transport Report submitted on behalf of KMPC suggests that based on the national survey data held in the TRICs database, the site could potentially generate around 500 HGV movements daily in a worst case scenario. If these were distributed equally between the two designated lorry routes this could theoretically result in 250 HGV movements daily through Kirby Muxloe. The Transport Impact Assessment submitted with the original application in accordance with Policy T11 of the adopted Local Plan suggested a much lower total of approximately 40 HGV movements per day. Notwithstanding this however, the actual trip figures provided by the applicant for both Crown Crest warehouses (approved under 10/00332/FUL and 08/00187/COU) indicate a current total of 60 HGV movements per day. The applicant has indicated that if the application is approved, the actual distribution of trips is anticipated to be split equally between the two designated lorry routes which would result in 30 HGV movements per day for each route, still significantly lower than the TRICs analysis suggests. The applicant has indicated that the number of trips is anticipated to increase to between 80 - 100 HGV movements for the next 3 to 6 months during initial stock build up in the new warehouse but that this is anticipated to fall again to current levels thereafter. In addition, the Director of Environment and Transport (Highways) points out that periods of peak flows for HGV movements do not coincide with peak flows for the highway network. It is therefore considered that objections received in respect of traffic congestion in Kirby Muxloe as a result of the proposed use of the route by HGV traffic are not sustainable.

The current use of the site has replaced the Timken (Desford) Tubes industrial use. The Director of Environment and Transport (Highways) advises that survey information taken at the Botcheston Road/Desford Road/Desford Lane junction in May 2002 and May 2009 show that traffic levels (including HGV's) have decreased since the Desford Tubes site closed and residents along the route have benefited from this reduction in traffic. However, if the route through Kirby Muxloe is allowed, then the worst case scenario as indicated by the TRICs analysis will only lead to numbers of HGV's using Desford Road at broadly similar levels to that experienced by residents before the Tubes site was closed.

The consultation response of the Director of Environment and Transport (Highways) concludes that the Highway Authority is unable to find any evidence to sustain any objection to vary condition 16 of planning permission 10/00332/FUL on grounds of the inadequacy of the road network, the impact of additional HGV movements or highway safety. As a result the proposal is considered to be in accordance with Policies T5 and NE5 (criterion iv) of the adopted Local Plan and the overarching principles of the NPPF.

Environmental Issues

Representations have been received, including a Transport Report submitted on behalf of Kirby Muxloe Parish Council (KMPC), that object to the proposal to use the additional lorry route through Kirby Muxloe on the grounds that no environmental assessment has been submitted to consider the impact of additional HGV traffic through Kirby Muxloe on a Listed Building (Church) and other buildings in the conservation area, noise, vibration, disturbance, amenity and health of residents (including air pollution/CO2 emissions) from additional vehicles and queuing traffic and loss/damage to roadside trees. Objectors also suggest that any environmental gain from the reduction in travel distances and CO2 emissions would be offset by an increase in CO2 emissions from vehicles queuing in congested streets. Representations have been received in support of the proposal on the grounds that there are more homes affected on the route through Botcheston/Markfield than there are on the route through Kirby Muxloe and variation of the condition will restore the balance of HGV traffic flows between the two routes, the use of junction 21a will shorten the route for traffic travelling to and from the south thereby reducing CO2 emissions and fuel usage and that the Botcheston/Markfield route is a longer, more rural route and therefore there is a greater risk to wildlife.

Whilst the original development was considered to be listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, the development was not considered to be EIA development. Notwithstanding the objections received, it is considered that the actual and future anticipated level of HGV movements will not result in significant adverse environmental impacts upon a route that is designated for use by HGV's and currently used by such vehicles to access other employment sites in the vicinity and the County. Both designated lorry routes involve the use of rural/village roads and both pass residential areas and roadside trees. The variation of condition 16 will allow the use of both routes and therefore enable a more reasonable spread of HGV movements. Noise, vibration and disturbance from HGV movements are transitory in nature. There is no evidence to suggest that the use of the route through Kirby Muxloe by the additional vehicles, in the event that the condition is removed, will result in significant impacts on the environment, the listed Church or any conservation area.

The Director of Environment and Transport (Highways) has advised that the periods of peak flows for HGV movements do not coincide with peak flows for the highway network. The level of actual and anticipated HGV movements is therefore considered to be unlikely to cause significant traffic congestion along the route through the outskirts of Kirby Muxloe. Allowing the use of the route will reduce the journey distance for HGV traffic headed to and from the south which will reduce fuel costs, carbon emissions and wear and tear on the highway network resulting in economic and environmental gain. As a result, on balance, the proposals are considered to be in accordance with Policy NE2 (criterion a) of the adopted Local Plan together with the overarching principles of the NPPF.

Circular 11/95

The letter submitted on behalf of KMPC by their solicitors suggests that the original decision to impose the condition was consistent with the NPPF and local plan policy and that there are no material considerations to depart from that decision. However, paragraphs 14-42 of

the Annex to Circular 11/95: 'Use of conditions in planning permissions' stress that conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. Paragraph 71 of Annex relates specifically to lorry routing and states that the use of planning conditions is not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. Where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either section 1 or section 6 (as appropriate) of the Road Traffic Regulation Act 1984. Such an order can only be made by the Highways Authority for the area.

The reason for the imposition of condition 16 on the original permission was: 'To ensure that all HGV traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with Policy T5 of the adopted Local Plan'. The Director of Environment and Transport (Highways) accepts that both the designated lorry routes to and from the site involve the use of roads that do not meet modern standards for carrying HGV's. However, examination of the historical use of the route through Kirby Muxloe by HGV traffic to other sites and to the application site during its former use as a steel works, current and anticipated lorry movements to and from the site and the accident records indicate that there is no evidence that the route through Kirby Muxloe is either unsatisfactory or unsafe for use by HGV traffic at the proposed and anticipated level of HGV movements. Accordingly the condition is no longer considered to be either necessary or reasonable and cannot be justified in respect of the stated reason for its original imposition. In addition, there are significant difficulties in differentiating between HGV traffic travelling to the Crown Crest site and other HGV's that are legally licensed to operate along the designated HGV route. As a result the condition is also unenforceable. On balance, it is considered that the condition does not meet the tests of Circular 11/95 and should not have been imposed.

Conclusion

The site is within an allocated employment site and therefore its use for Class B8 (warehouse and distribution) employment purposes is considered to remain acceptable in principle. As a result of the layout, design and appearance of the proposed building and associated works together with additional landscaping it is considered that it would not have an adverse visual effect on the character and appearance of the surrounding countryside. Additional details have been submitted to address previous concerns regarding impact on neighbouring properties from noise generation, impact on the environment and flood risk. Given the previous use of the site, the level of HGV movements along both designated lorry routes generated by that use, the accident record and the current and anticipated level of HGV movements to and from the site the Director of Environment and Transport (Highways) is unable to find evidence to sustain any objection to vary condition 16 on grounds of the inadequacy of the highway network, the impact of additional HGV movements or highway safety. As a result the condition is no longer considered to be either reasonable or necessary and there are significant difficulties in respect of its enforcement. The condition is now considered to fail to meet the tests of Circular 11/95. Overall, the development is in accordance with Policies 7 and 14 of the adopted Local Plan 2006-2026: Core Strategy, Policies BE1 (criteria a, c, e, g, h and i), BE26 (criteria a, b and c), EMP1(a), EMP2 (criteria a, b and c), NE2 (criteria a and b), NE5 (criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE14, T5, T9 and T11 of the adopted Hinckley and Bosworth Local Plan together with the overarching principles of the National Planning Policy Framework. The application is therefore recommended for approval subject to the remaining conditions attached to planning permission 10/00332/FUL.

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 it is within an allocated employment site; the layout, design and external appearance of the proposed building and associated works are acceptable; it would not have an adverse effect on the character and appearance of the surrounding countryside, neighbouring properties, highway safety, the environment, flood risk or ecology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, c, e, g, h and i), BE26 (criteria a, b and c), EMP1(a), EMP2 (criteria a, b and c), NE2 (criteria a and b), NE5 (criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE14, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7 and 14.

- 1 This permission relates to the variation of Condition 16 of planning permission reference 10/00332/FUL (the original application) dated 1 September 2010, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the original application shall be deemed to apply to the grant of permission in respect of application 12/00313/CONDIT (the current application) save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the original application have been approved in writing by the Local Planning Authority.

Reasons:-

- 1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

Contact Officer:- Richard Wright Ext 5894

Item: 02

Reference: 12/00444/CONDIT

Applicant: Crown Crest (Leicester) Plc

Location: Timken Desford Steel Limited Desford Lane Kirby Muxloe

Proposal: VARIATION OF CONDITION 12 OF PLANNING PERMISSION 08/00187/COU FOR CHANGE OF USE OF EXISTING FACTORY AND WAREHOUSE TO WAREHOUSE AND DISTRIBUTION

Target Date: 21 August 2012

Introduction:-

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

Application Proposal

This application seeks to vary condition 12 of planning permission reference 08/00187/COU to enable Heavy Goods Vehicles (HGV's) travelling to and from the Crown Crest warehouse and distribution site to use both available County Council designated HGV routes to access the national motorway network in the interests of reducing trip length, fuel cost and carbon emissions in respect of vehicles travelling to and from the south. The County Council in their capacity as the Highway Authority have designated the routes as being acceptable for use by HGV traffic. The first route from the site is to travel north through Botcheston and Markfield and via the A50 to junction 22 of the M1 motorway. The second route from the site is to travel east along rural roads through Kirby Muxloe to junction 21a of the M1 motorway. Condition 12 currently restricts HGV traffic to and from the site to the first route to junction 22 of the M1 motorway only and prohibits HGV traffic to and from the site from using the second route to junction 21a.

The Site and Surrounding Area

The application site covers an area of approximately 5 hectares and is located within an allocated employment site to the south of Desford Lane in the countryside between Desford and Kirby Muxloe. The site was formerly used for the production of steel (Class B2: General Industry). The majority of the site is occupied by a warehouse with a gross internal floor area of approximately 25,765 square metres along with associated access and parking areas. There is an associated Crown Crest building to the west used for warehouse and distribution purposes and other industrial/employment uses to the east including a shopfitting/joinery workshop (GT Morgan) and a waste paper and cardboard merchants (Berridge Waste Paper Ltd). To the north there are agricultural fields. To the south lie the former Desford Railway Junction and a watercourse beyond. The site is protected by a perimeter security fence and also from CCTV coverage. There is mature planting to the frontage of the site with Desford Lane that provides screening.

Technical Documents submitted with application

None submitted with this application. The original application (reference 08/00187/COU) was supported by a Transport Assessment including Travel Plan.

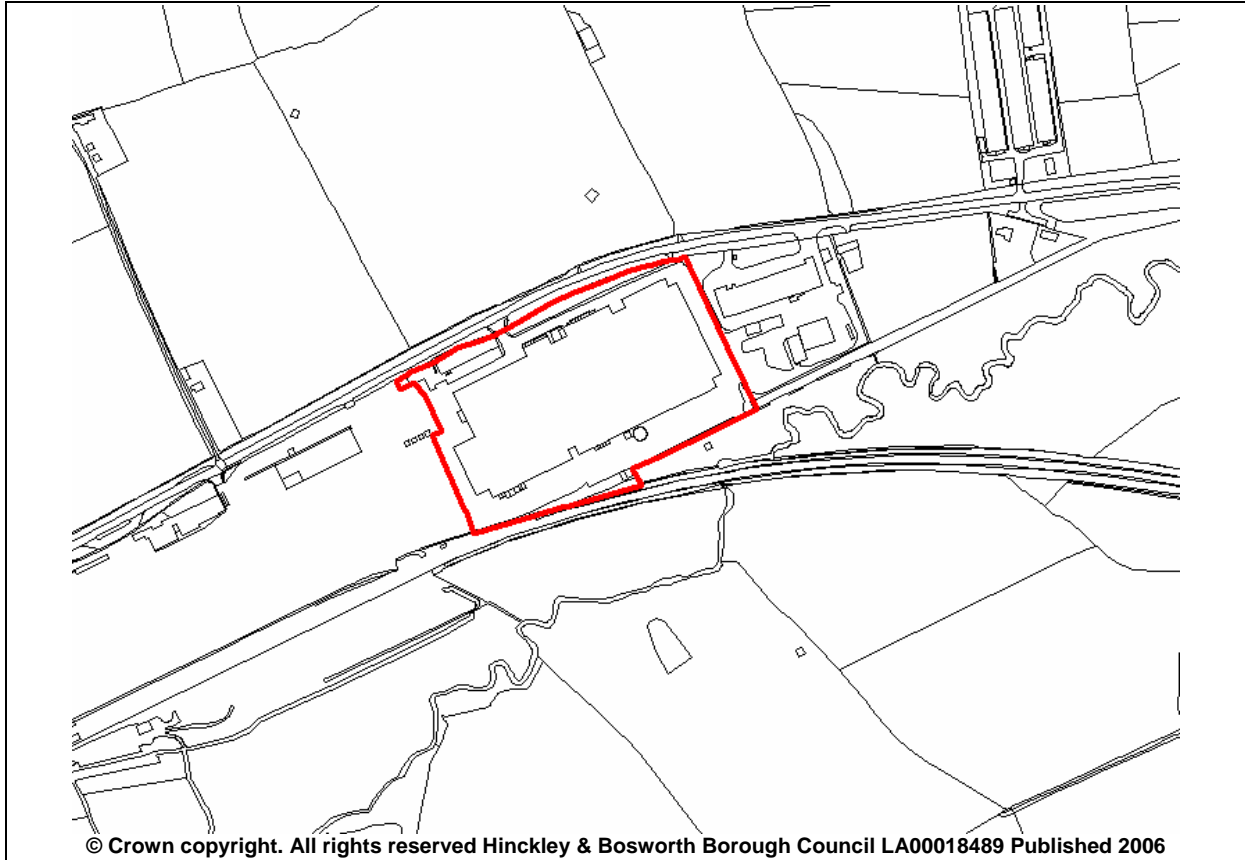
Relevant Planning History:-

08/00187/COU

Change of Use of Existing Factory and Warehouse to Warehouse and Distribution

Approved

07.05.08



Consultations:-

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

Whilst the following consultation responses do not all relate specifically to this application reference, they do relate to application reference 12/00313/CONDIT which is to be considered separately on this agenda and raise the same issues. They have therefore been repeated within the context of this report.

David Tredinnick MP supports the proposed lorry route changes as it will be viewed as a positive move and beneficial for residents.

Stephen Dorrell MP requests that the concerns of the Kirby Muxloe Action Group be taken into consideration when determining the application.

Leicestershire County Council and Blaby District Councillor David Parsons objects to the application on the grounds that Desford Road and Ratby Lane are unsuitable for more HGV movements and are overused and congested routes.

Two objection letters (including one from the Kirby Muxloe Parish Council's solicitors) and a Transport Report have been submitted on behalf of Kirby Muxloe Parish Council. The objections are based on the following grounds:-

- a) the application does not address the increase in, particularly HGV traffic movements through Kirby Muxloe
- b) the roads within Kirby Muxloe are not of a suitable standard for increased HGV use due to inadequate road widths, inadequate footway widths and are subject to on-street parking
- c) The Ratby Lane/Desford Road mini-roundabout is unsuitable for two-way articulated vehicle use and has resulted in accidental damage to kerbing, guard rails and fencing to properties and could result in personal injury accidents
- d) the proposals are contrary to advice given by the Highway Authority on the planning application for HGV movements in the area
- e) lack of an environmental assessment or risk assessment to consider impact on pedestrians (including school children), noise, amenity and air pollution
- f) variation/removal of the condition would be contrary to the development plan.

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- b) detrimental impact on highway safety/increase in accidents of other road users and pedestrians, particularly those accessing community facilities (schools, cemetery, residential care home, sports centre, allotments, paddocks etc.) including draft and spray from passing vehicles and particularly when the free school bus ceases in September 2012 which will increase the number of children walking or cycling to school
- c) damage to highway - including road surface, kerbing, pedestrian guard rails, drains and gulleys
- d) planned development elsewhere will also increase traffic through Kirby Muxloe
- e) lack of access for emergency vehicles/loss of local businesses as a result of additional traffic and congestion
- f) there will be no environmental gain as any reduction in CO2 emissions from using the shorter route will be offset by vehicles queuing in congested streets
- g) detrimental impact on amenity of residents of Kirby Muxloe in terms of noise, vibration, disturbance, health (pollution/CO2 emissions from additional vehicles and queuing traffic)
- h) loss/damage to roadside trees
- i) detrimental impact on Listed Building (Church) and other buildings in the conservation area as a result of vibration
- j) contrary to development plan.

In addition to the above issues, a number of objections have been made on the following grounds that, given the specific nature of the application, are not considered to be relevant to its determination:-

- a) decrease in property values
- b) intrusion into the countryside
- c) loss of views and privacy
- d) overshadowing/overbearing
- e) poor design
- f) inadequate road drainage
- g) flooding/washland.

The letters of support make the following comments:-

- a) the route through Kirby Muxloe to junction 21a of the M1 motorway is an established and designated HGV route
- b) it is impossible to differentiate between Crown Crest traffic and other HGV's that are legally licensed to operate along the designated HGV route
- c) the issues raised by Kirby Muxloe residents in respect of highway and pedestrian safety, inadequate roads in terms of their design/layout, width, footway width, limited visibility, and on-street parking and congestion along the route to junction 21A apply equally to the HGV route through Botcheston/Markfield
- d) the condition unfairly provides favour to Kirby Muxloe to the detriment of Botcheston/Markfield
- e) the application seeks to restore the balance of traffic flows through settlements along the designated HGV routes from the site to both junctions of the M1 motorway. It is unrealistic of the residents of Kirby Muxloe to expect HGV traffic through the village to be prohibited
- f) there are more homes affected on the route to junction 22 of the M1 motorway (through Botcheston/Markfield) than there are on the route to junction 21a (through Kirby Muxloe)
- g) there have been no serious or fatal accidents recorded in Kirby Muxloe
- h) the County Council (Highways) have previously resisted changes to the lorry route map to exclude Kirby Muxloe as there was no substantial changes to the locality to warrant the request
- i) the use of junction 21a of the M1 motorway will shorten the route for traffic travelling to and from the site to the south thereby reducing CO2 emissions and fuel usage
- j) greater risk to wildlife along route through Botcheston/Markfield as it is a longer route and more rural in nature.

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

Blaby District Council
Desford Parish Council
Ratby Parish Council.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
Circular 11/95

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres
Policy 14: Rural Areas: Transport

Hinckley and Bosworth Local Plan 2001

The site is located in the countryside and as a designated employment site on the proposals map of the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE26: Light Pollution
Policy EMP1: Existing Employment Sites
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards

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

Other Material Policy Guidance

The Employment Land and Premises Study May 2010
Site Allocations and Generic Development Control Policies DPD: Consultation Draft Preferred Options Report (February 2009)

Appraisal:-

The principle of the change of use of the former 'Cold Shop' factory building for the purposes of Class B8 uses (Storage and Distribution) has been established by the approval of planning permission reference 08/00187/COU. Since the determination of the previous application, the National Planning Policy Framework (March 2012) (NPPF) provides a presumption in favour of sustainable development. The NPPF states that the planning system should support sustainable economic growth, including that in rural areas and not act as an impediment to it. The reuse of a long established, allocated 'brownfield' employment site and existing factory building was considered to be acceptable in principle for the proposed purposes at the time of the original application and is considered to remain compliant with the overarching principles of the NPPF, Policy 7 of the adopted Core Strategy and Policies EMP1(a) and NE5 (criteria i, ii and iii) of the adopted Local Plan. Since the approval of the original permission (reference 08/00187/COU) the development has been implemented in accordance with the approved plans and remains in compliance with Policies BE1 (criteria a, c, e, h and i), BE26 (criteria a, b and c), NE5 (criteria i, ii and iii) of the adopted Local Plan.

The main considerations with regards to this application are therefore the impact of the variation of Condition 12 on highway safety, environmental issues and the compliance with the condition in respect of Government Circular 11/95.

Highway Safety/Issues

The application seeks variation of Condition 12 of planning permission 08/00187/COU to allow Heavy Goods Vehicles (HGV's) travelling to and from the Crown Crest site to use both County Council designated lorry routes through Botcheston/Markfield and Kirby Muxloe to access the national motorway network via junctions 22 and 21a respectively.

Representations have been received, including a Transport Report submitted on behalf of Kirby Muxloe Parish Council (KMPC), that object to the proposal to use the additional lorry route through Kirby Muxloe on the grounds that the roads are not of a suitable standard, the number of HGV movements will increase significantly over existing levels of use through Kirby Muxloe and will result in adverse impacts on highway safety and an increase in accidents involving road users and pedestrians together with damage to the highway structure. Representations have been received in support of the proposal on the grounds that the route through Kirby Muxloe is an existing designated lorry route used by such vehicles to other sites, the objections raised in respect of the suitability of the roads and impact on highway and pedestrian safety apply equally to the route through Botcheston/Markfield and there have been no serious accidents in Kirby Muxloe to justify any restriction of the use of this route.

The Director of Environment and Transport (Highways) accepts that both the designated lorry routes to and from the site (including Ratby Lane and Desford Road) that have been identified by the Highway Authority as being acceptable routes for HGV traffic, do not meet modern standards for roads carrying HGV's. However given the historical nature of many roads and the uses that they are now subject to, this is not an unusual situation in many

locations in the county and throughout the country. In this case, the site has been used for industrial /employment purposes since the 1930's and despite a long history of use of these roads by HGV's, there are no recorded injury accidents along the Kirby Muxloe route which involve HGV's, no pattern of traffic injury accidents in the last 5 years along the route and only one injury accident at the junction of Desford Road and Ratby Lane in the last 5 years. In addition, there are no regular occurrences of HGV's damaging kerbs or barriers/street furniture since the route was first used for HGV's following the opening of Junction 21A. The Director of Environment and Transport (Highways) considers that there is no evidence that the route through Kirby Muxloe is unsafe. The Transport Report submitted on behalf of KMPC includes theoretical tracking data which shows HGV's not being able to pass each other, however, the Director of Environment and Transport (Highways) considers that there is no evidence to show that, in reality, experienced HGV drivers at low speeds are unable to negotiate the roads adequately without risk to users or the highway infrastructure.

The Transport Report submitted on behalf of KMPC suggests that based on the national survey data held in the TRICs database, the whole Crown Crest site could potentially generate around 500 HGV movements daily in a worst case scenario. If these were distributed equally between the two designated lorry routes this could theoretically result in 250 HGV movements daily through Kirby Muxloe. The Transport Assessment submitted with the original application in accordance with Policy T11 of the adopted Local Plan suggested a much lower total of approximately 50 HGV movements per day would be associated with the change of use of the building. Notwithstanding this however, the actual trip figures provided by the applicant for both Crown Crest warehouses (approved under 10/00332/FUL and 08/00187/COU) indicate a current total of 60 HGV movements per day. The applicant has indicated that if the application is approved, the actual distribution of trips is anticipated to be split equally between the two designated lorry routes which would result in 30 HGV movements per day for each route, still significantly lower than the TRICs analysis suggests. The applicant has indicated that the number of trips is anticipated to increase to between 80 - 100 HGV movements for the next 3 to 6 months during initial stock build up in the new warehouse but that this is anticipated to fall again to current levels thereafter. In addition, the Director of Environment and Transport (Highways) points out that periods of peak flows for HGV movements do not coincide with peak flows for the highway network. It is therefore considered that objections received in respect of traffic congestion in Kirby Muxloe as a result of the proposed use of the route by HGV traffic are not sustainable.

The current use of the site has replaced the Timken (Desford) Tubes industrial use. The Director of Environment and Transport (Highways) advises that survey information taken at the Botcheston Road/Desford Road/Desford Lane junction in May 2002 and May 2009 show that traffic levels (including HGV's) have decreased since the Desford Tubes site closed and residents along the route have benefited from this reduction in traffic. However, if the route through Kirby Muxloe is allowed, then the worst case scenario as indicated by the TRICs analysis will only lead to numbers of HGV's using Desford Road at broadly similar levels to that experienced by residents before the Tubes site was closed.

The consultation response of the Director of Environment and Transport (Highways) concludes that the Highway Authority is unable to find any evidence to sustain any objection to vary condition 12 of planning permission 08/00187/COU on grounds of the inadequacy of the road network, the impact of additional HGV movements or highway safety. As a result the proposal is considered to be in accordance with Policies T5 and NE5 (criterion iv) of the adopted Local Plan together with the overarching principles of the NPPF.

Environmental Issues

Representations have been received, including a Transport Report submitted on behalf of Kirby Muxloe Parish Council (KMPC), that object to the proposal to use the additional lorry

route through Kirby Muxloe on the grounds that no environmental assessment has been submitted to consider the impact of additional HGV traffic through Kirby Muxloe on a Listed Building (Church) and other buildings in the conservation area, noise, vibration, disturbance, amenity and health of residents (including air pollution/CO2 emissions) from additional vehicles and queuing traffic and loss/damage to roadside trees. Objectors also suggest that any environmental gain from the reduction in travel distances and CO2 emissions would be offset by an increase in CO2 emissions from vehicles queuing in congested streets. Representations have been received in support of the proposal on the grounds that there are more homes affected on the route through Botcheston/Markfield than there are on the route through Kirby Muxloe and variation of the condition will restore the balance of HGV traffic flows between the two routes, the use of junction 21a will shorten the route for traffic travelling to and from the south thereby reducing CO2 emissions and fuel usage and that the Botcheston/Markfield route is a longer, more rural route and therefore there is a greater risk to wildlife.

Whilst the original development was considered to be listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, the development was not considered to be EIA development. Notwithstanding the objections received, it is considered that the actual and future anticipated level of HGV movements will not result in significant adverse environmental impacts upon a route that is designated for use by HGV's. Both designated lorry routes involve the use of rural/village roads and both pass residential areas and roadside trees. The variation of condition 12 will allow the use of both routes and therefore enable a more reasonable spread of HGV movements. Noise, vibration and disturbance from HGV movements are transitory in nature. There is no evidence to suggest that the use of the route through Kirby Muxloe by the additional vehicles, in the event the condition is removed, will result in significant impacts on the environment, the listed Church or any conservation area.

The Director of Environment and Transport (Highways) has advised that the periods of peak flows for HGV movements do not coincide with peak flows for the highway network. The level of actual and anticipated HGV movements is therefore considered to be unlikely to cause significant traffic congestion along the route through the outskirts of Kirby Muxloe. Allowing the use of the route will reduce the journey distance for HGV traffic headed to and from the south which will reduce fuel costs, carbon emissions and wear and tear on the highway network resulting in economic and environmental gain. As a result, on balance, the proposals are considered to be in accordance with Policy NE2 (criterion a) of the adopted Local Plan together with the overarching principles of the NPPF.

Circular 11/95

The letter submitted on behalf of KMPC by their solicitors suggests that the original decision to impose the condition was consistent with the NPPF and local plan policy and that there are no material considerations to depart from that decision. However, paragraphs 14-42 of the Annex to Circular 11/95: 'Use of conditions in planning permissions' stress that conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. Paragraph 71 of Annex relates specifically to lorry routing and states that the use of planning conditions is not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. Where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either section 1 or section 6 (as appropriate) of the Road Traffic Regulation Act 1984. Such an order can only be made by the Highways Authority for the area.

The reason for the imposition of condition 12 on the original permission was: 'To ensure that all HGV traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with Policy T11 of the adopted Local Plan'. The Director of Environment and Transport (Highways) accepts that both the designated lorry routes to and from the site involve the use of roads that do not meet modern standards for carrying HGV's. However, examination of the historical use of the route through Kirby Muxloe by HGV traffic to other sites and to the application site during its former use as a steel works, current and anticipated lorry movements to and from the site and the accident records indicate that there is no evidence that the route through Kirby Muxloe is either unsatisfactory or unsafe for use by HGV traffic at the proposed and anticipated level of HGV movements. Accordingly the condition is no longer considered to be either necessary or reasonable and cannot be justified in respect of the stated reason for its original imposition. In addition, there are significant difficulties in differentiating between HGV traffic travelling to the Crown Crest site and other HGV's that are legally licensed to operate along the designated HGV route. As a result the condition is also unenforceable. On balance, it is considered that the condition does not meet the tests of Circular 11/95 and should not have been imposed.

Conclusion

The site is within an allocated employment site and therefore its use for Class B8 (warehouse and distribution) employment purposes is considered to remain acceptable in principle. As a result of the layout, design and appearance of the proposed building and associated works together with existing landscaping it is considered that it would not have an adverse visual effect on the character and appearance of the surrounding countryside. Given the previous use of the site, the level of HGV movements along both designated lorry routes generated by that use, the accident record and the current and anticipated level of HGV movements to and from the site the Director of Environment and Transport (Highways) is unable to find evidence to sustain any objection to vary condition 12 on grounds of the inadequacy of the highway network, the impact of additional HGV movements or highway safety. As a result the condition is no longer considered to be either reasonable or necessary and there are significant difficulties in respect of its enforcement. The condition is now considered to fail to meet the tests of Circular 11/95. Overall, the development is in accordance with Policies 7 and 14 of the adopted Local Plan 2006-2026: Core Strategy, Policies BE1 (criteria a, c, e, g, h and i), BE26 (criteria a, b and c), EMP1(a), NE5 (criteria i, ii, iii and iv), T5, T9 and T11 of the adopted Hinckley and Bosworth Local Plan together with the overarching principles of the National Planning Policy Framework. The application is therefore recommended for approval subject to the remaining conditions attached to planning permission 08/00187/COU.

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 it is within an allocated employment site; the layout, design and external appearance of the proposed building and associated works are acceptable; it would not have an adverse effect on the character and appearance of the surrounding countryside, neighbouring properties, highway safety, the environment, flood risk or ecology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, c, e, g, h and i), BE26 (criteria a, b and c), EMP1(a), NE5 (criteria i, ii, iii and iv), T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7 and 14.

- 1 This permission relates to the variation of Condition 12 of planning permission reference 08/00187/COU (the original application) dated 7 May 2008, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the original application shall be deemed to apply to the grant of permission in respect of application 12/00444/CONDIT (the current application) save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the original application have been approved in writing by the Local Planning Authority.

Reasons:-

- 1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894

Item: 03
Reference: 12/00447/FUL
Applicant: Mr C Harvey
Location: Triumph Motorcycles Ltd Dodwells Road Hinckley
Proposal: EXTENSIONS AND ALTERATIONS TO EMISSIONS BUILDING AND ERECTION OF TEMPORARY OFFICE ACCOMODATION
Target Date: 23 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 where the proposed floor space for general industrial uses is greater than 500 square metres.

Application Proposal

This is an application for a two storey extension to the existing single storey emissions building to provide an extended emissions area at ground floor and a new office at first floor. The extension will replace an existing smaller, single storey wing. In addition it proposes a 2 storey modular temporary office building, located between the main factory and the existing research and development building.

The extension measures approximately 13 x 10 metres to a height of 8.8 metres, it has a flat roof. The temporary office building measures 30 x 10 metres to a height of 6.5 metres, it also has a flat roof.

The extension and temporary building are required due to expansion of the business and the need to accommodate additional design staff and emissions testing facilities on site.

The Site and Surrounding Area

The overall site area is approximately 16.5 hectares and is bounded by open countryside to the north, the road network and residential to the east and industrial units to the south. The Ashby Canal runs to the south and west of the site, separating the site from Tesco Distribution Centre to the south.

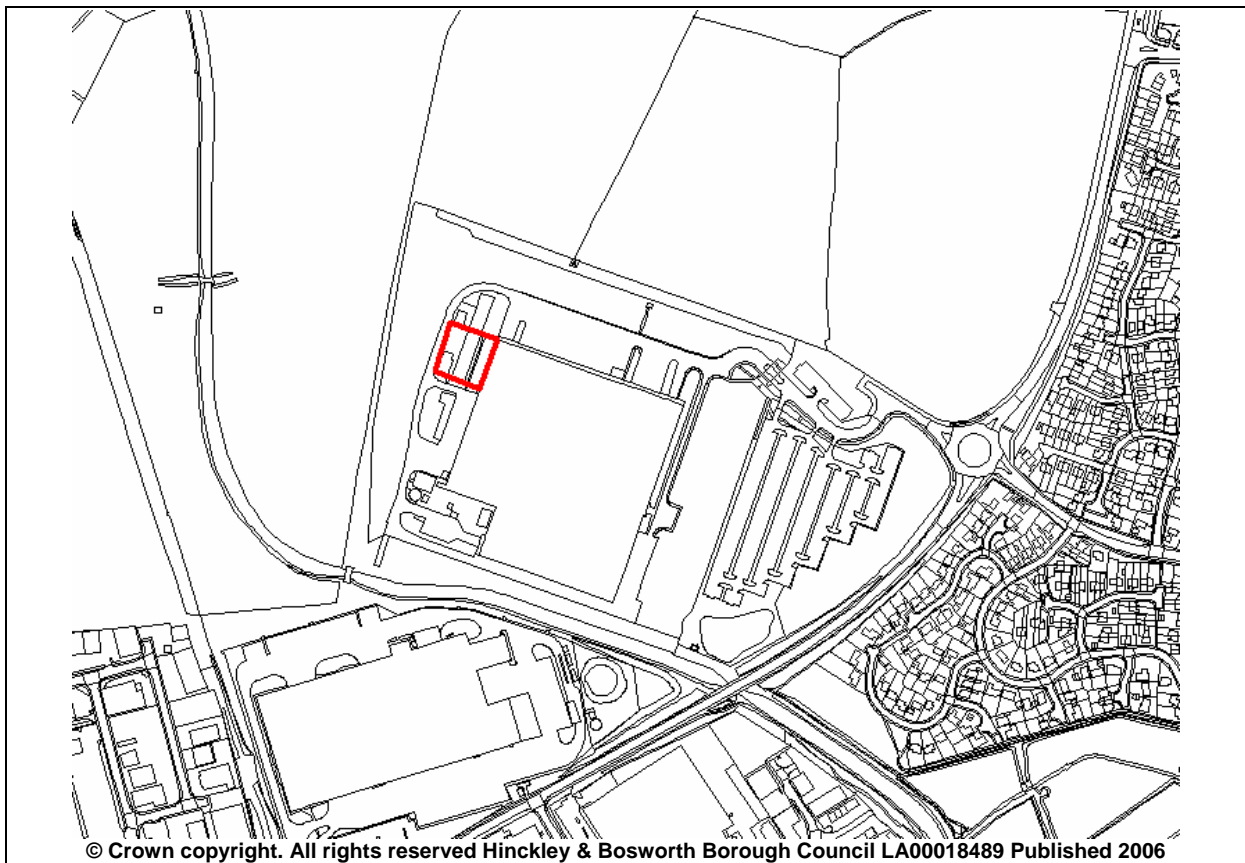
There is a roundabout junction to the east of the site. This gives dedicated access to the application site, car parks and service roads. The main factory unit is set to the west and the area of the proposals is set to the rear, north-west corner of the main industrial unit.

The site is surrounded by a landscaped bund with raised visitor parking area to the west of the entrance and the main staff parking to the south-west of the entrance in front of the main building. There is a service road around the perimeter of the building,

Relevant Planning History:-

There are a number of applications for this site but the following are the most recent/relevant:-

10/00291/FUL	Erection of a covered walkway and additional windows to the R&D building	Approved	15.06.10
3/00820/FUL	External roller shutter to east elevation of factory and additional landscape bunding	Approved	12.09.03
03/00525/FUL	Erection of new unit for Research and Development	Approved	19.08.03
03/00557/FUL	Installation of roller shutter door to factory	Refused	09.07.03
03/00214/FUL	Installation of new openings to factory	Refused	16.04.03



Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
 Severn Trent Water Limited.

The following raise no comment in relation to the proposals:-

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

The Environment Agency who have reviewed the application and feel that it does not meet their criteria for a consultation response.

Site notice and Press notice were displayed and neighbours notified.

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

Neighbour notification
Site Notice
Press Notice.

Policy:-

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

Policy BE1; Design and Siting of Development (criteria a – i)
Policy BE7: Development in Conservation Areas
Policy EMP1: Existing Employment Sites
Policy EMP2: Expansion of existing employment sites
Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

The Employment Land and Premises Study (2010)

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design, impact on the Conservation Area, impact on residential amenities and highway safety.

Principle of Development

The site is within the settlement boundary of Hinckley where there is a presumption in favour of development subject to satisfactory consideration of all other planning matters. Core Strategy Policy 1 seeks to support Hinckley's role as a sub-regional centre and ensure there is a range of employment opportunities within Hinckley. The site is an existing employment site, identified by Policy EMP1 of the Hinckley and Bosworth Local Plan as an existing employment site within the urban area, which the local authority will actively seek to retain for employment purposes during the plan period. This is further supported by the Employment Land and Premises Study 2010 which identifies the Triumph Motorcycles' site as a key/flagship employment area for retention. The study further notes that it is a modern building of good quality with good parking. Policy EMP2 considers the expansion of existing employment uses to be acceptable subject to design and parking and sets out three criteria considering design and access and amenity.

The NPPF has a presumption in favour of sustainable development. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 20 of the NPPF states that “local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”.

The principle of extensions to this existing employment site is considered to be acceptable and consistent with the NPPF, Core Strategy Policy 1 and Policy EMP1 of the Local Plan.

Siting and Design

Policy EMP2 supports the extension of existing employment sites subject to meeting design, layout, landscaping, access, parking and highway requirements. Policy BE1 seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

The temporary building and two storey extension are to be sited adjacent to the north-western corner of the existing factory. They will be visible from the countryside to the north and west of the site and from the Ashby Canal to the west albeit viewed against the existing building.

The proposals include an extension to the existing emissions building. The existing emissions building is single storey and has a footprint of approximately 15.5 metres by 14 metres with a further smaller wing beyond. The smaller wing, measuring approximately 5.5 metres by 8.5 metres is to be removed and replaced with a larger, two storey extension to extend the emissions area and provide additional office accommodation above. The two storey extension will be approximately 15 metres by 14 metres and will be 8.8 metres high with a flat roof over. This will be constructed in Kingspan profiled wall cladding to match the existing building.

A two storey temporary office building is proposed, located between the main factory and the existing research and development building. This will be approximately 30 metres wide and 10 metres deep. It will be approximately 6.5 metres high with a flat roof. It will be constructed of Plastisol coated steel wall panels in Gooswing Grey with UPVC windows and an external steel staircase to the western elevation.

The two storey extension will be viewed against the back-drop of the main factory building and will be of a similar design and materials and as such it is not considered to be prominent. Views of the two storey temporary accommodation will be mostly obscured by the existing factory and research and development building and it will be coated to match the existing buildings. The site is well screened by landscape bunds and the extension and temporary building will not be prominent from the countryside and the proposed materials are in keeping with the existing buildings on site. Consequently the design and siting are considered acceptable.

Impact on the Canal Conservation Area

Policy BE7 seeks to ensure that the siting and design of new development preserves or enhances the character or appearance of the Conservation Area.

The two storey temporary building will be constructed of grey panels and whilst the materials are different to the main building and extensions it will be finished in grey to match the existing buildings. It will be mostly obscured from the nearby countryside and Ashby Canal by the existing research and development building and the proposed two storey extension.

The length of the Ashby Canal is designated as Conservation Area. The extensions and temporary building will be set approximately 200 metres from the canal and due to the distance, scale and matching materials, it is considered that the design will ensure that the character and appearance of the canal conservation area will be preserved.

Impact on Residential Amenity

The proposals are set approximately 500 metres from the nearest residential dwellings to the east and obscured by the existing factory and associated parking and infrastructure. The Head of Community Services (Pollution) has no objections to the proposals and they are not considered to have a detrimental impact on residential amenity.

Impact on Highway Safety

The Director of Environment and Transportation (Highways) has not raised any concerns about the proposals. The proposals will extend the existing emissions building and will provide additional office accommodation. The application documentation did not indicate any change in staff numbers or parking provision. However, the applicant has since advised that an additional 50 staff will be associated with the temporary office accommodation over the next 6 months.

The parking standards appended to the Hinckley and Bosworth Local Plan indicate one car parking space per 50 square metres for B2 use and one per 25 square metres for B1 office and one per 30 square metres for research and development. The main use of the premises is B2 industrial but the proposed temporary building will be for ancillary office and research and development use. The overall factory area is approximately 40,000 square metres which, for a general industrial use, would require approximately 800 car parking spaces. The current parking provision is as follows:-

634 staff spaces
45 visitor spaces
6 disabled spaces
34 motorcycle spaces

The Company operates a two shift system with shifts from 6.00am to 2.00pm and 2.00pm to 10.00pm. There are 353 staff in each shift. The additional 50 employees would be spread across the two shifts to give 378 staff in each. The applicants advise that their parking provision is much greater than their need. During each shift there will be 634 staff parking spaces for 378 employees. The site is in an accessible location with bus services on the A5 with links to the train station and Town Centre. There is also provision of motorcycle and covered cycle parking on site with showers available for staff use. It is therefore considered that the existing parking provision is sufficient to accommodate the additional 50 employees to be accommodated by the proposals.

Other Matters

Whilst the temporary building is not considered to have a detrimental impact on the visual amenities of the locality due to its siting and colour treatment, it is considered appropriate for a condition that this shall only be in situ for a period of 4 years as such temporary buildings can deteriorate to a poor condition when erected for extensive periods. The applicants have indicated that the temporary building is required to enable them to carry out revisions to the internal layout and use of areas and 3 to 4 years is sufficient for the temporary building to be in place.

The proposed temporary building does not incorporate a lift for disabled access to the first floor. However, there are no unique facilities proposed at first floor so disabled users would not be precluded from working in the temporary building.

Conclusion

The proposals are not considered to have a detrimental impact on visual or residential amenities or on highway safety and will preserve the character of the Ashby Canal Conservation Area and the application is therefore recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 resultant design of the extensions is not considered to have a detrimental impact on visual amenity, neighbouring amenity or highway safety and preserves the character of the Canal Conservation Area. Accordingly the development is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 criteria a, g and i, BE7 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 submitted application details, as follows: Site Location Plan and Elevations 12-2262-P01, Plans and Elevations Proposed 12-2262-P02, Plans and Elevations 12-2265-P01 received by the local planning authority on 24 May 2012.
- 3 The temporary office building hereby permitted shall be removed and the land restored to its former condition on or before 31 August 2016 in accordance with a scheme of works which shall first be submitted to and approved in writing by the Local Planning Authority.
- 4 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing emissions building unless previously agreed in writing with the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 The materials to be used in the construction of the building make it unsuitable for a permanent permission and it is considered necessary to protect the visual amenities of the locality in accordance with Policy BE1 criteria a of the Hinckley & Bosworth Local Plan 2001.

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

Notes to Applicant:-

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

Contact Officer:- Anne Lynch Ext 5929

Item: 04

Reference: 12/00380/OUT

Applicant: Mr Richard Gennard

Location: Land Off Pinewood Drive Markfield

Proposal: ERECTION OF 13NO. BUNGALOWS (EXTENSION TO MARKFIELD RETIREMENT VILLAGE)

Target Date: 20 September 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes more than 10 residential units.

Application Proposal

This application seeks outline planning consent for the erection of 13 two bed bungalows on land to the east of Ratby Lane, Markfield, with permission sought for access, layout and scale. The application site consists of two parcels of land located to the north and south of Pinewood Drive, to the west of Markfield Retirement Village.

The layout submitted in support of the application shows 10 bungalows accessed by two cul-de-sacs from Pinewood Drive, with the other 3 accessed directly from Pinewood Drive. The proposal contains a mix of four different house types. Garages are proposed to most plots.

Markfield retirement village is located to the south of the village of Markfield and is the on the site of the old Markfield Hospital. Planning permission was granted in 1986 for the refurbishment of the existing buildings to provide nursing home, sheltered housing and leisure centre and erection of 26 new sheltered units. Development was restricted to within the curtilage of the hospital grounds.

The Site and Surrounding Area

The application site consists of two parcels of land separated by Pinewood Drive. Both of the sites are overgrown scrub land containing self set trees, brambles and other shrubs with the boundary defined by a post and rail fence. To the east the site abuts properties within Markfield Court. These are single storey detached bungalows with small gardens a few of which have conservatories to the rear separated from the application site by a hedgerow interspersed with trees.

To the north of the application site there are 4 properties which form a ribbon development facing Ratby Lane beyond which is countryside. The nearest property to the site is a two storey extended property, known as Prospect House, with a first floor balcony which faces the site. To the east and south of the application site is farmed countryside.

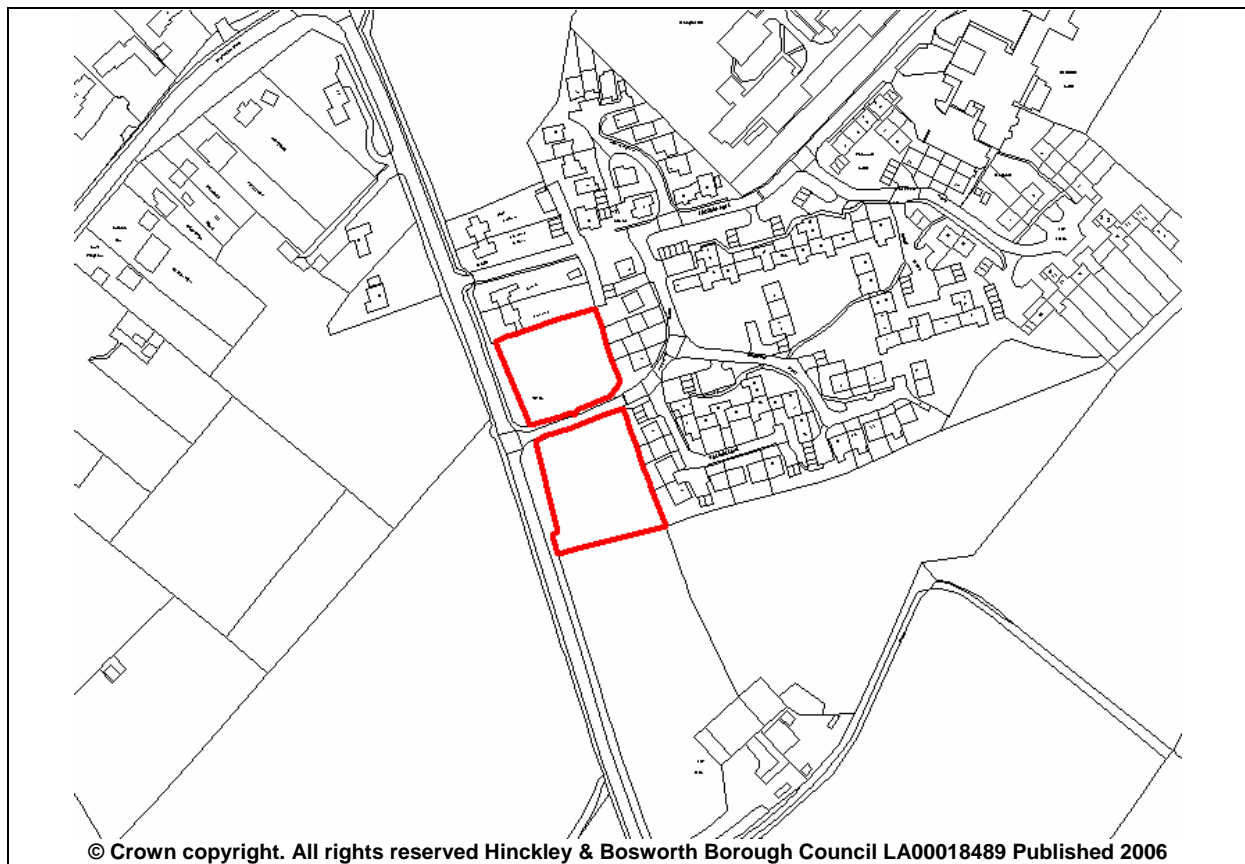
The site is generally flat however the overall topography has a gentle slope down towards the south. None of the site is within the settlement boundary of Markfield, the closest point of which is located 700m north east.

Technical Documents submitted with application

Design and Access Statement
Heads of Terms

Relevant Planning History:-

98/00216/OUT	Residential development (outline)	Refused Dismissed at Appeal 15.12.93	
85/00622/4	Refurbishment of the existing buildings to provide nursing home, sheltered housing and leisure centre and erection of 26 new sheltered units	Approved	20.02.86



Consultations:-

No objection has been received from:-

Environment Agency
Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Head of Community Services (Land Drainage).

The Director of Environment and Transport (Highways) has objected to the proposal as the applicant has failed to demonstrate that the existing priority junction arrangement between Pinewood Drive and Ratby Lane is the most appropriate form and that the site is not located in an area where transport choices can be maximised.

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

- a) Director of Environment and Transport (Civic Amenity) have requested a contribution of £924.00 towards the Coalville Civic amenity site
- b) Directorate of Chief Executive (Ecology) – No comments
- c) Director of Children and Young Peoples Services (Education) – does not request an education contribution as it is a retirement village specially built or and occupied by elderly persons

- d) Director of Adults and Communities (Libraries) – no claim as Markfield library is relatively new and current stock standards and public spaces are within the standards used by the library service.

The Leicestershire Constabulary Crime Reduction Officer has requested a contribution of £7,878 towards an extra 0.13 members of staff to provide additional policing to address the increasing in housing within the Markfield and Groby area.

Site notice and Press notice were displayed and neighbours notified.

Six letters of objection been received raising the following concerns:-

- a) there has not been sufficient consultation
- b) previous development of the site has been confined to within the original boundary of the Markfield Hospital
- c) other bungalows have been built without planning permission
- d) is there really a need given the number of bungalows for sale and empty within Markfield Court at the moment. By the nature of the development, there is always a high turnover of these dwellings
- e) not a sustainable location
- f) would set a precedent for other development
- g) invasion of privacy and loss of amenity for neighbouring occupiers
- h) loss of view
- i) objection against dust and fumes, noise and disturbance
- j) overshadowing/ overbearing impact
- k) smell
- l) intrusion into the countryside
- m) loss of wildlife habitat
- n) large number of houses proposed in Markfield already
- o) if approved 40mph limit should be extended down Ratby Lane.

One letter has been received in support of the proposal stating the following:-

- a) the development will complete the village of retirement properties
- b) improve the appearance of an unkempt piece of ground.

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

Head of Business Development and Street Scene Services
The Primary Care Trust
Markfield Parish Council.

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 2: Promoting better design
Policy 3: Distribution of New Development

Local Plan 2006-2026: Core Strategy (2009)

Policy 7: Key Rural Centres
Policy 8: Key Rural Centres Relating to Leicester
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural needs
Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential proposals on unallocated sites
Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway design and vehicle parking standards
Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy REC3: New residential development – outdoor play space for children

Supplementary Planning Guidance/Documents

New Residential Development SPG
Play and Opens Space SPD

Appraisal:-

The main considerations with regards to this application are the principle of development, the impact on the countryside, housing need, layout, impact on neighbours, and infrastructure improvement.

Principle of development

The site is located within the countryside approximately 700m outside the Markfield Settlement Boundary. Policy NE5 states that the countryside will be protected for its own sake and the only development permitted is:-

- a) that which is important to the local economy
- b) for the change of use or extension to an existing building, or
- c) for sport or recreational purposes.

If development meets these criteria, then it will only be supported where:-

- a) It does not have an adverse impact on the appearance or character of the landscape
- b) It is in keeping with the scale and character of the surrounding area
- c) Where necessary it is screened by landscaping
- d) The proposed development will not generate traffic likely to exceed the capacity of the highway network.

The NPPF is now a material consideration when determining applications and Annex A stipulates that policies adopted since 2004 may continue to be given full weight whilst those adopted prior to this date must be assessed for their conformity with the NPPF (paragraphs 214 and 215).

Policy NE5 criteria a-c is considered to have limited conformity with the NPPF when considering proposals for residential development. The NPPF recognises the intrinsic beauty and character of the Countryside, however is not as restrictive as Policy NE5. However

criteria i-iv are considered to echo the objectives of the NPPF and therefore are in conformity.

The NPPF has at its heart, a presumption in favour of sustainable development and where the Local Plan is out of date, development should be assessed against the policies within the NPPF. At paragraph 55 of the NPPF it is recognised that housing should be located in rural areas where it will enhance or maintain the vitality of rural communities. It advises that isolated new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker; represent enabling development to secure the future of heritage assets; re-use of redundant or disused building; or the exceptional quality or innovative nature of the design of the dwelling.

The existing Markfield Court development is on the site of the existing Markfield Hospital and was re-developed following the closure of the hospital. The development was restricted to the curtilage of the grounds of the hospital and the development was originally granted in accordance with Government guidance for the redevelopment of former hospital sites.

The site is physically separated from the community facilities within Markfield and Fieldhead by an area of countryside, and the distance is greater than that considered to be easily accessible by walking. There are no current public bus services that serve Markfield Court which would result in residents being constrained to using the private car. Whilst the site is adjacent other residential development, this does not contain any public facilities like shops, doctors etc. Due to the distance from the main settlement it is considered that the site represents an isolated location which is not sustainable and as the development proposed does not meet the special circumstances within the policy it is considered that there is conflict with the NPPF.

The application proposes the units to be for the over 55's however it is considered that a condition restricting the age of occupants would not meet the tests of the Circular as it is not reasonable or enforceable. As such the proposal for such a restriction is not considered acceptable and would not provide justification to overcome any objections to the development. As such the application is to be considered as 13 dwellings.

Impact on the character of the countryside

A previous application, for an identical scheme to that which is now under consideration, was dismissed at appeal with the main issue in the appeal being the effect of the proposal on the rural character and appearance of the area. Whilst the appeal is dated 1998 the issues discussed are still relevant.

The application site straddles Pinewood Drive, and is defined as being within the countryside. The site has not been managed and as such is now overgrown, however this is not justification for allowing development in its own right. The site is open in character with countryside to the west and south. The site provides an important separation between Ratby Lane and the countryside and the retirement village, this gives Ratby Lane a largely undeveloped open character. There is a small cluster of dwellings fronting Ratby Road that appear as an isolated linear development. The open character of the site was recognised in the 1998 appeal where the Inspector considered that the proposal would extend the built edge of development beyond the present boundary into a more prominent position fronting the road where it would have the effect of noticeably consolidating development.

Whilst policy has changed since the appeal decision, the character of the area has not and the Inspector's assessment in 1998 is still relevant. The proposal would extend the built edge of development beyond the present boundary into a more prominent position fronting

the road, as such It is considered that the proposal would detrimentally harm the character of Ratby Lane, contrary to Policy BE1 (a), Policy NE5 (i) and paragraph 17 of the NPPF.

Layout

The application seeks proposal for the layout of the 13 units. This proposes 3 units (plots 1, 13 and 7) having vehicular access off Pinewood Drive, with the other plots served off two private driveways. The dwellings would face either Pinewood Drive or one or other of the private drives.

Ratby Lane has a rural character with the four dwellings to the north of the site all facing Ratby Lane in linear form. The proposed development is inward facing to the development, with the rear elevations facing Ratby Lane. This replicates the form and character of the Markfield Court, however the appeal decision already established that the application site generally takes its character from Ratby Lane. As such should development of the site be acceptable in principle the layout should be amended to reflect the character of Ratby Lane rather than that of Markfield Court. Policy BE1 (a) of the Local Plan 2001, requires development to complement the character of the area, by having regard to factors including layout. It is therefore considered that the layout of the proposal is contrary to the objectives of BE1 (a).

Housing Need

The applicant is seeking to justify the proposal on the grounds of providing accommodation to meet an increased demand from the aging population. The applicant seeks to justify the proposal would help meet housing demand in the area that when couples move in to the small bungalows proposed the houses that are then left will become available for families. The supplementary statements dated 20th June 2012 uses the Leicester and Leicestershire Housing Market Assessment (LLHMA), Council's Strategic Housing Land Availability (SHLA) and Core Strategy as an evidence base for the scheme. The LLHMA states that there is a requirement for affordable accommodation for the elderly, but there is little evidence within it relating to market need. The SHLA states the site is un-developable, and does not support the development as claimed by the applicant.

It is acknowledged that there is an aging population, however the evidence base relied upon by the applicant is focused around provision for affordable housing to meet that need and is not specific to Markfield. It is therefore not considered that it has been demonstrated that there is sufficient need in this location to outweigh the impact of the development on the countryside and concerns around the unsustainable location of the site.

Paragraph 47 of the NPPF requires LPA's to identify and maintain a list of specific deliverable sites to provide five years worth of housing. As of April 1 2012 Hinckley and Bosworth had a supply of 5.02 years and are therefore considered up to date. The Core Strategy provides the strategic policy for the location of residential development and this document takes a sequential approach for development. In relation to Markfield, Policy 8 seeks an allocation of a minimum of 80 dwellings and planning permission has already been granted to meet this requirement, resulting in an oversupply of 45 dwellings. Therefore there is no demonstrated need that justifies additional dwellings and oversupply.

Developer Contributions

The application proposes 13 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

The applicant has stated within their supplementary statement dated 20th June 2012, that the development will meet a much needed housing need to satisfy a specific deficiency in the local housing market. They go on to state that it is not reasonable to request the applicant to make further provision for additional specialist housing to satisfy other deficiencies in the market. The applicant is therefore unwilling to offer Affordable Housing as part of the development.

Policy 15 of the Core Strategy is considered to be consistent with the NPPF which requires developments within the rural area proposing 4 or more dwelling to provide a provision of 40% affordable dwellings. On this site this equates to 6 properties being made available, with a tenure split of 75% (4) social rented and 25% (2) intermediate tenure. The latest housing register indicates that within Markfield there are 119 residents on the list for 2 bedroomed properties, three of whom are over 55. Within Hinckley and Bosworth as a whole there are 49 people over 55 on the list for a 2 bedroomed property. It is considered that there is a need and demand for affordable two bedroomed properties in the area.

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 Policy REC2 is specific to developments of over 20 dwellings as such the requirement for formal recreation provision is not triggered in this case. Policy REC3 is relevant to developments of one or more dwellings, however the site must be within 400m of a designated play space in order to trigger a requirement. As this site is more than 400m from a designated space informal recreation provision is not triggered in this case.

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests £924.00 towards the Coalville Civic amenity site
- b) Directorate of Chief Executive (Ecology) – No comments
- c) Director of Children and young Peoples Services (Education) – does not request an education contribution as it is a retirement village specially built or and occupied by elderly persons

- d) Director of Adults and Communities (Libraries) – no claim as Markfield library is relatively new and current stock standards and public spaces are within the standards used by the library service
- e) The Leicestershire Constabulary Crime Reduction Officer requests a contribution of £7,878.00 towards the additional cost of policing.

As discussed above, it is the officer's opinion that it is not possible to control the occupancy of the proposed bungalows through the planning system, and hence this application is being considered on the basis of market housing. As such, contributions were requested and deemed to be CIL compliant would therefore be sought in full, in line with policy requirements. The requests are being considered in accordance with the CIL Regulations 2010, and the contributions that are considered to meet the tests will be reported as a late item.

The Director of Children and Young Peoples Services (Education) has commented that they will not be seeking a contribution on the basis of how the development will be controlled. They have been informed that this cannot be controlled through the planning system, and any responses will be reported as a late item.

The applicant has stated within their supplementary statement dated 20th June 2012, that the development is an extension to the existing retirement village. It is not suitable for younger families that require infrastructure and facilities including children's play space and school places.

As discussed above the development due to its size and location, not its type, does not trigger a contribution towards play and open space. It does however trigger a requirement for affordable housing and depending upon CIL compliance may trigger contributions towards civic amenity and local policing. Whilst the applicant has submitted a signed heads of terms indicating that they are willing to consider entering into a legal agreement, they have indicated that they are not willing to provide affordable housing and as such the development would be contrary to Policy 15 of the Core Strategy.

Impact on amenity

The proposed dwellings are single storey with ridge heights varying between 4.6m and 4.7m. The nearest dwellings affected are Prospect House, located to the north of the site and adjacent to plot 3. The bungalow on Plot 3 would have a ridge height of 4.7m. There are large picture windows to the south elevation of Prospect House facing the development, which serve habitable rooms. Plot 3 would be located 4m from this dwelling to the south east. The Council's SPG on New Residential Development recommends a distance of 12m between a habitable room window and blank single storey dwelling. The achievement of 4m is considerably short of this and therefore it is considered that the siting of this bungalow so close to this dwelling would detrimentally affect the amenities currently enjoyed by the residents of this dwelling.

The site is immediately to the west of 4-7 the Blossoms, and 1-4 Pinewood Drive (inclusive) all within the existing Markfield Court development. These are all single storey detached or semidetached dwellings. 4-7 The Blossoms have short gardens, typically between 5 and 7m in length. Some of these properties benefit from conservatory extensions to the rear. The houses at 1-4 Pinewood Drive have slightly longer gardens, between 8 and 14m.

The SPG on New Residential development suggests a minimum distance of 25m between windows serving habitable rooms of properties. The proposed dwellings would be sited between 5 and 8 metres from the boundary with the result that there would be between 12 and 14m between the dwellings, separated by a hedgerow and post and rail fence. This is

considerably below that of the distance required, and is therefore contrary to the objectives of the NPPF (paragraph 14) and policy BE1 (i) of the Hinckley and Bosworth Local Plan.

Highway Safety

Ratby Lane at the junction with Pinewood Drive, is national speed limit, and an un-lit and C classified road. The Director of Environment and Transport (Highways) has raised concerns both from a highway safety view and sustainability perspective.

In terms of highway safety the Director of Environment and Transport (Highways) is concerned that the increased traffic movements on the junction between Pinewood Drive and Ratby Lane has not been assessed and requests that a survey be carried out to demonstrate that the junction arrangement is the most suitable form of access. Without this information the Director of Environment and Transport (Highways) has recommend a reason for refusal.

The other objection relates to the unsustainable location of the site. The site is considered to be remotely located from public transport, shops and medical/community facilities and would involve a lengthy walk to access such services. This is considered to restrict the transport choices people have.

Parking within the development is considered acceptable for the dwellings proposed and there is no objection regarding the level of off street parking.

Other Issues

No objection has been received from Severn Trent Water subject to drainage plans being submitted. Their consultation response also draws attention to the sewer running through the site. There are no known drainage problems in the area and if approved the drainage details would be approved as part of the building regulations consent and before Severn Trent permit the connection to the main. The planning system should not replicate aspects that are controlled by other legalisation and therefore it is not considered that a condition is required in this instance. The application has shown the sewer easement on the layout plan submitted.

Comments have been received that insufficient consultation has been undertaken. The Local Planning Authority has fulfilled its duty and consulted all adjoining neighbouring properties to the site and displayed a site notice. Previous enforcement complaints of unauthorised development is not a material consideration for this application.

Objections have been received regarding loss of view which is not a material planning considerations.

Objections against dust and fumes, smell, noise and disturbance have been received. It is thought that these are objections that relate to the construction phase of the development which would be temporary in nature and are therefore not material planning considerations.

The application site does not benefit from any statutorily designation or protection due to its habitat. The Directorate of Chief Executive (Ecology) has not objected to the proposal and therefore it would not be possible to sustain a reason for refusal on ecological grounds.

Local residents have requested that if approved the 40mph speed limit be extended down Ratby Lane and passed the junction with Pinewood Drive. This is a matter for the Highways Authority should they consider it necessary.

Conclusion

The site is located outside and removed from the villages of Markfield and Fieldhead. The site is considered to be in an unsustainable location. The proposal would extend the built form closer to Ratby Road detrimentally affecting the character and appearance of this rural road contrary to policy BE1 (a) and NE5 (i) of the Local Plan. Whilst the applicant has submitted justification stating that the proposal will provide much needed accommodation for an aging population it is not considered that this need has been comprehensively supported to outweigh the harm of the objections to the proposal and a condition restricting occupation is not reasonable or enforceable. Nor would it justify not meeting the provision towards affordable housing.

The layout and position of the proposed bungalows within close proximity to the other properties does not meet the Councils SPG on spaces between properties, and whilst this is only guidance given that the distances are so far below that of the guidance, it is considered that the proposal would detrimentally harm the amenities of neighbouring properties contrary to Policy BE1 (i).

The applicant has failed to demonstrate that the increased vehicular movement from Pinewood Drive onto Ratby Lane would not result in a danger to users of the highway. The Director of Environment and Transport (Highways) has objected on these grounds and the proposal is therefore considered contrary to Policy T5 and BE1 (g).

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 In the opinion of the Local Planning Authority the proposed development by virtue of its location, removed from the main built form of Markfield and the services it contains would result in a unacceptable form of unsustainable development on a previously undeveloped site, decreasing the travel choices of future residents, contrary to the objectives of the NPPF particularly paragraphs 14, 15 and 30.
- 2 In the opinion of the Local Planning Authority, the proposed development by virtue of the location and layout of the proposed residential development does not maintain the appearance or character of Ratby Lane and accordingly would detrimentally affect the open character of the area, contrary to the objectives of policies BE1 criterion a, NE5 criterion i, of the adopted Hinckley and Bosworth Local Plan supported by paragraph 14 of the NPPF.
- 3 In the opinion of the Local Planning Authority, the proposed development due to its proximity to surrounding residential properties would detrimentally affect the amenities of nearby residents as a result of overlooking and overbearing, contrary to policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan, and paragraph 14 of the NPPF.
- 4 In the opinion of the local planning Authority the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal if permitted would consequentially result in an unacceptable form of development leading to dangers to other road users contrary to Policy T5 of the adopted Hinckley and Bosworth Local Plan (2001).

- 5 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that they are willing to provide an acceptable proportion of on site affordable housing to meet the need identified within the borough as required by Policy 15 of the Core Strategy. The proposal is therefore considered to be contrary to Policy 15 of the adopted Core Strategy.

Contact Officer:- Sarah Fryer Ext 5682

Item: 05

Reference: 12/00338/COU

Applicant: Mr R Sokhi

Location: Bubble Boyz Car Wash Watling Street Hinckley

Proposal: CHANGE OF USE TO HAND CAR WASH (RETROSPECTIVE)

Target Date: 20 August 2012

Introduction:-

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

Application Proposal

Planning permission is sought for change of use of part of the site known as Russel Frances Interiors, to a hand car wash. This is a retrospective application as the use is already operating from the site.

The business includes car washing, and ancillary valeting service and advertises a mobile fleet valeting service. The business operates on a drop in basis and the number of vehicles depends upon weather conditions, time of day etc. however the application forms states they average 40 - 80 vehicles per day. Cars generally enter through the western access, are washed on the forecourt to the front of the building and exit by the eastern access, however there are no highway restrictions on either of the access points.

There are no building works or alterations proposed as part of this application. However the business uses the front of the building unit as an office, waiting room and ancillary facilities.

The Site and Surrounding Area

The site consists of an area of 1156 sq m, located to the north of the A5, Watling Street, to the east of the Dodwells traffic island, within the defined settlement boundary of Hinckley. The site consists is a single storey building occupied by Bengal Chef (Indian restaurant), Bubble Boyz (subject of the application) and Enterprise (car hire). The buildings are set back from the highway behind a concrete forecourt that has two raised concrete islands located in the centre. The site has two access to the A5 which is at a higher ground level than the application site. There is vehicular access and parking to the rear of the Bengal Chef.

The northern and western boundary of the site abuts the rear gardens of residential properties on Coventry Road, whilst to the east are two semi-detached residential properties,

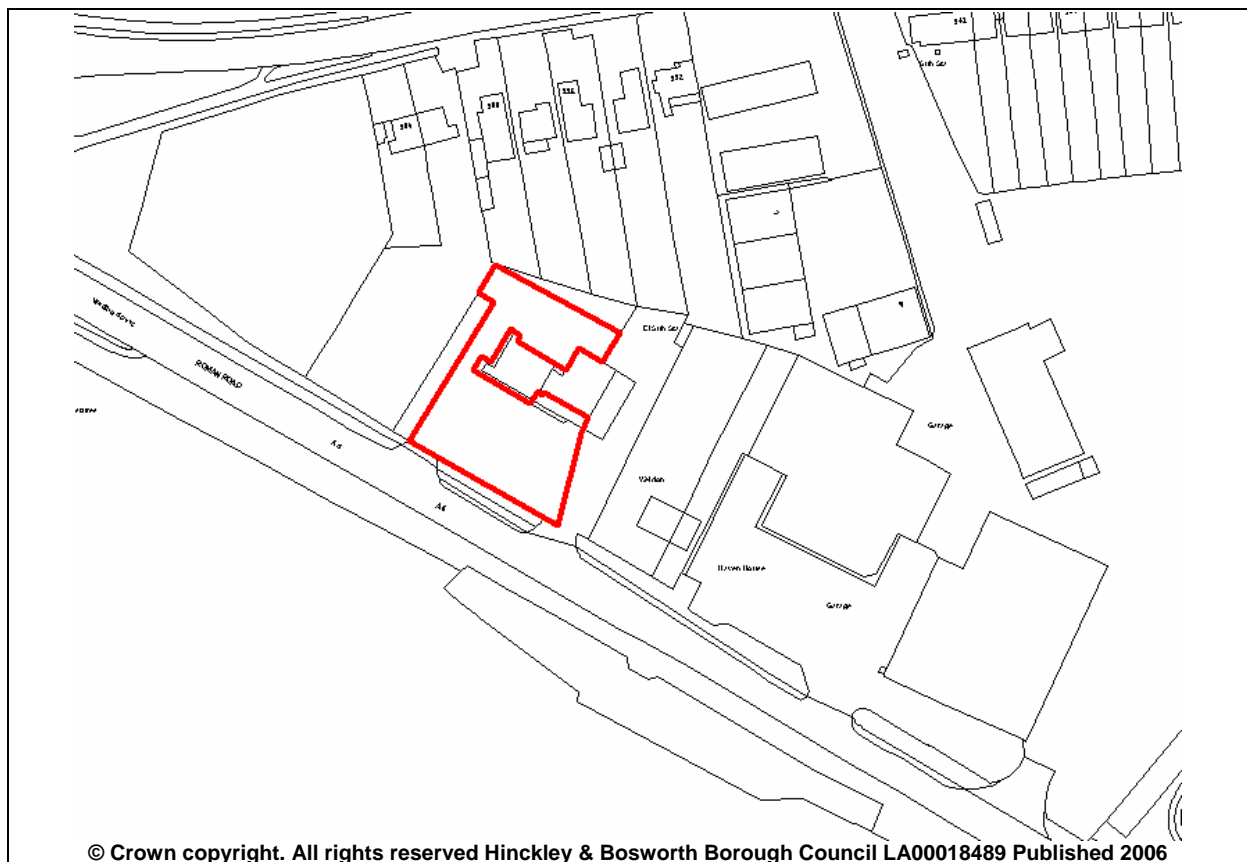
and Paynes garage a car dealership and showroom. To the south and across the A5, the site faces the countryside.

Technical Document submitted with application

Design and access statement

Relevant Planning History:-

10/00724/ADV	Erection of illuminated fascia and monument sign	Approved	09.03.11
10/00501/FUL	Change of use from sui-generis for use as vehicle rental officer and alterations	Approved	07.10.10
01/00174/TEMP	Temporary use of site for retail furnishing showroom (resubmission)	Refused	28.03.01
00/01242/TEMP	Temporary use of site for retail furnishing/showroom	Refused	01.02.01
97/01117/COU	Change of use to car and van rental Approved depot	Approved	11.02.98



Consultations:-

No objection has been received from:-

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

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

- a) they use the whole site and not just the office and forecourt in front of the building as stipulated within the application
- b) noise from loud music, doors banging, shouting, horns etc
- c) drainage and use of the chemicals used on nearby vegetable plots, and the local open water system
- d) vehicles are being sold from the site
- e) staff park anywhere, and not within the spaces shown on the plan
- f) non car wash patrons can only be using the char-grill which is a permanent fixture
- g) not all the cars are being cleaned within the forecourt
- h) the number of cars being cleaned is a vast underestimate based on the number of staff, operational hours and minimal wages
- i) why if they only attract passing trade, as stated, do they feel the need to advertise on Oak FM
- j) the application states that all vehicles on leaving are directed to turn left, however both staff and customers have been observed turning right
- k) sign and a car used for advertising have been located across the highway causing a distraction and obstruction to other users of the highway
- l) does the existing 'chargrill' require planning permission
- m) fence to the rear of the site is dilapidated and should be replaced by an acoustic fence
- n) the users have been spreading slurry on top of the soakaway
- o) where is the slurry taken and disposed of?
- p) when busy the traffic queues back onto the A5, creating a highway danger
- q) cannot sell the property due to the hand car wash
- r) distorts the image of nearby business resulting in lost trade and complaints from customers
- s) water marks and dirt left on the forecourt
- t) signs are bright and horrible
- u) If the application is approved please request an hours of operation condition.
- v) smell of the hot food van is disruptive to nearby residents.
- w) workers have trespassed into gardens
- x) it's a retrospective application
- y) the Company is not registered with Companies House
- z) is the waste being dumped illegally?
- aa) inconsistencies between the application form and submitted plans
- bb) operating more than one business from the property; mobile fleet valeting
- cc) breaches of Health and safety.

At the time of writing no response has been received from Severn Trent Water Limited.

Policy:-

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

BE1: Design and Siting of Development

EMP1(b): Existing Employment Sites

NE2: Pollution

NE14: Protection of surface water and ground water quality

Other Material Policy Guidance

The Employment Land and Premises Study (2010)

Appraisal:-

The main considerations with regards to this application are the principle of the change of use, the drainage implications, and highway safety.

The principle of development

The site consists of a former garage site, located on the southern edge of Hinckley and adjacent to a trunk road. The site is allocated within the Local Plan 2001 as an employment site. The more recent Employment Land and Premises Study states the site is well located and accessible and provides accommodation for a large employer and small businesses with good car parking. This document classifies the site as A, for 100% retention as an employment use.

The NPPF places the presumption in favour of sustainable development at its core. It defines sustainable development as having three strands; social, economical and environmental. This states a preference for development of brownfield land over that of un-developed sites and supports sustainable economic growth.

It is considered that the proposal uses an existing developed site which is allocated for employment use and is within the settlement boundary of Hinckley, as such it is considered to be acceptable in principle providing the application complies with other relevant policies.

Drainage and Pollution

Due to the nature of the application the proposal results in a lot of surface run off. The enterprise uses the existing drainage infrastructure within the site and a drainage plan has been submitted in support of the application. The plan shows the fall of the forecourt apron directing water to flow into a central aco channel which then feeds into a collecting chamber from which the run off goes through oil interceptors, which also act as silt traps before entering the mains drainage. The interceptor tanks are emptied by a contracted company approximately every 6 months. The water then discharges into the public foul gravity sewer that runs to the south of the A5.

The foul sewer will run to a treatment plant where the water will be treated and any chemicals, soap residue or any other impurities, are be removed before the water is discharged into any natural water course. Severn Trent Water as statutory undertaker for the water infrastructure has been consulted and their response will be reported as a late item. The scheme has been verbally discussed with the Environment Agency. Their concern is with pollution of ground water systems and they only requested to be consulted if the

proposal would drain into a surface water sewer. There are no surface water sewers in the vicinity of the site and therefore the water generated from the use would not enter the surface water system, and therefore the Environment Agency do not wish to be consulted on the proposal.

A plan showing where the vehicles are washed has been submitted showing that the run-off from the site would be contained within the concrete apron and would enter the on site drainage system. A condition is recommended restricting the washing and valeting of vehicles to within the forecourt of the site so not to result in the pollution of any groundwater or detrimentally affect the amenities of neighbouring residents. Subject to this condition and no objection being received from Severn Trent Water, the proposal will not result in pollution of the ground water and therefore is considered compliant with Policy NE12.

Highways

The site is accessed off the A5 and utilises the existing vehicular access points. The western most point is located 110m from the Dodwells Island. As this proposal directly accesses a Trunk Road the Highways Agency are statutory consultees. They do not consider that the proposal would have a material impact on the A5. Given that there is no objection from the Highways Agency, it is considered that the application is acceptable from a highway safety perspective.

The site is designated as an employment site and the Employment Land and Premises Study 2010 seeks to retain it as such. The previous uses, including diner and furniture shop, would have generated traffic movements from cars and larger service vehicles. It is considered that the previous uses would have resulted in a similar trip movement to those now proposed. Given this and no objection from the Highways Agency it is not considered the proposal would result in a danger to other users of the highway and a highway safety reason for refusal would not be sustainable.

The Bengal Chef operated mainly during the evening, once the car wash has closed and therefore there is no conflict regarding parking spaces between this use and that proposed. Enterprise Car and Van Hire have sufficient parking to the east of the site. There is considered to be ample parking within the site to cater for all of the uses.

Objections have been received due to highway safety and vehicles turning right across the nearside carriageway. There are no traffic regulation orders currently on the site preventing vehicles turning right when exiting the application site. Whilst the applicants have erected a no right hand turn sign from the eastern access of the site it is not possible to enforce this. The Highways Agency has commented on the proposal with this knowledge.

Objections also state that JCB's and other plant are being cleaned, and these slow moving vehicles, when leaving the site, would cause a highway danger. There is nothing preventing these vehicles using the site historically and therefore it would not be possible to sustain a reason for refusal on this basis.

In conclusion, having regards to the above, the proposal is considered to comply with Policy T5 of the Hinckley and Bosworth Local Plan.

Impact upon neighbours

Neighbouring residents have objected to this application referencing the noise and disturbance from the site. The Head of Community Services (Pollution) has confirmed that no noise complaints have been received.

The applicant states that it will not be possible to wash cars in the dark and during the winter months the hours of operation will shorten. Whilst condition controlling the hours of operation could be imposed to control the operating hours during summer months, there the Head of Community Services (Pollution) has raised no objection to the proposal, due to the existing background noise from the A5 and the location of the use on the opposite side of the building to the residential properties. It is therefore not reasonable to impose such a condition.

Representations have requested that an acoustic fence be erected between the site and the residential properties. The Head of Community Services (Pollution) has commented that an acoustic fence is only effective when positioned close to either the noise source or the property it seeks to protect and in this instance such a fence would be inappropriate. Accordingly it is not considered that such a condition could be imposed.

In conclusion therefore the proposal does not impact upon neighbours sufficiently enough to sustain a reason for refusal and the proposal is therefore acceptable in terms of its impact upon neighbours.

Other Issues

Objections have been received stating that the applicant is not just cleaning cars on the forecourt but within other areas of the site. The adjoining users to the site, Enterprise Cars have an area for cleaning their vehicles within the rear of the site. A plan has been submitted showing where vehicles will be cleaned by Bubble Boyz. A condition restricting the vehicle washing to this area is suggested. Any further activities undertaken on other parts of the site do not fall to be considered as part of this application and it is felt that the activities in relation to this application will be sufficiently controlled by the suggested condition.

Objections also include accusations that the staff members park anywhere within the site and not within the designated areas shown on the plan. There is ample parking within the site which will be required to be brought in to use in accordance with the proposals. It would be unreasonable to impose a condition requiring staff to use designated spaces and in any event it would be difficult to control and therefore unenforceable.

There are many concerns that have been raised that are not material planning considerations, and therefore will not be addressed as part of this appraisal these include:-

- a) health and Safety which is considered under separate legislation
- b) loss of property value
- c) business not registered with Companies House
- d) workers trespassing into gardens
- e) advertising on the radio
- f) Potential business return
- g) vehicles parking over a soak-away – this will not affect the soakaway providing the structure is capable of taking the weight
- h) spreading of slurry on top of the soakaway
- i) water marks and dirt left on forecourt
- j) impact on image of nearby business.

Matters raised that are planning considerations but not for consideration under this application include:-

- a) Char-grill stationed within the site
- b) adverts relating to the use cluttering up the forecourt and boundary
- c) vehicles being sold from the site.

These matters are being investigated separately.

Complaints have been received regarding an additional business being run from the site. The complainant states that this is a mobile valeting service. Car valeting is considered an ancillary use of the hand car wash and therefore is an acceptable use should the application be approved.

The planning system allows for applications to be submitted retrospectively, and this should not prejudice the determination of this application.

Conclusion

The application forms part of a designated employment site within the settlement boundary of Hinckley. Therefore the principle of development is considered acceptable. There are not any building works or alterations proposed. The drainage details are considered to be acceptable subject to there being no objections from Severn Trent Water for connection into the public sewer system. No objections have been received in respect of highway safety from The Highway Agency and therefore subject to no objections being received from Severn Trent Water it is recommended that the application be approved.

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. By virtue of the designation of the site as an employment use, the previous uses and drainage infrastructure, the proposal is considered not to result in the contamination of ground water, a highway danger or be to the detriment of neighbouring dwellings. The proposal is therefore considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (i), EMP1 (b), NE2 and NE14.

Local Plan 2006-2026: Core Strategy (2009):- Policy 1.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-
Site location plan scale 1:1250, block plan scale 1:500, drawing 1183 received 25 June 2012 and drawing 1183 rev 2 received 30 July 2012.
- 2 Vehicles shall only be washed within the area labelled as car wash area shown on plan 1183 rev 2 received 30 July 2012.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that all deposits washed from the vehicles go through the appropriate drainage system and in the interests of the amenities of neighbouring residents, in accordance with Policy NE12 and Policy BE1 (i) 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 consent does not grant permission for the display of the adverts in connection with the use. A separate application for advertisement consent should be sort.

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 12/00533/FUL

Applicant: Mr S Cheshire

Location: 34 Adrian Drive Barwell

Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING AND CHANGE OF USE TO C2 (RESIDENTIAL INSTITUTION)

Target Date: 23 August 2012

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a petition from more than 5 addresses objecting to the proposal has been submitted.

Application Proposal

The application proposes extensions and alterations to no. 34 Adrian Drive and change of use of the premises to Use Class C2 (residential institution).

The proposals comprise a single storey extension to the rear of the property, 3.8 metres wide with a projection of 2.9 metres along the boundary with no. 36. The single storey rear extension will be 3.9 metres high to the ridge and will have a mono-pitched roof.

A single storey extension is also proposed to the front of the property. This will be 4.9 metres wide and will project 1.7 metres from the front main elevation of the property. The front extension will be 3.6 metres high to the ridge with a mono-pitched roof. The ridgeline of the roof will sit just below the first floor windows.

A two storey side extension is proposed. This will be 2.4 metres wide and will run flush with the front and rear elevations of the house, resulting in a depth of 7 metres.

Planning permission was granted for the extensions and alterations in June this year. The proposals remain the same as the earlier permission in respect of the extensions and alterations, however, a change of use of the property is now also proposed to provide residential accommodation for two adults with learning difficulties and provision for 24 hour care staff for the residents.

The Site and Surrounding Area

The streetscene consists of terraced and semi-detached dwellings with flat fronted elevations. No. 34 and properties in the immediate street scene are semi-detached dwellings with rendered front elevations and brick pier details at the party walls and the edge of the dwellings. There are dwellings on corner plots that have gable features to provide active frontages to both elevations.

The property is a two storey, semi-detached dwelling near the head of the cul de sac. The properties are staggered with no. 34 being set back approximately 4 metres from the front elevation of no. 32 and has a deep front garden and drive that extends to approximately 14 metres. The rear garden is approximately 8 metres deep. No. 32 is set approximately 6 metres from no. 34 and the two properties have adjoining driveways.

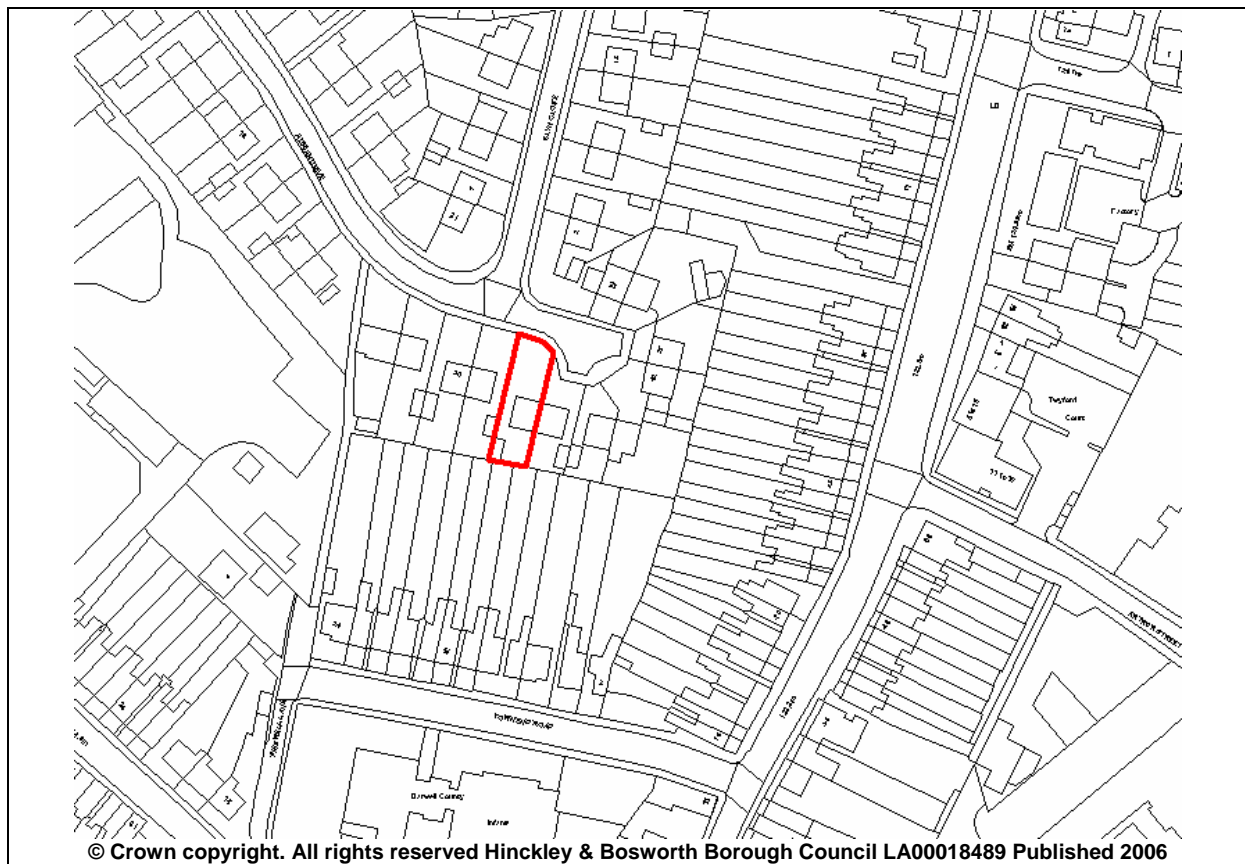
No. 34 adjoins no. 36 to the east of the application site. The rear boundary of the application site adjoins the rear boundaries of three dwellings on Townend Road to the south of the site. These properties have long rear gardens and the dwellings are set approximately 40 metres from the rear of no. 34.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement that sets out the nature of use and shift patterns for care staff. It indicates that the access and parking arrangements will remain unchanged. Further correspondence has been submitted by the applicant to clarify the nature of use for the provision of supported living assistance for two adults with learning disabilities who will live at the property on a long term basis.

Relevant Planning History:-

12/00320/HOU	Extensions and alterations to dwelling	Approved	12.06.12
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Consultations:-

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

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

The Parish Council have objected to the proposal on the grounds that the extension on the front of the property could possibly obstruct light and view to the adjoining property. They feel it is out of character for the area. They are also concerned with possible disruption from vehicles and parking issues.

One objection letter from a neighbour and a petition bearing 23 signatures from 18 properties in Adrian Drive and Glyn Close raise the following:-

- a) the community is a tight-knit cul de sac and a business of any sort would be detrimental to the area and affect residents peace and quite
- b) a care home on this site and in this location is inappropriate
- c) extending to the front will be out of character and will decrease light to the properties on either side
- d) extension to rear will impact on neighbour through loss of light
- e) vehicular access, particularly for ambulances is too narrow
- f) already many cars parked on roads making access difficult for larger vehicles
- g) access at night could be a particular problem
- h) no provision for parking for visitors
- i) decrease in value of neighbouring properties.

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development (criteria a, g and i)

Policy CF8: Residential Care and Nursing Homes

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact on the streetscene, the impact on neighbouring amenities and the impact on highway safety.

Principle of Development

The site is located within the settlement boundary of Barwell where there is a presumption in favour of development subject to all other planning matters being properly addressed. Policy CF8 seeks to ensure that new development or extensions to existing buildings to provide residential care homes will not create problems for the occupiers of nearby properties because of traffic generation, parking or the scale of the development proposed. Proposals should also provide satisfactory amenities for the residents of the home. Policy CF8 is in-line with the criteria of Policy BE1 and the need to consider impact on residential amenity and highway safety.

The NPPF has a presumption in favour of sustainable development and paragraph 159 of the NPPF seeks to ensure that local planning authorities address the need for all types of housing, including affordable housing and the needs of different groups in the community (such as families with children, older people, people with disabilities).

The principle of the extensions and alterations to the property has already been established in granting planning permission in June this year under delegated powers and the extensions are the same as those already approved. This is a residential dwelling currently within Use Class C3. This use class currently allows occupation by people forming a single household of not more than six residents living together as a single household with or without the provision of care. The application proposes to change the use to Use Class C2 residential institution which includes a wide range of uses such as residential care, residential learning/schools; residential clinics, hospitals and nursing homes. Whilst the application proposes an open C2 use it does state within the details that it will be used for two adults with learning difficulties where care is required. It will include 5 staff members with a maximum of 2 on site at anyone time.

As the use class is broad, the application has been considered on the basis of the additional information that specified how it would be used. The reason for this is that other uses within Use Class C2 may not be compatible with the surrounding residential area such as a chronically sick persons clinic which could result in an increase in the number of people, carers, and medical staff visiting the site. Such that further consideration would be required to ensure there were no adverse impacts upon neighbouring residential amenity.

The premises are located within a sustainable residential location with access to a range of services and public transport. The proposed change of use is in accordance with the Development Plan Policies and the NPPF and it is considered acceptable in principle.

Impact on the Streetscene

Supplementary Planning Guidance indicates that two storey side extensions should be set back from the front elevation so that they appear subservient and do not overwhelm the main dwelling house. Whilst the two storey extension will run flush with the front elevation it will be in keeping with other extensions in the street, the nearest of which is at the head of the cul de sac at no. 40. Also, due to no. 34 being set back from the front elevation of no. 32, terracing is not considered to be an issue. The single storey front extension has been designed so that it has a separation distance between the front and side extensions.

The property has large windows to the right hand side of the front elevation and brick pier detail to the corner of the house. The large windows will be replaced by a smaller window to the ground floor and the small window to the single storey front extension. However, two large windows are to be formed in the side extension and these will provide a balanced frontage to the property. The brick pier on the existing corner of the property will not be retained. However, a brick pier is proposed in the corner of the two storey side extension to reflect the character on the property and the streetscene as a whole. The chimney is not shown as being retained but due to the set-back of the property, the loss of the chimney is not considered to be harmful to the streetscene.

The proposals are not considered to have a detrimental impact on the streetscene.

Impact on Neighbouring Amenities

No 34 is set back approximately 4 metres from the front elevation of no. 32. The two storey side extension will adjoin the side boundary with no. 32 and will project approximately 4.5 metres beyond the rear elevation of no. 32. Supplementary Planning Guidance indicates that two storey extensions should not project more than 2 metres along a shared boundary. However, no. 32 has a driveway between its side boundary that is 2.2 metres wide with a detached garage beyond. There is also a single storey conservatory extension that projects approximately 3 metres to the rear of no. 32. The two storey side extension will therefore be set 2.2 metres from the side elevation of no. 32 and will therefore have minimal impact on the first floor bedroom window in the rear of no. 32. The two storey extension will project approximately 1.5 metres beyond the rear of the conservatory, and will overhang the detached garage by approximately 1 metre. Due to the distance to the side of the property the two storey side extension is not therefore considered to have a detrimental impact on no. 32. It will not project beyond the rear main wall of the house and will have no impact on neighbouring amenities of no. 36.

The single storey rear extension will project 2.9 metres along the boundary with no. 36. This is in accordance with Supplementary Planning Guidance that indicates that single storey extensions should not project more than 3 metres along a shared boundary. The single storey rear extension will be set more than 5 metres from the boundary with no. 32 and will be obscured by the detached garage at no. 32.

The two storey side extension and the single storey rear extension will be set approximately 40 metres from the nearest property on Townend Road. As such there will be no adverse impact upon these residents.

The single storey front extension will project 1.7 metres adjacent to no. 36. The entrance door to no. 36 is set alongside the boundary with no. 34 and the single storey front extension will have no impact on any habitable room windows to no. 36.

In terms of the change of use to a C2 residential institution, Policies BE1 (criteria i) and CF8 (criteria a) seek to ensure that there will be no harm to the amenities of nearby properties. In this respect it is important to consider the scale and nature of the use and the level of disturbance to nearby residents from visitors and staff shift patterns etc. The applicant has confirmed that there will be 2 adults with learning disabilities living at the property. There will be five members of staff working across three shifts, with a maximum of two staff present at any time. During the day there will be two staff present from 7.00am until 4.00pm and two staff present from 4.00pm until 11.00pm. There will be one residential member of staff present at night from 11.00pm until 7.00am. There will be no regular visiting medical staff.

Residents have raised concerns about the introduction of a business in this residential street and the impact that will have on residential amenity. Following extension to the property there will be four bedrooms. Two will be for residents and one for the overnight carer. The fourth bedroom is likely to be used as a leisure/learning room with computer facilities. The ground floor extensions will improve the kitchen and living accommodation and provide a downstairs WC. During the day there will be two residents and other than shift change-over, there will be two members of staff. This is not considered to be an over-intensive use of the property with the number of occupants being of a similar scale to other residential dwellings in the vicinity. The residents will not drive and a high level of visitors is not envisaged. Although the change of use will result in a level of care the nature of use remains residential and is not considered to have a detrimental impact on neighbouring amenities.

Impact on Highway Safety

Concern has been raised by neighbours about the impact of the proposals on parking. The proposals will result in a 4 bedroom dwelling. The parking standards set out at appendix D to the Local Plan indicate that three parking spaces should be provided for a 4 bedroom dwelling. The dwelling has a deep front garden with sufficient parking for up to three vehicles. The parking provision was considered acceptable for a four bedroom dwelling house when permission was granted for the extensions and alterations in June.

The parking standards for a C2 residential institution have two levels of parking with a higher requirement for a nursing home than for a home for the elderly. A nursing home requires one car parking space per three bedrooms and one car parking space for each member of staff on site. Therefore, the three on-site parking spaces are considered sufficient based on the proposed occupation. However, any increase in the number of occupiers could have an impact on car parking and the Director of Environment and Transport (Highways) recommends a condition limiting the number of residents to two. Given that the property's existing use as a C3 residential dwelling could be occupied by 6 residents, all of whom may drive cars, it is not considered reasonable to impose a condition restricting the number of occupiers on the basis of highways. This is accepted by the Director of Environment and Transport (Highways).

The proposals are not considered to have a detrimental impact on highway safety.

Conclusion

The proposed extensions and alterations are of an appropriate design and not considered to have a detrimental impact on the streetscene or neighbouring amenity. The proposed change of use on the basis of the information submitted is considered to be of an appropriate scale and nature for this location and is not considered to have a detrimental impact on neighbouring amenity or highway safety and the application is therefore considered acceptable 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. The siting and design of the extensions and the proposed change of use is not considered to have a detrimental impact on visual amenity or the character of the street scene, neighbouring amenity or highway safety. Accordingly the development is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001) :- Policies BE1 criteria a, g and i, CF8 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 submitted application details, as follows: Site Location Plan at 1:1250, Site Layout at 1:500, Elevations and Plans at 1:100 and 1:50 received by the local planning authority on 28 June 2012.
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building unless previously agreed in writing with the Local Planning Authority.
- 4 The premises shall be used as a care home for up to 3 residents with 2 staff carers and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

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 & Bosworth Local Plan.

- 4 In the interests of residential amenity as other uses within Class C2 may not be compatible to this residential location in accordance with Policy BE1 criteria i and CF8 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:- Anne Lynch Ext 5929

Item: 07

Reference: 12/00507/FUL

Applicant: Mr John Bircumshaw

Location: Burbage Methodist Church 40 Windsor Street Burbage

**Proposal: DEMOLITION OF METHODIST CHURCH AND SCHOOL BUILDING AND
ERECTION OF NEW METHODIST CHURCH**

Target Date: 24 August 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission for the demolition of the existing Methodist Church buildings and erection of a replacement two storey Methodist Church.

The permission seeks consent to erect a two storey replacement worship place with ancillary community facilities including a coffee shop and various multi purpose meeting rooms. The replacement building would be located to the northern end of the site, retaining the parking area providing 27 parking spaces to the front and the existing vehicular and pedestrian entrances.

The replacement building is a modern design with a curved metal roofed that overhangs the southern and western elevations. The southern elevation is staggered and mainly glazed with a horizontal emphasis. The western projecting element is essential single storey in nature at a maximum height of 7.2 metres but has first floor accommodation contained within the roof space lit by two large rooflights, with glazing to the ground floor. The eastern elevation facing Wesley Walk consists mainly of a blank brick elevation, broken by thin slot windows providing light into the main worship area and one of the first floor community rooms. The eastern side of the scheme measures a maximum of 9 metres. The western elevation is staggered with the first floor set back from the ground floor by 4.5m, however the overhang of the roof reduces this to 3 m. Windows are proposed within this elevation serving a circulation space and kitchenette with projecting fins restricting views. These are also proposed to be obscurely glazed.

The Site and Surrounding Area

The site has an area of 1882 square metres, and is located on the north side of Windsor Street within the settlement boundary of Burbage. The site is linear in shape with a narrow site frontage to Windsor Street providing vehicular and pedestrian access. Parking is located to the southern end of the site either side of the access with the buildings located to the north. The Main building consists of a red brick traditional chapel dating from 1866, with central door and symmetrical façade. The chapel was renovated in the 1980's when the stained glass windows were removed, the main worship space was moved up stairs and the ground floor was converted into a series of small meeting rooms.

Along the western boundary is a single storey 'school house' building. The original element of this is pitched roof with tall windows. The building has been extended with a flat roofed extension to the north of the existing building.

To the east of the site, the site borders Wesley Walk, with two residential properties beyond (Windmill Lodge and St Johns) and the grounds of Burbage County Junior School further north. To the north the site backs on to the residential grounds of Grove House, with the properties of Windsor Court to the west. Windsor Court consists of a mixture of detached two storey dwellings with a two storey block of flats at the northern end. A small parking court is located on the northern side of the flats within Windsor Court, to the west of the application site. All the properties are set within small plots with small gardens or amenity spaces between the actual buildings and application site.

In the immediate vicinity of the site Windsor Street comprises a mix of commercial and residential properties. To the east of the entrance, is a fish and chip shop with two storey residential property to the west of the access. Opposite the entrance is a parade of retail units some with flats above and on street parking bays to the front.

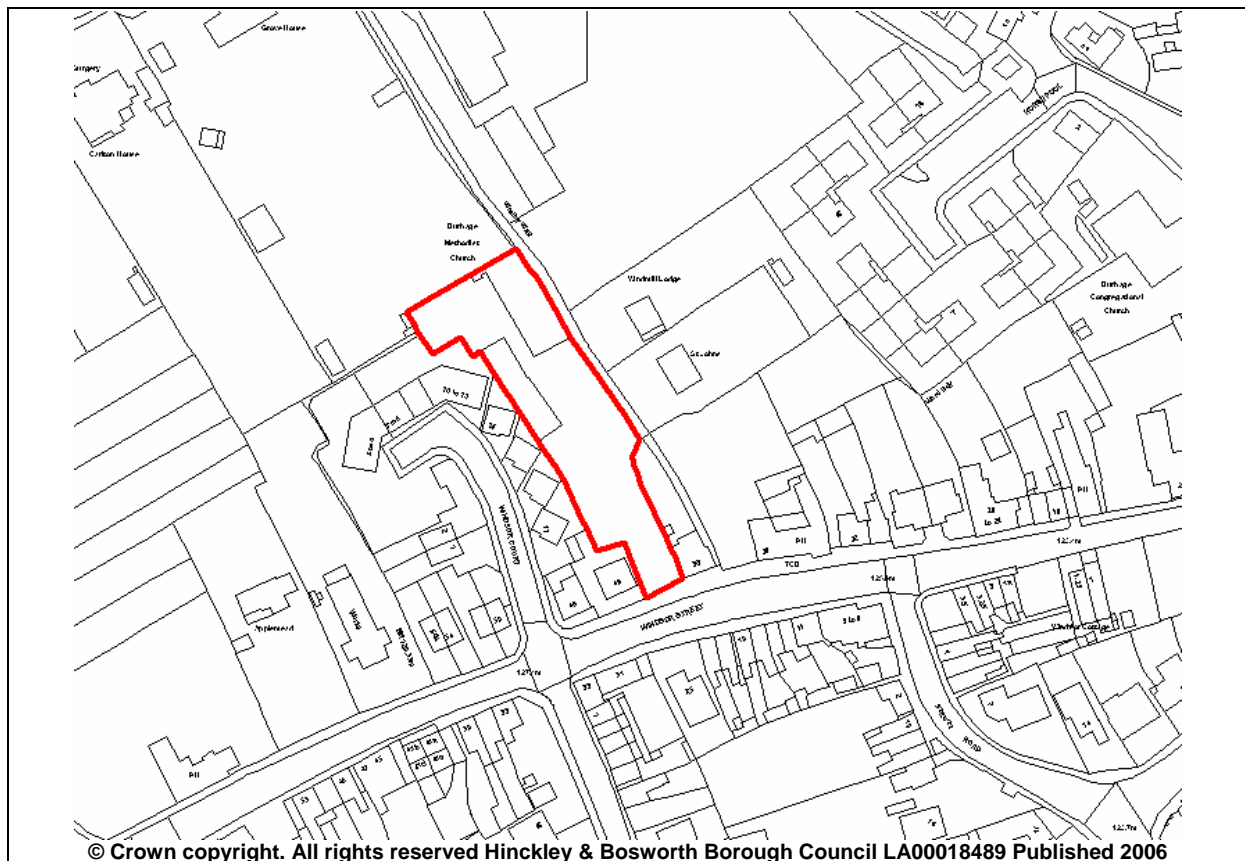
Amended plans have been received removing part of the first floor element. These drawings also included cross sections showing the relationship of the proposal with the flats within Windsor Court.

Technical Documents submitted with application

Design and Access Statement
Bat Survey
Historical Building Assessment

Relevant Planning History:-

96/00685/TEMP	Retention of storage shed	Approved	06.09.96
91/00509/4	Retention of storage shed	Approved	12.08.91
88/00111/4	Demolition of existing buildings and erection of church hall and ancillary buildings	Approved	26.04.88



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Head of Community Services (Land Drainage).

Burbage Parish Council objects on the following grounds:-

- a) contrary to the Village Design Statement which states that the historic environment of the village should be preserved
- b) unsatisfactory relationship with other nearby users

- c) detrimental to the amenities enjoyed by the occupiers of nearby properties due to effect on privacy, light, noise, disturbance and overbearing impact
- d) significantly out of character/ appearance of the area
- e) over development of the site leaving no open space around the buildings.
- f) lack of on site parking given the increase in uses on the site
- g) concerned about accuracy of the plans.

Burbage Matters have objected to the proposal on the following grounds:-

- a) contrary to Burbage Village Design statement and Policy BE1 of the Hinckley Local Plan.
- b) the historic environment of Burbage should be conserved – the proposed modern design is not in keeping with the original form or any surrounding properties and would result in an incongruous form of development
- c) the proposal would be visually intrusive and have an overbearing impact which will dominate the outlook of occupiers of nearby properties.

Site notice was displayed and neighbours notified.

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

- a) contrary to the Burbage Village Design Statement, especially policies GN1 and GN2
- b) overlooking and loss of privacy
- c) loss of light into living areas
- d) ultra modern design would result in a building that will look out of place
- e) loss/damage to trees
- f) overbearing development
- g) loss of parking spaces
- h) inappropriate scale
- i) noise and disturbance during construction
- j) loss of views
- k) concerns about security
- l) increase in noise and disturbance from the use of the courtyard
- m) light pollution
- n) detrimental impact on wildlife
- o) loss of a historical building.

A petition containing 114 signatures and one letter of support have been submitted in support of the proposal stating that the current layout of the first floor service chapel results in health and safety issues during funeral services. The scheme for a ground floor service room is considered positive step in terms of servicing the worshipers of the Methodist faith.

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

The Leicestershire Constabulary Crime Reduction Officer
Directorate of Chief Executive (Archaeology).

At the time of writing the report the consultation period remains open on the amended plans, further comments received will be reported as a late item.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Policy 4: Development in Burbage

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway design and vehicle parking standards

Supplementary Planning Guidance/Documents

New Residential development SPG

Other Material Policy Guidance

Burbage Village Design Statement

Appraisal:-

The main considerations with regards to this application are the principle of the development, the scale, mass and design, impact upon historic area, impact on the amenities of neighbouring properties, and parking.

Principle of development

The site is located within the defined settlement boundary of Burbage, as defined on the adopted Hinckley and Bosworth Local Plan Proposals Map. The NPPF has a presumption in favour of sustainable development. The location of the proposal of the re-development of a previously developed (brownfield site) within the settlement boundary, and easy walking distance of bus routes and other facilities, is considered to be within a sustainable location and a sustainable form of development. Accordingly there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Scale, Mass and Design

The NPPF seeks good design and sees this as indivisible from good planning. Paragraph 60 states planning 'should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'.

Policy BE1 of the Hinckley and Bosworth Local Plan seeks to ensure a high standard of design. This includes complementing the character of the surrounding area by having regard to the scale, layout, mass, design, materials and architectural features.

The Burbage Village Design Statement does not form part of the statutory Development Plan therefore it is not a material consideration in the determination of this application. However, the document provides an assessment of the Character of Windsor Street remarking on the attractive Victorian terraced properties and few detached properties that 'give character to the village'. The Wesleyan Chapel is only mentioned within the context of describing the other buildings in the area. No apparent merit is given to its contribution to the character. The rear of the document lists Guidance Notes, and representations received state that GN1 and GN2 are relevant to this application. Policy GN1 refers to mature areas and seeks to protect the distinctive characters of these areas. Policy GN2 outlines the design principles and requests that new developments should conserve the historic environment of the village. The objectives of these are reiterated within the policy BE1 that requires new developments to

compliment or enhances the character of the surrounding area. The NPPF also provides guidance and states within paragraph 64 that 'permissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. The application will therefore be considered against the policies within the adopted local plan and NPPF.

The existing Methodist Church (also known as the Wesleyan Chapel) is set back from Windsor Street and as the Burbage Village Statement acknowledges it is the properties on the road frontage that contribute and define the character. The Methodist Church is an attractive building and traditional in style which reflects the architectural style the building dates from.

The nearest properties to the application site are those within Windsor Court and the two detached dwellings off Wesley Walk.

The properties in Windsor Court are two storey residential properties constructed early 1990's and contain a mix of houses and flats. This is a red brick and concrete roof tile development that has a horizontal emphasis, separated from the application site by a 2m high brick wall. The development faces inwards around its own cul-de-sac. The form and style of this development does not reflect the architectural features or form of the application site. The two properties with access off Wesley Walk are 1930's detached dwellings separated from the application site by the public footpath and a high hedge. Again these do not reflect the layout or style of the existing buildings on the site.

The site is set back from the road and has no direct relationship with other buildings in the area, which, a new building on the site could complement. It is considered therefore that the site could sustain a character of its own providing the scale is acceptable.

The existing Methodist church is two storey in height with a central ridge height of 11m. The proposal is for a two storey building with a maximum height of 9 m set against the eastern boundary of the site. Its scale is therefore comparable to the nearest surrounding development and the existing structures on the site.

The proposal extends the footprint of the church, increasing the width of the chapel and extending to the east. The increase in the footprint is generally single storey and where two storey, the rooms are contained within the roof. The site is located close to the centre of Burbage where you would expect to find higher density development. The application site is boarded by a 2m brick wall to the north and west boundaries. To the east the current wall of the site forms the boundary with Wesley Walk, with iron railings continuing the boundary. The main mass of the development would therefore be partially screened by the existing walls to the site. The built form would only cover 25% of the site, and therefore is not considered to be over development of the site.

The design is modern, incorporating a large glazed element to the front. It incorporates articulation to the elevations to add interest and varying height and use of a curved roof reduces the scale of the building. It is proposed to use a variety of modern and traditional materials with stone fin walls and large glazed areas characterising the building as modern but traditional brick to complement the surrounding area and the existing character of the site. The curved roof comprises a metal standing seam finish with colour to be agreed. The NPPF specifically makes reference to the planning system not imposing a particular architectural style on a development. The proposal is considered to be of an appropriate scale and by incorporating a modern design would not harm the character of the area, nor would it be overdevelopment. The design and the appearance of the proposal is considered to be acceptable and complies with Policy BE1.

Impact upon Historic Area

The application site is located 100m to the west of the Burbage Conservation Area. The existing Methodist Church is not listed and therefore not statutorily protected. The NPPF seeks to protect the historic environment but recognises that heritage assets should be conserved in a manner appropriate to their significance. The NPPF reiterates that the loss of a heritage asset can only be objected against when they are designated (paragraph 133). Being neither listed or within a conservation area the NPPF therefore makes it clear application to demolish and replace the existing chapel cannot be refused on the basis of its historical value.

A Historical Buildings Assessment has been submitted in support of the application. The document confirms that the historic value of the building was detrimentally harmed during the alterations in the 1980's, consequently the building would not longer be capable of achieving listed status, without which means the loss of the existing Methodist Church building is acceptable in Planning terms.

Impact on the Amenities of Neighbouring Properties

The Council's SPG on New residential dwellings provides guidance on the separation which should be achieved between windows serving habitable rooms and other windows and blank walls to maintain an acceptable level of amenity for existing residents. In the case of facing windows a minimum distance of 25m should be sort and in the case of walls a distance of 14m is acceptable. Whilst this guidance specifically relates to residential development the distances to protect amenity are relevant to all development and therefore are used as a guide.

The nearest residential dwellings to the development are four flats within Windsor Court. These are all one bedroomed flats containing a lounge with kitchen off, bedroom and bathroom. However all the units have individual floor plans.

Habitable rooms are those defined as rooms where people spend a significant amount of time. A large kitchen which would contain a separate eating area is considered to be habitable. The kitchens within Windsor Court open off the lounge and whilst a couple have a small table to sit at it is considered that due to their size they cannot be considered as habitable rooms in their own right.

Flat 10 is a ground floor flat within the corner of the building. The main lounge window faces south and would not be affected by the development. The bedroom window faces north west toward the parking area to the rear of the flats and whilst the proposal would be visible due to the distance (approximately 7m) and where the window faces, the proposal will not significantly affect the light within this room. The kitchen window would face the single storey western element of the proposal. The roof overhang would be located approximately 7m to the north of this window separated by a 2m brick wall. This room is already compromised given its orientation and the proximity of the wall located just over 3m away from the window. Whilst the proposal would be visible, and block out an element of the visible sky from this room, given the kitchen is not a habitable room, and is already compromised by the proximity of the wall it is not considered that the proposal would detrimentally affect the amenities of the occupiers of this unit.

Flat 11 is located directly above flat 10 however in this case the lounge and kitchen are located at the rear facing the application site. The lounge faces north over the car parking area serving the flats and would not be detrimentally affected by the proposal. The kitchen leads off the lounge and would be approximately 13m from the two storey element of the proposal. This is a storey higher than the flat below and due to the increased elevation would

naturally benefit from more natural daylight. Given that this is a kitchen window and given the higher elevation it is not considered that the proposal will detrimentally affect the light currently enjoyed by this property.

Flat 12 is a ground floor flat located to the eastern end of the flat complex. The bedroom and bathroom window would face the development with the kitchen and lounge facing the south. The bathroom is not a habitable room and therefore cannot be taken into account in the determination of the application. The natural daylight reaching the bedroom is already severely compromised by the landscaping to the rear and the brick wall, located approximately 4m away. The existing building obscures a large portion of the sky. It is not considered that the proposal would significantly affect the natural light to this room to sustain a reason for refusal.

Flat 13 is a first floor flat located above flat 12 with the lounge and kitchen windows facing the development. The lounge window would be located approximately 11m from the start of the roof and 14m from the first floor elevation. The single storey element of the proposal would be sited closer but at a lower level than the window and as the roof slope rises would be seen against the mass of the first floor element. The existing Chapel building dominates the outlook from these windows and the proposal would be coming approximately 5m closer, however with a reduction in the height. It is considered that whilst this is a habitable room window and the development would not meet the councils guidelines, given the scale and siting of the existing Methodist Chapel when compared to the proposal, it is not considered that the proposal would significantly worsen the amenities enjoyed by occupiers to sustain a reason for refusal.

The western elevation of the proposal includes windows at first floor level serving part of the circulation space would face the flats within Windsor Court. These would be located approximately 14m distance and could potentially result in overlooking and loss of amenity. However, the amended plans show these windows as being obscurely glazed and the fins between the windows have been included to restrict views out of the windows to either side. A condition can be imposed to ensure that the obscure glazing is retained to these windows. Providing the condition is imposed there would be no overlooking and hence no loss of privacy to the occupants as a result of the development.

In light of the above it is considered that the proposal would not significantly affect the amenities presently enjoyed by occupiers of the flats within Windsor Court.

Other dwellings within Windsor Court 14-17 are located to the south of the proposal and a greater distance away. It is considered that the proposal would not detrimentally affect the amenities enjoyed by these occupiers. The dwellings located to the east of the site Windmill Lodge and St Johns, are located over 15m from the proposal. Given the distance and orientation the proposal is not considered to detrimentally affect the amenities of these properties.

The proposed building would result in a lower building with the highest element located against the eastern boundary further from the flats within Windsor Court. Whilst the proposal extends the first floor element closer to the flats given the reduction in height and existing outlook it is not considered that the proposal would significantly affect the amenities of the occupiers of the dwellings. The proposal is considered to comply with Policy BE1 (i).

Noise and Disturbance

Objections have been received raising concerns that the outside courtyard serving the coffee shop will result in noise and disturbance. The site is located close to the centre of Burbage where there is a public house and take-aways which open into the evening. The coffee shop

is proposed as an ancillary use to provide a meeting place during the day and is not intended by the occupiers as a late night business. Given that the coffee shop is proposed to be ancillary to the main use, and unlikely to result in significant usage it is considered that it is unlikely to cause noise and disturbance to neighbouring residents. Furthermore, it should be noted the Head of Community Services (pollution) has raised no objections to the scheme.

Disturbance during the construction works is not a material planning consideration that can influence the determination of the application as it is temporary in nature.

Parking

The application states that existing parking spaces would be retained with two additional spaces being created resulting in a total of 27 being provided plus 12 cycle parking spaces. Objections have been received on the basis that this information is incorrect, as part of the area to the rear is often used for parking and as this will no longer be available, there will be an overall loss of off street parking. Notwithstanding this the County Councils 6 C's Guidance for highway standards requires 1 space per 22m² resulting in this development requiring 25 spaces. The 27 proposed therefore exceeds this is considered to comply with Policy T5.

Other Issues

Drainage

Severn Trent Water raise no objection to the proposal subject to the submission of drainage details. There are no known flooding issues within the area and none have been highlighted by Severn Trent Water. These details would have to be approved as part of the application for consent under Building Regulations and guidance in circular 11/95 on planning conditions is clear that the planning system should not duplicate controls imposed through other legislation. Therefore no drainage condition is required in this instance.

Light Pollution

Objections have been received on the basis of light pollution. The application site is located within the centre of Burbage surrounded by other aspects of the built form that give off light pollution including street lamps. It is not considered that the proposal would result in a significant amount of light pollution to sustain a reason for refusal.

Harm to trees and local wildlife

Objections have been received on the basis that the development would result in harm to nearby trees and wildlife. No trees within the vicinity of the site are protected by a Tree Preservation Order (TPO). There is a row of conifers within the curtilage of Grove house adjacent to the northern boundary of the site, and a group of deciduous trees against the western extent of the site. Part of the conifers are growing adjacent to the existing building and appear in good health. The rest of the trees are adjacent to a 2m brick wall which will have some foundations which will presently restrict roots entering the site. All of the trees around the site appear healthy and are partially constrained presently but with open land to the other sides. It is not considered therefore that the proposal would detrimentally affect the health of surrounding trees.

Protected Species

A bat survey was undertaken and submitted with the application. This looked for evidence that the existing buildings on the site have been or are being used as a bat roost or as a

nesting site for birds. The survey shows that no evidence of bats or nesting birds were found. The proposal is therefore acceptable in terms of protected species and ecology.

Accuracy of plans

Concerns were raised regarding the accuracy of the plans including measurements from Windsor Court to the wall. These were tested and found to be accurate. A window that was not shown on the elevations has been removed through the alterations submitted as amendments to the scheme.

Security

At present the rear courtyard used as an outdoor play area by the playgroup is accessible to anyone entering the site. The proposed courtyard area shown on the plans is shown as being gated. It is not considered that the proposed use would result in a greater security risk to neighbouring occupiers.

Conclusion

The application seeks approval for demolition of the existing Methodist Church buildings and erection of a modern worship space with ancillary rooms including a seating area next to a kitchen that could be used to sell coffee and tea and provide a meeting area. The application proposes a modern designed building of a similar scale to the surrounding developments and the buildings to be removed. The proposal would have a lower maximum height and although the ground floor element is sited closer to properties on Windsor Court due to the reduction in height it is not possible to demonstrate that the application would result in a significant detrimental effect on the amenities of neighbouring residents.

The NPPF states that the planning system should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. The scale and mass of the proposal is considered to be acceptable. The design is considered to comply with Policy BE1 (a) of the Local Plan.

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. By virtue of the height, scale and position of existing development on the site, the relationship with surrounding developments and proposed design, the proposal is considered to comply with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy 4.

- 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 01

received 12 June 2012; Drawing 06, 05 received 29 June 2012 and Drawing 03, 04, 07 received 1 August 2012.

- 3 The first floor windows on the west elevation serving the breakout area shall be obscurely glazed and thereafter retained.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed church shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Before the first occupation of the building hereby permitted the parking layout, including cycle storage, shall be made available for use in accordance with the details as shown on drawing number 03 rev J received 1 August 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 restrict overlooking protecting the amenities of neighbouring occupiers in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that an adequate level of off street parking is provided in the interests of highway safety 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).

Contact Officer:- Sarah Fryer Ext 5682

Item: 08
Reference: 12/00548/CONDIT
Applicant: Mr Michael Broderick
Location: 2 Aldridge Road Burbage Hinckley
Proposal: REMOVAL OF CONDITION NO. 4 OF PLANNING PERMISSION 09/00266/FUL TO RETAIN THE EXISTING ACCESS
Target Date: 24 August 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been requested to be heard at committee by a Ward Councillor due to highway safety issues.

Application Proposal

This application seeks the removal of condition 4 attached to planning permission 09/00266/FUL which stated:-

Prior to the development first being used, the alterations to the front boundary wall facing Aldridge Road as shown on submitted dwg no. 4163(a) received 7 August 2009, shall be completed in accordance with the approved plan.

For the avoidance of doubt this condition simply requires works to be undertaken to the boundary wall in accordance with plan Drawing 4163(a). This plan shows the front boundary wall being repaired across a break and the widening of the western vehicular access.

Whilst the applicant lives at the address, the 2009 application gave consent for part change of use to enable a sign language school to also be operated from the property.

The Site and Surrounding Area

2A Aldridge Road is a detached bungalow located within a corner plot to the north of the junction between Aldridge Road and Rugby Road, within the settlement boundary of Burbage.

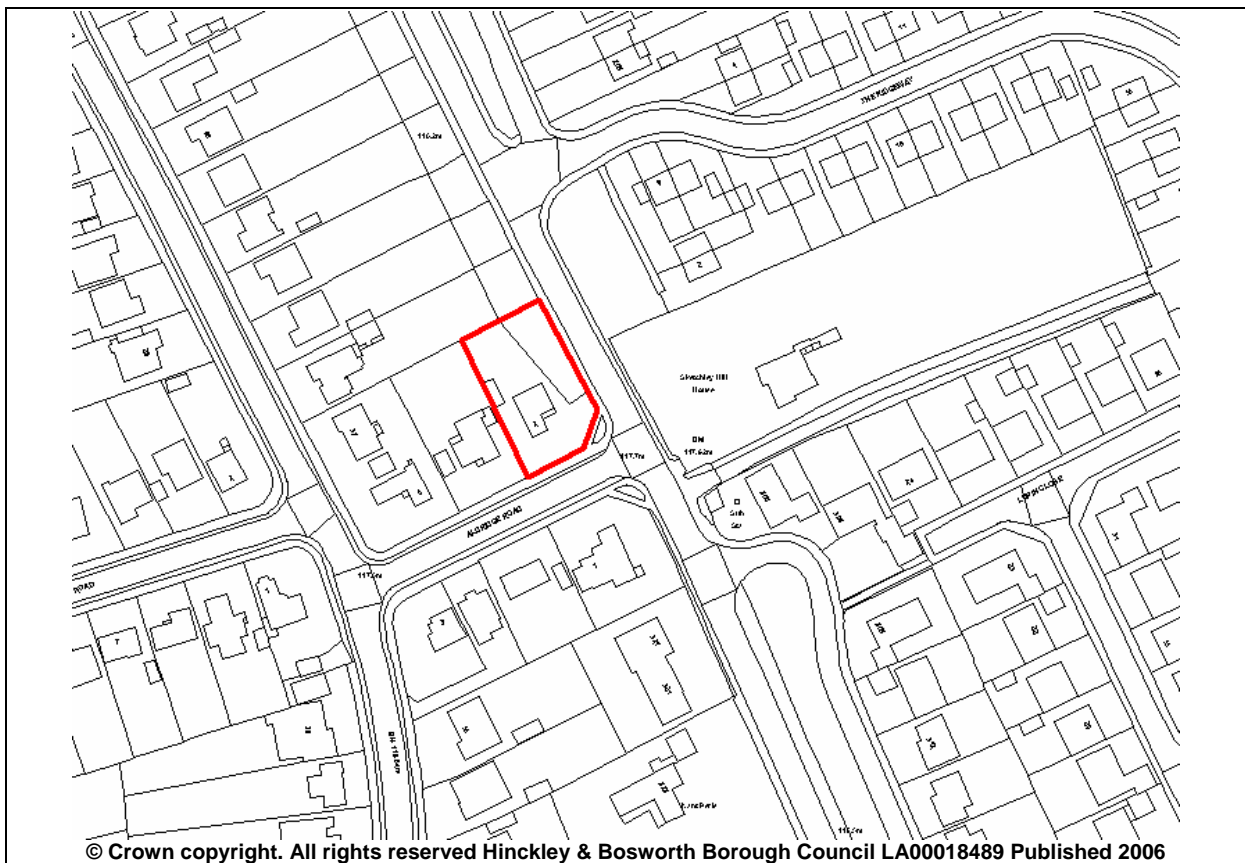
The property has benefited recently from large extensions and is separated from the highway by a dwarf brick wall with two gaps for vehicular access points. The access point on the western side of the property, has a tarmac surface linking the property with the highway and benefits from a dropped kerb. There is a break in the frontage wall to the eastern side of the property however the grass verge to the front of the dwelling is intact and there is no dropped kerb in front of this. .

Technical Document submitted with application

None relevant.

Relevant Planning History:-

10/00607/ADV	Erection of one advertisement	Withdrawn	15.09.10
09/00266/FUL	Extensions and alterations to bungalow and part change of use to teaching facility (amended scheme)	Approved	20.05.09
09/00087/FUL	Extensions and alterations to bungalow and part change of use to teaching facility	Withdrawn	06.04.09



Consultations:-

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

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

Burbage Parish Council has objected as the access should be blocked up to reduce the number of vehicle accesses to the site and consequently to reduce the number of potential access / conflict points in the interest of highway safety.

Councillor Bray has requested that the application be determined at committee and has raised the following:-

- a) the applicant wants the access to increase the saleability of his property and not for disabled access as stated
- b) the applicant habitually ignores planning restrictions.
- c) the teaching rooms are advertised for rental other than being used for the sign language business.
- d) NBSL is a business and not a charity.

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

- a) Allowing a second driveway to these premises will create a major safety hazard due to the proximity to the junction with Rugby Road
- b) Parking to the rear of the site is not being used due to the unfinished building work
- c) The advertisement sign has been doubled in size since the permission was granted
- d) The web site is advertising the use of the room for formal meeting, social committee meetings and individual use
- e) The site is unsightly with old cars, rubbish and needs clearing.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of development

Policy T5: Highway design and vehicle parking standards

Other Material Policy Guidance

Burbage Village Design Statement

Appraisal:-

The principle of the development has been established under the 2009 permission reference 09/00266/FUL. This application only seeks to vary a condition attached to this consent. The main considerations with regards to this application are highway safety.

Highway Safety

At the time of the 2009 application (reference 09/00266/FUL) for extensions and alterations and part change of use of the property to a teaching facility the Director of Environment and Transport (Highways) stated that the proposal would be acceptable subject to the imposition of conditions including the effective blocking up of the wall at this point to prevent an additional access. The reason this was imposed to limit the number of potential conflict points and restricting the number of potential accidents.

The Director of Environment and Transport (Highways) has raised no objections to this proposal subject to conditions. These include no bollards, gates, barriers chains or other such obstructions to be erected at the vehicular access and within 3 months of this permission both access shall be constructed in accordance with details that shall first be submitted to and agreed to in writing by the Local Planning Authority.

The Director of Environment and Transport (Highways) has stated that the original condition was never really justified as a mechanism to prevent a second access point. The distance between the two access points serving 2 Aldridge Road is greater than some of the adjacent to private accesses on Aldridge Road and the access is sufficient distance from the junction with Rugby Road to avoid conflict. Aldridge Road is also a lightly traffic suburban Road. The information submitted with the application indicates that the additional access would help circulation of the site, reducing the need for vehicles to reverse out onto Aldridge Road. In conclusion, it is considered that in light of the above the creation of a second access would not be detrimental to highways safety and any objection on highway safety grounds would be unsustainable at appeal.

It is not considered reasonable that the existing access be dismantled and re-constructed to comply with current standards. This application only seeks to retain the existing openings within the wall and does not propose any additional works. If the applicant continues to utilise the break in the boundary wall as an additional access The Director of Environment and Transport (Highways) can enforce and ensure that an appropriate crossing is installed.

Other Issues

Objections have been received on the size of the advertisement sign to the front of the property, advertising the business and that the rooms are being advertised for private hire. These are a matter for enforcement and an enforcement case has been opened and is currently being investigated. The untidiness of the site, its value and where it is a business or charity are not a material planning considerations.

Conclusion

Given that the highway authority have no objection to the access remaining subject to it being brought up to standard, it is not considered that there are any grounds on which to refuse the application. It is therefore considered that condition 4 attached to application 09/00266/FUL be removed.

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. By virtue of the existing access not resulting in a detriment to other users of the highway, the removal of condition 4 attached to planning permission 09/00266/FUL is considered to be acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy T5.

- 1 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to either vehicular accesses shown on the block plan received 29 June 2012.
- 2 This permission shall operate solely for the benefit of the applicant and shall not run with the land.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan (scale 1:1250) and block plan (scale 1:500) received 29 June 2012.

Reasons:-

- 1 To enable a vehicle to pull off the public highway without causing an obstruction in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 2 Although the off street parking provision is likely to be acceptable for the way the applicant is proposing to use the property, a more traffic-intensive use of the property within the same use class could be inappropriate due to the limitations of the parking area and a use not acceptable within a residential area, which would not comply with Policies T5 and BE1 (a).
- 3 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 09

Reference: 12/00597/FUL

Applicant: Sedgemere Developments

Location: Sedgemere Station Road Market Bosworth

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ASSOCIATED OUTBUILDINGS AND ERECTION OF 57 NO. DWELLINGS AND ASSOCIATED WORKS, CONVERSION OF ENGINE SHED INTO VISITOR CENTRE AND FORMATION OF 10 NO. ALLOTMENTS AND AN ECOLOGICAL MITIGATION AREA

Target Date: 12 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is for more than 10 dwellings.

Application Proposal

This application seeks full planning permission for the demolition of an existing dwelling and associated outbuildings, the erection of 57 dwellings and associated works, conversion of existing adjacent engine shed to form a new visitor centre, and the formation of 10 allotments and an area for ecological mitigation.

The dwelling to be demolished is an existing bungalow known as Sedgemere and associated outbuildings located to the rear of the neighbouring dwelling Wharf Cottage.

The application proposes 57 dwellings consisting of 17 two bedroomed dwellings; 21 three bedroomed dwellings and 19 four/four or more bedroomed dwellings. There is a mixture of detached, semi-detached and terrace and cottage style dwellings. The application includes 23 affordable housing units (a 40% contribution) consisting of 75% for social rent and 25% for intermediate tenure, comprising of 12 two and 11 three bedroomed dwellings.

An area of equipped and un-equipped play area is proposed within the development.

A total of 171 car parking spaces are proposed, with detached garaging, driveways and parking. The scheme proposes a new access road from the Station Road roundabout with a cycleway and footpath. The existing roundabout is set to be altered and improved. A track is also proposed within the woodland area adjacent to Station Road to allow a pedestrian access to the station platform and visitor centre. This track can also facilitate a small vehicle for the purposes of maintenance of hedgerows to the north east of the site.

To the east of the proposed residential development lies an existing Victorian engine shed which forms part of the adjacent Battlefield Line Railway and is currently used for the storage and display for the railway. The application proposes to convert and refurbish this building to form a new visitor centre for use with the Battlefield Line Railway, with 20 no. car parking spaces. The building will also incorporate a bat roost. A private agreement with the Cricket Club to the west of the site, beyond the canal is in place to allow for overflow car parking for the Battlefield Line, should it be required.

An area of compensatory tree planting is also proposed for approximately 50 no. trees. The scheme also proposes the formation of 10 no. allotments and an area for ecological mitigation on adjacent land to the east on an area of the former water treatment works. The access will utilise the existing road that currently serves the water treatment works and the existing vegetation to the boundary is to be retained.

The scheme also proposes stone repairs to the copings of the existing bridge and general brickwork repairs to Jackson's bridge on the Ashby Canal.

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

- Streetscene plans
- Woodland management plan
- Play and open space and ecological area plans
- Reduction in some plots levels to 93.00 metre above ordnance datum
- Re-siting of block incorporating plots 42-46
- Re-siting of plots 4 and 5

No re-consultation was undertaken given the minor nature of the alterations to the scheme.

- Revised tree removal plans

Re-consultation undertaken with the Borough Council's Tree Officer (Julian Simpson).

The Site and Surrounding Area

The application site measures a grand total of 6.24 hectares and is broken up into three distinct parts.

The proposed residential development site is characterised by a flat topography and is bound to the west by the Ashby de la Zouch Canal and to the east by the Battlefield Line Railway. This site is currently occupied by a detached dwelling, associated outbuildings including a fenced tennis court and a large pond with the remainder being heavily vegetated with mature deciduous woodland. Beyond this to the south, the land is predominantly open grassland with a smaller number of existing trees and perimeter vegetation. A small stream flows across the site in an east to west direction, approximately two thirds of the way down this site and is culverted underneath the canal just north of the existing Jackson's bridge and where the canal bends from its north-south alignment. The site comprising the residential development is linear in shape, narrowing out to the south of the site, defined by the physical constraints of the alignment of the canal and railway line.

The Ashby Canal is a designated Conservation Area and the site abuts the Conservation Area boundary. There are a large number of trees on this site, and some which fall within the Ashby Canal Conservation Area, however no trees on site are governed by a Tree Preservation Order.

The existing engine shed is located to the east of the residential development site. There are a number of buildings to the east including the station house and station garage formerly used in conjunction with the railway which has subsequently being converted to a residential dwelling and car repair workshop, respectively. There are other examples of railway infrastructure and dilapidated railway stock. Beyond the railway line to the east is an industrial estate and to the north a residential housing estate.

The proposed allotments and ecological mitigation area are located to the east of the residential development site located on a former wastewater treatment works site.

The proposed residential development, ecological mitigation area and allotments fall outside of the settlement boundary of Market Bosworth. The engine shed falls within a designated employment site and within the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

There is a footpath link from the canal tow path to the west around the Wellsborough Road/Station Road roundabout linking the existing housing to the north.

The site is located on the western residential edge of Market Bosworth and is immediately adjoined to the north west of the residential site by Wharf Cottage which is an existing dwelling served off a shared access with the site, to the west by cricket and football pitches associated with Market Bosworth Town Sports and Social Club beyond (Wellsborough Road), to the north by residential development at Pipistrelle Drive and to the east by a small industrial estate.

Technical Documents submitted with application

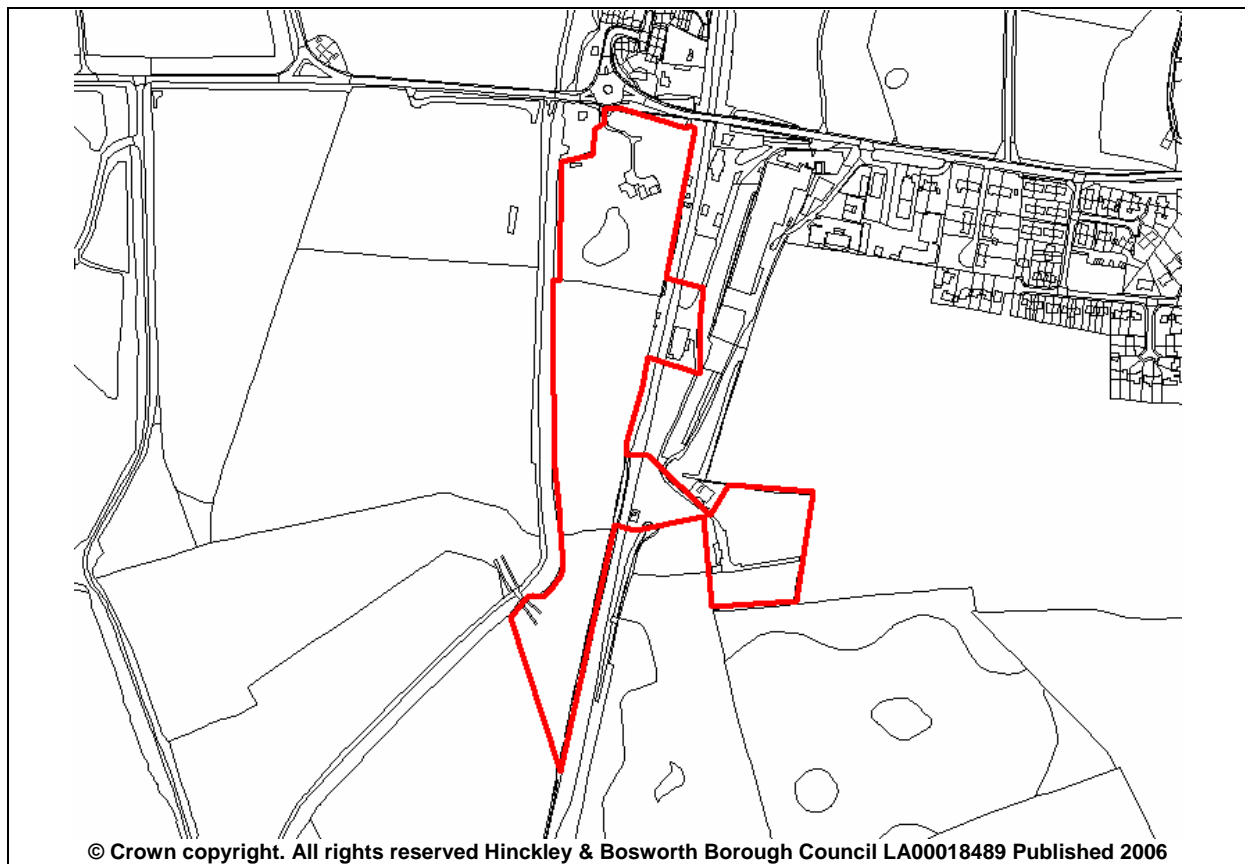
The application has been accompanied by a draft heads of terms S106 agreement.

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

- An Arboriculture Report
- A Design and Access Statement
- An Ecological Assessment and addendum report on 'Creeping Forget Me Not'
- A Flood Risk Assessment
- A Transport Statement
- A Statement of Community Involvement
- A Landscape and Visual Assessment

Relevant Planning History:-

11/00907/FUL	Demolition of existing bungalow and associated outbuildings and erection of 57 no. dwellings and associated works, conversion of engine shed into visitor centre and formation of 10 no. allotments and an ecological mitigation area.	Withdrawn	08.02.12
00/00690/FUL	Conversion and extension to garage to form dwelling	Refused	17.08.00



Consultations:-

No objection has been received from:-

Natural England
Ashby Canal Association
Director of Environment and Transport (Rights of Way)

No objection subject to conditions have been received from:-

Environment Agency
Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive, LCC (Ecology)
Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
The Borough Council's Tree Officer (Julian Simpson)
The Council's Conservation Officer.

The Inland Waterways Association considers that the large scale development of the open countryside between the canal and the railway on the rest of the site is wholly inappropriate in principle and should be refused, and that if new housing is needed in Market Bosworth on this scale then it would be better sited nearer to the centre of the village and not in such an isolated location where it will be both intrusive into the countryside and damaging to the rural environment of the Ashby Canal and its Conservation Area.

The Head of Business Development and Street Scene Services (Waste Minimisation) has raised concerns over the absence of storage for recycling and refuse and over collection vehicle accessibility on the site.

Market Bosworth Parish Council requires that a decision on this planning application be deferred until completion of the Neighbouring Development Plan for Market Bosworth and that the application should be submitted in separate parts, one for the dwellings and one for the change of use from an engine shed to a visitor centre and that there should be no application for allotments until a demand is proven. The Parish Council also states that:-

- a) 57 dwellings is too dense a development for the site. 40 dwellings as per the draft Site Allocations would be a better figure. The southern end of the development should finish in line with the back of Priory Road and Redmoor Close to minimise the impact on open countryside
- b) there is inadequate parking provision on the proposed development, especially for the smaller properties
- c) the Parish Council has real concerns about the detrimental effect such a development could have and questions whether the infrastructure of Market Bosworth can cope e.g. schools, roads, car parks and medical services
- d) the footway from the proposed new roundabout over the railway bridge and in to Market Bosworth along Station Road is already inadequate and hazardous, especially given that the roundabout is at the foot of a narrow bridge and not visible when approached down Station Road. The footway will become even more hazardous with more traffic exiting and entering the proposed development
- e) the access points to the proposed housing development and the proposed visitor centre are inadequate. There is a particularly hazardous visibility splay at the entrance to the proposed visitor centre from Station Road
- f) the narrowness of Station Road makes the road dangerous for cyclists. This will be exacerbated by the proposed increase in traffic volume
- g) the pond should be infilled, not retained as shown on the plans. The pond is dangerous
- h) it is proposed to put a car park next to the engine shed and it has been stated that visitors to the Railway Station can also use car parking at the nearby Sports and Social Club. The Parish Council believes such car parking provision to be unsatisfactory as on busy days it would result in convoluted and dangerous ways of reaching the platform, especially from the Sports and Social Club where people would have to walk along a busy road (Wellsborough Road) which does not have a pavement, then cross the road three times in the vicinity of the roundabout (Station Road x 2 and Pipistrelle Drive), then cross the railway line in order to reach the platform. The matter should be urgently addressed to prevent visitors parking on Waterside Mede instead. Increased canal side activity is already affecting car parking on Waterside Mede where residents are having difficulties parking outside their own homes. This could be exacerbated as visitors to the railway station may be tempted to park on Waterside Mede which is closer than the Sports and Social Club
- i) P21 of the Design and Access Statement which includes a map of the 'existing bus route through Market Harborough' and should read 'Market Bosworth'.

The Parish Council also recommends that the following conditions should be imposed:-

- a) The developer must construct an adequate footway and cycle track from the Sedgemere site along Wellsborough Road to the Water Park
- b) No construction traffic should be permitted to park on Waterside Mede
- c) No visitors to the Railway Station or proposed Visitor Centre should be permitted to park on Waterside Mede
- d) No construction traffic should be permitted to drive through Market Bosworth.

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

- a) Director of Children and young Peoples Services (Education) request a contribution of £101, 894.17 for Market Bosworth High School. No contribution is being sought for primary or upper schools
- b) Director of Environment and Transport (Civic Amenity) states that the development would generate additional civic amenity waste at the Barwell Civic Amenity site and contribution of £2, 635.00 is sought
- c) Director of Adults and Communities (Libraries) has not made a financial request
- d) Directorate of Chief Executive (Ecology) has not made a financial request
- e) Director of Environment and Transport (Highways) has not made a financial request.

The Leicestershire Constabulary Crime Reduction Officer has requested £33,936.00 to assist policy services across a wide spectrum of support and intervention, as a result of the development increase the town population by 8%. However, he objects to the proposal as the application has no consideration of the necessary policing contribution on the basis that the development will impact upon the delivery of policing in the district and will be unsustainable if it is not appropriately mitigated.

The Head of Corporate and Scrutiny Services (Green Spaces) has requested a total of £52, 396.80 for the maintenance of the on site children's equipped and informal play spaces.

The Primary Care Trust has not requested a financial contribution.

Site notice and Press notice were displayed and neighbours notified.

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

- a) increase in traffic volumes around the Station Road roundabout
- b) Increase in noise, pollution and danger as a result of the increase
- c) parking
- d) consider an alternative entrance to the development via the Station Yard complex
- e) the proposed development at Pipistrelle Drive should also be taken into consideration
- f) intrusion into the countryside, loss of green landscape, loss of view
- g) development is too large
- h) loss/damage of trees; trees support bats and other wildlife
- i) intrusion into the canal area and result in loss of amenities
- j) the tree belt adjacent to Station Road is retained and is welcomed
- k) re-location of the 'Bosworth in Bloom' flower bed, the landscape around the roundabout is already star
- l) increase in light or noise pollution will do no favours for Pipistrelle Drive residents.

Policy:-

National Policy Guidance

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

Regional Policy: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 15: Regional Priorities for Affordable Housing in Rural Areas

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 20: Green Infrastructure
Policy 23: Tourism Development
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

The site lies adjacent to Ashby-de-la-Zouch canal, within a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan.

Policy EMP1: Existing Employment Sites
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 BE7: Development in Conservation Areas
Policy BE16: Archaeological Investigation and Recording
Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy REC6: Ashby Canal Corridor
Policy NE5: Outside Development Limits
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Ashby Canal Conservation Area Appraisal (2009)

The Appraisal states that when considering new development along the canal or nearby, it is crucial to understand, be aware of and work with these features if the special character of the Conservation Area is to be preserved or enhanced.

It states that development located adjacent to close to the canal should be assessed in terms of the-:

- impact on a significant canal structure
- the effect on the views to and from the canal

- impact on the waterway landscape or character, features and its biodiversity
- impact on the waterway habitats and protected species.

Employment Land and Premises Study (2010)

The engine shed falls in land identified within the Employment Land and Premises Study. The site is identified as a key/flagship employment area which should be retained for 100% employment use.

The Draft Site Allocations and Generic Development Control Policies DPD 2009

The majority of the application site was publicised as a preferred option for residential development and open space in the Preferred Options Site Allocations and Generic Development Control DPD (Feb 2009). The application site does however extend further south than the preferred option allocation in this document. The justification for this allocation states:

“it relates well to the existing settlement form and will have limited impact on the surrounding area. Further to this, it will enable the renovation and reintroduction of Market Bosworth Station located along the Bosworth Battlefield Line. This will provide additional tourism into the area and will benefit the area economically. In addition to this a new open space has been identified to add to this new tourism facility”.

The Preferred Options Site Allocations and Generic Development Control Policies DPD identified two preferred option sites for residential development. MKBOS01 is located to the north of Station Road and the site on which the proposal lies, MKBOS02 is situated to the south of Station Road. MKBOS01 received 67 comments objecting to the allocation of the site as a preferred option compared to 27 comments objecting to the allocation of MKBOS02.

The Strategic Housing Land Availability Assessment (SHLAA) Review 2010

The SHLAA Review 2010 was published in April 2011 and the application site forms the western most segment, west of the railway line, of site AS393. The site was identified as Suitable, Available and Achievable with an overall assessment that the site is Developable.

The SHLAA Review notes that development should have regard to the Ashby Canal Conservation Area.

The Hinckley & Bosworth Borough Council Extended Phase 1 Habitat Survey (Feb 2012)

The Habitat Survey identified the application site as having moderate ecological value. It identified the ecological interest is focused on wet grassland, species rich hedgerows and mature trees. The survey recommended further survey work to inform development.

Appraisal:-

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

Principle of Development and Five Year Housing Land Supply

This scheme has three distinct physical elements which will be appraised individually; the residential development; the conversion of the engine shed and the formation of allotments and ecological mitigation area.

Residential Development

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly 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.

The Borough Council has a 5 year supply of housing (5.02 years) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 11 which identifies a minimum of 100 dwellings for Market Bosworth to be allocated. Even with a 5 year supply of housing decision makers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that 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 of favour sustainable development.

The residential site lies outside of the current settlement boundary of Market Bosworth, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. As such Saved Local Plan Policies NE5 and RES55 would apply to the determination of this application. Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria does not include residential development, however for the reasons discussed within this report Policy NE5 is not considered to be consistent with the intentions of the NPPF when considering residential development, and as such this policy affords only limited weight in consideration of the application.

Policy 7 of the adopted core strategy is the overarching policy relating to key rural centres. This policy seeks to support housing development within settlement boundaries inline with policies 15 and 16 in relation to housing type and tenure. Policy 11 of the adopted core strategy provides the specific policy direction for Market Bosworth. This policy requires the allocation of land for the development of 100 new homes with the right number, type and mix of housing to meet the needs of Market Bosworth. It is considered that the proposed development of 57 dwellings would make a significant contribution to this requirement.

Land is to be allocated for residential development through the Site Allocations and Generic Development Management Policies DPD. The Borough Council have identified this site for residential development in the Preferred Options version of the DPD, which is a Consultation Draft document subject to change so cannot be considered as an allocation or as a Development Plan Document, however it is a material consideration albeit with limited weight.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental.

Therefore providing a development is consistent with these criteria, in principle the development should be considered sustainable and acceptable in principle.

These matters are addressed in full within the later sections of this report; however it is considered that the residential element alone and the scheme as a whole would be in accordance with the three core strands of the NPPF.

Conversion of Engine Shed

The engine shed falls within a designated employment site and within the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). Saved Policy EMP1 states that the local planning authority will actively seek to retain this industrial estate and the Employment Land and Premises Study identifies this site as a key/flagship employment area which should be retained for 100% employment use. Policy EMP1 is considered consistent with the NPPF when considered in the context of the Employment Land and Premises Study Review.

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 this part of the site is within the settlement boundary, Market Bosworth is identified within the adopted Core Strategy as a key rural centre. Paragraph 28 within the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, through the conversion of existing buildings and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. As such there is policy support for the conversion of the existing building which would support sustainable tourism in this rural location of Market Bosworth.

In respect of the proposed use of the building, Policy 11 of the adopted Core Strategy seeks to support the role of Market Bosworth as a tourist destination in its own right and linked to the Bosworth Battlefield and Ashby Canal Corridor in line with Policy 23.

Policy 23 of the adopted Core Strategy encourages tourism development for new and extended visitor attractions where:-

- The development can help support existing local community services and facilities
- The design is of an appropriate scale and design
- The development adds to Boroughs local distinctiveness
- Complements the tourism themes of the Borough; and
- Adds to the economic wellbeing of the area.

The Core Strategy defines the tourism themes of the Borough and this is considered to be consistent with the intentions of the Bosworth Battlefield. The applicant proposes to convert an existing former goods shed (referred to as engine shed) adjacent the Battlefield Line. The line links Shackerstone Station with Shenton Station and is considered an important contribution to the tourism provision of the Borough and accords closely with the tourist themes of the Borough. In addition, the conversion will result in additional facilities for tourism in the area which is likely to have economic benefits with a positive knock-on effect on existing community services and facilities. The proposed conversion of the engine shed and the tourism use is therefore considered to comply, in principle with Policies 11 and 23 of the adopted Core Strategy and overarching intentions of the NPPF.

Formation of Allotments and Ecological Mitigation Area

The proposed allotments and mitigation area site lies outside of the current settlement boundary of Market Bosworth, as defined on the proposals map of the adopted Local Plan, and is therefore within an area designated as countryside.

In relation to the formation of the ecological mitigation area, the NPPF states that local planning authorities should aim to preserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged. It is considered that by virtue of the nature and purpose of the ecological mitigation area it will preserve and enhance and is therefore welcomed as part of this scheme as it is in conformity with the intentions of the NPPF.

In respect of the change of use of the former disused sewage works to allotments, Policy 11 of the adopted Core Strategy seeks to address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Market Bosworth, as detailed in the council's most up to date strategy and the Play Strategy. The Open Space, Sport and Recreational Facilities Study (July 2011) identifies allotments in Market Bosworth as being below standard in both quantity and quality.

It is therefore considered that in principle the formation of allotments should be encouraged in the interests of providing new green space for the benefits of the future occupiers and residents of the local area. The formation of allotments is therefore considered to comply with Policy 11 of the adopted Core Strategy.

Summary: Principle of Development

As previously discussed there are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by co-ordinating development requirements, including the provision of infrastructure. It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure. The conversion of the engine shed is also considered to add to the economic wellbeing of the area and complement the tourism themes of the Borough.

Social – in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The scheme proposes two, three and four bedroomed properties, including the provision of affordable housing, appealing to a wider spectrum within the local market, thus increasing local market choice and appealing to groups who may have otherwise been excluded from the locality. The design of the dwellings utilises materials and incorporates architectural features common to the locality. On site play and open space facilities and allotments to create a quality environment and support healthy communities. Overall the scheme would contribute towards a rural housing shortfall and the detailed design and incorporation of local architectural features and materials will enhance the quality, vibrancy and health of the local community.

Environmental - to fulfil this role developments should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources

should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The scheme proposes to retain a large amount of the woodland and a pond; in addition a woodland management plan is proposed to reduce lighting and further tree removal in the future. The dwellings proposed will be built to the latest environmental standards for this area, and the scheme proposes landscaping across the site, including a canal buffer and a specific area for compensatory tree planting. A separate ecological mitigation area is proposed to the north which would both protect and enhance the natural environment. Overall the scheme is considered to preserve the ecological value of the site and enhance it where possible.

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary, however national planning guidance states that that housing applications should be considered in the context of the presumption in favour of sustainable development. The adopted Core Strategy requires the allocation of land for the development of a 100 new homes and the proposed development of 57 dwellings (net gain 56 dwellings) would make a significant contribution to this requirement. In addition the scheme meets the affordable housing provision target of 40%, provides areas of green space and allotments and supports the tourism provision of the area through the proposed Battlefield Visitor Centre. The residential part of the site (although larger than that originally identified by the Council within the Preferred Options Consultation on the Site Allocations and Generic Development Control DPD was identified as a more favourable residential site than that proposed north of Station Road through the Preferred Options Consultation on the Site Allocations and Generic Development Control DPD. Whilst the Authority has currently met its 5 year supply of housing, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed conversion of the engine shed is considered to be in conformity with Policy 23 of the Core Strategy providing it is considered to be on an appropriate design and scale and there is in-principle policy support for the conversion and re-use of this existing rural building for the proposed tourism related use. The use of the building for tourism related purposes is considered in compliance with Policies 11 and 23 of the adopted Core Strategy and overarching intentions of the NPPF.

The ecological mitigation area and compensatory planting is considered to preserve and enhance biodiversity and habitats for protected species in accordance with the intentions of the NPPF. The proposed formation of allotments is considered to address the quality, quantity and accessibility of allotments in Market Bosworth to the benefit of future occupiers and residents of the surrounding area, in accordance with Policy 11 of the adopted Core Strategy and the overarching intentions of the NPPF.

Impact upon the Character and Appearance of the Countryside

As discussed earlier in this report the residential part of the application site in policy terms lies outside of the defined settlement boundary for Market Bosworth and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that planning [authorities/the planning system] should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- 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.

The site is bound to the west, beyond the canal, by a cricket and football ground; to the east beyond the railway by predominant industrial development; to the north by residential development on land known as Waterside Mede adjacent to Beulah House (ref's: 02/00845/OUT; 03/00652/REM; 04/00577/REM). That permission is largely implemented, with the exception of parcel of land to corner of Wellsborough Road and Pipistrelle Drive (which is subject to an application currently under consideration by the Authority ref: 12/00358/FUL for six residential units). The site is therefore largely bound by built development.

It is considered that the proposed residential development would run parallel to that of the existing residential development (approved to the north of the site) and would not project further east into the countryside over and above that previously approved. In addition, it is considered that the Ashby de la Zouch Canal acts as both a visual and physical separation between the proposed built development and the countryside beyond.

It is considered that the site in context within the surrounding development does not represent a 'typical' open rural countryside location, nor is the proposed development considered to significantly encroach upon the countryside.

The density, layout and appearance of the proposed residential development are discussed later in this report, but it is considered that there is no identified harm upon the character and appearance of the countryside. Therefore it is considered that the residential scheme would not have a significantly detrimental impact upon the character and appearance of this countryside setting.

The site for the ecological mitigation area and allotments is to the east of the residential scheme beyond the railway line. The ecological mitigation area will comprise of grassland and therefore would not differ in appearance from the surrounding countryside beyond. The proposed allotments would result in sub division of the land and a differing appearance from that of the existing. However, by virtue of the use of the allotments for growing of fruit and vegetables, it is considered that this would be a compatible use with the countryside and by virtue of its low level nature it is not considered that the allotments would create any significant visual impacts that would be out of keeping with the visual appearance of the immediate surroundings.

In summary, whilst there is a presumption against development in the countryside, it is considered that this site, in context with the surrounding residential development and the physical and visual separation provided by the canal, does not represent a typical open rural countryside location and for that reason, and for the reasons discussed later in this report, it is considered that it would be difficult to sustain an objection based on the impact of the development on the character and appearance of this setting. The engine shed is located within an employment area and its conversion poses no greater impact upon the surrounding countryside, and given that proposed use and agricultural and rural natures of the proposed the allotments and mitigation area it is not considered that they would have any significant adverse impact upon the character and appearance of the countryside beyond. Accordingly the scheme is considered to be in accordance with Saved Policy NE5 (criteria i and iii).

Impact upon the Character and Appearance of the Ashby Canal Conservation Area

The proposed residential development site lies adjacent to Ashby Canal, which is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. It is a statutory requirement that any new development should at least preserve the character and appearance of the Conservation Area. 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. Policies BE7, REC6 and Criteria a) of Policy BE1 are considered consistent with the NPPF and as such these policies remain relevant considerations in the determination of this application.

The accompanying Design and Access Statement states that the character of the canal conservation area that runs along the western boundary will be protected and enhanced through additional buffer planting and the off-set of any buildings for a distance of approximately 30 metres from the Canal Corridor, with the exception of one plot as detailed below.

The Ashby Canal Association have no objections to this application.

The Inland Waterways Association considers that development outside of the centre of the village is damaging to the rural environment of the Ashby Canal and its Conservation Area. Whilst Ashby Canal runs through predominantly rural locations, the local section of the canal passes also through the newly constructed Waterside Mede development and as such it is considered that residential canal side development has become more common within this immediate setting. Therefore whilst Inland Waterways are correct in that it falls outside of the settlement boundary the area is not longer of a predominantly rural character owing to other development.

With the exception of Plot 1, the whole of the residential scheme is set back from the canal corridor by a distance of 20 – 30 metres, allowing a separation zone between the canal and the residential dwellings. In addition, the existing hedgerow providing natural screening is set to be retained and thickened. Whilst Plot 1 is located closer to the Canal, approximately 10 metres away, it is not significantly closer than that of the existing outbuilding it is set to replace. It is also proposed to be screened by existing vegetation.

As the existing engine shed and proposed mitigation area and allotments are to the east of the site, and therefore outside of the designated Conservation Area, there is no potential impact to consider.

In summary, given the layout of the proposed dwellings, high quality design and natural landscape screening, it is considered that the development would preserve the character of the Ashby Canal Conservation Area. Accordingly the scheme is considered to be in accordance with Policies BE7 and REC6 of the Local Plan 2001.

Overall Appearance

Saved Policy BE1 (criteria a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

The following sections consider the overall appearance of the residential scheme.

Density

Market Bosworth Parish Council considers that 57 dwellings results in a development too dense for the site and that 40 dwellings as per the draft Site Allocations would be a better figure.

The application proposes 57 dwellings on a 4.65 hectare site equating to a net density of 12.2 dwellings per hectare (dph).

Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Key Rural Centres. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement of Market Bosworth and the scheme sits between both the Ashby Canal and the Battlefield Line which are considered physical constraints of the site. In addition, it is also considered that this net site area includes the existing woodland, pond and area of play and open space. It is therefore considered that a higher density would be to the detriment of the woodland, pond and the Ashby de la Zouch Canal corridor. The lower density scheme is therefore considered more suitable in this location.

Layout

The layout proposes a main access road off Station Road, running in a north to south direction, reflecting the orientation of the canal. All secondary roads come off this main route serving groups of dwellings.

On site, equipped and un-equipped play space is located off centre to the south of the site. Most private amenity spaces are provided to the rear of the plots.

The proposed residential scheme is effectively broken into three distinct sections; the first section to the north with the pond and woodland setting; the second section forming the middle of the development and the third, the smaller parcel of land to the south, divided by the stream.

Following the submission of amended plans, the first section plots 2-7 and 8-11 are sited to cluster around and overlooking the pond and woodland area. The proposed dwellings located closest to the canal plots 12-13, 21-25, 34- 42 are all sited to overlook the canal frontage.

Dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Whilst not all dwellings achieve the 12.5 metre depth private amenity space the two, three and four bed dwellings do in total area propose appropriately sized gardens in accordance with the standards set down in the Council's SPG on New Residential Development.

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to extensive scrutiny by the Council's Housing and Enabling Officer. The scheme is set to provide two main clusters of affordable housing, (from units 29 – 46 and then units 47-51). The Council's Housing and Enabling Officer is in full agreement with the current siting of the affordable housing units as it reflects the preference of the Social Providers. It is therefore considered that this layout is the preferred

option and best achievable result. Accordingly it is considered that the current siting of the affordable housing units should receive full support in this case.

Scale and Design

In relation to the visual appearance of the built environment, there are a range of house types proposed with a variation of styles throughout the scheme. Plots 1- 11 located within the woodland setting incorporate glazing panels, stone, and timber and occupy larger footprints and are of two storey proportions. Plot 12 provides the transitional dwelling between the woodland plots and the other dwellings. The middle of the development is more influenced by Georgian design with brick and tiles, incorporating eaves dental course and brick headers and chimney stacks. The proportions are two storey although the dwellings occupy smaller footprints in the middle section in comparison to that of the woodland plots. Towards the end of the south of the scheme, plots 47-51 resemble more worker cottage style dwellings with large chimney stacks. Plots 52-57 then returns to the Georgian fenestration details and occupy larger footprints with detached garaging.

The dwellings are considered to be in keeping and reflective in scale in comparison to the two storey proportions and footprints of the nearest surrounding dwellings. The design responds well to the setting creating character areas within the scheme to reflect the change in character across the site.

Hard and Soft Landscaping

In respect of other visual elements there is a mixture of frontage parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Hard surfacing of access drives and parking is subject to a condition to ensure it is hard bound. No details have been provided in respect of the estate style fencing or boundary treatments and therefore a condition is suggested to secure these details for approval in order to ensure that the fencing is appropriate in its appearance.

The application is accompanied by a landscape and visual appraisal and plans which show existing retained landscaping and denotes conservation landscaped buffer to the canal boundary. It is considered necessary to impose a planning condition which secures details of all landscaping on site, including the proposed landscaped buffer.

Conversion of Engine Shed and Formation of Allotments and Ecological Mitigation Area

The use of the engine shed is to be for a visitors centre for additional facilities for the Bosworth Battlefield line. The works proposed to the engine shed include the removal of the existing roller shutter and re-instating the opening with matching brickwork, a new entrance formed with powder coated aluminium framing and new glazing to windows and new roof lights. The proposed works are considered to be minor, proposing appropriate materials. A condition is suggested to secure details of materials and finishes. The existing building is in a run down and dilapidated state and the conversion involving improvements to the physical appearance of both the interior and exterior of the building is welcomed. The buildings itself is sited close to an industrial estate and opposite a vehicle repair workshop and therefore the proposed use in this context is not considered to result in development which has an adverse effect on the appearance or character of the landscape.

The formation and surfacing of the car park would also be subject to a separate planning condition.

In respect of the allotments, ecological mitigation area and compensatory tree planting area, the existing boundary treatments are set to be retained and the alterations proposed are considered to enhance the appearance of this area.

Summary: Overall Appearance

In summary, in respect of the residential scheme there are a range of two, three and four bedroomed properties of 2 and 2.5 storey proportions. The dwellings accord with the general scale of existing dwellings within the vicinity, ensuring that the proposed dwellings appear in keeping with the scale and character of the area. There are eleven units which frame the woodland and pond, using proportions and materials reflective of a woodland setting. The remainder of dwellings are high quality, Georgian style properties. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable. Overall the scheme is a low density, highly landscaped design, retaining trees where possible, with a variation of high quality homes, providing strong attractive streetscene. The other works to the engine shed, allotments, ecological and planting area are not considered to be significantly detrimental to the visual amenity of the area.

As such, the scheme is considered to be in accordance with guidance contained within the NPPF, Saved Policies NE5 (criteria ii), BE1 (criteria a) and BE7 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.

The neighbouring residential dwelling most immediately impacted upon as a result of the residential scheme would be Wharf Cottage, located to the north west of the site. Plot 1 would be located approximately 42 metres away to the south and Plot 3 approximately 30 metres away to the east. It is therefore considered that the proposed residential units are located sufficient distance away from the existing property so as to not cause any significant overlooking, overshadowing or overbearing impacts.

Station House is located approximately 25 metres from the eastern periphery of the site, with a railway line between and dense woodland planting and is also therefore considered to be sited at a sufficient distance from the proposed residential plots to not cause any detrimental impacts upon residential amenity.

Whilst there are residential dwellings to the north, it is considered that there are sufficient distances between the existing and proposed residential units for there not to be any significant impacts upon residential amenity. There are no residential dwellings located to the west, beyond Ashby Canal.

In respect of impacts upon the future occupiers of the site, the residential site is bordered to the east by the railway line, and a vehicle repair workshop and other industrial and commercial activities, designated as an employment area. The scheme has been considered by the Head of Community Services (Pollution) who states that complaints have been received regarding a grain dryer at a nearby agricultural premises and recommends a condition be imposed which requires a scheme to be submitted which details the protection measures for the proposed dwellings from noise and vibration from the adjacent railway and commercial/industrial and agricultural premises.

The neighbouring residential dwelling most immediately impacted upon as a result of the conversion of the engine shed and formation of allotments would be Station House, located directly to the north of the existing building at a distance of 170 metres. It is not considered that there would be any impacts upon the occupiers of this property as a result of the proposed physical alterations to the building, given the minor works proposed and distance from the neighbouring property.

Whilst it is acknowledged that there would be an increase in the level of comings and goings to the site resultant of the visitor centre and allotments, the expected noise would not be over and above that exerted by the existing station garage used as a vehicle repair workshop and the adjacent Churchill commercial activities to the east.

Concerns regarding the loss of a view are not a material planning consideration.

In summary, this scheme is considered to have minimal impacts upon the amenity of surrounding neighbouring residents and future occupiers of the site, subject to the imposition of planning conditions. Accordingly 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, T9, NE5 (criteria iv) and BE1 (criteria g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent therefore carries little weight in the determination of this application.

The scheme proposes off site alterations to the existing roundabout/island between Station Road, Wellsborough Road (linking with Pipistrelle Drive) and a new access into the site. One main access road runs through the site, parallel to the canal, incorporating a three metre combined cycleway and footway and six secondary roads from the main access road. The main access road is proposed to be adopted by Leicestershire County Council. A total of 171 car parking spaces are proposed, with detached garaging, driveways and parking. Twenty car parking spaces are to be provided for visitors of the visitor centre and the existing access used in conjunction with the sewage works has been retained and used for access to the allotments and ecological area.

In response to neighbouring and parish representations, the scheme has been considered by the Director of Environment and Transport (Highways) who raises no objections, subject to the imposition of planning conditions. The response specifically states that the provision of a new access point would provide the occupiers of the neighbouring property Wharf Cottage with a safer access arrangement to their property; the details in respect of the island allowing pedestrian access via a more direct route are acceptable; alterations may be necessary through the separate highway agreements and that a condition is considered acceptable in respect of visibility.

The Director of Environment and Transport (Highways) has recommended a number of conditions.

Suggested Condition 2: That car ports and sliding/roller shutter doors shall be set back from the highway by 5 and 5.6 metres, respectively and that internal garage dimensions shall be 6 metres by 3 metres. In the opinion of the Local Planning Authority there is no justifiable reason why this condition is needed given the spacious nature of the development.

Suggested Condition 4: Details of the routing of construction traffic shall be provided. In the opinion of the Local Planning Authority it would be difficult to differentiate between the

general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a Section 106 Agreement.

Suggested Condition 5: Surfacing of car parking spaces and two car parking spaces for a dwelling of up to three bedrooms, three spaces for a dwelling with four or more bedrooms shall be provided. In the opinion of the Local Planning Authority the scheme proposes sufficient car parking spaces per dwelling and therefore there is no justifiable reason why this condition is required. Instead a condition is proposed which ensures that car parking spaces are provided in accordance with the approved layout plan and that garaging shall not be converted to living accommodation. A separate condition is also imposed for the hard surfacing of car parking spaces.

Suggested Condition 7: Requires that all off site works shall be approved and implemented prior to any commencement. It is considered that a scheme should be provided and agreed prior to commencement of any development, but that implementation should be required prior to the occupation of the residential dwellings hereby approved rather than at an earlier stage in order that the condition is reasonable.

No specific comments have been raised by the Director of Environment and Transport (Highways) in respect of the proposed visitors centre, ecological mitigation area or allotments. However, it is considered necessary to impose a condition to secure full details of surfacing and of the proposed car park to serve the proposed visitors centre.

Market Bosworth Parish Council has requested the following conditions:-

Suggested Condition 1: The developer must construct an adequate footway and cycle track from the Sedgemere site along Wellsborough Road to the Water Park. The applicant is providing an adequate footway and cycle track within the scheme and the works proposed by the Parish fall outside of the application site and therefore are not considered necessary to make the development acceptable and fail to be in accordance with paragraph 71 of circular 11/95 as it is land outside the control of the applicant.

Suggested Condition 2: No construction traffic should be permitted to park on Waterside Mede. The Local Planning Authority is suggesting a condition to ensure adequate parking is provided within the site, during construction.

Suggested Condition 3: No visitors to the Railway Station or proposed Visitor Centre should be permitted to park on Waterside Mede. This condition is not enforceable as it would not be possible to distinguish vehicles. As such it cannot be imposed and it would fail to be in accordance with paragraph 71 of circular 11/95.

Suggested Condition 4: No construction traffic should be permitted to drive through Market Bosworth. Again as suggested within the Director of Environment and Transport (Highways) suggested condition 4, it is not necessary or enforceable to impose such a condition and would fail to be in accordance with paragraph 71 of circular 11/95.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9, NE5 (criteria iv) and BE1 (criteria g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Ecology

The site abuts the Ashby Canal which is a wildlife corridor and careful consideration needs to be given to the siting of development and the likely impact on the character and value of the Ashby Canal.

This application was previously withdrawn when the Directorate of Chief Executive, LCC (Ecology) raised concerns that there was the possibility of a plant species - Creeping Forget Me Not being present on site. The application was withdrawn and surveys undertaken and results confirmed that this plant species does not exist on site.

The scheme proposes to incorporate bat roosts within the converted engine shed and a specific area for ecological mitigation and an area for the plantation of approximately fifty trees.

The application has been accompanied by an Ecological Assessment and an addendum report on 'Creeping Forget Me Not' which have been considered by the Directorate of Chief Executive, LCC (Ecology) and Natural England.

The Directorate of Chief Executive, LCC (Ecology) confirms that the creeping forget me not is no longer a constraint to this development and that this scheme creates a wider corridor along the hedge adjacent to the Battlefield Line, which is welcomed. In addition there are a number of recommended conditions.

Suggested Condition 1: To retain a five metre buffer strip of land along the boundary hedgerows to not form part of residential curtilage for the purpose of maintenance. Not all of the dwellings are located exactly 5 metres from this hedgerow and it is not considered necessary for them to be so. The plots and the residential curtilages of plots 28-31, 39, 46-50 and 52 have been set back from the hedgerow to allow strips for maintenance purposes. The applicant is seeking to retain hedgerows and strengthening to the western part of the site. In addition, conditions are imposed in respect of ecological mitigation for all hedgerows on site. For the reasons stated above this condition is not suggested to be imposed.

There are further recommended conditions dealing with compensatory native tree planting, the submission of an ecological management plan, submission of a lighting plan, badger proof fencing to the allotments, provision of bat and kestrel boxes and compliance with the recommendations for bat mitigation within the submitted ecology report. It is considered that these conditions should be carried forward.

Natural England has no objection and the Directorate of Chief Executive, LCC (Ecology) raises no objection, subject to the imposition of planning conditions.

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

Arboriculture: Impact upon Trees and Hedgerows

The scheme has been accompanied by an Arboriculture Report and plans depicting tree removal.

This site is occupied by a heavily vegetated mature deciduous woodland, the scheme proposes to incorporate plots 1 – 7 within this area. Beyond this to the south, the land is predominantly open grassland with a smaller number of existing trees and perimeter vegetation and hedgerows.

During the course of the application, the applicant has confirmed that the woodland plots (plots 1-7) will be subject to restrictive legal covenants to prevent future tree removal by future occupants. In addition, in order to prevent impacts upon trees by subsequent extensions and alterations to these plots, it is considered that these plots should have permitted development rights removed and a condition is suggested to secure this.

The scheme has been considered by the Borough Council's Tree Officer who raises no objection, subject to the imposition of planning conditions to ensure 'no dig' surfacing within the root protection areas where the access road is proposed and a condition requiring the submission of a method statement to show that the applicant has sought specialist advice from a suitably qualified engineer specialising in Geocellular Confinement Systems. In the absence of full details, these conditions are considered to be necessary.

In respect of the hedgerows, the applicant is seeking to retain all hedgerows and strengthening to the western part of the site. Maintenance to the eastern hedgerow will be through a variety of access points; via the proposed track through the woodland area for the north east part of the hedgerow; via the gaps provided for plots 28 - 31, 39, 46 – 50 and 52 and access will be gained to the remainder of the hedgerow through private agreements with the future occupiers of the remaining plots to the eastern periphery. In addition, conditions are imposed in respect of ecological mitigation for all hedgerows on site.

The scheme proposes additional tree planting through the residential scheme, a conservation landscaped buffer to the canal boundary to comprise strengthening the existing tree and hedgerow planting and compensatory tree planting beyond the residential site to the east all of which are all subject to planning conditions.

The remainder of the proposals do not impact upon any trees or hedgerows.

In summary, subject to the necessary conditions being imposed it is not considered that there would be any significant impacts upon the existing trees or hedgerows on site.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been accompanied by a Flood Risk Assessment which indicates that the proposed development is not at risk of flooding resulting from runoff within its boundaries or from adjoining areas and will not exacerbate any existing flooding conditions or adversely affect any flood defences.

The scheme has been considered by the Environment Agency and the Head of Community Services (Land Drainage) both of which raise no objections subject to the imposition of planning conditions, which in the absence of full details is considered necessary to impose.

There is a proposed pumping station which will be an underground type with a small surface kiosk. All the foul water flows from the proposed development will gravitate in sewers to a new pumping station on site, designed and constructed to adoptable standards. Severn Trent Water have indicated that it is unlikely that they will actually adopt that pumping station but that the applicant can pump flows to Severn Trent Water's existing off-site pumping station and subsequently to the Severn Trent Water's Sewage Treatment Works. A condition has been suggested by the Environment Agency in respect of the foul water drainage and proposed pumping station which ensures that the pumping station is built to Severn Trent Water's adoptable specification and details of future management and maintenance, should

as the applicant intend for Severn Trent not to adopt and a private management company instead.

During the course of the application the Environment Agency have suggested a condition to ensure that finished floor levels are set no lower than 93.0 metres above Ordnance Datum, amended plans have been submitted to reflect this. A condition is suggested to secure that the scheme is carried out in accordance with the submitted details.

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

Developer Contributions and Affordable Housing Provision

The application proposes a net gain of 56 residential units which attracts infrastructure contributions.

The general approach to developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy 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 applicant has committed to providing 40% affordable housing within the draft Heads of Terms with a tenure split of 75 % for social rented and 25% for shared ownership, in accordance with Core Strategy Policy 15. This equates to the provision of 23 affordable units with a dwelling mix of two and three bedroomed units comprising of 12 two bedroomed dwellings and 11 three bedroomed dwellings.

The latest housing register for Market Bosworth states that 130 applicants were seeking 2 bedroomed properties; and 57 applicants were seeking 3 bedroomed properties. It is considered that there is a high demand within Market Bosworth and the provision of 2 and 3 bedroomed units is welcomed.

It is considered that there is an identified need for a range of affordable units in Hinckley and as such it is considered necessary to provide them within this development. This scheme, providing a number of units has triggered the request for affordable housing in line with Core Strategy Policy 15, is considered to be directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

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

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

In relation to Market Bosworth the study identifies the following:-

- a) Formal Parks and Gardens have a quantity level lower than the recommended standard with all residents outside the catchment area of a formal park
- b) Natural and Semi-natural open space (below 10ha) is adequately accessible but there are opportunities to improve the quality of the spaces
- c) Amenity Green Space- There is an adequate level of provision with adequate accessibility but with opportunities to improve the quality of the spaces
- d) Provision for children - Accessibility for residents to the east and centre of the settlement is poor. There are opportunities to improve the quality of the spaces but the quantity is at an acceptable level
- e) Provision for young people - Currently all residents are outside the catchment for this typology and there is a below standard level of quantity
- f) Outdoor Sports is well provided for in the settlement
- g) Allotments have good accessibility for residents but are below standard in both quantity and quality.

In response to the comments raised by Market Bosworth Parish Council, the study therefore indicates that there is a need for additional formal park provision, facilities for young people and allotments within Market Bosworth and the site area specifically. In addition improvements to natural and semi-natural open space, amenity green space and provision for children has been identified for these existing typologies in Market Bosworth.

In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The scheme proposes to provide all forms of play space on site.

Informal Equipped Children's Play Space: - The application proposes to provide 280 square metres of equipped play space within the site, which is the requirement for a development of this size. It is considered on implementation that there would be users as a result of the development which would add to the wear and tear of this equipment and therefore a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Informal (Un-equipped) Children's Play Space: - The scheme proposes to provide 1208 square metres of informal children's play space which is in excess of the area required for a development of this size. It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Formal Recreation Space: - The Council's SPD on Play and Open Space Guide recognises allotments as a form of outdoor open space/formal recreation. The scheme proposes the formation of 10 allotments and is providing in excess of the area required for a development of this size. As such no financial request can be requested in terms of provision and it is not necessary to secure a financial contribution towards the maintenance, due to the nature of the use of allotments. The sub division of the allotment plots is intended to be arranged with the Parish Council.

As such, the only contribution sought is £39,592.00 for the maintenance of the informal children's equipped play space and £12,804.80 for the maintenance of the informal children's non equipped play space. Therefore a total of £52,396.80 is required. It is considered that this play and open space contributions is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

In response to the concerns raised by Market Bosworth Parish Council about the detrimental effect such a development could have and questions whether the infrastructure of Market Bosworth can cope e.g. schools, roads, car parks and medical services, the scheme attracts contributions to be retained and spent by Leicestershire County Council for these services.

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

- a) Director of Children and young Peoples Services (Education) request a contribution of £101, 894.17 for the High School sector
- b) Director of Environment and Transport (Civic Amenity) request £2,635.00
- c) The Leicestershire Constabulary Crime Reduction Officer requests £33,936.00

On consideration of these requests received in respect of this application it is considered that only the Education contribution meets the tests as set out in the CIL 2010:-

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

Other Matters

Archaeology

Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration for this application.

The scheme has been considered by the Directorate of Chief Executive (Archaeology) who states that the engine shed is of 19th century origin and as a result of the proposed construction works to it the building's character (both internally and externally) will be altered, resulting in important information about the building's past potentially being lost. As such, the Directorate of Chief Executive (Archaeology) recommends a condition to ensure that the appropriate level of building recording is undertaken before work starts. A condition is recommended in order to secure photographic recording for heritage purposes.

The Directorate of Chief Executive (Archaeology) also recommends that a condition is imposed to secure a programme of archaeological work including a Written Scheme of Investigation and is considered to meet the relevant tests and will be imposed.

Sustainability

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

Works to Jackson's Bridge

The scheme also proposes stone repairs to the copings of the existing bridge and general brickwork repairs to Jackson's bridge on the Ashby Canal.

The Council's Conservation Officer has no objection to the scheme but has requested a condition to be imposed in respect of repairs to Jacksons Bridge. Part of Jackson's Bridge falls within the application site, and part of it falls outside of the application site and it is not considered that the proposed condition and resulting works are necessary to make the development acceptable and fail to be in accordance with paragraph 71 of circular 11/95.

Storage of Refuse/Recycling Facilities

The Head of Business Development and Street Scene Services (Waste Minimisation) has raised concerns over the absence of storage for recycling and refuse and over collection vehicle accessibility on the site. As such it is considered that a condition be imposed to secure full details.

Letters of Representation

In response to the representations from Market Bosworth Parish Council regarding the emerging Market Bosworth Neighbourhood Development Plan (NDP). The Market Bosworth Neighbourhood Forum has not yet been formally established in accordance with the provisions of the Localism Act. Therefore it is considered that the views expressed by this group can not be considered to carry weight in the determination of this application.

The application does not need to be separated into distinct parts, it can be considered as one application and leads to a more comprehensive development meeting the requirements of the NPPF. The report considers each element individually for clarity only.

Conclusion

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

This is a high quality scheme, which does not over develop this highly constrained site, which preserves an existing woodland and pond, provides on site ecological mitigation and compensatory tree planting areas, whilst providing the full package of financial contributions including on site play space, on site allotments and full provision of affordable housing units whilst also facilitating the conversion of an existing Victorian engine shed for use as a visitors centre.

The development would not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, flooding, protected species, designated sites and would preserve the character and appearance of the Ashby Canal Conservation Area 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.

The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities and education the Head of Planning be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee 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 would contribute to the core strategy allocation of 100 new homes, would not have an adverse impact upon the character and appearance of the countryside and preserve the Ashby Canal Conservation Area; would not have adverse impacts upon flooding, ecology, biodiversity and archaeology or residential amenity; provides areas of green space, allotments, supports tourism and would contribute to the provision of affordable housing and other infrastructure and services. Furthermore, the proposal includes off-site highway improvement works to ensure that the development will not adversely impact upon highway and pedestrian safety.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, RES5, IMP1, BE1 (criteria a, i, g), BE7, BE16, REC2, REC3, REC6, NE5 (criteria i-iv) NE14, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 19, 20, 23 and 24.

Supplementary Planning Documents (SPD): Play and Open Space, Affordable Housing, Sustainable Design and Supplementary Planning Guidance (SPG): New Residential Development, Rural Needs.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The application hereby permitted shall not be carried out otherwise than in complete accordance with the amended application details as follows:- Location Plan Drawing No. 7066.L; (Aerial photograph) Drawing No. 7066.06A; (Proposed Engine Shed) Drawing No. 7066.14; Topographical Survey; Long Section Through Watercourse Drawing No. 12389/108A; Highway Layout Drawing No. 12389/107D; Road Longitudinal Section Drawing No. 12389/102B; Road and Drainage Layout Drawing No. 12389/101D; Alternative Roundabout Layout Drawing No. 12389/106C; Woodland House Plots 1 and 9 Drawing No. 7066.250; Woodland House Plots 2, 5 and 8 Drawing No. 7066.251A; Woodland House Plots 3 and 4 Drawing No. 7066.252; Woodland House Plots 6 and 10 Drawing No. 7066.272; Woodland House Plot 7 Drawing No. 7066.253A; Plot 11 Drawing No. 7066.254A; Plot 12 Drawing No. 7066.255A; Plots 13-14 Drawing No. 7066.256; Plot 15 Drawing No. 7066.257; Plots 16-19 Drawing No. 7066.258A; Plots 20-21 Drawing No. 7066.259; Plots 22-24 Drawing No. 7066.260A; Plots 25 – 28 Drawing No. 7066.261A; Plots 29-31 Drawing No. 7066.262A; Plots 32-33 Drawing No. 7066.263A; Plots 34-36 Drawing No. 7066.264A; Plots 37-39 Drawing No. 7066.265; Plots 40-41 Drawing No. 7066.266; Plots 47-51 Drawing No. 7066.268; Plots 52 – 54 Drawing No. 7066.269A; Plot 56 Drawing No. 7066.270A and Plot 57 Drawing No. 7066.271 received by the Local Planning Authority on 13 July 2012.

Additional plans: Affordable Housing Plan Drawing No. 7066.04C; Tree Removal Plan Drawing 7066.08K; Indicative Landscaping Plan Drawing No. 7066.51E; Woodland Management Plan Drawing No. 7066.10 received by the Local Planning Authority on 31 July 2012 and Mitigation and Open Space Plan Drawing No. 7066.03B received by the Local Planning Authority on 2 August 2012.

Amended plans: Tree Removal Plan Drawing No 7066.07J and Indicative Landscaping Plan Drawing No. 7066.50E received by the Local Planning Authority on 6 August 2012 and Site Master Plan Drawing No. 7066.05G received by the Local Planning Authority on 7 August 2012.

- 3 Notwithstanding the submitted details, no development shall commence on the engine shed/visitor centre until representative samples of the types and colours of materials to be used on the external elevations of the engine shed shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence on the engine shed/visitor centre until a scheme showing the siting, scale and appearance of bat boxes is first submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details.
- 5 No works shall be undertaken to the engine shed/visitor centre unless and until a Written Scheme of Investigation for photographic recording has first been submitted to and approved in writing by the Local Planning Authority.

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

- a) The programme and methodology of the recording
- b) Provision to be made for the publication and dissemination of the photographic recording

- c) Nomination of a competent person or persons/organisations to undertake the recording
- d) The implementation of the works proposed.

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

- 6 Notwithstanding the submitted details, no residential development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 7 Notwithstanding the submitted plans no residential development shall commence until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be implemented in accordance with the approved details. These details shall include:-
 - a) Defined residential curtilage
 - b) Planting plans
 - c) Written specifications
 - d) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - e) Maintenance schedule
 - f) Areas to be grassed
 - g) Implementation programme.
- 8 No residential development shall commence until full details of boundary treatments, including estate style fencing is first submitted to and agreed in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved details.
- 9 No residential development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.
- 10 No residential development shall commence until a tree protection plan, programme of tree surgery works and tree method statement is first submitted to and agreed in writing by the Local Planning Authority. The statement should include a no dig method of working, foundation design and geocellular confinement systems where appropriate and thereafter works should be implemented in accordance with the approved details
- 11 No residential development shall commence until drainage details including foul and surface water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in accordance with the approved details prior to the commencement of development.

The surface water drainage scheme shall include:-

- a) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
- b) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm
- c) Detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements
- d) Details of how the scheme shall be maintained and managed after completion.

The foul water drainage scheme shall include:-

- a) Detailed scheme of the proposed pumping station
- b) The proposed pumping station must be built to Severn Trent Water Ltd adoption standards
- c) All flows must be passed forward to the existing Severn Trent Water Ltd pumping station
- d) There must be no discharges to watercourse
- e) The rising main must not be routed through the existing watercourse culvert under the railway
- f) The rising main must be laid down as a minimum in accordance with pipe/duct information (provided at a Note to Applicant)
- g) Programme of implementation
- h) Details of future management and maintenance.

- 12 No residential development shall commence until a scheme for the compensatory tree planting is first submitted to and agreed in writing by the Local Planning Authority. The scheme should provide a 2:1 for any mature tree lost as a result of the development and include:-

- a) Planting plans
- b) Written specifications
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate incorporate native replacement species
- d) Maintenance schedule
- e) Areas to be grassed
- f) Implementation programme.

The scheme shall be carried out in accordance with the approved details.

- 13 No residential development shall commence until an ecological management strategy is first submitted to and agreed in writing by the Local Planning Authority. The management plan should cover:-

- a) Woodland
- b) Hedgerows
- c) Pond
- d) Any created habitats on site
- e) Area of compensatory tree planting and
- f) The ecological mitigation area.

The ecological management strategy shall be carried out in accordance with the approved details.

- 14 No residential development shall commence until an external lighting plan of the residential site is first submitted to and agreed in writing by the Local Planning Authority.
- 15 No residential development shall commence until a scheme showing the siting, scale and appearance of bat boxes and kestrel boxes are first submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details.
- 16 No residential development shall commence until a scheme showing the siting, scale and appearance of badger proof fencing has first been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the commencement of development and thereafter retained.
- 17 No residential development shall commence until a scheme for off-site highway works has first been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented prior to the commencement of residential development in accordance with the approved details.
- 18 No residential development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the adjacent railway and commercial/industrial premises has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 19 No residential development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 20 No residential development shall commence until a scheme for the investigation of any potential land contamination on the proposed residential site, allotments and ecological mitigation area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- a) A site investigation scheme to provide information for an assessment of the risk to all receptors that may be affected, including those off site;
 - b) The results of the site investigation and risk assessment (a) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
 - c) A verification report on completion of the works set out in (b) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being used.

- 21 No residential development shall commence until a scheme for the monitoring of landfill gas on the residential site, allotments and ecological mitigation area has been submitted to and approved in writing by the Local Planning Authority. The scheme

- shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 22 Before first commencement of development facilities shall be put in place provided and maintained during the carrying out of the residential development to enable vehicle wheels to be washed prior to the vehicle entering the public highway.
 - 23 Before first use of the visitor centre, hereby approved a car parking plan shall first be submitted to and approved in writing by the Local Planning Authority. The plan should specifically depict designated disabled spaces and indicate the surfacing of the spaces. The development shall then be carried out in accordance with the approved details, prior to the first use of the building.
 - 24 Before first occupation of the dwellings being served by Roads A-F, the respective roads shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
 - 25 Before first occupation of any dwelling hereby approved, the respective access drive and parking area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
 - 26 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the respective curtilage in accordance with the approved plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
 - 27 The use of the garages within the residential scheme, once provided shall not be converted into additional living accommodation.
 - 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A, B, C, D, F, G shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority on Plots 1-7 as indicated on Site Master Plan Drawing No. 7066.05G received by the Local Planning Authority on 7 August 2012.
 - 29 For the period of the construction of the residential development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
 - 30 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.
 - 31 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
 - 32 The windows, as identified as en-suite, bathrooms and cloaks on drawings no's Woodland House Plots 1 and 9 Drawing No. 7066.250; Woodland House Plots 2, 5 and 8 Drawing No. 7066.251A; Woodland House Plots 3 and 4 Drawing No.

7066.252; Woodland House Plots 6 and 10 Drawing No. 7066.272; Woodland House Plot 7 Drawing No. 7066.253A; Plot 11 Drawing No. 7066.254A; Plot 12 Drawing No. 7066.255A; Plots 13-14 Drawing No. 7066.256; Plot 15 Drawing No. 7066.257; Plots 16-19 Drawing No. 7066.258A; Plots 20-21 Drawing No. 7066.259; Plots 22-24 Drawing No. 7066.260A; Plots 25-28 Drawing No. 7066.261A; Plots 29-31 Drawing No. 7066.262A; Plots 32-33 Drawing No. 7066.263A; Plots 34-36 Drawing No. 7066.264A; Plots 47-51 Drawing No. 7066.268; Plots 52 – 54 Drawing No. 7066.269A; Plot 56 Drawing No. 7066.270A and Plot 57 Drawing No. 7066.271 shall be fitted with obscure glass and be non opening or top opening only, and retained this way thereafter.

- 33 The finished floor levels shall be carried out in strict accordance with the details provided on Drawing No. 7066.03B received by the Local Planning Authority on 2 August 2012.
- 34 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 35 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Ecology Assessment, dated November 2011 (including the mitigation measures detailed within it).
- 36 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2012-07-31 Ref: PCB/JWH/12389/3.0 - Issue 3, and drawing No. 12389/108A, and the following mitigation measures detailed within the FRA:-
 - a) Limiting the surface water run-off generated by the critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. (Paragraphs 3.2 and 4.3)
 - b) Protection and maintenance of existing watercourse and culverts will be provided, including trash/security screens to the new road/existing canal culvert and existing railway culvert. (Paragraphs 3.3 and 4.2)
 - c) Finished floor levels are set no lower than 93.0m above Ordnance Datum (AOD). (Paragraph 4.2).

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 absence of full details and in the interests of protected species to accord with the intentions of the National Planning Policy Framework.
- 5 To ensure the buildings to be demolished are recorded for heritage purposes to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.

- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criteria a) and Policy BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the waterway corridor and to preserve the character and appearance of the Ashby Canal Conservation Area, to accord with Policies BE1 (criteria a), BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local character and to preserve the character and appearance of the Ashby Canal Conservation Area, to accord with Policies BE1, BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 In the interests of visual amenity to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure that existing trees are adequately protected during construction in the interests of the visual amenities and character of the area to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 12 To ensure adequate native compensatory planting in the interests of biodiversity to accord with the intentions of the National Planning Policy Framework.
- 13 To ensure adequate management is in place to preserve and enhance the ecological value of the site to accord with the intentions of the National Planning Policy Framework.
- 14 In the absence of full details and to minimise the problems of glare, show consideration for bats and to avoid unnecessary light pollution which could adversely affect the character and appearance of the woodland, pond, hedgerows and Ashby Canal Conservation Area, accord with Policies BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001 and with the intentions of the National Planning Policy Framework.
- 15&16 In the absence of full details and in the interests of protected species to accord with the intentions of the National Planning Policy Framework.
- 17 To ensure a satisfactory form of development and in the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 19 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 20 To ensure the safe development of the site and to ensure the protection of controlled waters to accord with Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and intentions of the National Planning Policy Framework.
- 21 To ensure that risks from land contamination to future users of the site and neighbouring sites are minimised thus ensuring that the land is fit for purpose and to accord with the aims and objectives of the National Planning Policy Framework.
- 22 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.
- 23 In the absence of full details and to ensure adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 24 To reduce the possibility of deleterious material being deposited onto the adopted access drive (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 25 To reduce the possibility of deleterious material being deposited onto the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 26 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 27 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 28 To ensure that the approved dwellings do not have an adverse visual impact upon existing trees to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 29 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.
- 30 To ensure the safe development of the site and to ensure the protection of controlled waters to accord with Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and intentions of the National Planning Policy Framework.
- 31 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 32 To safeguard amenities of neighbouring properties to accord with Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 33 In the interests of visual amenity to accord with the requirements of Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 34 In the interests of visual amenity, to accord with Policies BE1 (criteria a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 35 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.
- 36 To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to Condition 5 Leicestershire County Council's Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.
- 6 In relation to Condition 19 the Written Scheme of investigation shall include an assessment of significance and research questions and:-
 - a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment
 - c) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation
 - f) timescales for the completion of the above
 - g) nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant

must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 7 In relation to Condition 20 advice from Environmental Health is attached to this decision notice, which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 8 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001)

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

The highway boundary is the fence fronting the premises and not the edge of the carriageway/road.

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

Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

In order to provide the visibility splays detailed in Condition 31 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.

If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

- 9 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

- 10 If development does not take place before two years have lapsed since the last badger survey, a repeat survey of all parts of the site must be undertaken, and the mitigation plan must be revised accordingly.

If development does not take place before two years have lapsed since the last bat survey, a repeat survey of the garage, engine shed, bungalow and outbuildings must be undertaken and the mitigation plan must be revised accordingly.

An EPS licence for demolition of garage and works to goods shed are required, as both buildings have bat roosts.

- 11 Pipe/Cable routes should be at least 3m away from the outside edge of any culvert/watercourse (top of bank) where it runs parallel to it.

- 12 It must be ensured that all pipe/duct crossings of a watercourse do not prohibit the future maintenance or improvement of any watercourse. We therefore require that a minimum cover of 600mm (for pipes under 1 metre) and 1 metre (for pipes over 1 metre) is provided above the highest part of the pipe to the firm bed of the watercourse, or culvert invert (where the watercourse is in pipe).

The pipe/duct must remain at the above level (depth) for at least three metres either side of the crossing, from the top of the bank of the watercourse channel (not the waters edge), on both side of the channel, or outside edge of a culvert where the watercourse is in pipe.

For any permanent (including trash screens) and/or temporary works to an Ordinary watercourse (any watercourse shown as a blue line on the Ordnance Survey 25K map) the prior consent of the Lead Local Flood Authority is required under the Terms of the Land Drainage Act 1991, contact flood@leics.gov.uk

Trash screens must be designed in accordance with the current best practice guidance, defra/EA Trash and Security Screen Guide 2009.

- 13 As part of the Environment Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. The Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

Contact Officer:- Ebony Mattley Ext 5691

Item: 10
Reference: 12/00513/FUL
Applicant: Mr David Wright
Location: 15 Bilstone Road Little Twycross Twycross
Proposal: ERECTION OF AGRICULTURAL BUILDING
Target Date: 11 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a development where the floor space exceeds 500 square metres.

Application Proposal

Full planning permission is sought for the erection of a new agricultural building measuring approximately 36.5 metres in length by 18.2 metres in width by 7 and 9.2 metres to the eaves and ridge, respectively. The building would occupy a footprint of 664 square metres.

The building is intended to be constructed with natural grey fibre cement roof, dark green box profile sheets, a galvanised roller shutter door and concrete loading bearing panels. The materials proposed match the existing buildings on site.

The building will be used for the storage of crops and farm machinery.

During the course of the application, the applicant has provided additional justification in respect of the siting of the proposed building and a plan depicting the other sites previously considered.

The Site and Surrounding Area

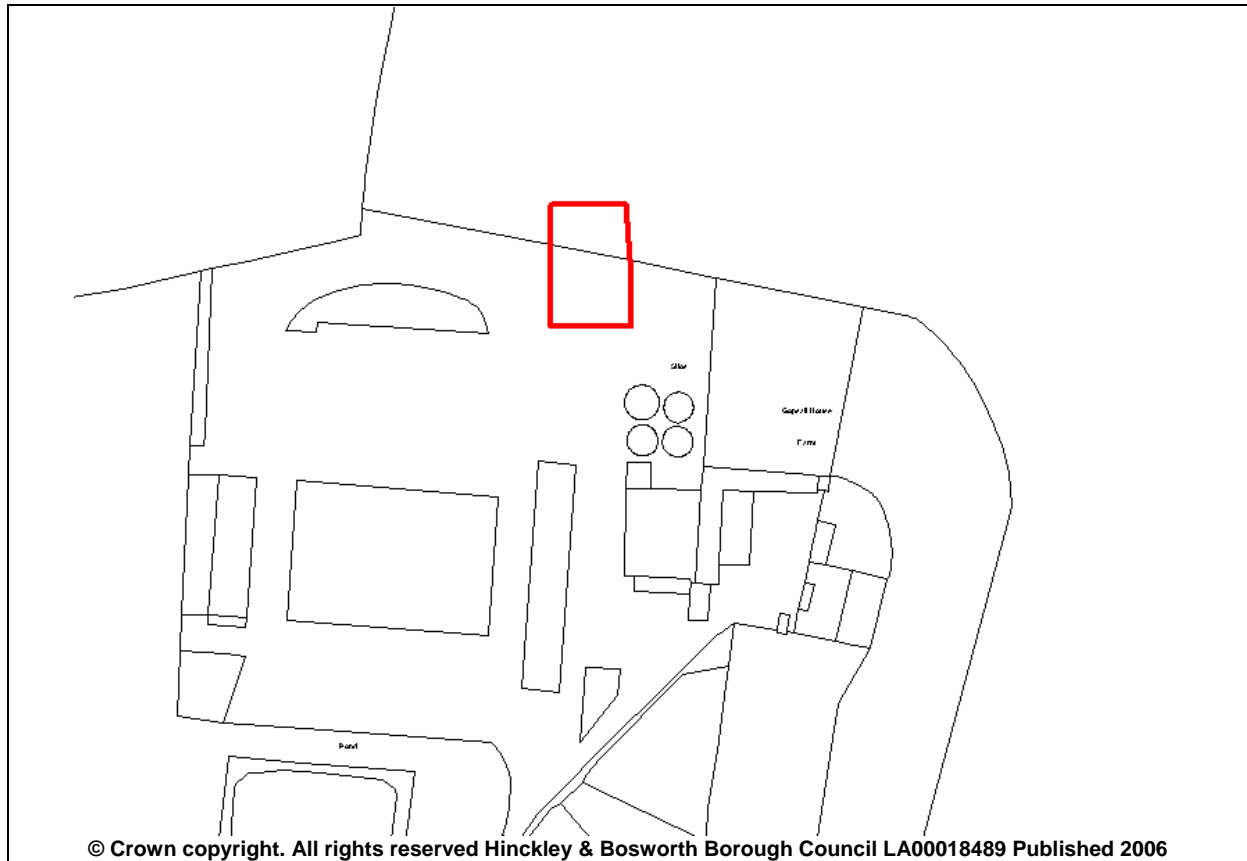
The new agricultural building will be sited within the existing yard to the north of existing building. Access to the building will be via the farm yard through a roller shutter door. The site is located outside the settlement boundary of Twycross and within an area of countryside, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Document submitted with application

Design and Access Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

The Head of Community Services (Land Drainage)
The Council's Conservation Officer.

No objection subject to conditions from The Directorate of Chief Executive (Archaeology).

Site notice displayed.

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

Policy:-

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 NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Policy BE5: The Setting of a Listed Building

Policy BE16: Archaeological Investigation and Recording

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Design of Farm Buildings

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations in the determination of this application relate to the principle of development, impact on the countryside, scale and design, impact upon the setting of a Listed Building, impact on residential amenity and highway considerations.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Promote the development and diversification of agricultural and other land-based rural business.

The function of the proposed building is for the storage of grain and modern farming equipment. The Design and Access Statement accompanying the application states that it is necessary to have more storage on the farm as they are currently growing 50 hectares of onions, 60 hectares of parsnips, 70 hectares of potatoes, 141 hectares of sugar beet and 400 hectares of cereals. The statement states that due to the large area and wide diversification of crops grown, the majority of produce has to be sold at harvest, straight away and with the extra storage, produce will be able to be sold over a longer period of time, adding more value and prolonging the season would help to sustain more local customers. In addition, the statement refers to the need to store the more modern, larger agricultural machinery in dry environments to insure protection against weather and security.

It is considered that there is an identified need for a new, modern large scale agricultural building due to the under capacity of storage, for the efficiency of labour and modern agricultural practices and to accommodate the larger farming machinery.

It is considered that the building will strengthen the viability of the agricultural holding, and promote the development of the agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

In summary, there is no in principle objection to this agricultural building on this agricultural land to strengthen the rural economy, subject to all other matters being adequately addressed.

Siting and Impact upon the Countryside

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

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. In addition, the design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and are 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.

The Council's SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features.

During the course of the application, the applicant has provided additional justification in respect of the siting of the proposed building and a plan depicting the other sites considered.

The applicant has indicated that this location is the only one suitable to ensure that it is located in close proximity of the grain dryer so as to put the dried grain into the store quickly and efficiently, to store and manage the crop more effectively and for ease when out loading of the grain into bulk HGV's as this requires a reasonably large area to keep clean and tidy and to operate the loader safely. The applicant has stated that the design of this new building is for greater storage capacity for higher yielding crops, so operationally it is positioned in, what they feel, is the most efficient place for it to function effectively.

It is considered that explanation provided the applicant of the operational requirements required each day sufficiently demonstrate that the siting of the building is necessary in order to ensure there is sufficient the area in front of the building for day to day operations to continue as normal.

In terms of wider views, the site is flat and would be screened from the south by existing building, to the south east by the residential dwellings on site and by mature vegetation to the north. It is not considered that this new barn would not create any significantly detrimental views, over and above that of the existing buildings on site.

In summary, it is considered that this new agricultural building does not significantly impact upon the appearance and amenity of the surrounding countryside. The scheme is therefore considered to be in accordance with the overarching intentions of the NPPF, Saved Policy NE5 (criteria i and iii) and the Council's SPG on Design of Farm Buildings.

Scale and Design

Criteria a) within Saved Policy BE1 is applicable and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Criteria ii) within Saved Policy NE5 is applicable as it states that development should be in keeping with the scale and character of existing buildings and the general surroundings. These criteria are considered to be consistent with the NPPF and as such should be given weight in consideration for this application.

The Council's SPG on Design of Farm Buildings recognises that on the whole, modern farm buildings tend to be larger than their traditional counter-parts due to the introduction of new agricultural practices and machinery resulting in higher, larger span buildings. It also states that the function of the building will influence the scale and type of building and the long term agricultural requirements of the building should also be considered.

The footprint and scale of the proposed building would occupy a footprint of 664 square metres and span to 9.2 metres in height.

The Design and Access Statement accompanying the application states that the size of the building is necessary to hold 1600 tonnes of wheat which equates to 160 hectares or 1100 tones of potatoes (50 hectares). The Statement also states that the farm currently grows 70 hectares of potatoes and therefore the size of the building would help contribute to the storage of crops on this large site.

In addition, the statement refers to the need to store the more modern, larger agricultural machinery in dry environments to insure the protection against weather and security.

The function of the proposed building has influenced the scale and type of the building and it is considered that it is required for the long term agricultural requirements of the site. In addition, the building is not considered to be out of keeping in scale in the surrounding farm buildings which currently exist on site.

The design and appearance of the farm building uses proportions and finishes which are considered common in the construction of modern farm buildings in agricultural settings and are also common to the existing agricultural building on site.

In summary, by reason of scale and design the proposed building is considered in keeping with the character and appearance of a farm. The scheme is therefore considered to be in accordance Saved Policies BE1 (criteria a), NE5 (criteria ii) of the adopted Hinckley and Bosworth Local Plan 2001 and the Council's SPG on Design of Farm Buildings.

Impact upon the Setting of a Listed Building

In terms of impact upon the setting of the Listed Building, paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 137 states that proposals that preserve elements of the setting that a make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Saved Policy BE5 states that the setting of Listed Buildings will be preserved and enhanced by appropriate control through the design or new development in the vicinity, having regard

to the scale, form, siting of the proposal. This policy is considered to have consistency with the NPPF.

The most easterly residential building on site is Gopsall House Farm Grade II Listed Building and therefore is considered to be an important heritage asset. By virtue of the proposed buildings position, the other existing residential buildings on site would screen the barn from the Listed Building. By virtue of the siting of the building within the farm complex and some 65 metres from the Listed Building it is not considered that the scale of the proposed building would dominate that of the Listed Building. As such by virtue of the new buildings position on the northern elevation of the adjacent building it is not considered that the setting of Gopsall House Farm would be significantly impacted upon as a result of this proposal. The materials and finishes are considered to be acceptable for this setting.

Consideration has been given to the significance of the heritage assets on site and it is concluded that there would not be any detrimental impacts from this proposal on the asset and the proposed building is considered to preserve the elements of the setting in accordance with the intentions of the NPPF.

In summary, by reason of siting and design the proposed building is not considered to detract from the setting of the Listed Building in accordance with the overarching intentions of the NPPF and Saved Policy BE5 of the 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. This is considered consistent with the NPPF and therefore affords weight in the determination of this application.

The site is located within a remote location and there are no residential dwellings within the immediate surrounding area that would be impacted upon as a result of the proposal. 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.

Archaeology

Saved Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration for this application.

The Directorate of Chief Executive (Archaeology) states that the application site lies in an area of significant archaeological interest and to ensure that any archaeological remains presents are dealt with appropriately has recommended a condition for an appropriate level of archaeological investigation and recording. Such a condition is considered necessary to impose. As such the proposal, subject to condition would be in accordance with Saved Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.

Highways Considerations

As previously discussed (criteria g) of Saved Policy BE1 and (criteria iv) of Saved Policy NE5 are considered to have limited conflict with the intentions of the NPPF, as is Saved Policy T5 and therefore afford weight in the determination of this application.

There are no proposed changes to the access and parking arrangements and no additional traffic would be created over and above that of the existing. As such the proposal is in

accordance with Saved Policies BE1 (criteria g), NE5 (criteria iv) and T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. It is considered that the principle of an agricultural farm building in this location is considered acceptable as the applicant has demonstrated that there is a need for a modern agricultural building on site in the interests of modern day farming methods. It is considered that the building will strengthen the viability of the agricultural holding and consequently contribute to the rural economy. The siting and scale of the building is not considered to encroach upon the countryside or be detrimental to the character and appearance of this countryside setting or the setting of a Listed Building. Overall by virtue of the siting, scale, materials and finishes of the building, the scheme is considered to be in accordance with the principles of designing a new farm building as stated in the SPG on Design on Farm Buildings and Saved Local Plan Policies NE5 (criteria i-iv), and BE1 (criteria a and i) BE5 and BE16. Accordingly this application is recommended for approval, 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 new agricultural building is considered acceptable within this farm setting and there are no material impacts on either the character of the countryside, setting of the Listed Building, impact upon residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, i and g), BE5, BE16, NE5 (criteria i - iv) and T5.

Local Plan 2006-2006: Local Development Framework: Supplementary Planning Document (SPG): Design of Farm Buildings.

- 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 (Scale 1:5000); Site Location Plan (Scale: 1:2500); Proposed New Building Drawing No. NT01; Building Plan End View (Scale 1:200); Building Plan Side View (Scale 1:200); Building Plan, Plan View (Scale 1:200).
- 3 The materials used in the construction of agricultural building hereby approved shall be strictly in accordance with the details submitted in the application form.
- 4 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the

archaeological works shall be carried out by a suitably qualified body approved in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure satisfactory historical investigation and recording to accord with Policy BE16 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 In relation to Condition 4 the Written Scheme of investigation shall include an assessment of significance and research questions and:-
 - a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment
 - c) the provision to be made for analysis of the site investigation and recording
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation
 - f) timescales for the completion of the above
 - g) nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

The Written Scheme of Investigation (Wintertree Software Inc.) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Contact Officer:- Ebony Mattley Ext 5691

Item: 11

Reference: 12/00549/HOU

Applicant: Ms Louisa Horton

Location: 64 Southfield Road Hinckley

Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Target Date: 6 September 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is an employee of the Borough Council.

Application Proposal

This application seeks full planning permission for the demolition of an existing utility room and attached single garage and the construction of a two storey side extension to the dwelling. The proposal will provide an extended kitchen, replacement utility room and bin/storage area at ground floor and an extended bedroom with en-suite and extended bathroom at first floor.

The Site and Surrounding Area

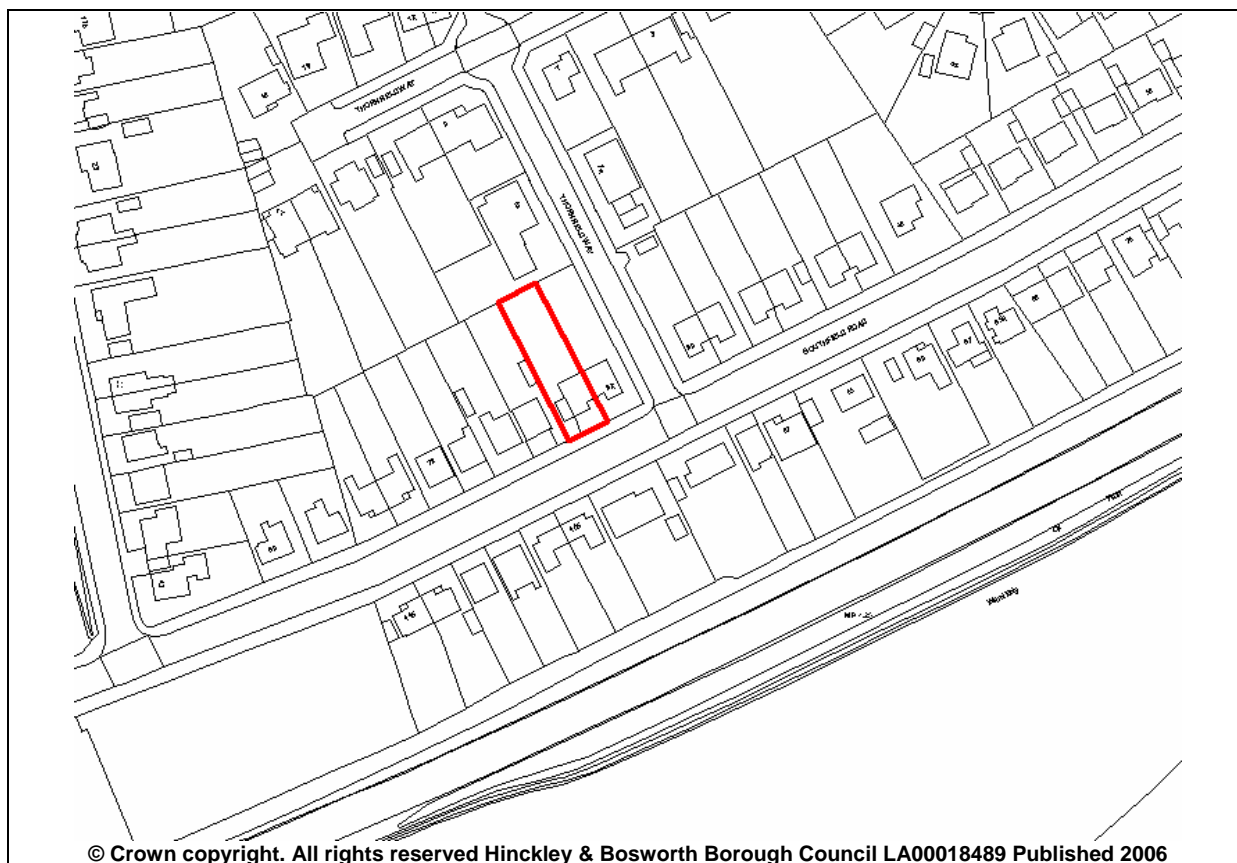
The application dwelling is a two storey semi-detached house located within a residential area of Hinckley on the north west side of Southfield Road. The area is characterised by predominantly two storey detached or semi-detached dwellings of various but traditional designs and styles. The application dwelling has a traditional pitched roof design with side gable and a subordinate forward projecting two storey gable with bay window at ground floor. It is constructed of red/orange facing bricks and red plain clay roof tiles. There is an attached single garage with hipped roof and a utility room with monopitch roof on the south west elevation. There is a 1.8 metres high timber fence on the side boundary between 64 and 66 Southfield Road, set back from the front elevation by approximately 4 metres. The rear garden is enclosed by 2 metres high close boarded timber fencing with mature planting providing additional screening.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

None relevant.



Consultations:-

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

At the time of writing this report no comments have been received from neighbours.

The consultation period remains open at the time of writing this report and closes on 10 August 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

The National Planning Policy Framework March (NPPF) 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance on House Extensions (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, the design and layout of the proposed extension and alterations and impact on the character and appearance of the existing dwelling and wider street scene, the amenities of neighbouring properties and highway safety.

Principle of Development

The site is located within the settlement boundary of Hinckley, as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed. In addition, the National Planning Policy Framework (NPPF) is supportive of sustainable development and as the proposals are the extension of and alterations to an existing dwelling they are considered to be sustainable.

Design and Impact upon the Character of the Existing Dwelling and Street Scene

Policy BE1 (criteria a) of the adopted Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, design, materials and architectural features. The Council's adopted Supplementary Planning Guidance (SPG) on House Extensions provides additional advice on good design and the general principles that will be followed in assessing applications, but also states that each application will be judged on its own merits.

The proposed two storey extension abuts the side of an existing gable, is designed with a similar roof form that reflects that of the existing dwelling and the ridge and eaves line of the extension on the front elevation is level with the corresponding eaves line of the set back on the other side of the projecting gable in line with the adopted SPG. Whilst the eaves line on the rear elevation of the extension is marginally higher as a result of the set-in of the rear elevation to avoid an existing manhole, by virtue of its location at the rear this will not be a prominent or unacceptable design feature in this case. The proposed extension, at approximately 2.9 metres in width, is less than half that of the existing dwelling and therefore subordinate and not visually obtrusive and in line with adopted SPG. The extension will not be constructed any closer than 1 metre from the side boundary in line with the adopted SPG and maintains access to the rear garden. The adopted SPG suggests that side extensions should be set back from the front elevation by 1 metre to prevent terracing. Whilst the ground floor is set back only marginally from the front elevation of the projecting gable, this is considered to be acceptable in this case as the extension replaces a garage that has no set back at all and the first floor of the extension is set back by approximately 2.1 metres and in line with the main front elevation of the dwelling to ensure visual harmony. By virtue of the significant set back of the first floor of the extension and the prominent forward projecting two storey gable, the proposals do not result in any adverse impact to the balance of this pair of semi-detached dwellings or the wider street scene. In addition, the proposed extension is to be constructed in matching materials to the existing dwelling to create a unified overall appearance.

Overall, by virtue of the siting and design of the extension and the use of matching materials it is considered that the proposals respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not overwhelm the existing house or neighbouring properties and are therefore in accordance with Policy BE1 (criteria a) of the adopted Local Plan and the Council's adopted Supplementary Planning Guidance on House Extensions.

Impact on Neighbours

Policy BE1 (criterion i) of the adopted Local Plan and the Council's adopted Supplementary Planning Guidance (SPG) on House Extensions require that development should not adversely affect the amenities of the occupiers of neighbouring properties.

66 Southfield Road is a two storey detached house located on a similar building line and to the south west of the application dwelling. There are four windows in the side elevation facing the site: a landing picture window at first floor and three secondary windows (one of which is blocked up internally) to a kitchen at ground floor. The windows will face the side elevation of the proposed two storey extension at a separation distance of approximately 3.2 metres. Given the nature of the windows and the separation distance to the side elevation of the proposed two storey extension, it is considered that the proposal will not result in any significant loss of views and/or light or any adverse overbearing impact on the neighbouring property. The only window in the side elevation of the proposed extension is at ground floor and is to be obscurely glazed such that no overlooking or loss of privacy will result. The extension will not project beyond the rear elevation of 66 Southfield Road therefore it will not result in any adverse overbearing impact on any rear elevation windows.

As a result of its siting entirely to the side of the existing dwelling and the separation distance of over 23 metres to the rear boundary, the proposals will not result in any adverse impact on any other neighbouring properties.

Overall by virtue of the siting and design and separation distances to neighbouring properties the proposed extension and alterations will not result in any adverse impact on any neighbours amenities from overbearing impact or loss of privacy from overlooking and the proposals are therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

Highway Safety

Policy BE1 (criterion g) of the adopted Local Plan seek to ensure the provision of adequate off-street parking. Policy T5 of the adopted Local Plan refers to parking standard provision.

Notwithstanding the demolition of the garage, in this case, there will be no loss of parking space as the garage is currently un-useable for this purpose. The overall internal length of the garage is 4.8 metres, however, the ground level rises within the garage from front to rear and the rear access to the garage encroaches into the available space with a retaining wall and steps such that the effective length is reduced to approximately 3.5 metres. The 0.2 metres set back of the proposed side extension will slightly improve the existing situation for parking within the block paved front curtilage. The proposals do not result in an increase in the number of bedrooms which remains at three. The existing one full sized off-street parking space will be retained and this level of provision is considered to be acceptable given the sustainable location of the site within walking distance of the town centre, services and facilities. The proposals are therefore considered to be acceptable in respect of Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

The extension of and alterations to this existing dwelling located within the settlement boundary of Hinckley are considered to be sustainable development. By virtue of their scale, mass, siting, design and the use of matching materials the proposals will complement the character and appearance of the existing dwelling and wider street scene and will not have any adverse impact on the amenities of the occupiers of neighbouring properties or highway safety. The proposals are considered to be in accordance with Policies BE1 (criteria a, g and i) and T5 of the adopted Local Plan, the adopted Supplementary Guidance on House

Extensions and the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period ending 10 August and 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 by virtue of their scale, mass, siting, design and the use of matching materials the proposed extension and alterations would compliment the character and appearance of the existing dwelling and surrounding area and would not have any adverse impact on the amenities of the occupiers of neighbouring properties or highway safety

Hinckley and Bosworth Borough Council Local Plan (2001):- BE1 (criteria a, g 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 submitted application details, as follows: Site Location Plan at 1:1250 scale, Block Plan Drawing No. B12/09/BL02A and Proposed Plans and Elevations Drawing No. B12/09/E01A Rev A received by the Local Planning Authority on 12 July 2012.
- 3 The materials to be used on the external elevations of the proposed extension and alterations shall match the corresponding materials of the existing dwelling.

Reasons:-

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

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date.

Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Richard Wright Ext 5894

Item: 12

Reference: 12/00486/FUL

Applicant: Mr Len Hallows

Location: Land (Unit D) At The Junction Of Coventry Road And Maple Drive Hinckley

Proposal: ERECTION OF MOTOR DEALERSHIP INCLUDING WORKSHOPS, OUTDOOR CAR SALES DISPLAY AREAS AND ASSOCIATED WORKS

Target Date: 25 September 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a Major Development with a floor space over 500 sqm.

Application Proposal

Full planning permission is sought for the erection of a motor retail dealership to include a 7 car showroom with ancillary sales offices; sales staff/customer facilities; a 6 bay workshop/after sales facility with ancillary parts, administration and mechanics accommodation; a MOT testing and valeting facility and accompanying service, staff, customer and display parking areas on Plot D of Tungsten Business Park, Maple Drive, Hinckley.

There will also be a training facility for mechanics and meeting room facilities within the dealership. The anticipated staffing levels will be approximately 30 people - broken down to 20 'back of house' staff (mechanics, parts and administration etc) and 10 'front of house' staff (sales, reception etc).

Plot D already has the benefit of a detailed planning consent for a motor retail dealership (Planning Application ref: 07/01150/FUL). This current applicant seeks to change the design and layout but proposes the same use as already approved.

The use falls in to the 'Sui Generis' use classification.

The building proposed is a mono pitched rectangular building with a maximum height of 8 metres at the front sloping to 5.9 metres at the rear. The building will have a floor area of 910 sq metres. The building will be of steel frame construction, with a standing seam roof. The walls to the main building are formed with horizontally laid silver 'micro rib' flat cladding panels with low level engineering brick plinth around the perimeter. The showroom elevations, to front and sides, are formed with a glazing system with extruded aluminium

frames, complimented by a natural timber 'brise soleil' feature at high level. Above this, the roof canopy will be formed by white cladding panels. Between these two elements, a lighting ledge and upstand will be formed in grey panels to provide a band of 'Volvo blue' light at high level around the showroom facades. Volvo brand signage - set within 'Volvo blue' full height vertical external panels, will be displayed on the south and east elevations.

The proposal will provide the following parking spaces:-

- 8 x Customer bays
- 10 x Service customer bays
- 11 x Demonstrator vehicle bays
- 43 x Used car display bays
- 20 x Secure compound bays (storage/service)

Due to officer concerns in respect of the landscaping of the site and that the cycle provision was not detailed, an amended plan was requested and has been received. A 14 day neighbour re-consultation has been undertaken in respect of these, this has not yet expired.

The Site and Surrounding Area

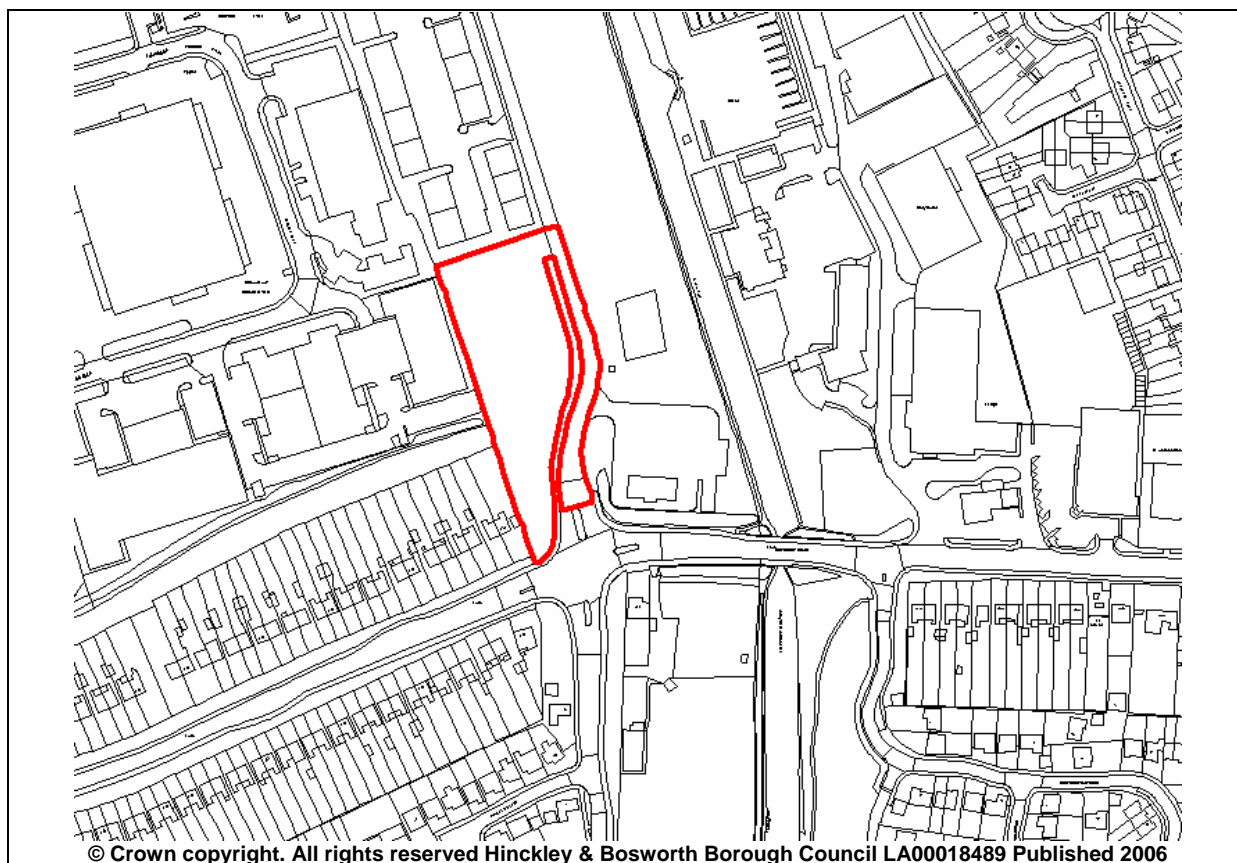
Unit D is located at the southern tip of the Tungsten Park Development, to the west of the recently established 'KFC' and north of the Coventry Road. The application site area is 0.14 hectares and is rectangular in shape. Tungsten Park is located to the north of Coventry Road and to the west of the Ashby Canal. Immediately to the north of the application site is the completed Phase of Tungsten Park, 15 light industrial / warehouse units, known as Radius Court; to the immediate east plots A and B are consented to provide 2, two-storey, office buildings and consent has recently been granted for a leisure facility to the east between KFC and the offices. The wider area is characterised by a mixture of planning uses, including commercial, industrial, office, residential and retail. 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

Design and Access Statement

Relevant Planning History:-

07/01150/FUL	Mixed commercial development comprising B1, B2, B8 and sui generis uses	Approved	12.12.07
07/00529/FUL	Mixed commercial development comprising B1, B2, B8 and sui generis uses	Refused Dismissed at Appeal	29.08.07
99/00048/OUT	Industrial Development for B1, B2 and B8 uses	No LPA Decision Appeal Allowed	09.05.00



Consultations:-

No objection has been received from Severn Trent Water Limited.

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

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

Site notice and Press notice were displayed and neighbours notified.

Seven letters of neighbour representation have been received, these raise the following concerns:-

- a) additional noise associated with vehicle movements and site operation
- b) the parking proposed will result in additional congestion on Coventry Road and highway issues
- c) already vacant car garage in close proximity of site which could be used
- d) re-location of TMS to Tungston Park is inappropriate
- e) too close to surrounding residential properties and uses
- f) generate additional traffic and more highway safety issues
- g) will not add aesthetically to area
- h) proposal too large
- i) incompatible use with surrounding residential properties
- j) inadequate sound deflection provided
- k) previously approved landscaping scheme never implemented

- l) questions over number of jobs created
- m) lack of landscaping provision
- n) will result in chemical air pollution
- o) too much hard standing which will result in flooding

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

Environment Agency
Head of Business Development and Street Scene Services
Leicestershire Fire and Rescue Services.

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

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy NE4: Areas of Separation

Policy NE12: Landscaping Schemes

Supplementary Planning Guidance/Documents

None Relevant.

Appraisal:-

The principle of development of this plot for a car dealership has already been established by the earlier grant of planning approval (07/01150/FUL). This application approved the siting of a Vauxhall showroom on unit D. Therefore the main considerations with regards to this application are siting, design and landscaping, impact upon residential amenity, highway considerations and other matters.

Siting, Design and Landscaping

The originally approved car dealership was set back from the Coventry Road frontage by approximately 78 metres and its rear elevation was 98 metres from Coventry Road. This unit was of a modern design, incorporating a curved roof and large glazed areas. The car sales display areas were to the front and side of the unit, and were set behind low level landscaping.

The current scheme proposes a revised layout, design and landscaping. The footprint of the building has been increased from 368 metres squared to 556 metres squared, and by virtue of its enlarged footprint, the building will be sited roughly 6 metres closer to Coventry Road.

In addition, the parking and car display area will extend into the southern tip of the site, as well as being adjacent to, and in front of the proposed building. As such the previously approved landscaped area, which softened the appearance of the development from Coventry Road and provided a green buffer has been reduced significantly. Due to the concerns raised by locals in respect of the loss of a large part of the landscaped area, further negotiations have taken place between the Local Planning Authority and the developer and an amended landscaping concept has been submitted. This illustrates that the car display area to the front of the site will be finished in block paving, to match that used elsewhere on Tungsten Park, the 4 x 4 vehicle display area will be finished in grasscrete, surrounded by a rockery/boulders and planted with low level shrubs. The shrub planting will then continue along the eastern boundary (adjacent to the spine road), concealing the security hoops. A grassed area is proposed between the shrub planting and vehicle display area. Finally specimen tree planting is proposed along the western boundary. By virtue of the amended landscaping scheme, the parking and vehicle display areas will be closer to Coventry Road than that approved within the previous scheme. Whilst not ideal given that the ground level on the site is lower than that of Coventry Road and the road frontage is characterised by existing development, the visibility of vehicles associated with the development is not considered to compromise the character of the area to a level that would warrant refusal of the application on the basis of impact upon character.

The developer has provided adequate commercial justification in respect of the increased footprint of the development and the amended layout, which are tailored towards the specific requirements of the end user. Accordingly the development is in accordance with the NPPF's commitment to promote sustainable economic development are thus considered acceptable.

The majority of existing and approved developments on site are of modern construction with shallow pitched curved roofs. Whilst the proposed building has a modern feel, due to its use of materials and glazing, and its roof design, which comprises a shallow mono-pitched roof; it does not incorporate the prevalent curved roof design, adopted elsewhere. The choice of design has been discussed with the developer, and it has been confirmed that the solution proposed represents the most viable option. Furthermore, as this development occupies a prominent position on the site entrance, the difference in its design will result in it appearing as a landmark building for the site. Accordingly, although its design differs, its massing and pallet of materials proposed will result in it being in keeping with the already approved development and therefore its design and appearance is considered acceptable.

Therefore on balance, the design, siting, and materials proposed is considered acceptable and will be in accordance with policy BE1 (criteria a) of the Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be No.391 Coventry Road to the south west of the proposal. There is a distance of approximately 52 metres between the front elevation of the proposed development and this dwelling. This is 2.4 metres closer than the originally approved scheme. By virtue of this distance there will be no material impacts in terms of overlooking or overshadowing and the proposal will not be overbearing. In addition to the revised siting of the building, the used car display area will encroach into the southern tip of the site, on to the area originally designated as landscaping. This area will run adjacent to the majority of the length of the boundary of the neighbouring property. It is recognised that the residential property known as 391 Coventry Road is located on a main road into Hinckley, which is relatively heavily trafficked, thereby resulting in a degree of disturbance. However, it is considered that the proposal for the area adjacent to the property and its garden to be for used car display will result in further noise and disturbance from vehicle movements and associated pedestrian

traffic including the comings and goings of customers which typically will include car doors opening and closing, cars starting up and the general noise generated by conversation. Whilst there is an acoustic fence along the boundary the proposal brings this disturbance alongside the neighbour's property and private amenity space which is considered unacceptable. It should be noted that the previous inspector's decision (99/00048/OUT) conditioned that no B2 and B8 uses be located within 150m of the boundary with Coventry Road, since this time application proposals have encroached upon this distance and it is considered that some protection should be afforded to neighbouring residents. The most appropriate solution would be to revert back to layout of the previous scheme (07/01150/FUL) however it is accepted that this is a different end user and such a solution would not work for their business case. Therefore in order to help mitigate against these impacts, further amendments have been requested to the landscaping scheme. Specifically a 4 metre wide x 61 metre long landscaping buffer with mature planting has been requested along the western boundary, this will be from the southern tip of the site and will result in the removal of the three used car display spaces which are proposed adjacent to this boundary. This landscaped buffer should be inter-dispersed with mature specimen trees, to ensure that vehicles cannot park upon it. At the time of writing the report, this additional information has not been received. Based on the absence of this additional landscaping, it is considered that the applicant has not demonstrated that by virtue of position of the vehicle display area there will be no detrimental impacts in terms of noise and disturbance to the residential amenity of the adjacent property. It is therefore considered that the proposal is not compliant with criteria I of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

As the development proposes a workshop and servicing element, and a detached valet building, which are considered to be noise generating uses. To help reduce any impacts on the properties along Coventry Road (in terms of noise disturbance, these elements have been sited to the rear of the building, with all openings along the rear elevation, and the valet building adjacent to the northern most boundary of the site. In addition, the 70 metre long acoustic fence, planting and existing vegetation along the western boundary, and the conditions recommended by Head of Community Services (Pollution), which seek to restrict working hours and noise levels, will further reduce impacts. Accordingly resultant of the above measures and conditions, it is not considered that noise generated from the proposal would justify refusal of the application.

In summary, the by virtue of the proximity of the used vehicle display area in the southern tip of the site to the adjacent residential property, and the lack of landscaping to mitigate against this, the proposal is considered to have a detrimental impact in terms of residential amenity and will therefore be contrary to the intentions of criteria i of Policy BE1 of the adopted Local Plan.

Highway Considerations

In respect of the parking provision and access proposed, the Director of Environment and Transport (Highways) raises no objection. However to promote alternative modes of transport and to ensure the site is sustainable, a condition requiring the provision of secure cycle parking together with staff showering/changing facilities has been suggested. The developer has confirmed that staff showers are being provided and has illustrated the cycle parking provision on the amended landscape concept.

Concerns have been raised that the proposed use will result in additional congestion on Coventry Road and that there are insufficient numbers of parking spaces to cater for the possible number of customers. On balance, the Director of Environment and Transport (Highways) has raised no objections in respect of this and as such there are no sustainable grounds to object in terms of highway safety. No concerns have been raised in respect of the number of parking spaces proposed.

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

Other Issues

Letters of Objection

Issues raised within the letters of representation, not discussed elsewhere in the report will be discussed below.

Concerns have been raised that the parking proposed will result in additional congestion on Coventry Road and highway issues. Although the proposal will result in additional vehicle trips to and from the site, the access and local highway network is considered adequate to cater for these. Accordingly no objections have been received in respect of highway safety from Director of Environment and Transport (Highways).

It has been suggested that there is an already vacant car garage in close proximity of site which could be used to accommodate the proposal. Whilst this may be the case, the Local Planning Authority cannot control the commercial decisions of a company in respect of where they wish to locate. The site under consideration is available and suitable from the developers perspective and is therefore considered to be in accordance with the intentions of the NPPF in respect of promoting sustainable economic development. Further the principle of the use of this site for these purposes is a previously established one and that development could be implemented.

It has been stated that the previously approved landscaping scheme has never been implemented. The original landscaping scheme comprised a masterplan for the entire site. As the individual plots have been sold off and developed to the specific end users requirements, aspects of this scheme have been amended (within the remit of any new planning application proposal). Accordingly the landscaping has been implemented on a plot by plot basis, with the landscaping left, for those plots yet to be developed. The Council's Planning Enforcement Officer has investigated allegations that the landscaping condition attached to the previous application has not been complied with, and has confirmed no breach at this stage and it would be unreasonable to require a developer to undertake landscaping on a site which is still under construction.

Queries have been raised over the number of jobs that will be created resultant of the proposal. It is stated on the planning application forms that 30 full time jobs will be created. The Local Planning Authority have no reason to dispute this (as the form constitutes a legal document) and thus considers that any new jobs created will be beneficial to the local economy.

Concerns have been raised that the proposal will result in chemical air pollution. No adverse comments have been received in this respect from the Head of Community Services (Pollution) and thus this issue is not considered to constitute a material planning consideration in this case.

It has been suggested that there is too much hard standing, which will result in flooding. The site is not situated in an area known to have a high risk of flooding, however by virtue of the hard standing proposed, there may be an increased risk of surface water flooding. To mitigate against this, the Head of Community Services (Drainage) has suggested the use of permeable surface material throughout the site. Details of the surfacing material will be agreed via the landscaping condition.

Conclusion

As discussed, the principle of the development of a car showroom and ancillary activities on this site has been established by the earlier planning approval (07/01150/FUL). However due to the proximity of the used vehicle display area in the southern tip of the site to the adjacent residential property, and the lack of landscaping to mitigate against associated impacts, the proposal is considered to have detrimental impact in terms of noise and disturbance on the residential amenity of this property and is therefore contrary to the intentions of criteria i of Policy BE1 of the adopted Local Plan.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

- 1 In the opinion of the Local Planning Authority the location of vehicles and commercial activities directly adjacent to the property 391 Coventry Road would be harmful to the general amenity of the residents of that property by virtue of the general disturbance and comings and goings associated with the use of that area for the parking, viewing and purchasing of used cars. It is therefore considered that the proposal is not compliant with criteria I of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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