

PLANNING COMMITTEE

25 September 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

PLANNING COMMITTEE AGENDA - 25 September 2012 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
11/01021/FUL	Mr Robert Duval	99 Barton Road Congerstone	01	02
12/00178/FUL	Mr John Cawrey	Land Adjacent M1 Ferndale Drive Ratby	02	13
12/00193/CONDI T	Mr John Cawrey	Land Adjacent M1 Ferndale Drive Ratby	03	29
12/00282/FUL	Bloor Homes Ltd (East Midlands)	Land Opposite Superstore Sword Drive Hinckley	04	36
12/00622/FUL	Bloor Homes Ltd (East Midlands)	Land Opposite Superstore Stoke Road Hinckley	05	43
12/00338/COU	Mr R Sokhi	Bubble Boyz Car Wash Watling Street Hinckley	06	51
12/00446/FUL	Magnum Care Ltd	Former Highfield Works John Street Hinckley	07	59
12/00452/FUL	Mr John Deakin	Land Adj. 108 Shilton Road Barwell	08	71
12/00512/FUL	Mrs Julie Perrin	Millennium Hall Britannia Road Burbage	09	82
12/00522/FUL	R & T Ensor Farmers Ltd	Kirkby Lodge Farm Bosworth Road Kirkby Mallory	10	90
12/00601/FUL	Mr Jason Newbury	Chestnuts Desford Lane Kirkby Mallory	11	96
12/00658/OUT	MIRA Technology Park Ltd	Mira Ltd Watling Street Caldecote	12	111
12/00674/COU	Mr J Winter	Winter Oak Watling Street Higham On The Hill	13	125

Item: 01
Reference: 11/01021/FUL
Applicant: Mr Robert Duval
Location: 99 Barton Road Congerstone Nuneaton
Proposal: ERECTION OF 6 NEW DWELLINGS WITH ASSOCIATED ACCESS
Target Date: 7 May 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local controversial issues stemming from the previously consented scheme for the site which proposed a mixed use development and consequent of the viability issues present which have resulted in the developer offering no affordable housing provision.

Application Proposal

This application seeks full planning permission for the development of 5 dwellings and the retention and refurbishment of an existing building on site, which was historically used as a dwelling, on land at Barton Road, Congerstone. The application also includes associated garaging, parking areas, infrastructure and landscaping.

The application proposes development of the final parcel of land remaining from a scheme approved for 24 dwellings and 850 sqms of B1 office space (06/01405/REM). The dwellings have been completed, but the area proposed for B1 use remains undeveloped.

Following submission, amended plans were requested due to officer concerns in respect of the design of the scheme. The developer responded, justifying the design. However as concerns remained, a further attempt was made requesting design amendments. Minor amendments to plots 4 and 6 have now been received. Due to the nature of the changes proposed, no further consultation has been undertaken.

The Site and Surrounding Area

The application site is located to the north east of the village of Congerstone and is accessed directly off Barton Road. The site area covers approximately 0.24 hectares. To the south and east of the site lies open countryside. The site is designated as EMP1 employment allocation within the Local Plan; however it is defined as a 'No Longer Available' site within the more recently adopted Employment Land and Premises Study. Part of the site, that in which the building to be refurbished is situated, falls within the Conservation Area.

Historically (since 1700) the site was used as an abattoir which extended over time to include the conversion of the former Dawkins house residence/former Fox and Hounds village pub into an office and shop.

To the north of the site, on the opposite side of Barton Road lies a mix of large modern and barn type farmhouses along with more traditional vernacular brick cottages bound to the front by hedgerow. To the east is a newly built development (the first phase of this scheme). This comprises of a mix of brick and rendered dwellings which incorporate a range of local

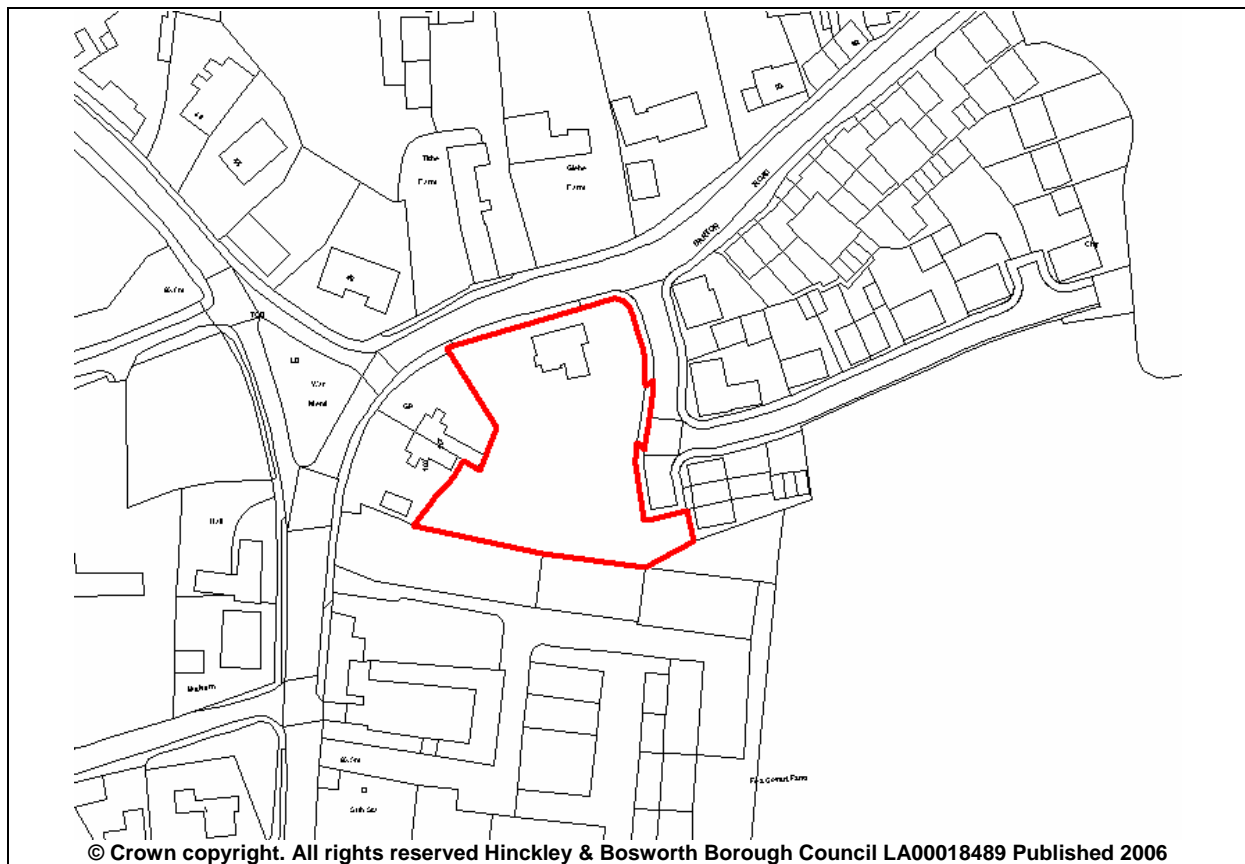
architectural features. A pair of traditional, extended semi-detached cottages are adjacent to the western boundary of the site. Further south of the site are a cluster of more modern agricultural storage buildings.

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Viability Report
Contamination Report

Relevant Planning History:-

06/01405/REM	Mixed residential and commercial development. 24 no. dwellings and 1000 sqm b1 office area	Approved	05.04.07
04/01503/OUT	Commercial and residential development	Approved	23.03.05



Consultations:-

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

Shackerstone Parish Council has requested that the viability statement submitted with the application is adequately scrutinised and that the developer should at least provide some smaller commercial units, or retain the existing building for commercial use. They have commented that the design is not in keeping with the local vernacular and that some of the plots result in overlooking of existing properties.

Site notice and Press notice were displayed and neighbours notified.

Four letters of neighbour representation have been received, these state the following:-

- a) the proposal will result in privacy issues and loss of light to surrounding properties
- b) supportive of the re-development of the site
- c) the gated style development is not characteristic of the locality and will isolate the development
- d) the change from commercial to residential development will result in higher profit margins for the developer which could go towards improving village amenities.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 12: Rural Villages
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy 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 REC3: New Residential Development - Outdoor Play Space for Children
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy EMP1 b: Existing Employment Sites
Policy NE12: Landscaping Schemes

Supplementary Planning Guidance/Documents

New Residential Development SPG
Play and Open Space SPD
Sustainable Design SPD

Other Material Policy Guidance

The Employment Land and Premises Study

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact upon the character and appearance of the area, impact on the Conservation Area, impact upon residential amenity, highway safety, contamination, sustainability, developer contributions, viability and affordable housing, drainage and flood risk and other matters.

Principle of Development

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

Policy EMP1 b states that proposals for other employment activities, or alternative uses of a site should be considered on their merits in the context of appropriate design. Further, paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment uses, and that proposals for alternative uses should be considered on their merits.

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

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intentions of EMP1 (b) and RES5 of the Local Plan and is further supported by paragraphs 56 – 66 of the NPPF which reiterates the importance of good design.

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

Siting, Design and Character

There is little in the way of definable residential character within the vicinity of the site. Dwellings to the north of Barton Road are predominantly large detached properties, situated on large plots, albeit their design, age and siting varies considerably. The modern development to the east of the site has a much higher density and comprises detached, terraced and semi-detached properties. The layout of the proposed development is somewhat dictated by the existing building (plot 2) which is to be refurbished and utilised as a dwelling. Plots 1 – 3 will follow a common front building line set by the existing building

(plot 2) and numbers 106 and 107 Barton Road, this will result in a continuous building line through the development. The corner dwelling (plot 3) will be dual aspect, thus providing interest as the development turns the corner, and similarly plot 4 will also be of this style in order to ensure interest to the street scene to the east and to the internal access road. Garages and parking areas have been set behind building lines to ensure that shared driveways and roads are kept clear, and that such features do not dominate the development. Boundary treatments predominantly consist of Carlton stonewalling and hedge planting, tying the development in with its surrounds. The private amenity areas and parking provision are in line with guidance. Accordingly, based on the above, the general layout is considered acceptable.

In respect of the design, amended plans have been received which make minor amendments to the elevation details and entrances of plots 4 and 6. These amendments ensure that the architectural details proposed correspond with one another and are characteristic of the locality. Due to the minor nature of these changes, no further public consultation has been undertaken.

Locally distinctive architectural details have been incorporated such as eyebrow windows, dentil courses and principle materials of the locality, including red brick and render and small plain clay tiles have been proposed. In addition, prominent chimneys and brick arch and cill details have been included which add interest and are in-keeping with the street scene. Thus the design and layout of the proposal is considered to enhance and contribute positively towards the character of the street scene and plots 1 and 2, which are situated within the Conservation Area, through their detailed design and siting are considered to preserve its character.

A detailed landscaping scheme has been submitted with the application for consideration. Vegetation, comprising of grassed areas bounded by a single hedgerow will surround the development to the road frontages, which will soften the appearance of the development within the street scene. At focal points and visual end stops either specimen trees or large shrubs will be planted and internally, ornamental landscape buffers will be provided. The development will also be bounded (in various places) by Carlton Stonewalling with red saddleback coping, which are common place along the older village street frontages. Further, this stonewalling is described within the Conservation Management Plan as being a very important feature within the area which helps preserve local identity and character.

Part way along the front boundary is an existing substation. To ensure this does not detract from the development, it will be enclosed by timber gates, set between Carlton Stonewalls, softened by hedging and climbers.

Based on the above appraisal, the design of the development is consistent with the intentions of the NPPF, which states that developments shall add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping and with the intentions of criteria a – e of Policy BE1 of the adopted Local Plan.

Residential Amenity

The surrounding dwellings most affected by the proposal will be 106 and 107 Main Street and those facing the development on Dovecot Close.

Plot 1 will be set at roughly a 40 degree angle from 107 Barton Road, at a distance of approximately 12 meters. In the side elevation of this proposed dwelling (facing number 107) is a ground floor kitchen window and some high level rooflights serving a bathroom and en

suite. Due to the positioning and height of these there are considered to be no impacts on the privacy of this property. In terms of overshadowing, as the adjacent property is south west of plot 1 and a considerable distance from it, there are considered to be no material impacts in terms of loss of light or overshadowing, which would justify an objection to the application and the proposal is not considered over-dominant. As the garages are sited within close proximity of numbers 106 and 107 Barton Road, there will be some increased noise and disturbance in association with these, however as the vehicle movements will only be associated with two properties, any potential impact in terms of noise and disturbance is not considered to be of a level which would render the scheme unacceptable.

The side elevation of Plot 6 will face the rear elevations of number 106 and 107 Barton Road. There are no windows in this elevation, and thus there will be no overlooking of these properties, however as there is only 4 metres between the gable end proposed and the rear elevation of number 107, impacts in terms of over-shadowing and over dominance must be considered. The rear elevations of numbers 106 and 107 Barton are the south easternmost elevations of these properties but are also sited on the common boundary with the development site with a separation distance of only 4 meters. The area adjacent to the elevation is not considered as usable amenity space. The principle amenity space for number 106 and 107 are at the front and sides of these dwellings, there are considered to be no material impacts in terms of overshadowing or over dominance which would result in a justifiable refusal of the application.

Highway Safety

Director of Environment and Transport (Highways) has confirmed that the proposed development will result in fewer vehicle movements than the previously approved commercial scheme, and that this is an improvement in terms of sustainability. They have also confirmed that the parking numbers and layout, and the proposed access is acceptable and will not result in any issues in terms of highway safety. One condition has been suggested, stating that any obstruction to the sites access, including gates, bollards or chains shall be set back. This condition is considered necessary and so will be imposed.

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

Contamination

The contamination report submitted with the application is that previously submitted with the application for the development of the entire site. Accordingly, its recommendations and assessment are based on the application site being for commercial use. As the end use proposed is now residential, Head of Community Services (Pollution) have suggested a condition requiring the submission of an updated contamination report, based on the proposed use. Further conditions have also been suggested dependant upon the results of the initial report. These conditions are considered necessary and so will be imposed.

Sustainability

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

Archaeology

The application site lies in an area of archaeological interest covering the historic settlement core of the medieval and post-medieval village of Congerstone. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

In accordance with the NPPF (Section 12, paragraph 141), developers are required to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, various conditions have been recommended by the Directorate of Chief Executive (Archaeology). Based on the above discussion, these are considered necessary and will be suggested.

Developer Contributions

Affordable Housing

In line with Policy 15 of the Core Strategy, for rural sites such as this there is a requirement for the provision of 40% affordable housing for sites proposing 4 or more dwellings. The tenure split for this should be 75% social rented and 25% intermediate housing. These figures can be negotiated on a site by site basis taking into account identified local need, existing provision, characteristics of the site and viability. In this case it has been confirmed that there is a local need for the provision of such dwellings, in this location.

A Viability Statement has been submitted with the application, suggesting that it would be unviable for the development to provide any affordable housing. This information has been independently considered by a third party and following a request for more detailed information relating to the land value and property sale figures within the vicinity of the site, it has been confirmed that it would not be viable for the scheme to provide an affordable housing contribution. This also has to be seen in the context of recent policy statements from Central Government clearly indicating that viability concerns, where proven, should not hold up the delivery of housing developments.

In conclusion owing to issues of viability, independently verified, no Affordable Housing will be requested as part of the development.

Play and Open Space Contributions

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

To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policy REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

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

The request for any contribution must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 regulation 122 and paragraph 204 of the NPPF. Both state that developer contributions may only be requested where they are shown to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In Congerstone the contribution would be required to mitigate the impact of the proposed development upon the existing open space, and specifically on Church Field Recreational Facility for the improvement of the play equipment.

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

The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded Church Field recreational facility a quality score of 20.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. This scheme proposes a net gain of 5 new dwellings as one building is existing and is proposed to be refurbished. Historically this building has been used as a dwelling, a shop and a public house, and all would have had a residential element. Accordingly, the total contribution request in this case for the 5 new dwellings will be £6,254.00; £4,089.00 for provision and £2,165 for maintenance.

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

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

Drainage

Head of Community Services (Land Drainage) has commented that it will not be acceptable for the surface water to be discharged directly to the combined sewerage system. This is due to the fact that the pumping station which will receive the water is under pressure and consequently the proposal may heighten the risk of sewage spills to the watercourse during storm events, compounding the environmental harm.

Accordingly it is advised that surface water is managed by sustainable methods and that hard surfaced areas be constructed from a permeable material. A condition has been suggested to this effect. This is considered necessary and will be imposed.

Other Matters

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

Concerns have been raised that the 'gated style' development proposed is not in keeping with surrounding development and will isolate its residents. As mentioned within the main body of the report, the area has no defined residential character by virtue of the differing property types, styles and ages within the vicinity, thus the development proposed is not considered harmful to the character of the area. It has also been suggested that as a result of the gates, the occupants of the development will be isolated. For a minor development of this size, the Local Planning Authority have no control over whether occupants integrate with the local community and can not prevent the erection of gates for this reason. Accordingly this concern does not constitute a material planning consideration in this case.

It has been suggested that the change from commercial to residential development will result in higher profit margins for the developer which will be utilised in relation to village amenities. The viability of the site has been investigated and funds will be allocated towards the provision and improvement of local play and open space facilities.

Conclusion

The viability statement submitted by the applicant has been independently assessed by a third party and it has been confirmed that the site can not viably deliver any affordable housing. The site will however be delivering the Play and Open Space contribution. This position has been considered as acceptable. Based on the revised design, the scheme is considered acceptable and will have no adverse impacts in terms of highway safety, residential amenity, or on the character of the area. Further, due to the property mix within the vicinity of the site, it is considered to preserve the character of the adjacent Conservation Area. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space at Church Field Recreational Facility, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework and the signing of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of its revised siting, scale, mass and design will have no material impacts in terms of visual or residential amenity, on the character of the street scene or in terms of highway safety. The application is therefore recommended for approval subject to conditions.

Hinckley and Bosworth Local Plan 2001:- Policies RES5, IMP1, BE1 (criteria a, b, g, i), REC3, NE14, NE12 and T5.

Local Plan 2006-2026: Core Strategy 2009:- Policies 12, 16, 19 and 24.

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Drw Refs:- EM157/PEH/01 rev A, EM157/P/HTHOU/01/, EM157/P/HTHOU/03, EM157/P/HTMAL/01, EM157/P/TRP/02, EM157/P/TRP/01, EM157/P/ST/01, F2-3 Received by the Local Planning Authority on the 12/3/12, Drg Refs:- EM157/P/HTMOR/01 rev C, EM157/P/HTMOR/02 rev B received by the Local Planning Authority on the 26.03.12, Drg Refs:- EM157/P/HTSTAU/01, EM157/P/HTHOU/02 received by the Local Planning Authority on the 15 August 2012.
- 4 No demolition and/ or development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 5 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition number 4.
- 6 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 7 Development shall not commence until drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved by the Local Planning Authority. The approved scheme shall be subsequently implemented in accordance with the approved details and retained thereafter.
- 8 Notwithstanding the details submitted, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) car parking layouts
 - d) hard surfacing materials
 - e) planting plans
 - f) written specifications

- g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this 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.
 - 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
 - 11 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
 - 12 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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 criteria a of the adopted Hinckley & Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4-6 To ensure satisfactory archaeological investigation and recording in accordance with the NPPF (Section 12, paragraph 141).
- 7 To ensure there are adequate sustainable measures in place to deal with surface water runoff in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure that the development has a satisfactory external appearance to accord with policy BE1 criteria a of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

- 10 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Local Plan.
- 11&12 To ensure that development poses no risk of land or ground contamination in accordance with Policy NE12 of the adopted Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 02

Reference: 12/00178/FUL

Applicant: Mr John Cawrey

Location: Land Adjacent M1 Ferndale Drive Ratby

Proposal: ERECTION OF 65 DWELLINGS (PART AMENDED SCHEME - 09/00211/FUL)

Target Date: 13 July 2012

Introduction:-

The application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes more than 10 residential units and the site area is more than 0.5 hectares.

Application Proposals

Planning permission (09/00211/FUL) was granted in 2009 for residential development of the southern section of this site for the erection of 36 dwellings and 14 apartments with access from Ferndale Drive onto Fielding Lane. The scheme also indicated provision for a nursery school and health centre to the north of the site with access from Groby Road but this did not form part of the 2009 permission, or any subsequent application.

The approved planning permission has been implemented with 26 dwellings under construction on plots 8-11 and 15-36. However, the applicant has indicated that the provision of the 14 affordable apartments has proved to be an unacceptable form of development for the Registered Social Landlord.

Planning permission (10/00102/TEMP) was also granted for a temporary road with access from Groby Road to the north and compound. This temporary road was required during the construction of the dwellings approved under the 2009 planning permission. An application (12/00193/CONDIT) has been submitted to vary a planning condition to enable the temporary road and compound to remain in situ until completion of the previously approved residential scheme. This application is also presented to Members for consideration in this agenda. However, it should be noted that this application incorporates the temporary access road as a permanent route into this site from Groby Road to the north.

This application proposes the development of 65 units across a larger site area. The scheme includes revisions to the previously approved development which incorporates the 26 dwellings already under construction and 10 units due to be constructed but excludes the 14 apartments. In place of the 14 apartments a revised layout is proposed which includes additional land to the north with access from Groby Road. This will result in an additional 15 dwellings on the site overall. The access from Fielding Lane will provide access to 38 dwellings and the access from Groby Road to the north will provide access for 27 dwellings.

The 65 units consist of 20 two bedroom, semi-detached dwellings, 30 three bedroom semi-detached houses, 3 three bedroom detached houses, 4 four bedroom detached houses a pair of semi-detached bungalows proposed at the site entrance from Fielding Lane and a block of 6 one bedroom apartments.

Amended plans have been received which make changes to the position of dwellings within individual plots and replace the two bedroom apartments with one bedroom apartments. Consultation has been carried out on amended plans.

Additional information has been requested to provide full details of the planting proposed along the access road from Groby Road.

The Site and Surrounding Area

The application site is bound by the M1 to the north east, and by earth bunds with residential development beyond to its remaining boundaries. It is also crossed by public footpaths. To the south of the site is residential development that has been constructed by the applicant. The scheme already under construction is a continuation of Fielding Lane from the earlier development into the application site providing access to the dwellings under construction.

The development constructed so far has properties arranged in an east-west direction to allow all properties to have a south facing elevation. The dwellings themselves have been designed to achieve Level 4 of the Code for Sustainable Homes through the incorporation of high levels of insulation and air tightness and through the internal distribution of rooms to take advantage of solar gains.

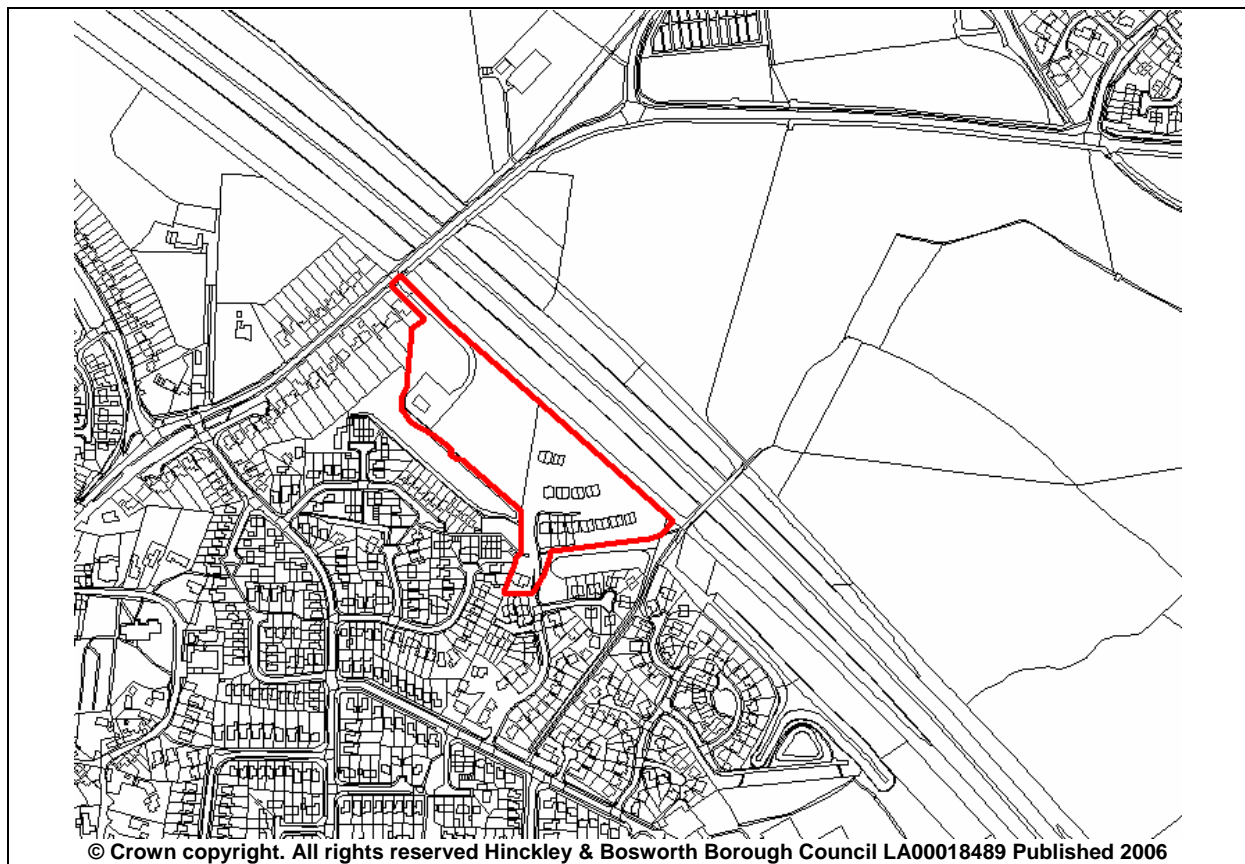
The application proposes the retention of the majority of a hedgerow that crosses the site with a pedestrian and cycle way running adjacent to this through the site linking Fielding Lane and Groby Road. Landscaped bunds are also incorporated between the dwellings and the motorway.

Technical Documents submitted with the application

The application is accompanied by a design and access statement, details of the acoustic bund, transport statement, flood risk assessment and an ecology report. A viability assessment was submitted to demonstrate that the scheme is not viable with any level of affordable housing provision. Although the assessment indicated that development was not viable the application proposed 30% affordable housing and developer contributions based on worst case scenario. Following independent assessment of the viability assessment it has been up-dated and now demonstrates that the development is viable with the provision of 30% affordable housing and developer contributions where they are considered to be CIL compliant.

Relevant Planning History:-

12/00193/CONDIT	Variation of condition on 10/00102/TEMP to allow the access road and compound to remain in situ until the completion of the residential development	Currently under consideration	
10/00102/TEMP	Formation of temporary storage compound and vehicular access (part retrospective)	Approved	28.04.10
09/00211/FUL	Erection of 36 dwellings and 14 apartments	Approved	30.06.09
08/00299/FUL	Erection of 36 Houses and 20 apartments	Withdrawn	20.03.08



Consultations:-

No objection subject to conditions have been received from:-

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

No objections have been received from:-

Leicestershire County Council Mineral Planning Authority
Head of Community Services (Waste Minimisation and Education Officer).

No comments have been received from Directorate of Chief Executive LCC (Ecology).

Objections have been received from:-

Two local residents have objected to the proposals due to the impact on highway safety next to the M1 and on what is already a heavily trafficked road.

Ratby Parish Council objects to the application as it provides less than 40% affordable housing, exceeds the 50 houses previously approved, the access from Groby Road was temporary and retrospective and there are concerns about pedestrian and highway safety.

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

- a) Directorate of Chief Executive (Ecology) have not requested contributions.
- b) Director of Children and young Peoples Services (Education) requests an education contribution of £178,186.34 to provide the additional primary school places anticipated by the proposed development. This would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ratby Primary School.
- c) Director of Environment and Transport (Highways) requests contributions to encourage sustainable travel; travel packs (£50.18 per pack), 6 month bus passes at £331,20, new improvements to 2 nearest bus stops at £3,263 per stop and information display cases at 2 nearest bus stops at £120 per display.
- d) Director of Environment and Transport (Civic Amenity) requests a developer contribution of £3,240 to address the impact on the delivery of Civic Amenity waste facilities within the local area from a development of this size.
- e) Director of Adults and Communities (Libraries) have not requested contributions.

The Primary Care Trust has requested a contribution of £5,538 towards the cost of a generic clinic room at the GP practice in Ratby. The PCT further indicate that the overall cost of this clinic room would be £39,561.60 and that the PCT does not have funding in its financial plan to support Ratby practices.

The Leicestershire Constabulary Architectural Liaison Officer has requested a contribution of £9,090 to ensure the existing levels of service can be maintained as this growth takes place.

Further comments have been received in respect of developer contributions to address payments already made under the previous permission and to reflect amendments to the housing layout. These are expanded upon within the appraisal section of this report.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy 2009

- Policy 8: Key Rural Centres Relating to Leicester
- Policy 9: Rothley Brook Meadow Green Wedge
- Policy 12: Rural Villages
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

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

- Policy NE5: Outside Development Limits
- Policy RES5: Residential Proposals on Unallocated Sites

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T3: New Development and Public Transport
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

New Residential Development SPG
Play and Open Space SPD
Sustainable Design SPD
Affordable Housing SPD
Rural Needs SPD

Other Material Policy Guidance

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

Strategic Housing Land Availability Assessment (SHLAA) Review 2010
Landscape Character Assessment July 2006
Green Wedge Review (December 2011)

Appraisal:-

The main considerations in respect of this application are the principle of development, siting and design, viability, provision of infrastructure, highway safety and other matters.

Principle of Development: Green Wedge and Five Year Land Supply

The principle of development of the part of the site was established in the granting of planning permission in 2009. At that time the Council did not have a five year housing supply and the provision was seen as meeting part of the requirement for 75 new homes in Ratby as required by Core Strategy Policy CS8.

The site lies outside of the settlement boundary of Ratby and within the Rothley Brook Meadow Green Wedge.

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

The supporting text to Policy 9 of the Core Strategy requires the local authority to carry out a Green Wedge Review to inform the Site Allocations and Generic Development Control

Policies DPD. A Green Wedge Review was undertaken in December 2011 using the Leicester and Leicestershire Green Wedge Review Joint Methodology which sets out four evaluation criteria:

- a) prevents the merging of settlements;
- b) guides development form;
- c) provides a green lung into the urban area; and
- d) acts as a recreational resource.

The Green Wedge Review indicates that it is necessary to consider this area of green wedge, known as Ferndale Park, in two sections. Firstly the section to the north of this area, the application site which has in part, gained planning permission for residential development (the 2009 permission) and therefore does not achieve the role of the green wedge. The recommendation of the review is that the area to the north should be removed from the green wedge boundary. The review indicates that Ferndale Park is public open space and is identified as a recreational facility in the Local Plan and the Open Space, Sport and Recreational Facilities Study (2011) and therefore performs the role of the green wedge in terms of recreational resource. It also provides a limited role in terms of a green lung as it acts as a buffer from the M1. The area does not achieve the prevention of the merging of settlements or guiding development form. This is partly due to the site being identified as open space and Policy REC1 of the Local Plan applies to Ferndale Park. The site allocations process will identify open spaces. The Green Wedge Review recommends that Ferndale Park could be removed from the green wedge and allocated for recreation in the Site Allocations and Generic Development Control Policies DPD. The area identified for recreation is to the south of the application site and separated from the additional land by the houses currently under construction. The southern section, is formal open space known as Ferndale Park Neighbourhood Park.

Policy 8 of the Core Strategy states that land should be allocated for the development of a minimum of 75 dwellings in Ratby. Land is to be allocated for residential development through the Site Allocations and Generic Development Management Policies DPD. The site has been identified for residential development in the Preferred Options version of the DPD which is a Consultation Draft document, subject to change and further consultation and therefore cannot be considered as an allocation. The development plan is currently absent in terms of the allocation of land to meet the Ratby housing requirement and in this case, the NPPF states that decision takers should grant planning permission “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework (NPPF) taken as a whole; or specific policies in this framework (NPPF) indicate development should be restricted”. To maintain a rolling five year supply of housing planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development. The Council now has a five year supply of housing and the inclusion of this site for the provision of 15 additional units of accommodation needs to be viewed on its own merits. Core Strategy Policy 8 identifies a minimum of 75 dwellings to be provided in Ratby. The residual requirement for Ratby at October 2011 was 19 dwellings and this takes account of the 50 dwellings approved by the 2009 planning permission. Therefore, if approved, the additional 15 dwellings proposed by this application would leave a residual housing requirement for Ratby of 4 dwellings.

The principle of development of this site is therefore considered to be acceptable.

The principle of the access road was established in granting temporary planning permission in 2009. Whilst this is a temporary permission which is under consideration as part of a separate application, the principle was considered acceptable in terms of highway safety and the impact on the open countryside.

In granting permission for the temporary access road consideration was given to the impact of the proposals on the open countryside in line with the requirements of Policy NE5. Policy NE5 seeks to protect the countryside for its own sake. Following the introduction of the NPPF, Policy NE5 has reduced weight and the development needs to be considered in light of the NPPF's presumption in favour of sustainable development.

Siting, Layout and Design

The layout of the southern section of the scheme, the element currently under construction, has evolved from the need to create a south-facing elevation for each dwelling for solar gain and maximising the output from the proposed solar thermal panels. This has created properties arranged in an east-west direction accessed from cul-de-sacs.

The design of the dwellings themselves are unusual in appearance and give the development a unique identity. They include large amounts of glazing to the southern elevation with sparser fenestration to the north. Plots 8-11 and 16-36 have the benefit of green roofs.

The design, construction and orientation of the dwellings along with retention of ecological features were initially devised to achieve Code Level 4 for Sustainable Homes. Due to viability of the scheme, whilst Level 4 has been incorporated for the 26 dwellings currently under construction, this is now proposed to be reduced to Level 3 for the remaining dwellings. However, the design and layout of the additional units is in keeping with the earlier phase.

Amended plans were requested to address design concerns raised by officers as it was considered that the northern part of the development is designed around a temporary access road which is considered to compromise certain aspects of the scheme. Of particular note is the existing length of fence that runs to the east of this road and provides an acoustic screen to the motorway. The applicant was asked to consider realigning the access road to improve the visual appeal upon entering the site however this request has been declined on the basis that it would impact significantly on the viability of the scheme. However to address the concerns raised by the officer the applicant has made a number of amendments to the scheme.

Those amendments include alterations to the layout of the units on the entrance to the site, introduced an area of open space adjacent to the frontage and provided full landscaping details and design features along the entrance road.

Whilst the amendments do not proposed re-alignment of the northern access road they have incorporated tree and hedge planting along the boundary fence with the motorway. This has resulted in removal of the pedestrian footpath to accommodate a planting belt. The path on the opposite side of the access road is proposed as a shared pedestrian/cycle path. The path is indicated as 2.5 metres wide and as such is narrower than indicated within the County's 6Cs Design Guide. The width of the path is considered acceptable and meets the requirement for the adoption of the highway. A traffic calming feature is proposed along the new road to reduce the speed of traffic along this length of road. This has resulted in adjustments to the layout with the incorporation of a wider verge alongside Plot 62. Tree planting is now proposed in this verge to further soften the impact of the access road. Brick piers are also proposed as features at the entrance from Groby Road.

The amended plans incorporate amendments to individual plots to provide dual aspect elevations where they are considered to have a prominent position within the street.

The one bedroom apartments on plots 47 to 52 have been re-orientated to prevent overlooking and loss of privacy of the gardens to the rear and a doorway has been incorporated to the side elevation of plot 47/48 to provide an active street frontage.

Whilst it is considered that the design of the scheme could be improved by either the removal of/or realignment of the access road the applicant has advised that this would result in further viability issues therefore the impact of those design requests has to be carefully balanced on the basis of the knock on effect.

Following receipt of the on-plot amendments and the details of the landscaping proposed along the access road, the proposals are in keeping with the design and general layout of the properties on the southern section of the site. The landscaping scheme is considered to soften the extent of fencing on the approach into the site and is capable of being incorporated within the scheme without impact on the area of the highway proposed for adoption. Therefore, on balance, the design and layout is considered acceptable.

Viability

The applicants have provided a viability assessment to demonstrate that the scheme is not viable with the required 40% affordable housing provision. The application proposes 30% affordable housing provision. The initial viability assessment indicated that this would result in a loss of circa £721,000 and that the scheme would not be viable with any level of affordable housing provision. Following independent consideration of the applicant's initial viability assessment it was considered that 30% affordable housing should be achievable if the applicant reconsidered other costs factored into their assessment. These consisted in the main of build costs which appeared at the higher end of the market and the incorporation of overheads such as office administration costs which we would not normally be incorporated in such assessments. The initial viability assessment also demonstrated higher build costs and infrastructure costs at the early stage of development as dwellings had been constructed to Code Level 4 for Sustainable Homes and most of the infrastructure costs had been incurred during the first phase. The viability assessment did, however, have lower than average residual land value as the applicant purchased the land a number of years ago and the figure submitted was modest when compared to the value of the land we would expect in today's market.

The applicant has reviewed the viability assessment in line with officer comments and it is now considered that 30% affordable housing is viable. The revised assessment is based on worst case scenario in respect of developer contributions and with reduced build costs, bringing the average build costs to £75 per square foot. The remaining dwellings will be built to Code Level 3 for Sustainable Homes in line with the requirements of Core Strategy Policy 24. It is considered that the applicants have demonstrated that the scheme would not be viable with the provision of 40% affordable housing. The proposed 30% affordable housing is the reasonable level of affordable housing that this development can currently sustain.

Infrastructure

Affordable Housing

Policy 15 of the Core Strategy seeks 40% affordable housing for sites in rural locations of 4 dwellings or more. The tenure split should be 75% rented and 25% intermediate. .

The scheme initially proposed 30% affordable housing split between 60% intermediate tenure (12 dwellings) and 40% social rent (8 dwellings). The scheme has been amended to provide a 50/50 split between intermediate and rented to give the following units:-

Affordable rent
6 x 1 bed flats in a two storey block
4 x 2 bed, semi detached houses

Shared ownership
10 x 2 bed semi detached houses

The proposed affordable housing provision is considered acceptable in terms of tenure and split. Whilst it does not achieve the 40% recommended under Policy 15 of the Core Strategy it is considered to achieve a satisfactory level whereby the development is considered to be viable when taking account of other developer contributions.

Developer Contribution requests

Play and Open Space

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

To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

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

The site is located within 1 km of Ferndale Park (Neighbourhood Park) and within 400 metres of Ferndale Park (local open space) sites. Therefore, developer contributions are applicable under Policies REC2 and REC3 as the site falls within the catchment of both formal and informal provision.

Within the Green Space Strategy Ratby had a deficiency of -0.22 ha per population of equipped play space and a deficiency of -0.06 ha per population of casual informal space.

There is a deficiency of formal play space within Ratby when compared with the National Playing Fields standard and the quality of both formal and informal open space is poor with quality scores of 55.8% for Ferndale Park. The development is of a type that would result in additional use of open space which would be directly related to the development.

As such the contribution sought totals £119,444 and consists of the following elements:-

- £38,142 for formal off-site open space (REC2), comprising £20,982 for provision and £17,160 for maintenance.
£70,128.50 for informal children's equipped play space (REC3) comprising £47,151.00 for provision and £22,977.50 for maintenance.
- £11,173.50 for informal children's unequipped play space (REC3), comprising £6,006.00 for provision and £5,167.50 for maintenance.

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

The applicant has provided an area of allotment as part of the earlier stage of development. Under the terms of the previous S106 Agreement, this would reduce the amount of open space contributions by £12,500. The allotments have been transferred to the Parish Council and it is therefore considered that the contributions required under REC2 for formal open space should be reduced by the sum of £12,500. The Parish Council have confirmed that the allotments have been transferred to them.

Other Developer Contributions

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

Director of Children and young Peoples Services (Education) initially requested an education contribution of £179,186.34 to provide the additional primary school places anticipated by the proposed development. The site falls within the catchment area of Ratby Primary School. There are 4 other primary schools within a two mile walking distance of the development (Martinshaw Primary School in Groby, Kirby Muxloe Primary School, Elizabeth Woodville Primary School and Lady Jane Grey Primary School). The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ratby Primary School. The mix of housing has been revised since the initial consultation response and the amount has been adjusted to £171,321.98 based on the provision of 59 dwellings with two or more bedrooms as contributions are not required for the one bedroom flats. No contributions required under the 2009 permission have been made for education as the triggers have not yet been met. Therefore, this is a requirement based on the current application and there is no requirement for adjustments to reflect payments already made.

Director of Environment and Transport (Civic Amenity) initially requested a developer contribution of £3,240 to address the impact on the delivery of Civic Amenity waste facilities within the local area from a development of this size. A payment of £862 was made under the previous scheme for the provision of 50 dwellings. The contribution request has therefore been adjusted to account only for the additional 15 dwellings which is calculated as £747.67.

Director of Adults and Communities (Libraries) does not request a contribution for library services. Ratby library is a new building, constructed within the past ten years. The provision of stock and public space at Ratby Library currently exceeds the standards and would not be affected by the proposed development. A payment of £2,953 was made under the previous permission and this has been transferred to the County Council.

The Director of Environment and Transport (Highways) requests contributions to encourage sustainable travel; travel packs (£50.18 per pack), 6 month bus passes at £331.20, new improvements to 2 nearest bus stops at £3,263 per stop and information display cases at 2 nearest bus stops at £120 per display. There is also a requirement for the bus stop on Groby Road to be repositioned but this is to be dealt with by planning condition.

The Primary Care Trust has requested a contribution of £5,538 towards the cost of a generic clinic room at the GP practice in Ratby. The PCT further indicate that the overall cost of this clinic room would be £39,561.60 and that the PCT does not have funding in its financial plan to support Ratby practices. The contribution of £5,538 is based on the overall provision of 65 dwellings. A contribution of £44,334 was made under the previous scheme for 50 dwellings and is available for the PCT. The PCT have looked at how this would be allocated but no agreement has been reached as yet.

The Leicestershire Constabulary Architectural Liaison Officer has requested a contribution of £9,090 to ensure the existing levels of service can be maintained as this growth takes place. A payment of £30,300 has already been made under the previous scheme and based on 50 dwellings. This has been transferred to the Police who have already spent the contribution.

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

Affordable Housing (20 units)

Play and Open Space (£116,694 (£129,194.20 with a deduction of £12,500 for existing delivered provision)

Education (£171,321.98)

Highways travel packs at (£50.18 per dwelling)

In addition to the above requests, a developer contribution of £33,350 for cycleway improvements was made under the previous permission and this has been transferred to the County Council for off-site improvements to the wider cycle network.

Highway Safety

The application proposes two access points to the site. The first is the extension of Fielding Lane with a pedestrian and cycle link. This access was already considered acceptable as part of the previous scheme which has been implemented.

Two letters of objection have been received raising concern about highway safety with the access onto the already heavily trafficked Groby Road. Although the application proposes 65 dwellings, 26 of these have already been constructed or are under construction under the earlier permission which provided 50 units of accommodation. This application therefore proposes an increase in 15 dwellings above what was already approved. The previous permission indicated access to the health centre and day nursery from a new access from Groby Road but these were indicative and not approved as part of the 2009 permission. The access that is currently in place was intended as a temporary access for construction traffic which is now proposed as a permanent access to serve the northern section of the development. The Director of Transport and the Environment (Highways) has no objection to the proposals and considered the findings of the transport statement to be sound. They further indicate that there will be a reduction in the number of houses served from Fielding Lane with the majority of the new plots being served from the existing priority junction with Groby Road.

Each dwelling is served by two car parking spaces in front of the property. Whilst supplementary planning guidance would require three spaces for the four-bedroomed properties it is considered that two spaces per dwelling is an adequate provision and in line with the previous planning permission. The application also incorporates a cycle path and developer contributions have already been received for £33,350 for cycleway improvements to the wider cycle network under the earlier scheme.

The 6 apartments are served by 6 car parking spaces. These are only one bed units and the provision is considered acceptable.

As previously mentioned in the report officers raised concern about the impact of the boundary fence alongside the motorway on the visual amenities and requested a landscaping scheme along this section to soften the impact. The access road from Groby Road is already in place and the developer has been asked to realign the road to accommodate the planting scheme. They have indicated that they are unable to do this due to costs which would have a further impact on viability and due to existing services being in place. In an attempt to address officers' concerns they have submitted revisions to the layout to incorporate a shared pedestrian/cycleway to the side of the new dwellings opposite the acoustic fence. This is indicated as 2.5 metres wide. The Director of Transport and the Environment (Highways) has indicated that they would prefer to see 3 metres for a shared pedestrian/cycleway but they have accepted 2.5 metres in certain circumstances. They consider that a 2.5 metre wide pathway will be acceptable in this instance given the likely level of pedestrians and cyclists. They further indicated that this may present a problem at the s38 stage but they advise that this will be an issue for the developer to resolve with the County Council's adoptions team. The inclusion of the landscaping along this section of the road is important to the overall design of the scheme and it is important that it is not compromised at the s38 stage. Following further consultation The Director of Transport and the Environment (Highways) has confirmed that we now have a site that will be able to achieve a section 38 after the detailed design/appraisal process. The landscaping alongside the boundary with the M1 will be outside of the adopted highway and therefore maintained by the developer. The trees proposed on the verge alongside Plot 62 are also acceptable.

Other Matters

The Head of Business Development and Street Scene Services has advised that, in respect of recycling/refuse collections, the layout gives good access to vehicles.

The Head of Community Services (Pollution) has advised that the noise bunds have been previously agreed as part of the earlier scheme. However, due to the road layout these cannot be extended to incorporate the additional dwellings. There is a 2.5 metre acoustic fence incorporated along this section of the site towards Groby Road. The design and specification of this fence has not been submitted and a condition is recommended that this be approved by the local planning authority prior to occupation of the additional dwellings. The details of the fence have been requested and will be reported as a late item following further consultation with the Head of Community Services (Pollution).

Conclusions

The development is considered viable with the provision of 30% affordable housing in addition to the CIL compliant developer contributions. The proposals are not considered to have a detrimental impact on highway safety or residential amenity. Following receipt of landscaping details to soften the impact of the access from Groby Road, it is considered that the layout and design is now acceptable and the application is recommended for approval subject to completion of a S106 Agreement for financial contributions for Play and Open Space (£116,694), Education (£171,321.98) and Highways travel packs (£50.18 per dwelling) and the provision for 20 units of affordable housing.

RECOMMENDATION:- That subject to an Agreement under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, education and highways travel packs, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 and the S106 Agreement, the proposed development would be in accordance with the development plan. The residential development is not considered to have a detrimental impact on visual amenity, neighbouring amenity or highway safety. Accordingly the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies 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, noise bund sections, Doc 06A stability analysis, archaeology report, flood risk assessment revision E, transport statement, floor plans and elevations received by the local planning authority on 13 April 2012, amended site layout at 1:500 PL5-953 revision J and amended plans and elevations for Plot 62 and Plots 47/48 received by the local planning authority 7 August 2012 and landscaping proposals 012.960.001D, 012.960.002D, 012.960.003B, 012.960.004C, 012.960.006B and 012.960.005B received by the local planning authority on 13 September 2012.
- 3 Before any development commences on plots 37 to 65, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and apartments 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 take place on plots 37 to 65 until full details of hard surfacing materials and means of enclosure have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
- 5 The approved landscaping scheme shall be carried out in full accordance with landscaping proposals 012.960.001D, 012.960.002D, 012.960.003B, 012.960.004C, 012.960.006B and 012.960.005B received by the local planning authority on 13 September 2012. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 The development shall only proceed in accordance with details for the disposal of foul sewage which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development on plots 37 to 65 is first brought into use.

- 7 No development shall take place on plots 37 to 65 until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm plus an allowance for climate change and will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also incorporate green roofs as outlined in the submitted flood risk assessment and include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details.
- 8 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 10 Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, 6.1 metres for up and over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained. All integral garages must have minimum internal dimensions of 6 metres x 3 metres.
- 11 Before the first occupation of any dwelling hereby permitted, car parking provision shall be made within the curtilage of the dwelling in accordance with the approved details. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 12 Before first occupation of any dwelling its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.
- 13 Prior to occupation of development on Plots 37 to 65 the existing bus stop on the southern side of Groby Road shall be relocated in accordance with details which shall be submitted to and approved in writing by the local planning authority.
- 14 The dwellings hereby permitted shall achieve a minimum of Level 3 on the Code for Sustainable Homes. A final Certificate confirming that Level 3 or higher has been achieved shall be submitted to the Local Planning Authority within 6 months of the completion of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.
- 15 The development hereby approved shall be completed in accordance with the submitted Noise Assessment by RandTech Consulting dated February 2011 received by the local planning authority on 14th September 2012 and details of the noise bunds received by the local planning authority on 13th April 2012. The approved works which shall be completed prior to first occupation of any dwelling hereby permitted.

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 2001.
- 4 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan 2001.
- 6 To ensure the development is provided with satisfactory means of drainage and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan 2001.
- 7 To prevent the increased risk of flooding in accordance with Policy NE13 of the Hinckley & Bosworth Local Plan 2001.
- 8 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 & Bosworth Local Plan 2001.
- 9 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 & Bosworth Local Plan 2001.
- 10 To enable a vehicle to stand clear of the highway whilst the garage doors are opened and closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in the interests of highway safety in accordance with Policy T5 of the Hinckley & Bosworth Local Plan 2001.
- 11 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 in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan 2001.
- 12 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan 2001.
- 13 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

- 15 To ensure the development is carried out in accordance with the submitted details to protect the amenity of future occupiers and to comply with Policy BE1 criteria i of the adopted Hinckley & Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer:- Anne Lynch Ext 5929

Item: 03

Reference: 12/00193/CONDIT

Applicant: Mr John Cawrey

Location: Land Adjacent M1 Ferndale Drive Ratby

Proposal: VARIATION OF CONDITION NO.1 OF 10/00102/TEMP TO ALLOW THE ACCESS ROAD AND COMPOUND TO REMAIN IN SITU UNTIL THE COMPLETION OF THE RESIDENTIAL DEVELOPMENT

Target Date: 27 April 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor O'Shea as it was a temporary application for a service road for delivery vehicles only. Councillor O'Shea considers it was never built as a temporary road and from its design and structure it was clearly always meant to be a permanent feature with the new housing application being built around this road.

Application Proposal

Temporary planning permission (10/00102/TEMP) was granted in April 2010 to regularise the provision of a 5.5m wide tarmac access road, with drainage, and a domed storage building measuring 10m by 20m with a maximum height of 5.2m from the base. The access road and land is off Groby Road, Ratby. The storage building is set within a storage compound consisting of a hardcore base and surrounded by a solid sheet profile fence to the

eastern and northern boundaries, with chain link fencing to the west and open steel fencing to the southern boundary. The fencing is 1.8m in height.

This application seeks to vary condition no. 1 of the April 2010 decision to enable the road and compound to remain in situ until the completion of the residential development. Condition no. 1 states:-

“The building, compound, access road and other associated works hereby permitted shall be removed from the site to leave a bare subsoil surface and the land shall then be ripped, sub-soiled and top-soiled with suitable non-contaminated materials to match surrounding ground levels restoring it to its former condition on or before 15 April 2012.”

An application is also currently under consideration (12/00178/FUL) which alters the layout of the housing development and seeks to incorporate this road as a permanent fixture to enable access to serve the residential dwellings from the north of the site.

The previously approved residential scheme was for 50 dwellings and whilst this is under construction, the applicant has indicated that he does not propose to complete the development in accordance with the planning permission. The first 36 dwellings are currently under construction or are to be constructed. The applicant has indicated that, to complete the block of 36 dwellings would take them until the end of 2013 and that the temporary access road for construction would be required to remain in use until that time.

The Site and Surrounding Area

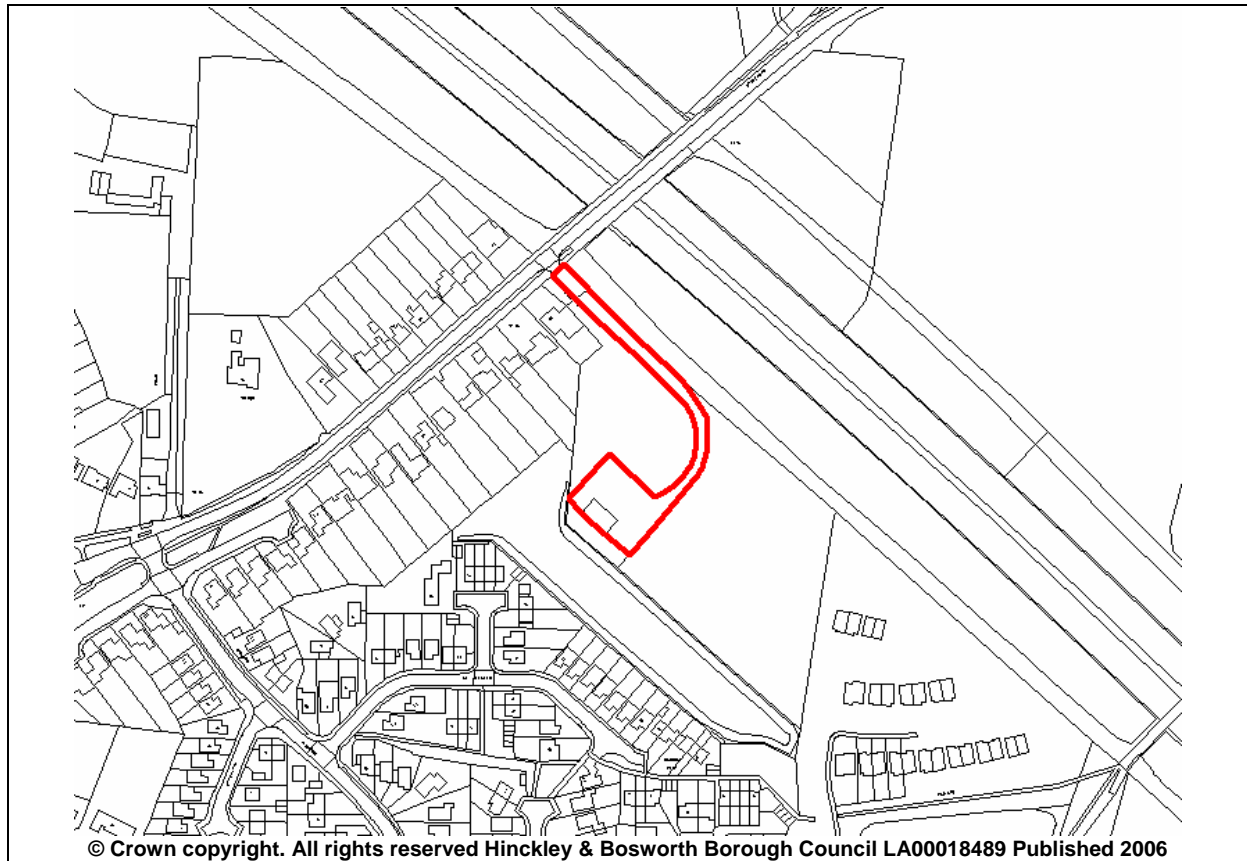
Prior to construction of the road the site was an agricultural field sandwiched between the development site for 50 dwellings granted planning permission under reference number 09/00211/FUL to the south-east, the M1 motorway to the north-east, Cottage Close, a 1980's residential development to the south and south-west and dwellings on Groby Road to the north-west. The land is generally flat apart from landscaped bunds that are conditions of previous applications around the site.

Technical Documents Submitted with the Application

None relevant.

Relevant Planning History:-

10/00102/TEMP	Formation of temporary storage compound and vehicular access (part retrospective)	Approved	28.04.10
09/00211/FUL	Erection of 36 no dwellings and 14 no apartments	Approved	30.06.09
08/00722/FUL	Erection of 36 no dwellings and 20 no apartments	Withdrawn	12.06.08



Consultations:-

No objections have been received from:-

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

No comments have been received from the Head of Community Services (Drainage).

Ratby Parish Council strongly objects to this application. They consider the road in question to be in a dangerous location and exits on to a very busy highway, next to the motorway, with poor visibility on exit. If additional housing is built, creating extra vehicles in the vicinity it would create an even more dangerous highway for school pupils walking to Groby Colleges.

A nearby resident seeks assurances that this will remain a temporary road and not a route through to Fielding Lane. They are concerned about the additional traffic which will add to the problems already experienced in Ratby.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres Relating to Leicester
Policy 9: Rothley Brook Meadow Green Wedge

Hinckley and Bosworth Local Plan (2001)

Policy NE5: Outside Development Limits
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Other Material Policy Guidance

Leicestershire County Council's 6Cs Design Guide

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

Strategic Housing Land Availability Assessment (SHLAA) Review 2010
Landscape Character Assessment July 2006

The site is within the Charnwood Fringe Character Area A which is summarised as a distinctive character area, with much popular appeal. Diverse and sometimes dramatic features result in high sensitivity.

Green Wedge Review (December 2011)

The site is referenced as Area I: Ferndale Park. The Green Wedge Review recommends that Ferndale Park could be removed from the green wedge and allocated for recreation in the Site Allocations and Generic Development Control Policies DPD.

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact on highway safety, residential amenity and the open countryside.

Principle of Development

The principle of development has already been established in granting temporary permission in 2010 and the NPPF has a presumption in favour of sustainable development. There is an application currently under consideration for a revised residential scheme and whilst the two applications are related, this application needs to be considered on its own merits. The variation of condition to extend the use of the temporary access road is considered acceptable in principle subject to there being no detrimental impact on highway safety or the open countryside.

Highway Safety

The Parish Council and a neighbour have raised concern about highway safety and traffic generation.

In considering the temporary road in 2010, the Director of Environment and Transport (Highways) advised that the access had sufficient visibility to the north east and south west. Groby Road has a 30mph speed restriction at this point, with traffic calming measures to the south west. The proposal utilises an existing field access, and is adjacent to residential accesses. This stretch of Groby Road, has a variety of turning traffic, and therefore, given the visibility, it was not considered that the proposed access would cause a danger to other users of the highway.

The Director of Environment and Transport (Highways) has no objection to removal of the condition to enable the road to remain until completion of the residential development approved under planning permission reference 09/00211/FUL.

Character and appearance of the countryside

The site is sandwiched between the M1 motorway which forms a physical barrier to the north with residential development to the south, east and west. The proposed site was previously rough pasture land that is encroached by bunds required as noise barriers to shield previous development from the noise of the motorway.

The site is within the Rothley Brook Meadows Green Wedge, the purpose of which is to provide separation between the built up areas of Groby, Ratby and Leicester, providing recreational facilities within easy reach of urban residents. The site is referenced as Area I: Ferndale Park. The Green Wedge Review recommends that Ferndale Park could be removed from the green wedge and allocated for recreation in the Site Allocations and Generic Development Control Policies DPD. Development has already extended to the motorway to the east of the site and it is considered that this site adds little value to the objectives of the Green Wedge.

Given that the site is enclosed by development, and there are limited public views into the area, it is not considered that the proposal would have a significantly detrimental affect on the character of the countryside. The temporary permission was considered against Policy NE5 of the Local Plan and this sought to protect the countryside for its own sake. The proposals were considered acceptable when considered against Policy NE5. Following the introduction of the NPPF and the presumption in favour of sustainable development, Policy NE5 carries less weight and as such the balance is tipped further in support of this application. The temporary access road utilises an existing access and supports a site currently under development and as such is not considered contrary to the NPPF and the presumption in favour of sustainable development.

The proposal is not considered to have any detrimental impact on the countryside.

Other Issues

The site is being considered as part of the site allocations development plan document as a proposed residential site to provide land for the dwellings allocated to Ratby within the adopted Core Strategy. Whilst the site allocations document is not adopted and carries little weight at this time, the allocations within it should be given consideration.

It was also considered that the use of this access would divert larger vehicles which would reduce the potential disturbance and nuisance to residents on Fielding Lane.

The construction of the access road and services does not have the appearance of a temporary roadway. This was previously justified due to the size of vehicles expecting to use the access stating that they would cut up and destroy the access road if not hard surfaced. Permission was therefore granted to allow the temporary access road to remain in situ for the

period of construction with a condition imposed to require that it be removed and restored to its former condition on or before 15th April 2012. With the submission of the application for housing on this section of the site it is clearly intended that this access road will form a permanent access to the residential development, if approved. Whilst the revised residential scheme is the subject of a separate application, if it is not granted then it is likely that this access will be required to enable implementation of the approved housing scheme for which the temporary access was initially granted.

Conclusion

The application site is a parcel of land surrounded by development and a motorway to the north. Its value as an open space to provide recreational facilities or amenity as part of the wider countryside is severely limited by the surrounding constraints. It is therefore considered that this proposal would have limited harm to the character of the countryside. There is no objection to the proposal on highway safety grounds and the application is considered to be acceptable to enable the temporary road to remain in situ until the end of 2013 to enable completion of the block of 36 dwellings.

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 the proposed development would be in accordance with the development plan. The variation of the planning condition to enable the access road and compound to remain in situ until the completion of the residential development is not considered to have a detrimental impact on the character of the countryside or highway safety. Accordingly it is considered acceptable.

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

- 1 The building, compound, access road and other associated works hereby permitted shall be removed from the site to leave a bare subsoil surface and the land shall then be ripped, sub-soiled and top-soiled with suitable non-contaminated materials to match surrounding ground levels restoring it to its former condition on or before 31 December 2013.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: AA15-Compound received 12 March 2010; 07037-127 received 1 April 2010; Proposed Temporary Plant Storage Building received 24 February 2010 and Design and access statement received 8 February 2010.
- 3 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 4 Turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times while the temporary road is in use.
- 5 The access shall be a minimum of 5.5 metres wide for at least the first 10 metres behind the Highway Boundary and have a 6 metres kerbed radii at its junction with the adopted road carriageway.

Reasons:-

- 1 To ensure the temporary buildings and associated works are removed from the site and the land returned to its former use in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the Highway in accordance with Policy T5 of the 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: 04
Reference: 12/00282/FUL
Applicant: Bloor Homes Ltd (East Midlands)
Location: Land Opposite Superstore Sword Drive Hinckley
Proposal: ERECTION OF 8NO DWELLINGS (PART AMENDED SCHEME) OF PREVIOUSLY APPROVED DEVELOPMENT 08/00349/FUL
Target Date: 29 August 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it involves variation of a Section 106 legal agreement for developer contributions completed in association with a major development.

Application Proposal

This application seeks full planning consent for the erection of 8 dwellings in the place of 10 dwellings contained within a larger scheme originally approved comprising 145 dwellings at Sword Drive, Hinckley (reference 08/00349/FUL). The original scheme consisted of three blocks of no. 3 dwellings and 1 detached dwelling within the same area; this scheme replaces those units with 8 detached dwellings, 4 double garages and two single garages.

This is one of three applications contained within this agenda each seeking amendments to different areas of the scheme granted planning permission under reference 08/00349/FUL.

The Site and Surrounding Area

The comprehensive site is located to the west of Stoke Road and south of Sword Drive. The southern boundary of the site abuts the playing fields to the Dorothy Goodman School whilst the eastern boundary abuts the rear gardens of the properties on Morland Drive. Halfords, Wickes and the Milestone Public House are located to the north.

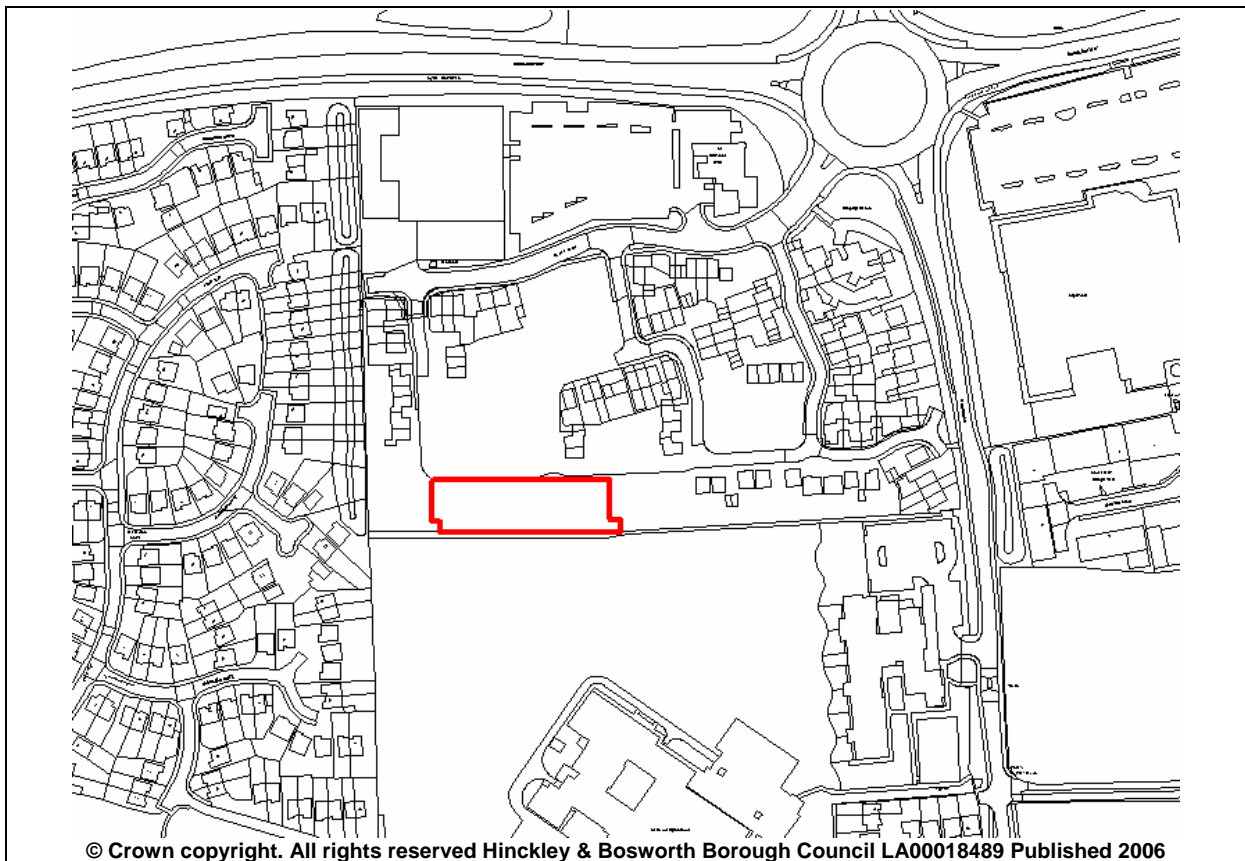
This application specifically relates to a linear part of the site, measuring 0.225 ha, sited adjacent to the southern boundary and abutting the playing field of the Dorothy Goodman School. A large proportion of the site has been developed whilst some are still under construction and some are occupied.

Technical Document submitted with application

Legal Agreement - Deed of variation

Relevant Planning History:-

12/00723/FUL	Erection of 8 No dwellings (part amended scheme) of previously approved development 08/00349/FUL Erection of 145 no. dwellings and construction of roads and sewers with associated parking	Current	
12/00622/FUL	Erection of 6 no dwelling (part amended scheme of permission 08/00349/FUL)	Current	
11/00308/FUL	Erection of 10 dwellings (part amended scheme for previously approved planning development (08/00349/FUL)	Approved	12.04.12
08/00349/FUL	Erection of 145 no. dwellings and construction of roads and sewers with associated parking	Approved	14.11.08



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Neighbours.

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

Site notice and Press notice were displayed and neighbours notified.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 1: Sustainable Development
Policy 2: Promoting better design

Local Plan 2006-2026: Core Strategy (2009)

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

Hinckley and Bosworth Local Plan 2001

IMP1: Contributions towards the provision of infrastructure and facilities
RES5: Residential proposals on unallocated sites
BE1: Design and siting of development
T5: Highway design and vehicle parking standards
NE14: Protection of surface waters and ground water quality

Supplementary Planning Guidance/Documents

New residential development SPG
Play and Open Space SPD

Appraisal:-

The main considerations with regard to this application are the principle of development, changes to policy, design and appearance, impact on neighbours and highways and other matters. This application forms part of a larger scheme and consideration will be had to this where relevant.

Principle of Development

The site is located within the Hinckley settlement boundary as defined by the adopted local plan. The site was granted planning permission in 2008 for residential development. The NPPF supports sustainable development. Due to its location, within the settlement boundary and close to services and public transport routes it is considered that the proposal is sustainable development. The principle of development is therefore acceptable.

Changes to policy

Since the original permission for the comprehensive development was approved in 2008 the NPPF has been published and the Council has adopted the Core Strategy, which now forms part of the development plan therefore these documents must be considered when determining this application. There are several policies within the Core Strategy that apply to the proposal, as listed under the Policy section of the report. These are discussed where relevant within the main body of the report.

Design, Appearance and Layout

This application seeks permission for 8 three and four bedroomed dwellings provided through 3 different house types. The design of the dwellings varies and incorporates a mix of part gable frontages, bay windows and porch details. One house type (Twyford) is part rendered.

The approved comprehensive scheme consists of features including arched brick soldier courses and simple canopies across doorways. Render on some elevations is used to break up the brickwork. The details of the proposed dwellings reflect these design characteristics ensuring that the proposal would sit comfortably within the comprehensive scheme.

Details of the materials to be used on the external elevations of the dwelling have also been submitted for consideration. It is proposed to use the same pallet of materials as those approved under the previous scheme, and the mix proposed throughout the 8 new dwellings would maintain the variety already approved. The proposed dwellings would therefore assimilate well into the rest of the development.

The proposed layout of this scheme reflects the linear arrangement of the dwellings substituted by this application. Accordingly there is no material change to the layout of the development and the layout now proposed is considered acceptable.

It is considered that the design and appearance of the proposal would complement the surrounding development and therefore is in accordance with Policy BE1 (a).

Impact on neighbours

The proposal would be located to the north of the Dorothy Goodman School playing fields, and separated by the rear gardens to the proposals and a hedgerow. It is not considered that any additional overlooking would result from the proposal than from the dwellings already approved.

To the north the proposal would face into the development, facing other proposed dwellings. This relationship has already been accepted under the approved scheme and the proposal is not considered to severely affect the amenities of neighbouring residents in terms of overlooking.

Having regard to the approved scheme, and the other schemes currently under consideration, the proposed amendments now sort would preserve the distances and relationships between windows that were considered acceptable previously. The changes contained within this application would not result in a detrimental impact on the future occupiers of dwellings within rest of the development

Highways

The application proposal would be served by the road layout approved under application 08/00349/FUL and is therefore acceptable. The application included the parking for plots not within the red line, specifically plots 80 and 65, however the layout maintains an acceptable level of off street parking providing at least 2 spaces per- dwelling. The proposal is considered to be acceptable in highway safety terms and therefore compliant with Policy T5.

Contributions

The original scheme was subject to an agreement under Section 106 of the Town and Country Planning Act to secure affordable housing and financial contributions towards the provision of facilities to offset the impact of development. As development has commenced on site, all of the monies have been paid and a portion of the affordable housing units are now occupied. A deed of variation to the original S106 agreement has been submitted to tie the current scheme (of a reduced number of dwellings) to the original agreement. It is not proposed as part of this proposal to alter any of the contributions sought. It is therefore considered that the necessary works to the infrastructure will be met through the original S106 agreement.

The area now for consideration does not affect the provision of affordable housing which is being met elsewhere within the comprehensive scheme.

Other Matters

Drainage

Severn Trent have no objection to the scheme subject to a condition being imposed requesting drainage details. The drainage of the comprehensive development was considered at the time of the 2008 application and the drainage details have since been approved including connection in to the mains sewer. These dwellings would feed into this approved network, and as the number of dwellings would reduce the impact on the mains is also reduced. It is therefore considered that requesting drainage details would be unreasonable in this instance and this is supported by the Head of Community Services (Land Drainage) and the Environment agency having no comment on this application.

The application site backs onto a ditch that forms the boundary of the site with Dorothy Goodman School. Under the 2008 application the Environment Agency requested a condition restricting the built form of development within 4m of a watercourse, for consistency and as this application backs onto a watercourse this condition has been imposed on this scheme.

Sustainability

Policy 24 of the Core Strategy requires new residential development within the Hinckley area to be constructed to a minimum of Code 3 of the Code for Sustainable Design. This policy was adopted within the Core Strategy in December 2009 after the original decision was issued. The applicant has indicated that the dwellings proposed are not designed to comply with Code 3 and that in this instance they would resist having to provide it given the rest of the site does not have to comply with the Code for Sustainable Homes. On this basis it is relevant to consider whether it is reasonable to request that the proposal be constructed to a Code 3 standard. It is considered that given the extant consent for the scheme and the impacts that imposing such a condition would have on the design and layout of the scheme, in this instance it would be unpractical and unreasonable to impose a condition requiring this part of the development to comply with Code level 3.

Conditions

Condition 6 relates to the watercourses that borders the southern and western boundaries of the site. This is to enable access to the watercourses for purposes of maintenance to prevent the watercourse flooding. Condition 9 was originally requested by the Director of Environment and Transport (Highways) to promote sustainable methods of transport. This condition was the subject of an appeal and was found to be a valid condition that served a useful planning purpose. Accordingly for consistency across the scheme it is proposed to re-instate the condition on to these properties.

Conclusion

It is considered that the proposal does not result in a significantly different scheme to that already approved. The design and appearance of the dwellings, including the proposed materials would respect the character of the comprehensive development in which they sit and would complement the development, therefore complying with Policy BE1 of the Local Plan. It is considered that the proposal would maintain an adequate mix of house types throughout the site and therefore would comply with Policy 16 of the Core Strategy. Whilst the proposal would not comply with Code 3 of the Code for Sustainable Homes it is not considered reasonable to impose this condition in this instance given that this is part of a larger scheme already advanced in its construction. It is therefore considered that the proposal is acceptable.

RECOMMENDATION:- That subject to the receipt of a deed of variation of the Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 approved scheme the proposal due to the siting, design and appearance would not detrimentally affect the character of the site or the amenities of existing or future occupiers. The proposal is therefore considered to be acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, T5 and NE14.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-
M109_L03_B, M109_PL01_AA, 3254-SK02 Rev. A, 4266-SK02H Rev A, 4266-SK02 Rev B, 3255-SK03 Rev. A, 3255-SK03H Rev. A received 4 July 2012. JBA 10/251-02 Rev E (landscaping) received 11 September 2012.
- 3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details and implementation plan. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this

period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 4 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles existing the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.
- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. roof water shall not pass through the interceptor.
- 6 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 4 metres of the top of any bank of watercourse, and/or 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site.
- 7 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
- 8 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway Boundary and shall be so maintained at all times.
- 9 Prior to the occupation of any unit the applicant shall provide travel packs (1 per dwelling) and bus passes (2x3 monthly per 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 work is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of the road safety to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan,
- 5&6 To prevent pollution of the water environment to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc) to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

- 9 To promote alternative modes of travel to the site other than by private motor vehicle to accord with Policy T5 of the 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: 05

Reference: 12/00622/FUL

Applicant: Bloor Homes Ltd (East Midlands)

Location: Land Opposite Superstore Stoke Road Hinckley

Proposal: ERECTION OF 6NO. DWELLINGS (PART AMENDED SCHEME OF PERMISSION 08/00349/FUL)

Target Date: 13 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it involves variation of a Section 106 legal agreement for developer contributions completed in association with a major development.

Application Proposal

This application seeks full planning consent for the erection of 6 dwellings in the place of 9 dwellings of a larger scheme comprising 145 dwellings at Sword Drive, Hinckley (reference 08/00349/FUL). This application seeks permission to replace 9 of the approved dwellings with 6. The scheme previously approved consists of 2 no. flat over garage (FOG) units, a terrace of 4 properties and one terrace of 3 properties. This application seeks to replace them with 6 two storey detached dwellings consisting of 4 different house types including associated garages.

This is one of three applications on this agenda each seeking amendments to different areas of the scheme granted planning permission under reference 08/00349/FUL.

The Site and Surrounding Area

The comprehensive site is located to the west of Stoke Road and south of Sword Drive. The southern boundary of the site abuts the playing fields to the Dorothy Goodman School whilst the eastern boundary abuts the rear gardens of the properties on Morland Drive. Halfords, Wickes and the Milestone Public House are located to the north of the site.

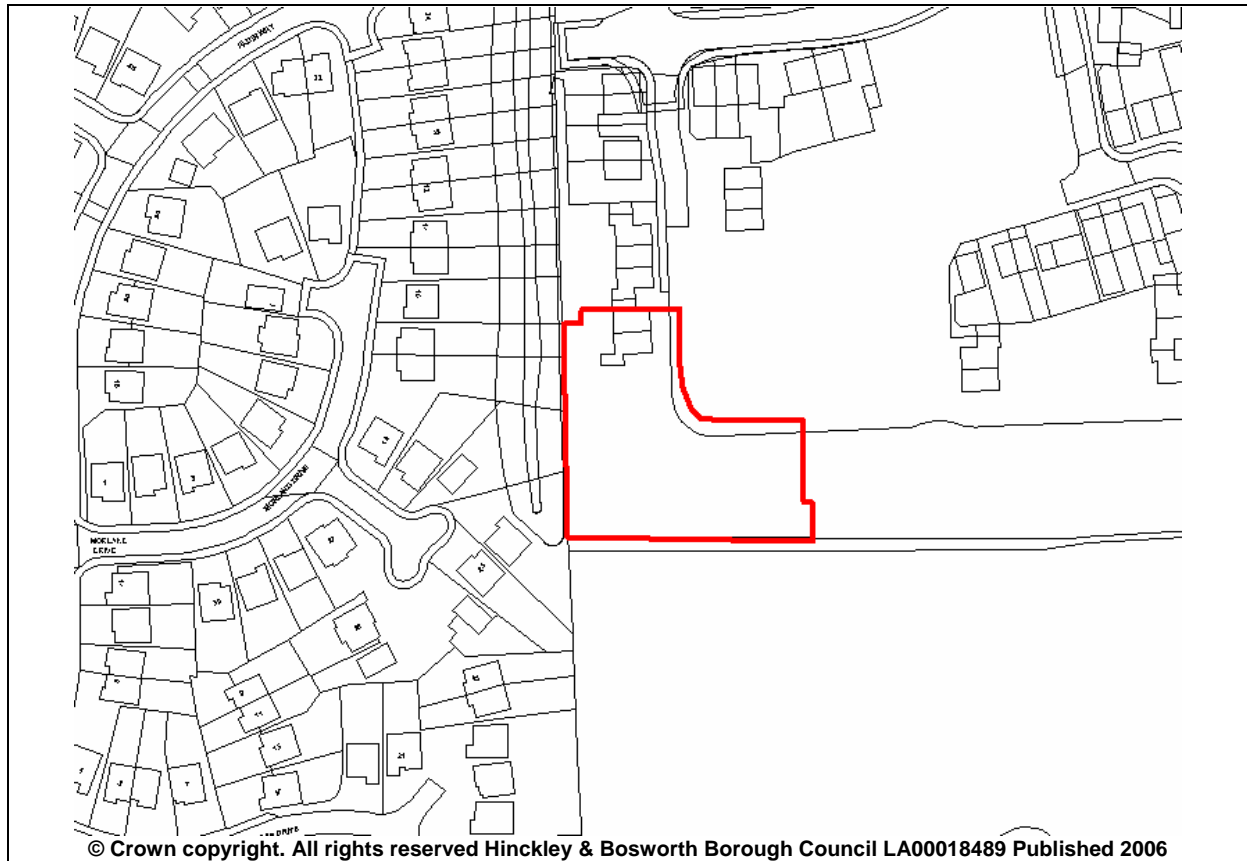
This application specifically relates to a south western corner of the site and which backs on to the playing field of the Dorothy Goodman School and the rear boundaries of 16-18 and 21 and 22 Morland Close. A large proportion of the site has been developed whilst some are still under construction and some are occupied.

Technical Document submitted with application

Legal Agreement - Deed of variation

Relevant Planning History:-

12/00723/FUL	Erection of 8 No dwellings (part amended scheme) of previously approved development 08/00349/FUL Erection of 145 no. dwellings and construction of roads and sewers with associated parking	Current	
12/00282/FUL	Erection of 8 no dwellings (part amended scheme) of previously approved development 08/00349/FUL	Current	
11/00308/FUL	Erection of 10 dwellings (part amended scheme for previously approved planning development (08/00349/FUL)	Approved	12.04.12
08/00349/FUL	Erection of 145 no. dwellings and construction of roads and sewers with associated parking	Approved	14.11.08



Consultations:-

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

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

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

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

- Policy 1: Sustainable Development
- Policy 2: Promoting better design

Local Plan 2006-2026: Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 16: Housing Density, Mix and Design
- Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

IMP1: Contributions towards the provision of infrastructure and facilities
RES5: Residential proposals on unallocated sites
BE1: Design and siting of development
T5: Highway design and vehicle parking standards

Supplementary Planning Guidance/Documents

New residential development SPG
Play and Open Space SPD

Appraisal:-

The main considerations with regard to this application are the principle of development, changes to policy, design and appearance, impact on neighbours and highways and other matters. This application forms part of a larger scheme and consideration will be had to this where relevant.

Principle of development

The site is located within the Hinckley settlement boundary as defined by the adopted local plan. The site was granted planning permission in 2008 for residential development. The NPPF supports sustainable development. Due to its location, within the settlement boundary and close to services and public transport routes it is considered that the proposal is sustainable development. The principle of development is therefore acceptable.

Changes to Policy

Since the original permission for the comprehensive development was approved in 2008 the NPPF has been published and the Council has adopted the Core Strategy, which now forms part of the development plan therefore these documents must be considered when determining this application. There are several policies within the Core Strategy that apply to the proposal, as listed under the Policy section of the report. These are discussed where relevant within the main body of the report.

Design, Appearance and Layout

This proposal seeks permission for 6 two storey dwellings consisting of 4 different house types. The design of the dwellings varies, incorporating projecting gables, bay windows and porches. One house type (Twyford) is part rendered.

The approved comprehensive scheme consists dwellings incorporating features including arched brick solid courses and simple canopies across doorways. Render on some elevations is used to break up the brickwork. The details of the proposed dwellings reflect these design characteristics ensuring that the proposal would sit comfortably within the comprehensive scheme.

Details of the materials to be used on the external elevations of the dwellings have also been submitted for consideration. It is proposed to use the same pallet of materials as those approved under the previous scheme, and the mix proposed throughout the 6 new dwellings would maintain the variety already approved. The proposed dwellings would therefore assimilate well into the rest of the development.

The proposal seeks a slight amendment to the layout removing a small parking court and garage block with a flat over and replacing this with detached dwellings with gardens to the rear. The proposal moves the built form away from the boundary and replaces the parking courts adjacent to the boundary with residential gardens. There are no proposed changes to the layout of the estate roads.

It is considered that the changes to the layout are minimal and do not affect the character or appearance of the approved scheme significantly. The layout is considered acceptable.

It is considered that the design and appearance of the proposal would complement the surrounding development and therefore is in accordance with Policy BE1 (a).

Impact on neighbours

The proposal would be located to the north of the Dorothy Goodman School playing fields, and separated by the rear gardens to the proposals and a hedgerow. It is not considered that any additional overlooking would result from the proposal than from the scheme already approved. To the west the proposal backs onto 21 and 22 Morland Close. These properties are sited at an angle to the development site, therefore do not directly face the development and are sited at a distance of 34m and 22m respectively. The changes result in the removal of the parking court from adjacent to the rear boundary of No 22 and replaced with the rear gardens to the proposed detached dwellings. The proposed distances are considered to preserve the amenities of neighbouring residents. The other changes result in the rear of properties facing the dwellings on Morland Close, and a similar relationship to that of the approved scheme, and therefore the impact of the changes on the residential amenities are considered acceptable.

Having regard to the approved scheme it is not considered that the amendments now sort would result in a detrimental impact on the occupiers of dwellings within the comprehensive scheme.

Contributions

The original scheme was subject to an agreement under Section 106 of the Town and Country Planning Act to secure affordable housing and financial contributions towards the provision of facilities to offset the impact of development. As development has commenced on site, all of the monies have been paid and all of the affordable housing units are now constructed with the majority being occupied. A deed of variation to the original S106 agreement has been submitted to tie the current scheme (of a reduced number of dwellings) to the original agreement. It is not proposed as part of this proposal to alter any of the contributions sought. It is therefore considered that the necessary works to the infrastructure will be met through the original S106 agreement.

The area now for consideration does not affect the provision of affordable housing which is being met elsewhere within the comprehensive scheme.

Other Matters

Drainage

Severn Trent have no objection to the scheme subject to a condition being imposed requesting drainage details. The drainage of the comprehensive development was considered at the time of the 2008 application and the drainage details have since been approved including connection in to the mains sewer. These dwellings would feed into this approved network, and as the number of dwellings would reduce the impact on the mains is

also reduced. It is therefore considered that requesting drainage details would be unreasonable in this instance and this is supported by the Head of Community Services (Land Drainage) and the Environment agency having no comment on this application.

Sustainability

Policy 24 of the Core Strategy requires new residential development within the Hinckley area to be constructed to a minimum of Code 3 of the Code for Sustainable Design. This policy was adopted within the Core Strategy in December 2009 after the original decision was issued. The applicant has indicated that the dwellings proposed are not designed to comply with Code 3 and that in this instance they would resist having to provide it given the rest of the site does not have to comply with the Code for Sustainable Homes. It is relevant to this application to consider whether there it is reasonable to request the proposal is constructed to Code 3. The applicant seeks consent to build 6 dwellings within this area that would not comply to Code 3 or policy 24. It is considered that given the extant consent for the erection of 9 dwellings and this being the developers fall back position, in this instance it would be unpractical and unreasonable to impose a condition requiring this part of the development to comply with Code level 3.

Conditions

Condition 6 relates to the watercourses that borders the southern and western boundaries of the site. This is to enable access to the watercourses for purposes of maintenance to prevent the watercourse flooding. Condition 9 was originally requested by the Director of Environment and Transport (Highways) to promote sustainable methods of transport. This condition was the subject of an appeal and was found to be a valid condition that served a useful planning purpose. Accordingly for consistency across the scheme it is proposed to re-instate the condition on to these properties.

Conclusion

It is considered that the proposal does not result in a significantly different scheme to that already approved. The design and appearance of the dwellings, including the proposed materials would respect the character of the comprehensive development in which they sit and would complement the development, therefore complying with Policy BE1 of the Local Plan. It is considered that the proposal would maintain an adequate mix of house type throughout the site and therefore would comply with Policy 16 of the Core Strategy. Whilst the proposal would not comply with Code 3 of the Code for Sustainable Homes it is not considered reasonable to impose this condition given that this is part of a larger scheme that was granted permission prior to the policy requiring compliance with the Code for Sustainable Homes. It is therefore considered that the proposal is acceptable.

RECOMMENDATION:- That subject to no significant material objections being received prior to the expiry of the consultation period on 24 September 2012, and the receipt of a deed of variation of the Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the deed of variation by 31 October 2012 may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that

subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. by virtue of the existing development, siting. layout and design of the amended dwellings the proposal is considered to compliment the character and appearance of the area and not detrimentally affect the amenities of neighbouring residents.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, T5 and NE14.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: - M109_L_03_C, M109_PL_BB, 4256-SK02 A, 3254-SK02 A, 3255-SK03 A, 3255-SK03H A, G01[SG]01 C, 4266-SK02 C, 4266-SK02H B, G02.P[SG]01 D, received 15 August 2012.
- 3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details and implementation plan. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 4 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles existing the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.
- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. roof water shall not pass through the interceptor.
- 6 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 4 metres of the top of any bank of watercourse, and/or 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site.
- 7 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
- 8 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway Boundary and shall be so maintained at all times.
- 9 Prior to the occupation of any unit the applicant shall provide travel packs (1 per dwelling) and bus passes (2x3 monthly per dwelling).

- 10 No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
- a) hard surfacing materials
 - b) planting plans and written specifications
 - c) schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) implementation programme.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of the road safety to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan,
- 5&6 To prevent pollution of the water environment to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc) to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 9 To promote alternative modes of travel to the site other than by private motor vehicle to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 10 To enhance the appearance of development to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 12/00338/COU

Applicant: Mr R Sokhi

Location: Bubble Boyz Car Wash Watling Street Hinckley

Proposal: CHANGE OF USE TO HAND VEHICLE 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 Russell Frances Interiors, to a hand vehicle wash. This is a retrospective application as the use is already operating from the site.

The business includes vehicle 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. There area however 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.

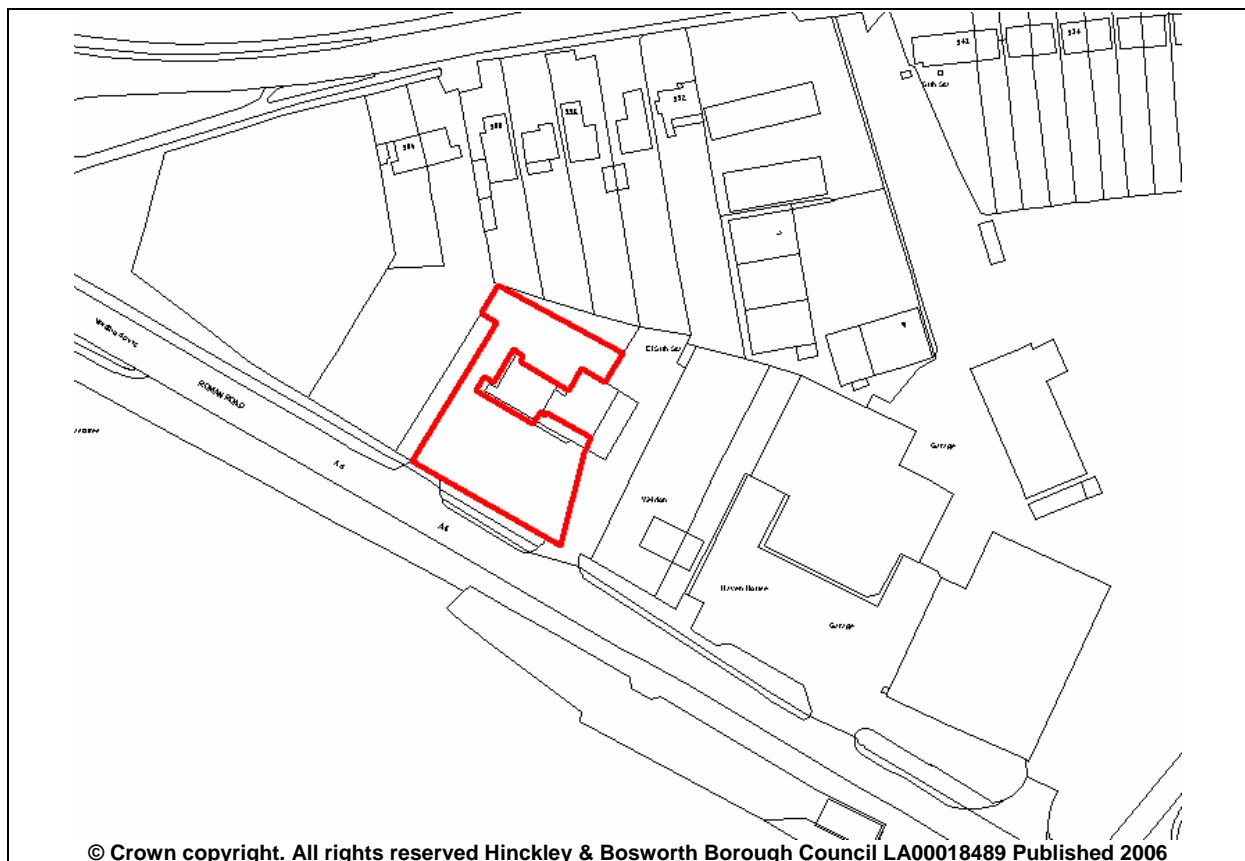
The northern and western boundary of the site abuts the rear gardens of residential properties on Coventry Road, whilst to the east are two semi-detached residential properties, and Paynes garage a car dealership and showroom. To the south and across the A5, the site faces the countryside.

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 office 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 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).
Severn Trent Water Limited.

Councillor Bill - wanted the application thoroughly examined from the point of view of road safety. Concerned that heavy vehicles are rushing past the site at all times of the day and that slow moving vehicles entering and leaving the site at short notice causing a danger to the highway.

13 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 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.

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, highway safety and impact on neighbours.

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 an increase in 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 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 following the latest consultation they have confirmed that they have no objections to the proposal. 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. As it has been established that the discharge from the site runs into the foul sewer and would not enter the surface water system, 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 of vehicles to within the forecourt of the site so not to result in the pollution of any groundwater. Officers have verified that water within this area either evaporates or runs toward the drains on the site. Subject to this condition it is considered that 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. In reaching their recommendation they have had regard to the planned improvements to the Long Shoot and Dodwells island and have visited the site and observed it in operation. 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, with some overlap between the two businesses. The parking for Bengal Chef is located against the western boundary of the forecourt and is not included within the application site. The proposal would not affect the parking provision for the restaurant. 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. The objections quote that 8 accidents have been recorded in the last year between the M69 junction and Dodwells Island. Information from the Highways Agency states that on a stretch of the A5 between Dodwells island to the far side of Paynes garage, 7 accidents have been recorded within the last 5 years. Of the 7 recorded accidents, 2 occurred on entrance to the Dodwells Island, 4 opposite Paynes garage. One accident was recorded opposite the application site and was the result of a driver losing control of their vehicle on a wet road in the rain. The recorded accidents therefore had no connection with the use of the site. The Highways Agency has confirmed that these records would have come from the police via the Department for Transport official records.

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 JCBs 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 making their comments the Highways Agency have taken the use of the site by vehicles other than cars into account.

Concerns have been received relating to comments from the Highways Agency on other applications on this site, in particularly relating to the use of the site by Russell Francis Interiors and Enterprise Cars.

Russell Francis interiors applied in 2000 and 2001 (reference 00/01242/TEMP and 01/00174/TEMP) for temporary use of site for retail furnishing /showroom. The application in 2000 was refused on highway safety grounds, caused by traffic turning into and leaving the site, and on impact to the retail centre of Hinckley. The Highway Agency had no objection to the proposal.

The subsequent application in 2001 was also refused, however only on the impact on the retail centre. Both refusals were appealed and were amalgamated into one appeal. Highway safety was withdrawn as a reason for refusal however was addressed within the Inspectors report following neighbours raising the issues. The inspector whilst recognising concerns raised considered Highway Safety stating;

‘...the current authorised use of the appeal site is a petrol filling station, with an ancillary tyre sales and fitting bay, and there is an extant planning permission for the use of the premises for the use of the premises as car and van rental depot. I do not consider that the use of the appeal premises for the sale of furnishings would generate as much traffic as either of these two vehicle based operations. In consequence, it is unlikely that the appeal proposal would lead to a reduction in highway safety in comparison with the uses which could be undertaken at the site. I note, moreover, that there is no objection to the appeal proposal from either the Highway Agency or the Council’s Principal Engineer, and the Council has not pursued its reason for refusal concerning highway safety.’

The appeal was dismissed and permission was granted for a three year period.

More recently Enterprise Rent-a-Car applied for planning permission to use part of the site as a vehicle rental office and alterations (reference 10/00501/FUL). Initially the Highways Agency issued a holding direction in order to obtain additional information regarding traffic generation. The actual response sought clarification due to conflicting information within the application submissions. This was sub-sequentially resolved and the Highways Agency removed their objection to that application and planning permission was granted.

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 prior to the application being submitted no noise complaints were received. It is understood that since this time complaints have now been received.

The applicant states that it will not be possible to wash vehicles 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, the Head of Community Services (Pollution) has raised no objection to the proposal. This response has been formed on the basis of the existing background noise from the A5 and the location

of the use on the opposite side of the building to the residential properties. Enterprise Cars and the Bengal Chef restaurant have no restrictions on hours of operation and given the noise generated by traffic using the A5 and the hours of the day when the traffic generation creates this noise, it would be unreasonable to impose a condition and it is considered that the impact of the operation is better controlled through other measures. The Head of Community Services (Pollution) has indicated that by restricting the valeting of vehicles to the front of the site would locate the use adjacent to the A5 which would mask some of the noise and allow the building to screen any noise from the properties to the rear. It is therefore considered that a condition restricting valeting to the front of the site could be imposed; however it is not considered reasonable to impose a condition restricting operating times.

Weldon is located to the east of the application site, on the enterprise car side of the application site. This property faces the A5 and is a semi-detached dwelling. These two dwellings are located between this site and Paynes garage with the A5 located to the south. It is not considered that the proposal would severely worsen the amenities of the occupiers of these dwellings to sustain a refusal of planning permission,

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 established 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 suggest 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
- 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. Valeting is considered an ancillary use of the hand vehicle 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 and no objections have been received from Severn Trent Water. No objections have been received in respect of highway safety from The Highway Agency and therefore 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. Drawing 1183 rev 2 received 24 August 2012.
- 2 Vehicles shall only be washed and valeted within the area labelled as car wash area shown on plan 1183 rev 2 received 24 August 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: 07

Reference: 12/00446/FUL

Applicant: Magnum Care Ltd

Location: Former Highfield Works John Street Hinckley

Proposal: ERECTION OF 72 BED CARE HOME INCLUDING ASSOCIATED ACCESS AND PARKING PROVISION

Target Date: 12 September 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a 72 bed care home including associated access and parking provision. The proposed facility is designed for older people and specialises in palliative and dementia care providing residential care, nursing care, day care and continuing health care. The proposed building footprint is 1015 square metres with a total floor area of 2937 square metres. It comprises three fundamental sections: a four storey principal wing facing onto John Street; a three storey wing parallel to the public footpath known as 'The Narrows' and a single storey section towards the north end of the site. The proposed bedrooms all have private en-suite facilities and are serviced by a series of communal living and dining spaces. Access is from John Street and leads to a parking area providing a total of 22 spaces and cycle parking area. An enclosed lockable bin store is located adjacent to the north boundary. Landscaping of the site is proposed to enhance the appearance of the development, provide amenity areas for residents and enhance the frontage onto the adjacent public footpath.

An amended plan has been submitted to relocate the cycle parking area and provide a total of 22 car parking spaces following comments from the Director of Environment and Transport (Highways). The amended plan also provides additional details of the various proposed boundary treatments around the site and the location of 5 x closed circuit TV monitors. Re-consultation has taken place on the amended plan.

The Site and Surrounding Area

The site measures approximately 0.3 hectares and is located on the north side of John Street. It was previously occupied by a four storey former hosiery factory known as Highfield Works which has been demolished and the site cleared. To the south of the site there are two rows of two storey terraced houses with an access to a commercial building to the rear. To the west of the site there are two storey terraced houses fronting John Street with long rear gardens extending to the north. To the north of the site is a cul de sac of two storey semi-detached houses backing onto the site. To the east is a public footpath known as 'The Narrows' with a residential development of four blocks of three and two storey apartments beyond. Ground levels fall gradually from John Street towards the north.

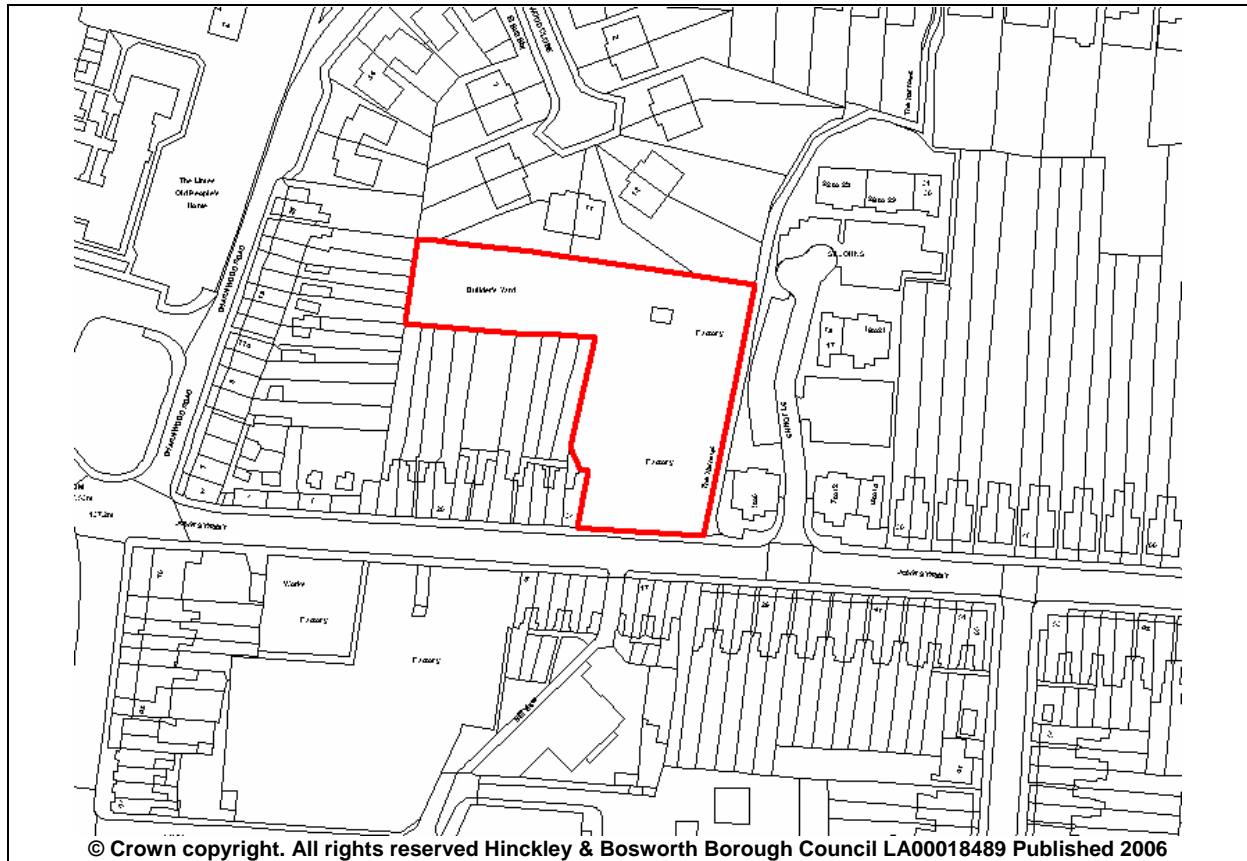
Technical Documents submitted with application

Design and Access Statement
Planning Statement
Transport Assessment
Ground Investigation Survey/Report
Heritage Statement
BREEAM Pre-Assessment
Statement of Community Involvement

The application is subject to a Planning Performance Agreement.

Relevant Planning History:-

08/00030/FUL	Demolition of Factory Buildings & Erection of 7 Dwellings & 34 Flats Including Associated Landscaping & Parking Facilities	Approved	30.06.08
07/001388/FUL	Demolition of Factory and Erection of 23 Residential Units	Approved	10.04.08



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

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

Leicestershire Constabulary Crime Reduction Officer objects to the scheme unless a developer contribution of £14,544 is provided towards future policing needs.

Site notice and Press notice were displayed and neighbours notified. One letter has been received raising the following concerns:-

- a) inadequate access to rear of property
- b) loss of privacy from overlooking windows
- c) overshadowing/overbearing impact
- d) noise from traffic/parking.

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

LCC Developer Contributions
Ramblers Association
Leicestershire Footpaths Association
Head of Business Development and Street Scene Services.

The consultation period remains open at the time of writing this report and closes on 17 September 2012. Any further consultation responses received shall be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE26: Light Pollution
Policy EMP1: Existing Employment Sites
Policy CF8: Residential Care and Nursing Homes
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions towards the provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

Residential Care and Nursing Homes SPG

Other Material Policy Guidance

Employment Land and Premises Study 2010

Appraisal:-

The main considerations with regards to this application are: the principle of development; the layout and design of the scheme; impact on the character of the area, the amenities of neighbouring properties, highway safety; developer contributions and other issues.

Principle of Development

The NPPF provides a presumption in favour of sustainable development and in this case the proposal will contribute to both the economic role by providing additional 24 hour employment and the social role by providing local accommodation and health services in a facility that will contribute to the needs of the community. The NPPF also encourages the effective use of land that has been previously developed. Policy CF8 of the adopted Local

Plan states that planning permission will be granted for residential care and nursing homes subject to a number of criteria. Criterion e of Policy CF8 requires that there should be easy access to public facilities and transport. In this case the site is located within the settlement boundary of Hinckley and close to the town centre and to public transport facilities and therefore considered to be in a sustainable location. The site is identified as an employment site in Policy EMP1 of the adopted Local Plan. The most recent Employment Land and Premises Study 2010 assesses the site as being an EMP1c) site with a poor quality, isolated inaccessible factory in residential area and that as a result, 100% other uses should be allowed. Since that assessment the factory has been demolished and the site cleared. The redevelopment of the site for a residential care and nursing home is considered to be in accordance with the NPPF and the Development Plan and acceptable in principle subject to all other planning matters being appropriately addressed.

Layout, Design and Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development. Policy 1 of the adopted Core Strategy requires development in Hinckley to respect the industrial heritage of the town. Policy BE1 (criterion a) and Policy CF8 (criterion a) of the adopted Local plan require development to complement or/and enhance the character of the area. Policy CF8 (criterion b) requires care home premises to be of a suitable size and type. Policy CF8 (criterion c) requires adequate gardens to be provided to enhance amenity of residents.

The proposed care home scheme reflects a similar scale to the previously approved residential scheme for 42 dwellings on the site (reference 08/00303/FUL) which was approved in 2008. The principal of the massing then and now is to reduce the scale of the building from four storeys fronting John Street, with three storeys extending into the site to the north and reducing to single storey closer to the northern boundary in order to respect neighbouring properties. The footprint of the care home is located in a similar position to the previously existing factory building with landscaping either side to enhance the appearance of the development. Access is located adjacent to the west boundary leading to 20 parking spaces and cycle parking facilities on the north west part of the site to the rear of the long gardens of the terraced houses fronting John Street. A discreet secure bin store and storage shed are to be located adjacent to the north boundary where easy access with a turning head is available for service vehicles.

The proposed building has been designed with three distinct sections. The principal four storey wing (eaves height 10.7 metres and ridge height 13.88 metres) faces onto John Street and has been designed to reflect the scale and mass of the former factory building that occupied the site (ridge height of 13.84 metres). The design includes regular brick piers and arched windows arranged in a hierarchy together with recessed brick panels and decorative brickwork and results in a high quality design. An additional feature is a two storey bay window feature to the south east corner that reflects the traditional factory manager's office and provides a link to the industrial past. This wing provides three floors of residential accommodation and ancillary/staff facilities on the third floor.

The three storey wing extending to the north (eaves height of 8.2 metres and a ridge height of 11.3 metres) has been designed with a mix of brickwork and render with recesses and decorative brick banding to emphasise the hierarchy in the design. The main feature of the west elevation of the wing is the three storey faceted façade to the main living room and dining areas on each floor with the use of large glazed openings and Juliette balconies looking over the landscaped garden areas within the site. To the east the wing faces onto the adjacent public footpath known as 'The Narrows' and blocks of three storey and two storey apartment blocks in an adjacent development. The scheme will enhance the openness and amenity of the footpath for all users through the provision of landscaped areas and bow

topped railings along the eastern boundary to the site. This wing provides three floors of residential accommodation, communal living and dining facilities and ancillary service areas.

The three storey wing steps down to single storey at 8.4 metres from the north boundary. This section accommodates the main entrance, foyer and staff office facilities. The main entrance is designed with a steeply pitched overhanging roof with a large glazed feature window extending to the pitch and is located directly opposite the car parking area to assist visitor orientation.

The building is designed with a hipped roof which reflects that of other factory buildings in the town (e.g. the Goddard Building) and reduces the mass and impact on surrounding properties. Whilst specific external materials have not been submitted, it is intended that the use of red brick and contrasting dark grey window profiles on the principal wing fronting John Street will also reflect the appearance of the Goddard Building. A condition requiring the submission of all external materials will be used to control this aspect of the development.

John Street is a largely residential street of terraced houses broken by large scale factory buildings. As a result of its layout, design, scale and massing the proposed scheme will respect the industrial heritage of the site and complement the character of the area.

Overall, the proposals are considered to result in a high quality purpose built scheme that by virtue of the layout, design, scale and mass result in a development that complements and enhances the character of the area and is therefore in accordance with Policies BE1 (criterion a) and CF8 (criteria a, b and c) of the adopted Local Plan and Policy 1 of the adopted Core Strategy together with the overarching principles of the NPPF.

Impact on Neighbours

Policy BE1 (criterion i) and Policy CF8 (criterion a) require that development does not adversely affect the occupiers of neighbouring properties. An objection has been received that the proposal will result in an overbearing impact and loss of privacy from overlooking to neighbouring properties.

To the west of the site there is a terrace of two storey houses with long rear gardens extending north, the closest being 34 John Street. The four storey wing of the proposed building is located approximately 6.5 metres from the blank side elevation of 34 John Street and extends approximately 3 metres beyond the rear elevation. There are just two small secondary windows with limited views facing towards the blank elevation of 34 John Street. The three storey wing extends for a majority of the site and whilst there are numerous windows facing towards neighbouring gardens to the west, these are at a separation distance to the site boundary of between 14 metres (communal living dining areas) and 20 metres (main west elevation). In addition, the previously existing factory comprised of a four storey wing that extended much further to the rear of 34 John Street and in closer proximity such that the current proposals are a significant improvement to the previously existing situation.

To the north of the site there are semi detached two storey houses in a small cul de sac known as Charnwood Close. The three storey wing steps down to single storey at a separation distance of approximately 8.4 metres from the north boundary of the site and the rear elevation of 12 Charnwood Close is approximately 13 metres further to the north. There are only two small secondary second floor windows on the north elevation of the three storey wing at a separation distance of approximately 21.4 metres to the rear elevation of 12 Charnwood Close. As a result of the separation distance no adverse impact on privacy or amenity will result. Verbal concerns raised during the application process by the occupiers of 11 and 12 Charnwood Close related solely to the treatment of the north boundary to protect

their security and amenity. Following further discussions on site with the occupiers and agent, these concerns are to be addressed by the repair and rebuilding of the existing boundary brick wall and retention of the 2 metres high close boarded timber fencing along the remainder of the boundary. This is considered to provide a reasonable and acceptable level of security and screening and protection of amenities for residents of Charnwood Close. Additional boundary details have been submitted on an amended site plan that is currently subject to re-consultation.

To the east there are three storey and two storey blocks of apartments in Johns Close. The four storey wing is located approximately 6.5 metres from the blank side elevation of the nearest apartment block and the three storey wing extends to the north at a separation distance of approximately 4.5 metres. The proposed building has been set back further into the site than the previously existing factory and the hipped roof design will reduce any potential impact on the neighbouring development. As the adjacent development is apartments with open communal spaces no loss of privacy will result and additional surveillance of the areas may improve security.

Approximately 14 metres to the south of the site on the opposite side of John Street are two storey terraced houses. As a result of the similar scale of the proposed building to the previously existing factory, no additional adverse impact on amenity or privacy on the occupiers of these dwellings will result.

An objection has been received that the proposal will result in noise from traffic, however, the access is in a similar location to that which served the former hosiery factory and the parking area which is located at a separation distance of approximately 30 metres from the dwellings fronting John Street and is enclosed by 2 metres high close boarded timber fencing. This area was previously used for parking in connection with the factory. As a result it is considered that the proposals will not have any adverse impact either from noise from comings and goings or parking on the amenities of neighbouring properties.

An objection has been received from a neighbour that the proposed scheme does not allow adequate access to and from the rear of a residential property. However, the scheme has enabled access to the rear of the property in question by the provision of a new (open) access where none previously existed before the factory was demolished.

Overall, as a result of the design and scale of the building and separation distances, the proposed scheme is not considered to adversely affect the amenities of the neighbouring properties from either overbearing impact or loss of privacy from overlooking and is in accordance with Policies BE1 (criterion a) and CF8 (criterion a) of the adopted Local Plan.

Impact on Highway Safety

Policy BE1 (criterion g), Policy CF8 (criterion d) and Policy T5 of the adopted Local Plan require development to ensure adequate access, highway visibility, off street parking and manoeuvring facilities.

The proposed vehicular access is located in the south west corner of the site in a similar position to the original factory and the residential scheme for 42 apartments approved in 2008. The proposal includes an access with improved width and geometry. The access leads to a parking area with 20 car parking spaces, cycle parking and a turning head for larger service and delivery vehicles.

The application is supported by a Transport Assessment which suggests that as a result of the nature of the proposed facility and its occupiers, the scheme will generate low traffic flows and trip rates will be lower than previous uses of the site and the previously approved

residential scheme. In addition, the assessment suggests that the site has a high level of accessibility by public transport, cycling and pedestrians with convenient connections to the nearby town centre and neighbouring settlements.

The Director of Environment and Transport (Highways) does not object to the proposal in principle as the information submitted satisfactorily demonstrates that there would not be a material increase in traffic bearing in mind the previous uses of the site. In respect of parking provision, it is suggested that two additional spaces are provided within the site, to include two disabled spaces, and that the cycle parking area is relocated to a more secure location. An amended site layout plan has been received and is currently subject to re-consultation. Additional conditions are recommended in respect of closure and reinstatement of the existing access, surfacing, visibility, access gate/barrier restriction and the provision of parking facilities within the site during construction.

Overall, subject to minor amendments to the parking layout, the scheme is in accordance with Policies BE1 (criterion g), Policy CF8 (criterion d) and Policy T5 of the adopted Local Plan.

Developer Contributions

Policy IMP1 of the adopted Local Plan allows for developer contributions to be sought towards the provision of necessary infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. The request for any developer contributions must be considered in light of the Community Infrastructure Levy Regulations 2010 (CIL) and the NPPF. 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 Director of Environment and Transport (Highways) has requested that travel packs and bus passes be provided for residents and staff in the interests of promoting and encouraging sustainable travel to and from the site. Given the nature of the development, many of the residents are unlikely to be able to undertake independent travel and therefore the request is not considered to meet the CIL tests or be justified in terms of being necessary or reasonable to make the development acceptable in planning terms.

Leicestershire Constabulary Crime Reduction Officer objects to the scheme unless a developer contribution of £14,544 is provided towards future policing needs of an overnight population of vulnerable people. The application confirms that the facility is to be staffed on a 24 hour basis and the premises will be secured. The request is not considered to meet the CIL tests or be justified in terms of being necessary or reasonable to make the development acceptable in planning terms.

Other Issues

The Directorate of Chief Executive (Archaeology) has no objection as the site has been predominantly disturbed.

The Director of Environment and Transport (Rights of Way) welcomes the proposed boundary treatment to the public footpath and does not object to the scheme subject to there being no impact on the footpath in terms of its use, width or surfacing.

Severn Trent Water Limited and the Head of Community Services (Land Drainage) require the submission of drainage details for prior approval to ensure satisfactory drainage of the site and reduce the risk of flooding and risk of pollution of the water environment.

A Ground Investigation Survey Report has been submitted which concludes that no land remediation measures are necessary but that if during the construction phase suspected contamination is encountered further investigation and potential remediation may be necessary. The Head of Community Services (Pollution) does not object but recommends a condition to address any contamination found during construction and for a condition requiring the submission of details of any external lighting.

The proposed ancillary staff and servicing facilities including kitchen and laundry rooms are located within the four storey building fronting John Street on the top floor. Additional details have been requested by the Head of Community Services (Pollution) in respect of ventilation/extraction/air management units including any odour or noise mitigation measures. This issue will be reported as a late item to the agenda.

A BREEAM pre-assessment has been submitted with the application that details the proposed buildings environmental proposals and the intension to achieve a BREEAM assessment of 'Good'. There is no policy requirement that requires the development to meet a standard higher than current building regulations. Any improvement on that standard in terms of meeting sustainable design objectives is to be welcomed.

Conclusion

The redevelopment of this 'brownfield' site within a sustainable location within the settlement boundary of Hinckley is acceptable in principle. The proposals are considered to result in a high quality purpose built scheme that by virtue of the layout, design, scale and mass result in a development that complements and enhances the character of the area and does not have any adverse impacts on the amenities of neighbouring properties, highway safety, public rights of way or archaeology. Subject to the satisfaction of the Head of Community Services (Pollution) in respect of additional ventilation/extraction details the application is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received and 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 would result in the redevelopment of this brownfield site in a sustainable location within the settlement boundary of Hinckley for a high quality purpose built care and nursing facility that would complement the character of the surrounding area and would not have any adverse impact on the amenities of neighbouring properties, highway safety or archaeology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE26, EMP1, CF8, NE2, NE12, NE14 and T5.

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

- 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 and Boundary Detail Plan Drawing No. 6558-B-00 received by the Local Planning Authority on 10 September 2012, Site Location Plan Drawing No. 6558P-06, Proposed Floor and Roof Plans Drawing No. 6558P-01 and Proposed Elevations Plan Nos. 6558 P-02 and 6558 P-03 received by the Local Planning Authority on 13 June 2012.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed care and nursing home shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 The development hereby permitted shall be implemented in accordance with the existing and proposed ground levels of the site, and proposed finished floor levels submitted on Drawing Nos. 6558 P-02 and 6558 P-03 received by the Local Planning Authority on 13 June 2012.
- 5 No development shall take place until a drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6 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 unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 No development shall commence until full details of any external lighting of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation, a schedule of the lighting equipment proposed including design, size, luminance type, mounting height, aiming angles and luminance profiles. The approved lighting details shall be installed, operated and maintained in accordance with the approved details.
- 8 The development hereby approved shall be implemented in accordance with details submitted on Site and Boundary Treatment Details Plan Drawing No 6558-B-00 received by the Local Planning Authority on 10 September 2012.
- 9 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) hard surfacing materials with representative samples
 - b) planting plans
 - c) written specifications
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - e) implementation programme
 - f) future landscaping maintenance schedule

- g) full details of the proposed closed circuit television monitors including design, size, height and mounting details.
- 10 The existing vehicular access shall be closed permanently within one month of the altered access being brought into use and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 12 The access road, car parking and turning facilities as detailed on Site Plan Drawing No. 6558-B-00 received by the Local Planning Authority on 10 September 2012 shall be provided, hard surfaced, marked out and made available for use before the development hereby permitted is first brought into use and once provided shall be permanently so maintained at all times thereafter.
- 13 Notwithstanding the submitted details, no development shall commence until full details of the proposed cycle parking stands have been submitted to and approved in writing by the Local Planning Authority. The cycle parking area and approved stands shall then be provided in accordance with the approved details before the development is first brought into use and once provided shall be permanently so maintained at all times thereafter.
- 14 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development does not have an adverse impact on the residential amenity or character of the area, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure satisfactory provisions are made for the drainage of the site and to reduce the possibility of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the site is safe and suitable for the development hereby permitted to accord with Policy NE2 (criteria b) of the adopted Hinckley and Bosworth Local Plan
- 7 To protect the character and appearance of the area, the environment and the amenities of neighbouring occupiers from light pollution to accord with Policy BE26 (criteria a, b and c) of the adopted Hinckley and Bosworth Local Plan.

- 8 To protect the amenities of the occupiers of neighbouring properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 9 To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criteria b and d) of the adopted Hinckley & Bosworth Local Plan.
- 10 To reduce the number of vehicular accesses to the site and the number of potential conflict points in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that adequate off-street parking and turning provision is made to serve the development hereby permitted 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.
- 13 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 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 in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The public footpath which abuts the site must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 6 The applicant is advised that this planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Adoptions team (for 'major' accesses) For further information, including contact details, you are

advised to visit the County Council website as follows: - Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.

- 7 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. The existing single yellow line that runs in front of the proposed access shall be amended to return in to the access for an appropriate distance. The amendments to the lining or the Traffic Regulation Order if necessary shall be carried out to the satisfaction of the Highway Authority and entirely at the applicant's expense. The lining should be amended prior to the first occupation of any part of the development. (Please contact Robert Kane Tel:- 01455 287202).
- 8 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.
- 9 The applicant is advised that if it is intended to provide temporary directional signing to the 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 any scheme is drawn up 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.

Contact Officer:- Richard Wright Ext 5894

Item: **08**

Reference: **12/00452/FUL**

Applicant: **Mr John Deakin**

Location: **Land Adj. 108 Shilton Road Barwell**

Proposal: **ERECTION OF 25 DWELLINGS AND ASSOCIATED INFRASTRUCTURE**

Target Date: **1 October 2012**

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 25 dwellings and associated infrastructure on land adjacent to 108 Shilton Road, Barwell. The scheme comprises 5 x two bedroom houses (20% affordable housing units), 1 x three bedroom house, 16 x four bedroom houses and 3 x five bedroom houses of 2 and 2½ storeys in scale. The scheme also includes a new access road, parking, landscaping, open space, a pumping station and balancing lagoon. The proposal seeks to retain the existing tree and hedgerow

boundaries where possible and increase the overall level of planting within the site. The dwellings are to be constructed to achieve Code Level 3 of the Code for Sustainable Homes and the site will incorporate a sustainable drainage system through the provision of a balancing lagoon in the south east of the site.

The Site and Surrounding Area

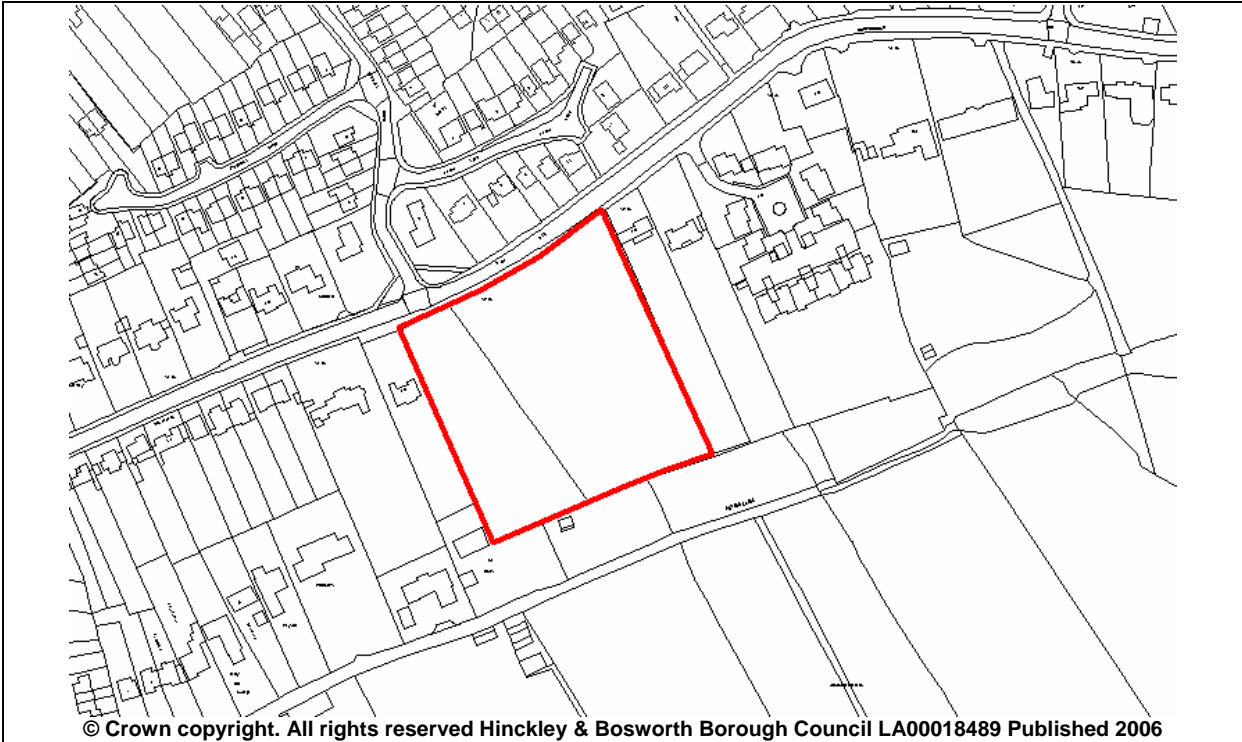
The application site measures approximately 1.2 hectares and is a roughly square area of land abutting the settlement boundary of Barwell to the south of Shilton Road. It is comprised of two paddocks unequally divided by a mature field hedgerow located with a number of mature trees around the boundaries of the site. Ground levels within the site fall significantly from Shilton Road towards the southern boundary affording wide and long ranging views over the countryside to the south of Barwell. There is a residential estate to the north of the site and detached dwellings in large plots to the west and east of the site providing a mix of house types and forms. To the south of the site there is another dwelling, a field and allotment plots and a track extending from Dawsons Lane with fields and allotment plots beyond.

Technical Documents submitted with application

- Design and Access Statement
- Green Wedge Review
- Flood Risk Assessment
- Ecological Appraisal
- Arboricultural Assessment
- Heritage Statement
- Affordable Housing Statement
- Draft Heads of Terms

Relevant Planning History:-

None relevant.



Consultations:-

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

No objection subject to conditions has been received from:-

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

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

- a) Director of Children and young Peoples Services (Education) does not request any contributions as there are surplus spaces in the catchment area primary, high and upper schools.
- b) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,176 towards the acquisition of additional compaction equipment/containers/storage and traffic management
- c) Director of Adults and Communities (Libraries) requests a contribution of £1,540 towards additional items of lending stock plus reference, audio visual and homework support material.
- d) Director of Environment and Transport (Green Infrastructure) has no landscape comments
- e) Director of Environment and Transport (Highways) requires
 - i) the provision of Travel Packs to inform new residents from first occupation what sustainable travel choices are in the surrounding area (£52.85 per pack)
 - ii) 6 month bus passes to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (£325.00 per pass)
 - iii) new/improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access) to support modern bus fleets with low floor capabilities (£3263.00 per stop)
 - iv) information display case at nearby bus stop to inform new residents of the nearest bus services in the area (£120.00)

Leicestershire Constabulary Crime Reduction Officer objects to the application on the grounds that the proposal would be unsustainable and unacceptable without a contribution of £11,125 towards additional policing infrastructure and facilities including personnel, communications, CCTV, vehicles and premises.

Primary Care Trust requests a contribution of £13,922.64 towards providing additional health care infrastructure and facilities for an extension to the existing surgery.

Directorate of Chief Executive (Archaeology) advises that the area lies within a site of archaeological interest and that insufficient information has been submitted to enable a proper archaeological impact assessment to be undertaken. It is recommended that determination of the application should be deferred until further archaeological investigation, including a field evaluation, by geophysical survey, followed by trial trenching etc. is carried out to enable an informed decision to be made. In the absence of the additional information the lack of archaeological information should form a reason for refusal of the application.

Barwell Parish Council objects on the following grounds:-

- a) drainage - concern regarding surface water run-off and sewage problems
- b) need for these houses in view of the Barwell Sustainable Urban Extension
- c) loss of view and other amenities
- d) highway safety - poor access onto a main road.

Councillor Gould has raised the following concerns:-

- a) proposal is outside the settlement boundary and within the Green Wedge
- b) 5 year housing land supply has been achieved and additional homes in addition to the 2500 homes in the Barwell Sustainable Urban Extension is unacceptable
- c) proposals are detrimental to a key green infrastructure asset/amenity provided by the site
- d) houses fronting Shilton Road should be set further forward to encourage motorists to reduce speed
- e) inefficient use of land - proposed 4 bedroom house do not meet demand for 2-3 bedroom homes identified in the SHLAA.

Site notice and Press notice were displayed and neighbours notified, 21 letters of objection have been received raising the following concerns:-

- a) contrary to development plan – outside settlement boundary
- b) allocation of housing for Barwell has been exceeded and additional housing is not necessary given 2500 houses in Sustainable Urban Extension
- c) loss/erosion of green wedge/green space/wildlife habitat for protected species
- d) loss of unique, uninterrupted, commanding views over countryside
- e) loss of/damage to trees
- f) will increase problems with surface water drainage/flooding and sewer system capacity
- g) overdevelopment of the site
- h) development is out of character with area
- i) infrastructure deficiencies
- j) adverse impact on amenities of neighbouring properties by reason of overbearing/overshadowing, loss of privacy from overlooking, noise and disturbance
- k) poor design
- l) adverse impact on highway safety by reason of inadequate access, an additional junction on an already busy road and additional traffic generation
- m) covenant on the land prevents development
- n) detrimental to conservation area
- o) detrimental to listed building
- p) devaluation of property.

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

Cyclists Touring Club
Head of Business Development and Street Scene Services.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

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

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell
Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE14: Archaeological Field Evaluation of Sites
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Landscape Character Assessment 2006
Strategic Housing Land Availability Assessment (SHLAA) Review 2010
Green Wedge Review 2011

Appraisal:-

The main considerations with regards to this application are; the principle of development including the five year housing land supply and impact on the Green Wedge; the layout and design of the development; density; impact on the amenities of neighbouring properties; impact on highway safety; developer contributions; archaeology; ecology; drainage and other issues.

Principle of Development: Five Year Land Supply and Green Wedge

The National Planning Policy Framework (NPPF) was published in March 2012 and provides a presumption in favour of sustainable development. However, paragraph 12 of the document states that it 'does not change the statutory status of the development plan as the

starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.

The Local Plan 2006-2026: Core Strategy was adopted in 2009 and can be considered to be up to date in respect of the NPPF. The Borough Council have a five year supply of housing land (5.02 years) and therefore the housing supply policies can be considered to be up to date.

The application site is outside but adjacent to the settlement boundary of Barwell and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. Policy 3 of the adopted Core Strategy relates to development in Barwell. This indicates that the Borough Council will support the delivery of a minimum of 45 new residential dwellings within the settlement boundary of Barwell. After taking completions and expired planning consents into account, the current residual requirement is 67. Notwithstanding this remaining requirement, the proposed development site is located outside of the Barwell settlement boundary and therefore the proposed development would be contrary to Policy 3 in this regard. Policy 3 also sets out that the Council will allocate land for a Sustainable Urban Extension (SUE) to the west of Barwell which would include 2500 homes. Detailed requirements for the Barwell SUE will be set out in an Area Action Plan (AAP). The AAP and the associated SUE Masterplan have been the subject of extensive consultation and the AAP is currently at the Preferred Options Stage. Land Adjacent to 108 Shilton Road does not form part of the SUE proposal and is located outside of the settlement boundary as set out on the AAP proposals map (Figure 5).

The site is located within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge and therefore Core Strategy Policy 6 applies. Policy 6 lists a number of uses which are considered acceptable within the Green Wedge. The operational development associated with those uses should not damage the function of the Green Wedge. Any land use in the Green Wedge should retain the function of the Green Wedge and should retain the visual appearance of the area to ensure that the Green Wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents. Housing development is not amongst the uses considered acceptable in the Green Wedge. The supporting text to Policy 6 of the Core Strategy requires the local authority to carry out a Green Wedge Review to inform the Site Allocations and Generic Development Control Policies DPD. The need for this Review was underlined at the Examination in Public of the Hinckley and Bosworth Core Strategy which took place in May and October 2009. The Green Wedge Review, December 2011 provides the most up-to-date assessment of the Green Wedge and was undertaken using the Leicester and Leicestershire Green Wedge Review Joint Methodology which sets out four evaluation criteria:-

- a) prevents the merging of settlements;
- b) guides development form;
- c) provides a green lung into the urban area; and
- d) acts as a recreational resource.

The Green Wedge undertook both a macro and micro scale assessment. At a macro scale the green wedge met all four of the evaluation criteria. The application site is located within Area C ‘East of the Common and South of Shilton Road’. The Review concludes that Area C is multi functional, guides development form and contributes collaboratively to the prevention of the merging of settlements. It provides access via public rights of way, allotments and horse paddocks, performing the role of a green lung and a recreational resource. Topography is also important to consider in this area. The topography enables a unique character to the edge of Barwell; there are long distance views from Shilton Road. From this vantage point it is possible to view Burbage, Elmesthorpe and the spire of the church in

Stoney Stanton. The area is particularly sensitive to coalescence and provides a green lung and recreational resource. It also plays a fundamental role in connecting Barwell to Earl Shilton and providing intra-visibility between a number of the settlements.

The applicants have carried out their own review of the Green Wedge which is specifically related to the application site. This suggests that the application site at 1.2 hectares is an insignificant proportion (0.3%) of the Green Wedge total area (427 hectares) and that due to its location, size and visibility the site does not contribute to the prevention of the merging of settlements, existing separation distances will remain unaffected. It also suggests that the application site does not guide development form, nor does it fulfil the 'green lung' function or provide a recreational resource as no public access is available to it. However, a micro scale assessment does not require all four evaluation criteria to be met.

In summary, the Borough Council has a five year supply of housing land. The proposal does not comply with Policy 3 of the Core Strategy as the application site is outside the settlement boundary of Barwell. The proposal does not accord with the acceptable land uses in the Green Wedge and would not retain the function of the Green Wedge or retain the visual appearance of the area or contribute to the quality of life of nearby residents as set out and required by Policy 6 of the Core Strategy. As a result, it is considered that the proposal clearly conflicts with the up to date Local Plan and there are no other material considerations that indicate that the application should be determined other than in accordance with the development plan. Accordingly the application is recommended for refusal on these grounds.

Layout and Design

The proposed layout includes a number of detached properties facing towards Shilton Road served by small shared access drives off the main access road. These properties are set back from Shilton Road on a building line that respects that of properties either side of the site. The main access road forms a large crescent further within the site with frontage properties and a number of small shared private drives serving other dwellings. The layout provides focal point dwellings with attractive designs that add interest to the street scene with dual fronted designs in corner locations and open spaces that are overlooked with natural surveillance from the proposed dwellings. Satisfactory separation distances are achieved between dwellings within the site.

The scheme includes a number of detached and terraced dwellings. The detached dwellings have a variety of designs that include a number of architectural features including traditional bay windows, plinths, headers and sills to windows, chimneys stacks, brick corbelling detail to eaves and a mix of external materials that add to the overall appearance of the development. A number of minor design issues have been raised with the applicant in respect of individual plots and these are intended to be addressed by the submission of amended plans. Subject to the amended plans being received the individual designs are considered to be acceptable.

Overall the scheme is considered to be acceptable in terms of its layout, scale and design with active street frontages and open spaces. Architecturally the designs are considered acceptable and incorporate a good mix of features that enhance the appearance of the development. Notwithstanding the harm to the Green Wedge in terms of loss of open green space and visual amenity discussed earlier in the report, the surrounding area is characterised by frontage development but with development at depth, as such it is considered that the layout of the proposal will not be out of character with adjacent built form.

Density

Core Strategy Policy 16 requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and meet a minimum density of 40 dwellings per hectare within and adjoining Barwell. However, in exceptional circumstances and where individual site characteristics dictate and are justified a lower density may be acceptable.

Objections have been received that the scheme will result in an inefficient use of land as it proposes a majority of 4 bedroom houses which do not meet higher demand for 2-3 bedroom homes suggested by the SHLAA.

The scheme proposes 25 dwellings including 20 x detached houses and 5 x terraced houses on the 1.2 hectare site representing a density of just under 21 dwellings per hectare. There are significant ground level differences with the site and the layout includes an open amenity space, a balancing lagoon surrounded by additional open space and a pumping station in the south east corner together with sewer easements. Whilst these reduce the developable area within the site to some extent and therefore have an impact on density, the proposed layout includes 20 detached houses, a majority of which are served by detached garages, a number of shared driveways and large gardens. As such it is considered that there is potential to increase the density on the site with the use of different types and house sizes, although this may still fall short of the requirements of Core Strategy Policy 16 given the constraints of the site.

Impact on Residential Amenity

Objections have been received in respect of adverse impact on amenities of neighbouring properties by reason of overbearing/overshadowing, loss of privacy from overlooking, noise and disturbance.

The ground levels of the application site fall significantly from Shilton Road to the north towards the southern part of the site. Whilst contours and selective proposed slab levels within the site have been submitted, other than the ridge and eaves level of an adjacent dwelling to the south of the site, no external levels information has been submitted to demonstrate the relationship of the proposed dwellings to neighbouring properties. As a result the impact of the proposed dwellings on the amenities of neighbouring properties cannot be fully assessed. An objection has been received and concern has been raised with the applicant that the submitted ridge level of the bungalow to the south west corner, known as The Pines, Dawsons Lane (125.74) is only marginally higher than the proposed slab level of the garage to Plot 14 (125.35) and no slab level has been provided for the 2½ storey house on Plot 15 that is located only 6 metres away from The Pines.

The applicant has been asked to submit a number of section drawings throughout the site to demonstrate the relationship to neighbouring properties. Further details on this issue will be reported as a late item but in the meantime, failure to demonstrate that the development will not have any adverse impact on the amenities of neighbouring properties from overbearing impact and loss of privacy from overlooking forms an additional reason for refusal.

Impact on Highway Safety

Objections have been received from residents in respect of highway safety by reason of inadequate access, an additional junction on an already busy road and additional traffic generation.

The scheme proposes a single new main access road off Shilton Road roughly central to the northern boundary of the site with wide landscaped areas either side. The Director of

Environment and Transport (Highways) does not object to the application as it has been demonstrated that an appropriate level of visibility can be provided at the access with Shilton Road. In addition, the Highway Authority is not in a position to demonstrate that the development would exacerbate any problem of excessive traffic speeds on Shilton Road.

Whilst the internal dimensions of the proposed garages do not meet the 6 metres x 3 metres standard in the County Council's 6Cs Design Guide, the Director of Environment and Transport (Highways) does not object to the application as the overall level of parking provision within the site (83 spaces) is in accordance with the 6Cs Design Guide. The Director of Environment and Transport (Highways) also confirms that other issues raised in respect of the internal road layout can be dealt with at the Section 38 stage and as such, the proposals are considered acceptable from a highway point of view.

Developer Contributions

Objections have been received on the grounds that there are infrastructure deficiencies. The applicant has submitted a Draft Heads of Terms for a section 106 agreement to provide contributions towards the provision of: affordable housing, civic amenity facilities, libraries facilities, sustainable transport initiatives (travel packs) and healthcare facilities subject to compliance with the CIL Regulations 2010. Contributions towards public play and open space facilities are not anticipated as the site will have an element of on-site children's play provision.

Affordable Housing

Policy 15 of the Core Strategy seeks 20% affordable housing for sites in urban locations of 15 dwellings or more or sites over 0.5 hectares. The tenure split should be 75% rented and 25% intermediate housing. The scheme proposes 20% affordable housing in a terraced row of 5 dwellings with the required tenure split of 4 for social rent and 1 for intermediate tenure and is therefore in accordance with Core Strategy Policy 15 and will contribute towards meeting identified demand for such accommodation on the Council's Housing Register.

Play and Open Space

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

To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update. Due to the residential element of the development the proposal triggers a requirement for a contribution towards to provision and maintenance of formal and informal play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

In this case, however, the site is in excess of 400 metres from the nearest facility, The Common Neighbourhood Park, therefore no off-site contribution can be requested.

The applicant has indicated in the Draft Heads of Terms that an element of public open space for play will be provided within the site and that it is anticipated that the Section 106

agreement will provide flexibility for the open space site to be transferred to and maintained by either the Borough Council, the Parish Council or a private management company. Any further details will be reported as a late item to the agenda.

Other Developer Contributions

The Director of Children and Young Peoples Services (Education) does not request any contributions as there are surplus spaces in the catchment area primary, high and upper schools.

The Director of Environment and Transport (Civic Amenity) requests a contribution of £1,176 towards the acquisition of additional compaction equipment/containers/storage and traffic management to mitigate the additional use of the site from occupiers of the development.

The Director of Adults and Communities (Libraries) requests a contribution of £1,540 towards additional items of lending stock plus reference, audio visual and homework support material to mitigate the additional use of the facilities from occupiers of the development.

The Director of Environment and Transport (Highways) requests contributions for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area and encourage sustainable travel; 6 month bus passes at £325 per pass to encourage sustainable travel; new/ improvements to 2 nearest bus stops (£3,263 per stop); information display cases at 2 nearest bus stops (£120 per display).

Leicestershire Constabulary Crime Reduction Officer objects to the application on the grounds that the proposal would be unsustainable and unacceptable without a contribution of £11,125 towards additional policing infrastructure and facilities including personnel, communications, CCTV, vehicles and premises to ensure the existing levels of service can be maintained as this growth takes place.

Primary Care Trust requests a contribution of £13,922.64 towards providing additional health care infrastructure and facilities for an extension to the existing surgery.

In consideration of all of these requests received in respect of this application it is considered that only the affordable housing contribution (5 dwellings) meets the tests as set out in the CIL Regulations 2010. In view of the recommendation to refuse the application, a legal agreement has not been pursued.

Impact on Archaeology

A Heritage Assessment has been submitted to support the application and the desk-based assessment concludes that the site has only locally significant archaeological potential.

The Directorate of Chief Executive (Archaeology) advises that the area lies within a site of archaeological interest and that insufficient information has been submitted to enable a proper archaeological impact assessment to be undertaken. It is recommended that determination of the application should be deferred until further archaeological investigation, including a field evaluation, by geophysical survey, followed by trial trenching etc. if necessary is carried out to enable an informed decision to be made. In the absence of the additional information required, the Directorate of Chief Executive (Archaeology) recommends that the lack of archaeological information should form an additional reason for refusal of the application. Since the consultation response was received, the applicant has submitted an Archaeological Geophysical Survey Report which found a number of anomalies but concludes that these are of no great archaeological significance. The further response of

the Directorate of Chief Executive (Archaeology) has not been received at the time of writing this report and will be reported as a late item.

Impact on Ecology

Objections have been received in respect of the loss of wildlife habitat and adverse impact on protected species. The application is supported by an Ecological Appraisal which concludes that there are no ecological constraints to the proposed development of the site. The consultation response from the Directorate of Chief Executive (Ecology) has not been received at the time of writing this report and will be reported as a late item.

Objections have been received in respect of the loss of or damage to trees. An Arboricultural Assessment has been submitted to support the application which indicates that a majority of the trees and hedgerows around and within the site are to be retained and that no trees of significant amenity value are to be removed. As a majority of the trees are located around the perimeter of the site, the proposed layout allows for their retention.

Drainage

Objections have been received that the proposals will increase problems with surface water drainage/flooding and sewer system capacity.

A Flood Risk Assessment has been submitted to support the application which suggests that surface water run-off can be adequately controlled. The Environment Agency, Severn Trent Water Authority and the head of Community Services (Land Drainage) do not object to the application subject to conditions requiring the submission of a suitable surface water drainage scheme for the site together with adequate foul water disposal for prior approval in order to provide adequate drainage of the site and prevent the increased risk of flooding and protect water quality.

Other Issues

It is proposed that the dwellings will be constructed to achieve Code Level 3 of the Code for Sustainable Homes in accordance with Policy 24 of the adopted Core Strategy.

Objections have been received that the proposals will be detrimental to the conservation area and listed building, however, the site is not within or adjacent to a conservation area or any listed buildings.

Objections have been received that there is a covenant attached to the land that prevents development and that the proposals will devalue property, however, these are not material planning considerations.

Conclusion

The Borough Council has a five year supply of housing land. The proposal does not comply with Policy 3 of the Core Strategy as the application site is outside the settlement boundary of Barwell. The proposal does not accord with the acceptable land uses in the Green Wedge as set out in Policy 6 of the Core Strategy. As a result, it is considered that the proposal conflicts with the up to date Local Plan. There are no other material considerations that indicate that the application should be determined other than in accordance with the development plan. In addition, insufficient information has been submitted with the application to demonstrate that the development will not result in adverse impacts on the amenities of neighbouring properties or archaeology. The application is therefore recommended for refusal on these grounds.

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 the site being outside of the settlement boundary and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge resulting in a loss of Green Wedge is contrary to Policies 3 and 6 of the adopted Core Strategy and the principles of the National Planning Policy Framework.
- 2 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the development will not result in any adverse impact on the amenities of neighbouring properties. Therefore the proposals are considered to be contrary to Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Guidance on New Residential Development.
- 3 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the development will not result in any adverse effect on any significant buried archaeological remains. Therefore the proposals are contrary to Policy BE14 of the adopted Hinckley and Bosworth Local Plan and the overarching principles of Section 12 of the National Planning Policy Framework.

Contact Officer:- Richard Wright Ext 5894

Item: 09

Reference: 12/00512/FUL

Applicant: Mrs Julie Perrin

Location: Millennium Hall Britannia Road Burbage

Proposal: EXTENSIONS AND ALTERATIONS TO MILLENNIUM HALL INCLUDING THE ERECTION OF A NEW PAVILLION

Target Date: 13 September 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application by Burbage Parish Council.

Application Proposal

The application proposes extensions and alterations to the Millennium Hall in Burbage and the erection of a new sports pavilion.

The extension will be 5.5 metres wide and 5 metres deep to extend an existing meeting room to the north-eastern corner of the building. This will be single storey and designed as a continuation of the existing building by extending the frontage to Britannia Road and with a continuation of the existing pitched roof with hip to the side. The extended meeting room will

be 12.8 metres wide and 4.4 metres deep. A sliding screen will enable the meeting room to be divided into two smaller rooms, meeting room 1 being 5 metres by 4.4 metres and meeting room 2 being 7.75 metres by 4.4 metres.

The intention is to relocate the changing facilities, currently housed within the Millennium Hall, to the new pavilion. This will free-up space within the Millennium Hall with internal alterations to provide a second meeting hall and associated kitchen and toilet facilities. The second hall will be approximately 10 metres by 9 metres with a sliding screen to enable it to be divided into two smaller halls, Hall 2A being 8.9 metres by 5 metres and Hall 2B being 7.4 metres by 5 metres.

The new pavilion is proposed to the south-west of the Millennium Hall and its car park area, set between the existing rugby and football pitches. Access to the pavilion will be via an existing access that runs along the northern boundary to the site and then in a southerly direction to the sports pitches.

The overall footprint of the pavilion will be approximately 38 metres wide and 11 metres deep. It will comprise two wings with a plant room in between. Each wing will contain two changing rooms with toilet and shower facilities, including disabled changing room and a room for the officials. The wing to the west of the pavilion will have access from its northern elevation, giving access to the rugby pitch to the north of the site. The wing to the east will have access to the south to the football pitch.

There is an existing hedge between the sports pitches. This will remain with supplemental planting to the length of the hedge but a small section will be removed to give access from the pavilion to the rugby pitch. New tree and shrub planting is proposed to the east of the pavilion.

The pavilion will be set 100 metres from the site boundary to the north, 35 metres from the boundary to the east and 89 metres from the boundary to the west.

The Site and Surrounding Area

Burbage Millennium Hall was constructed in 2000 to provide a community facility and offices for the Parish Council. The site is located on the west side of Britannia Road. Britannia Road is mainly a residential road with a few commercial properties clustered around the junction with Windsor Street. There is a car park area to the west of the Millennium Hall with a scout hut beyond adjacent to the northern boundary of the site. The remainder of the site consists of sports pitches with open countryside beyond.

The existing access to the site is to the north of the Millennium Hall. The access runs along the northern boundary of the site, past the car parking area, to give access to the scout hut. It then extends to the south of the site to provide access to the sports pitches.

The northern site boundary forms the rear boundary for properties on Coventry Road which are mostly residential but with some commercial use.

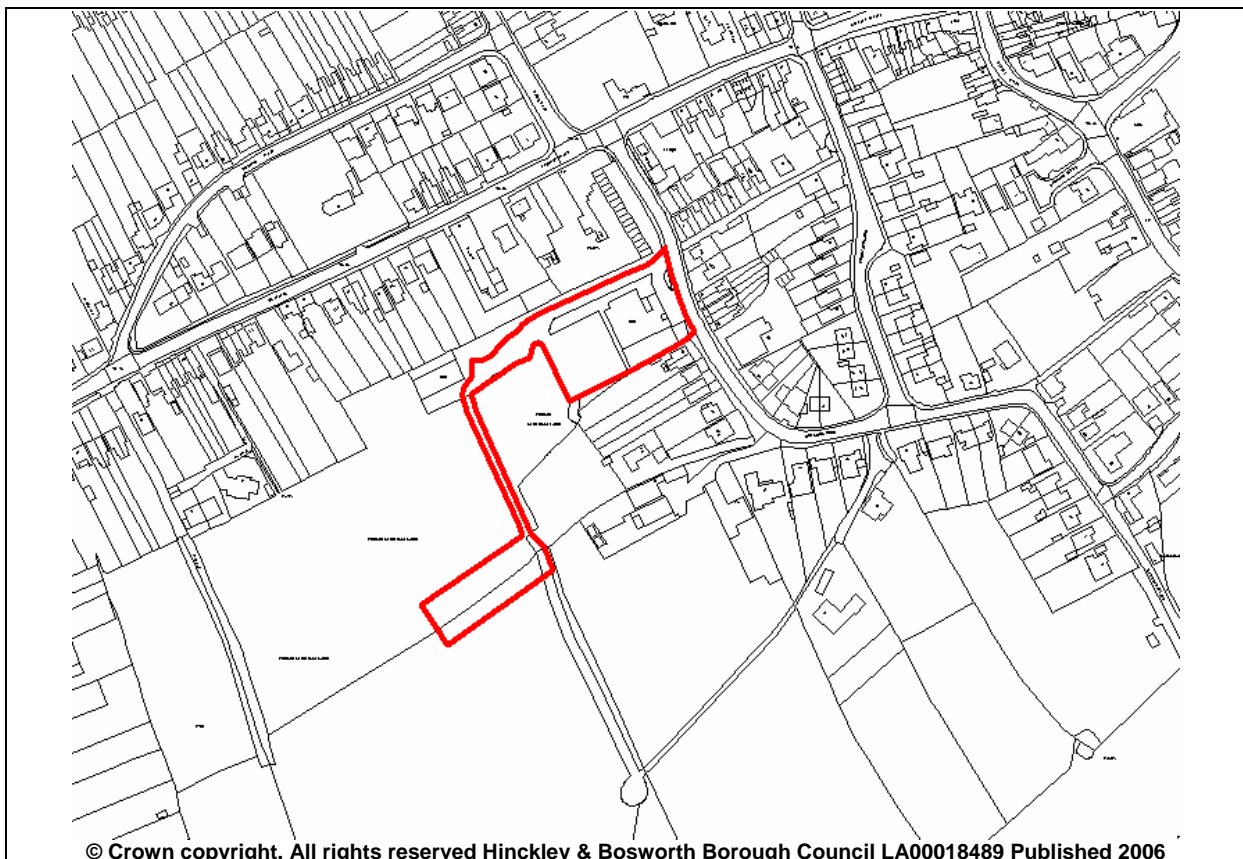
Technical Documents submitted with application

The application is accompanied by a Design and Access Statement that advises of the concept for the new pavilion which will enable better use of the existing building with an additional hall and improved community and meeting facilities.

A landscaping layout has been submitted to show the area of planting to the east of the pavilion and to supplement the hedge planting to the south of the rugby pitch.

Relevant Planning History:-

09/00705/FUL	Erection of fencing to create a compound	Approved	09.11.09
09/00006/FUL	Extensions and alteration	Approved	11.11.09
08/00089/FUL	Installation of 2 no. air conditioning units	Approved	27.03.08
03/00348/FUL	Single Storey extension to hall	Approved	15.05.03
01/00138/CONDIT	Deletion of condition 11 of planning permission 97/00903/FUL to allow the use of amplified music without the prior written consent of the Local Planning Authority	Withdrawn	07.03.01
00/00396/FUL	Erection of 9m flagpole	Approved	13.06.00
00/00355/CONDIT	Variation of conditions 10 and 11 of planning permission 97/00903/FUL to allow opening Until midnight on Saturdays and New Years Eve and for the use of amplified music	Refused	25.05.00
97/00903/FUL	Extensions to existing building	Approved	11.12.97



Consultations:-

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

No objection subject to conditions have been received from Head of Community Services (Drainage).

Comments have been received from:-

A local resident who considers that there should be an entrance to both halls at the rear of the building adjacent to the car park as this would encourage people to use the car park and not park on the road.

Policy:-

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 NE5: Criteria c and i-iv

Policy REC16: Britannia Road Recreation Ground

Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Burbage Village Design Statement

Appraisal:-

The main considerations in respect of this application are the principle of development, siting and design and the impact on residential amenity.

Principle of Development

The development is outside the settlement boundary of Burbage and is therefore within the countryside. Policy NE5 considers development for sport and recreation within the countryside to be acceptable providing it accords with criteria i-iv of Policy NE5 which seeks to ensure that it does not have an adverse impact on the appearance or character of the landscape and is in keeping with the scale and character of the existing buildings and general surroundings. Since the introduction of the NPPF and the presumption in favour of sustainable development, Policy NE5 now carries limited weight in respect of the acceptable uses identified under criteria a-c. However, the supporting criteria i-iv are still relevant.

The single storey extension is to an existing community and sports facility, located on the edge of the built up area and is considered to be acceptable in principle. The erection of the pavilion is for the existing sport and recreation facility and is also considered acceptable in principle, subject to there being no conflict with criteria i-iv of Policy NE5.

Siting and Design

The proposed extension has been designed to continue the shape and height of the existing roof to extend the meeting room on the Britannia Road frontage. The extension projects

along the northern side of the single storey building maintaining the existing roof profile. The building appears to have undergone a number of piece-meal extensions in recent years and now comprises the single storey building to the frontage with a pitched roof over and hips to the side. This section of the building incorporates the entrance door and canopy to provide access to the meeting room and offices. To the rear of this is a larger section of the building which houses the hall and changing rooms with plant and equipment to the rear. The rear section of the building is higher than the front section and has a different roof style and pitch. The changing rooms to the rear overhang the main front section of the building by approximately 7 metres to the north, resulting in an awkward looking roof arrangement. The extension to the meeting room will bring the front section of the building in-line with the northern elevation wall of the existing changing rooms. This will obscure the existing overhang and will create a more uniform frontage to Britannia Road.

The rugby pitch is to the north of the site with a hedgerow running the length of the pitch to the south. Beyond the hedge is the football pitch, set approximately 30 metres from the hedge. There is a level change of approximately 2.5 metres between the two pitches. The pavilion will be sited on the area between the football pitch and the existing hedge. Whilst this area is relatively flat, slight regrading will be required so that the pavilion will have a finished floor level of 95.7 metres (the hedge being at 96.57 and the football pitch being at 94.2 metres). As the pavilion will be set beyond the hedge it will be screened from view from the residential properties to the north of the rugby pitch.

The pavilion building has been designed to be in accordance with the recommendations from the Football Foundation and the Rugby Football Union in terms of size and layout. The building has been designed to allow for an internal ceiling height of 2.7 metres and the roof has been designed with a low roof pitch and the use of partly hipped ends but with small gables to be used for the outlets for the ventilation system that will be required, particularly for the shower areas. The overall height of the pavilion will be 4.5 metres.

The pavilion will be sited within and visible from the open countryside. However, the height of the building has been kept to a minimum and is of an appropriate design with materials to match the Millennium Hall. Due to the siting, the pavilion will not be in an isolated position within the open fields but will be set alongside the existing hedgerow with the back drop of built form with residential properties to the north and residential properties and existing surfacing to the east.

The proposals are not considered to have a detrimental impact on the visual amenities of the locality or the open countryside.

Residential Amenity

The pavilion will be set within existing playing fields with residential properties to the north and east. The properties directly to the north of the pavilion have rear boundaries adjoining the rugby pitch. The properties themselves are set a minimum of 140 metres from the pavilion.

The pavilion will be set 35 metres from the side, eastern boundary of the site. The nearest dwelling to the east is set 80 metres from the proposed pavilion.

The pavilion is only to be used for changing facilities in association with the pitches and there is no additional activity that is likely to have an adverse impact on residential amenity.

The single storey extension will enable an additional hall to be provided within the Millennium Hall. The relocation of the changing facilities will enable more activities to take place within the Millennium Hall and the inclusion of the second hall could result in a more intensive use

of the building with increased social activities. There are conditions on the original planning permission that prevent the use of amplified sound and use of the premises outside of the hours of 8.30am and 11.00pm on any day unless otherwise agreed in writing by the local planning authority. The nearest property to the south is at no. 14 Britannia Road, alongside the southern elevation of the building. The additional hall will be set to the north of the building with the existing hall and associated facilities in between. To the north of the building there is the access road with commercial units on Coventry Road beyond.

Head of Community Services (Pollution) have no objections to the proposals and it is considered that, with the existing conditions restricting hours of operation, any additional impact on residential amenity is likely to be minimal.

Other Matters

The parking standards set out at Appendix D to the Hinckley and Bosworth Local Plan indicate that parking will be required to cater in full for the maximum expected usage of sports pitches, based on 2 persons per car. The proposals will provide additional changing and community facilities but the number of sports pitches will remain the same. The supporting application documentation advises that there is sufficient parking during the week but parking can be problematic on Sunday mornings during the football season. The provision of the pavilion is not likely to have an impact on parking provision and whilst there may be more intensive use of the Millennium Hall, this is likely to be during the week and not on Sunday mornings. The application proposes an additional 6 parking spaces to address the pressure on Sunday morning parking. This will take the overall provision to 48 spaces, including 4 disabled parking spaces. There is also provision for parking two buses to the frontage and a rack for four cycles by the rear access lobby. The site is in a sustainable location with a bus route along Coventry Road and Windsor Street. The proposals are not therefore considered to have a detrimental impact on parking and highway safety.

A local resident has commented on the proposals and indicated that there should be an entrance to both halls at the rear of the building from the car park to encourage people to park in the car park and not on the road. There is a lobby to the rear to provide access to hall 1. The main entrance to both halls is still from the front of the building. There is plant and equipment housing behind hall 2 and a sliding screen to enable hall 2 to be sub-divided. Therefore access from the rear of the building to hall 2 is not considered to be a realistic option given the current layout.

A landscaping scheme has been submitted to supplement the hedgerow and planting to the south of the rugby pitch and to provide new landscaping to the east of the new pavilion. The landscaping proposals are considered to be acceptable.

There is a flag pole to the front of Millennium Hall in the location of the proposed extension. An application will need to be submitted if this flag pole is to be re-sited.

Conclusion

The proposals are for improved sport and recreation and community facilities and these are considered acceptable in this location within the countryside. The siting and design of the pavilion and the extension to the Millennium Hall are not considered to have a detrimental impact on the open countryside, on residential amenity or highway safety and therefore the proposals are 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 design and siting of the pavilion and the extension to Millennium Hall is not considered to have a detrimental impact on visual amenity or on the open countryside or on residential amenity. Accordingly the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 criteria a, g and i, NE5 criteria c and i-iv, REC16, CF1 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 KP/BPC/6,, Site Layout at 1:500 KP/BPC/5, Floor Plans KP/BPC/4, Elevations and Sections KP/BPC/7, Pavilion Site Layout at 1:200 KP/BPC/8, Pavilion Plans and Elevations KP/BPC/1, received by the local planning authority on 14 June 2012 and landscaping schedule received by the local planning authority on 25 June 2012.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed pavilion 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 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.
- 5 Prior to use of the second hall the additional car parking shall be provided, including erection of bollards to the play area, in accordance with the approved drawing number KP/BPC/5 received by the local planning authority on 14 July 2012 and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 The refurbished and extended building hereby approved shall not be used other than between the hours of 8.30 a.m. and 11.00 p.m. on any day, unless otherwise agreed in writing by the Local Planning Authority.

- 8 The use of amplified sound on the refurbished and extended building hereby approved shall not occur unless previously agreed in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 criteria a and NE5 criteria i and ii of the Hinckley & Bosworth Local Plan 2001.
- 4 To ensure the extension has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 criteria a of the Hinckley & Bosworth Local Plan 2001.
- 5 To ensure there is sufficient parking to serve the development and in the interests of highway safety in accordance with Policy T5 of the Hinckley & Bosworth Local Plan 2001.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 criteria a and e of the adopted Hinckley & Bosworth Local Plan.
- 7&8 To ensure the use remains compatible with the surrounding area and in the interests of the amenities of local neighbours in accordance with Policy BE1 criteria i of the Hinckley & Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer:- Anne Lynch Ext 5929

Item: 10
Reference: 12/00522/FUL
Applicant: R & T Ensor Farmers Ltd
Location: Kirkby Lodge Farm Bosworth Road Kirkby Mallory
Proposal: ERECTION OF AGRICULTURAL BUILDING
Target Date: 5 October 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission for the demolition of an existing Dutch barn with a lean-to extension and the erection of a replacement new agricultural building for the storage of grain and general agricultural uses at Kirkby Lodge Farm, Bosworth Road, Kirkby Mallory. The proposed building will replace those demolished and be sited on the north end of the existing farm complex adjacent to two other retained agricultural storage buildings. The proposed building will measure approximately 30.5 metres in width x 36.6 metres in length and have an eaves height of 7.62 metres and ridge height of 9.38 metres providing 1115 square metres of agricultural storage floor space divided into two sections. The proposed portal framed building is designed with a low profile double apex roof and is to be constructed of 3.75 metres high concrete panels and profiled metal cladding sheets and roller shutter doors finished in green plastic coating and a fibre cement sheet roof. A total of 280 solar panels are proposed in two banks of 140 units on the south facing roof slopes. Attached to the rear of the building is a fan house measuring 8 metres x 8 metres with a lean to roof design. The fan house will be constructed of similar matching materials and is required in connection with the grain drying process.

The additional floor space that the building will provide is required following the recent purchase of 181 acres of additional restored land immediately adjoining the farm to the east in addition to other land purchases. The existing Dutch barn and lean-to are no longer fit for modern agricultural requirements.

The Site and Surrounding Area

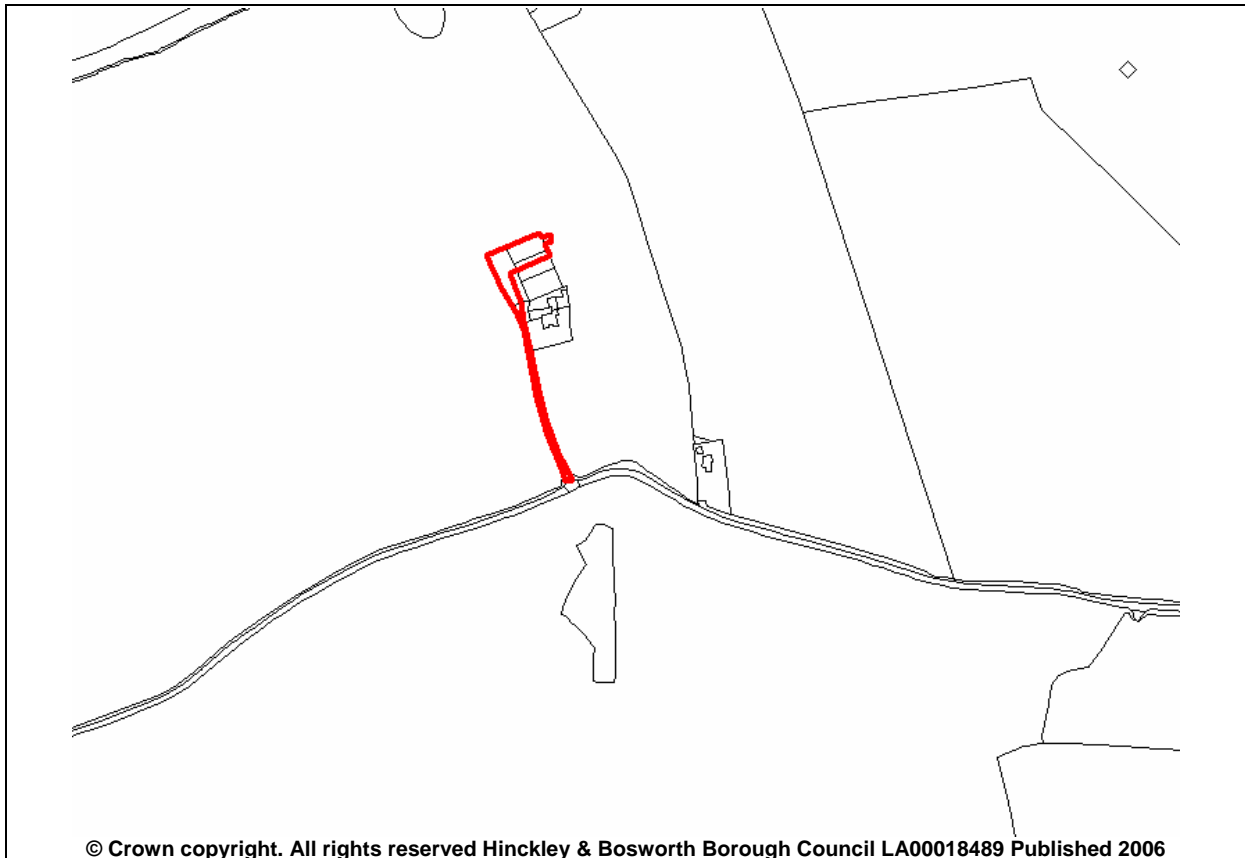
Kirkby Lodge Farm covers an area of approximately 403 acres of arable land and forms part of a larger agricultural business operating across south Leicestershire. The farm complex is located to the north west of Kirkby Mallory and to the north of Bosworth Road in an elevated position. It comprises a two storey brick farmhouse, associated outbuildings of brick construction together with two larger scale agricultural storage buildings of brick plinth and fibre cement sheet construction, a Dutch barn and lean-to extension. The complex is surrounded by arable fields in the ownership of the farm. There is a dwelling known as Mallory House located approximately 240 metres to the south east of the proposal.

Technical Documents submitted with application

Design and Access Statement
Planning Statement

Relevant Planning History:-

85/00302/4	Erection of a General Purpose Farm Building	Approved	01.05.85
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Consultations:-

No objection has been received from:-

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

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

Parish Council
Site Notice
Neighbours.

Policy:-

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

Policy NE5: Development in the Countryside

Supplementary Planning Guidance/Documents

Design of Farm Buildings SPG

Appraisal:-

The main considerations with regards to this application are the principle of development, the siting and design of the building and impact on the character and appearance of the countryside, residential amenity and highway safety.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Paragraph 28 supports economic growth in rural areas and promotes the development of agricultural rural businesses whilst seeking to protect the countryside from inappropriate development. Policy NE5 (criterion a) supports development that is important to the local economy subject to a number of criteria.

In this case the proposal will contribute to both the economic role of sustainable development by contributing to the rural economy and the environmental role with the inclusion of sustainable design measures in the form of solar panels. It is to be used for agricultural storage purposes which is a generally acceptable use in countryside locations and will replace smaller scale existing buildings that, by virtue of their scale and dated construction, are no longer viable for the intended use. The supporting information submitted states that the additional floor space/storage capacity is required following the recent purchase of 181 acres of additional restored land, now cropped, immediately adjoining the farm to the east, in addition to other land purchases and will be used to store grain and agricultural machinery in association with the larger land holding. The proposal will also reduce the handling and transportation of grain and will provide the ability to store grain for longer periods. This ability has proven very important to the business in recent years to take advantage of price fluctuations which favour those that do not need to release the produce to free up space in buildings for other uses. With rising costs, having the ability to manage produce effectively is important to maximise farming returns and enhance the viability of the business.

Overall, as a result of the proposed use and the incorporation of sustainable design measures the building is considered to be sustainable development. It is considered that the applicant has adequately justified the need for the new agricultural building which will also enable more effective management of the produce and therefore improve the future viability of the rural business. The proposal is considered to be in accordance with the NPPF and

Policy NE5 (criterion a) of the adopted Local Plan and therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Siting and Design and Impact on Character and Appearance

The NPPF states that good design is a key aspect of sustainable development. Policy NE5 supports development in the countryside that is important to the local economy subject to a number of criteria which are consistent with the NPPF. Criteria i of Policy NE5 requires that there be no adverse impact on the character or appearance of the landscape. Criteria ii of Policy NE5 requires that development is in keeping with the scale and character of existing buildings. Policy BE1 (criteria a) is also consistent with the NPPF and requires development to complement the character of the surrounding area with regard to scale, layout, mass, design and materials. The Council's SPG on Design of Farm Buildings states that the position of a new farm building is usually dependent on its function and the space available, but that wherever possible new buildings should be located close to existing buildings. The guidance also recognises that 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.

The farm complex is located in the countryside and as a result of its location on elevated ground is visible over long distances. However, the proposed building is to be sited to the rear (north) of the complex adjacent to two existing buildings of similar scale and low profile pitched roof design that are to be retained. The building has been designed to provide two separate storage facilities to enable more than one crop type or variety to be stored and this enables a lower ridge height than if the proposed floor area was covered by one roof span. The proposed portal framed building is to be constructed of concrete panels and profiled metal cladding sheets and roller shutter doors finished in green plastic coating and a fibre cement sheet roof. A total of 280 solar panels are proposed in two banks of 140 units on the south facing roof slopes. The proposed materials are consistent with those of modern agricultural buildings and will reflect the existing buildings on the site.

Overall, as a result of the siting adjacent to existing buildings of similar scale and low profile dual-pitch design together with the proposed external materials, the proposed building and fan house will be in keeping with existing buildings in the complex, will complement the character of the surrounding area and will not have any adverse impact on the surrounding landscape. The proposals are therefore in accordance with Policies NE5 (criteria i and ii) and BE1 (criterion a) of the adopted Local Plan and the SPG on the Design of Farm Buildings together with the overarching design principles of the NPPF.

Impact on Amenity

Criteria i) of Saved Policy BE1 is considered to be consistent with the NPPF and states that planning permission will be granted where development does not adversely affect the occupiers of neighbouring properties.

The site is located within a remote location surrounded by agricultural fields in the farms ownership. The nearest residential property (known as Mallory House) is located approximately 240 metres to the south east of the proposal. The existing buildings which are to be retained already operate grain drying processes without complaint and therefore whilst the proposal includes a new fan house to provide additional grain drying capabilities, as a result of the separation distance the proposal will not result in any adverse impact on the amenity of the occupiers. The Head of Community Services (Pollution) has no objection to the application.

As a result the proposals are considered to be in accordance with Policy BE1 (criteria i) of the adopted Local Plan 2001.

Highway Safety

Policy BE1 (criteria g) and Policy NE5 (criteria iv) are considered to be generally consistent with the NPPF. They require development to make adequate provision for access, manoeuvring and parking and that development does not generate traffic on a scale that would impair road safety.

There are no proposed changes to the access, manoeuvring or parking arrangements as the building replaces existing buildings and utilises unused land at the north end of the complex. In addition, the proposal will not generate additional traffic movements on a scale that would impair road safety. As a result the proposal is in accordance with Policies BE1 (criteria g), NE5 (criteria iv) and T5 of the adopted Local Plan 2001.

Conclusion

The NPPF supports the development of agricultural businesses in rural areas to improve the viability of land based businesses and contribute to the rural economy. The proposed agricultural building is required due to the recent expansion of the agricultural enterprise and the need for additional grain and agricultural equipment storage space. As a result of the proposed use of the building and its stated agricultural need it is considered to be acceptable in principle in this location. By virtue of the siting, design and appearance of the building it will complement the character of the existing farm complex and will not have any adverse impact on the character or appearance of the surrounding landscape, the amenities of neighbouring properties or highway safety and will contribute to sustainable design objectives.

Overall, the scheme is considered to be in accordance with Policies NE5 (criteria i, ii and iv) and BE1 (criteria a, g and i) of the adopted Local Plan together with the SPG in the Design of Farm Buildings and the overarching principles of the NPPF. The application is therefore recommended for approval, subject 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 it is required for an identified agricultural purpose and by virtue of its siting, scale, design and appearance will complement the character of the existing farm complex and will not have any adverse impact on the character or appearance of the surrounding landscape, residential amenity or highway safety. The proposal will also contribute to sustainable design objectives.

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

- 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: Farm Plan,

Location Plan and Proposed Plans and Elevations Drawing No. 8363/1D received by the Local Planning Authority on 6 July 2012.

- 3 The development hereby approved shall be constructed in accordance with the external materials details submitted on approved Drawing No. 8363/1D received by the Local Planning Authority on 6 July 2012.
- 4 Notwithstanding the submitted details, before any development commences full details of the proposed solar panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

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 (criterion a) and Policy NE5 (criterion ii) of the adopted Hinckley & Bosworth Local Plan.
- 4 In order to retain control of this important detail in the interests of visual amenity to accord with Policy BE1 (criterion a) 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:- Richard Wright Ext 5894

Item: 11
Reference: 12/00601/FUL
Applicant: Mr Jason Newbury
Location: Chestnuts Desford Lane Kirkby Mallory
Proposal: ERECTION OF WIND TURBINE
Target Date: 19 September 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 1 no. three bladed 15 kilowatt turbine with a 6 metre blade radius and 13.1 metre blade swept diameter on a 20 metre (hub height) monopole, measuring a maximum of 27 metres to blade tip. The turbine will be situated within an overall site of approximately 15 metres by 15 metres.

The turbine does not require any additional ground based equipment housing or compound fencing.

The turbine is set to provide renewable energy for both the applicant's property and stable block with any surplus being routed into the National Grid. Access to the site will be gained via the existing road network and existing track to the west of the application property.

The turbine is located approximately 150 metres from the nearest public road and the nearest residential property (other than that of the applicant's property) is Peckleton House to the north east, located approximately 350 metres away and Dairy Farm dwelling at Newbold Lane to the west, located approximately 500 metres away from the proposed turbine. Land levels vary within the surrounding landscape.

During the course of the application, the applicant has provided a series of photomontages taken from viewpoints from the surrounding area, near and far, and re-consultation has been undertaken with all those neighbouring properties that have made representation on this application.

The Site and Surrounding Area

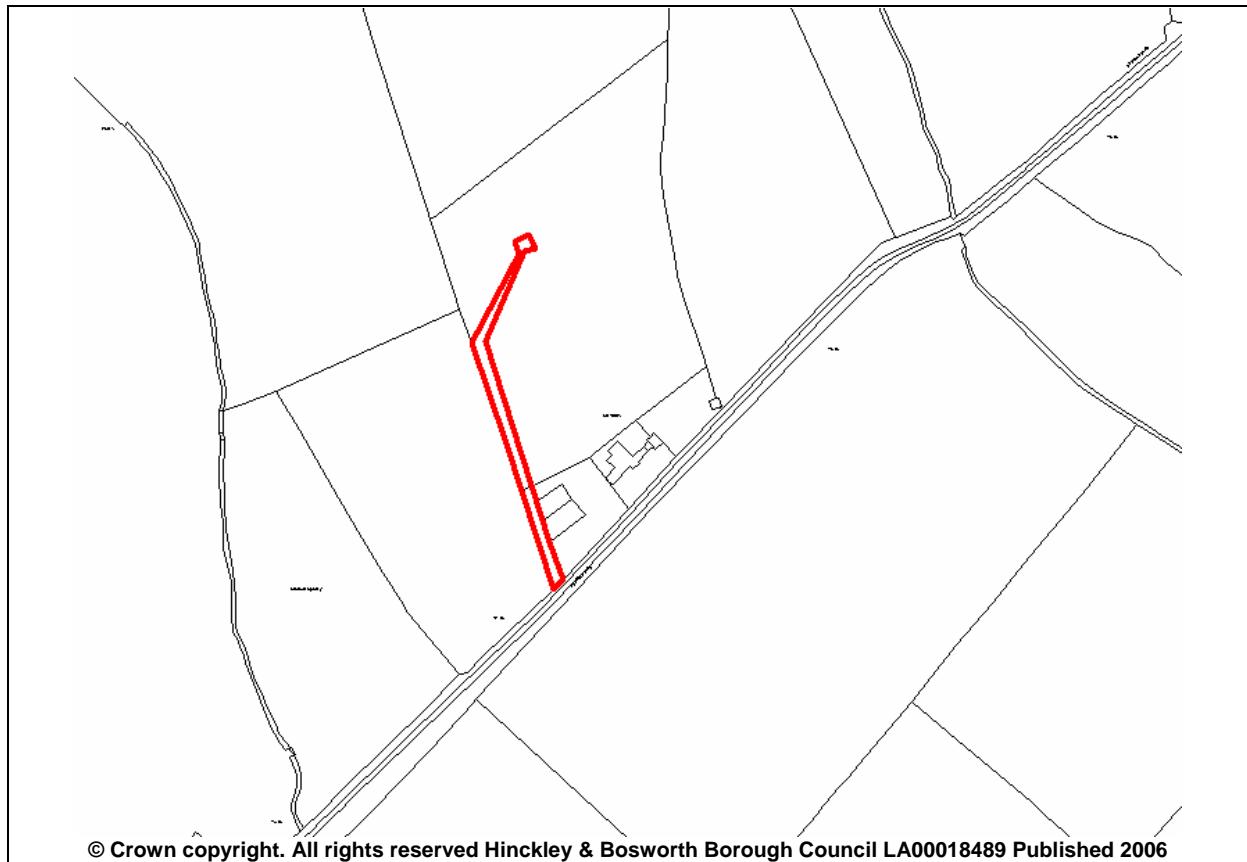
The application site lies outside of the current settlement boundary of Kirkby Mallory as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

Technical Document submitted with application

The application is accompanied by a Design and Access Statement, Noise Report and Protected Species Report.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

- Natural England
- NERL Safeguarding
- MOD Safeguarding
- East Midlands Airport
- Joint Radio Company
- Ramblers Association
- Western Power Distribution
- English Heritage
- Director of Environment and Transport (Rights of Way)
- Director of Chief Executive (Minerals)
- Director of Environment and Transport (Highways)
- Directorate of Chief Executive, LCC (Ecology)
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage).

Peckleton Parish Council confirm that they have no comments to make.

Eight letters of objection has been received raising the following concerns:-

- a) turbine is too close to the village
- b) large, overbearing, eyesore/ blot; spoiling the aesthetics of the countryside
- c) noise Pollution; current noise levels are not acceptable from the motorsports and the quarry – this will add to them; in direct line of the turbine and prevailing wind direction
- d) gaps in knowledge regarding low frequency noise omitted from wind turbines- studies undertaken dubbed health problems as “Wind Turbine Syndrome’
- e) sleep deprivation – numerous studies undertaken of health issues’
- f) although not proven can trigger a range of problems – migraines, heart disease, tinnitus, vertigo and panic attacks
- g) the applicant is a parish councillor and has abused his position; steps should be taken to ensure decency in the planning decision making
- h) insufficient information – application should be refused until it is clarified
- i) no wind speed data has been supplied for independent analysis, no indication that the proposed one will work efficiently, the LPA should seek viable evidence to ensure that the proposed turbine would make a viable contribution to renewable energy as is claimed
- j) what is missing are photographs from surrounding locations and properties of the turbine site, with before and after views, as such no proper assessment can be made at this time
- k) no definition of ‘locality’ development may or may not affect Peckleton Church (Grade I) and Peckleton Hall (Grade II) and Peckleton House (Grade II*) – and dismisses these; it further undermines faith in the Entrust Company’s research and report writing competence; within 500 metres of Grade II Listed Building
- l) the application has not been discussed by the local parish council due to timeframe of submission and scheduled parish council meetings
- m) no consultation with local residents; notice was not displayed on a public right of way, had to trespass to read it; local people should be given accessible written information
- n) site visits should be considered to appreciate the locality and potential impact
- o) investigations should be made by HBBC for alternative sites
- p) the nearby wood is home to much wildlife including owls; could interfere with the bat colony – there should be a survey undertaken
- q) the pleasure of walking through the wood will be lost’
- r) de-valuation of house prices; contentious issues within Kirkby Mallory which could give grounds for a Council tax review (Jane Davis v Lincolnshire Council 2008)
- s) a survey suggested that wind farms decrease the value of residential properties, there is a significant impact on properties location within a mile of a wind farm
- t) several smaller turbines should be used instead; the property faces south, use solar panels instead
- u) it is to be sited on high ground
- v) the lane is single track and not suited to ‘standard’ articulated vehicles
- w) the application comes in the wake of two previous commercial wind farm applications in close proximity; its more than a coincidence – these applications could be linked
- x) if this application is successful it will set a precedent for the area.

As a result of the re-consultation, the consultation period remains open at the time of writing and closes on 15 September 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Kyoto Protocol

The National Planning Policy Framework (NPPF) March 2012

Planning for Renewable Energy: A Companion Guide to Planning Policy Statement 22 (PPS22)

Parsons Brinckerhoff Report March 2011

Government Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 39: Regional Priorities for Energy Reduction and Efficiency

Policy 40: Regional Priorities for Low Carbon Energy Generation

Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 12

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE12: Scheduled Ancient Monument and Nationally Important Archaeological Sites

Policy BE27: Wind Power

Policy NE5: Development in the Countryside

Policy NE6: Sites of Special Scientific Interest

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Sustainable Design SPD

Other Material Policy Guidance

The Landscape Character Assessment 2006

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon the visual landscape, impact upon residential amenity and other issues.

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.

There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF. Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities (LPA's) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It says LPA's should:-

- a) have a positive strategy to promote energy from renewable and low carbon sources
- b) design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

- c) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- d) support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
- e) identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should:

- a) not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable.

In addition, 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:

- a) promote the development and diversification of agricultural and other land-based rural business.

More specifically, the Companion Guide to PPS22 recognises that renewable energy projects and those in particular for harnessing wind energy by wind turbines make a significant contribution to electricity supply systems in the UK. In addition, it states that the UK is particularly well placed to utilise wind power, having access to 40% of the entire European wind resource. With regards to location requirements this guide states that the successful introduction of renewables in all parts of England will involve the installation of different kinds of schemes in different contexts, from rural areas to densely populated areas.

At a regional level, Policy 40 of the East Midlands Regional Plan provides guidance and specific on-shore wind generation targets for the region to meet by 2010 and 2012 which would contribute to the overall EMRP target, of generating 20% of energy by 2020 from renewable resources.

At a local level Core Strategy Spatial Objective 12 on climate change and resource efficiency seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies.

The application site lies outside of the current settlement boundary of Kirby Mallory, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Policy BE27 specifically deals with wind power and is considered to supersede any constraints of Policy NE5 in this case.

Policy BE27: Wind Power states that planning permission for wind farms and individual wind turbines will be approved where:-

- a) the Council is satisfied that the proposal is capable of supporting the generation of wind power

- b) the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints
- c) the proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance
- d) the structure is located a minimum distance that is equal to its own height away from any public highway or publically accessible area
- e) the proposal would not involve the erection of overhead power lines to connect it to the national grid that would have an adverse impact on the landscape of the area.

Criteria a-c of Policy BE27 is considered to have limited conflict with the NPPF and as such should be given weight in consideration of this application. This is with the exception that Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that where impacts can be addressed and made acceptable the development should be allowed.

The accompanying Design and Access Statement states the turbines will be used to provide power to the property, and any surplus may be redirected to the national grid and it is estimated to be saving approximately 24-28 tonnes of carbon dioxide per annum.

In response to neighbouring letters of objection raising concerns that the LPA should seek viable evidence to ensure that the proposed turbine would make a viable contribution to renewable energy as is claimed, given the advice contained within paragraph 98 of the NPPF, there is no requirement for the applicant to prove whether the renewable energy is needed. Regard also needs to be had to the statement in the NPPF that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, regional and local level and it is considered that the proposed erection of a 15 kilowatt wind turbine would contribute to the overall outputs of renewable energy, whilst also bringing benefits to the existing domestic and equestrian related uses, consistent with national and local planning policy. Accordingly whilst there is no in-principle objection to the use of renewable wind energy, which is a national, regional and local priority, this must be carefully balanced against all other planning matters being adequately addressed.

Impact upon the Visual Landscape

Despite recent appeals for wind turbines within the media, applications of this nature still need to be assessed in terms of the impacts upon landscape. It should be noted that the Norfolk Broads National Park case is in an area of outstanding natural beauty.

As discussed earlier in this report, the application site in policy terms lies outside of the defined settlement boundary for Kirby Mallory and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF 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. Paragraph 98 within the NPPF also states that when determining wind turbine planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

Paragraph 5.4 within the Companion Guide PPS22 states that local planning authorities should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning applications, and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.

The design criteria i-iv within Saved Policy NE5 remains relevant to development within the countryside as it is consistent with the NPPF. The Policy 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.

Saved Policy BE27 (criteria b) requires that wind turbine development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints. 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. Both policy criteria are considered consistent with the NPPF and as such should be given weight in consideration of this application.

The site does not have any national designations. At a more localised level, the Hinckley and Bosworth Character Assessment identifies the area as being the 'Desford Vales Character Area'. This states that the area is a predominantly rural landscape occasionally influenced by development features, isolated quarries and industrial areas which results in a landscape of varied sensitivity and capacity to accommodate change. As such it is considered that the area is not considered to be particularly sensitive.

The immediate landscape is characterised by hedge lined fields and scattered trees. Sandhole Spinney is a woodland located to the west of the application site, in an adjacent field and provides significant screening from the west. The topography within the immediate vicinity also varies, to the east of the site levels drop before rising again closer to the turbine, in the adjacent field to the north levels drop down towards the site and levels also drop away from the site towards the east.

During the course of the application, photomontages have been provided from viewpoints to help aid the assessment of the likely landscape and visual effects of the proposal. Four specific viewpoints, covering the north east, east, west and north west from the turbine have been chosen which show the landscape with the turbine, including from public vantage points – Newbold Road and the public footpath.

The first photomontage (A) was taken from the east of the site from Peckleton House and is not visible due to the presence of mature trees. Photomontage B was taken from Newbold Road, due east of the proposed turbine, where the blades of the turbines are visible but they are viewed within existing hedgerow, trees, building and telegraph poles and lines. It is considered that the turbine, viewed against the existing landscape backdrop, is not visually prominent. Photomontage C is taken from the north west of the site from Kirkby Fields Farm. The landscape is much the same with tree lined hedgerows and telegraph poles and wires and given the distance, the turbine is not visually prominent. Photomontage D is taken from Footpath T82 to the north east of the site. It appears that this would be the most visually prominent angle as the land levels slope down and rise again at the application site.

However, again the turbine does not appear harmful to the appearance of the landscape as it is viewed against the backdrop of mature trees and telegraph poles which appear more dominant in the skyline. Overall none of the images provided suggest that the turbines would be visually prominent, due to distance, topography and existing landscape features such as trees, hedgerows and overhead powerlines.

For the avoidance of doubt it is not necessary for viewpoints to be taken from every single angle, the point of photomontage is to provide a visual aid and should ideally be taken from public vantage points, such as roads and footpaths to provide views from which the turbine would be visible to the public.

The design and access statement states that visually the turbine is smooth and sleek with a non-industrial look, mitigating many negative visual impacts, some of which are associated with larger scale wind farm installations. The entire structure is to be painted in white to enable blend in with the sky, which reduces visibility both over mid and long range distances.

In response to a neighbouring letter of objection, photomontages have been provided during the course of the application, providing before and after views.

In summary, it is considered that wind turbines have to be tall structures to be effective and located away from features which could interfere with the wind speed and flow across the site, which often results in them being prominent within the landscape.

As such, it is acknowledged that there would be a change and an impact upon the visual appearance of the area and that the wind turbine would be visible from certain viewpoints. However, it is considered that given the location and scale of the turbine, combined with tree lined hedgerows and against the backdrop of existing landscape features that overall the turbine would not have an adverse effect on the overall character of the landscape, nor will it significantly harm its quality or value. The design and materials of the proposed turbine are considered to be acceptable for the nature of the development and within this landscape. As such the proposal is considered to be in accordance with Saved Local Plan Policies NE5 (criteria i-iii) BE27 (criteria b) and BE1 (criteria a) and central government guidance contained within the Companion Guide to PPS22 and overarching intentions of the NPPF.

Further matters for consideration are the visual impact of the proposed development upon areas of designated and historical landscape.

Impact upon the Historical Landscape

Paragraph 48 within the Companion Guide to PPS22 states that special care will be needed if proposed sites for wind turbines should happen to be near listed buildings or conservation areas. At a local level, Saved Policy BE27 states that planning permission for wind farms and individual wind turbines will be approved where amongst other criteria the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints. Saved Policy BE12 states that planning permission will not be granted for development which would adversely affect a Scheduled Ancient Monument, this is considered to have a high degree of conflict with the NPPF and as such should have little weight in the determination of this application.

A letter of representation raised concerns that there is no definition of 'locality' development may or may not affect Peckleton Church (Grade I) and Peckleton Hall (Grade II) and Peckleton House (Grade II*) – and dismisses these; it further undermines faith in the Entrust Company's research and report writing competence.

There are no heritage assets which have been identified as being potentially affected as a result of the proposal. The scheme has been considered by English Heritage who states that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice i.e. Local Conservation Officer. On this basis it is considered that English Heritage is therefore reasonably confident that there will not be a substantive adverse impact on the significance of heritage assets.

In summary, for the reasons discussed above it is considered that the scheme would not result in an unacceptable impact upon local heritage assets and the historical landscape. As such the proposal is considered to be in accordance with Saved Local Plan Policy BE27 (and Saved Local Plan Policy BE12) and central government guidance contained within the Companion Guide PPS22 and the overarching intentions of the NPPF.

Impact upon Designated Landscapes

Natural England does not consider that this application appears to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils and that other bodies may be able to make comments that fully take account of the environmental value of this site in the decision making process.

In accordance with Natural England's guidance on this issue (TIN051), to minimise potential impact on bats, the turbine must be sited in such a way that the tip of the turbine blades is no closer than 50m from an ecological feature, such as tree, hedge or woodland. The Directorate of Chief Executive, LCC (Ecology) states that when applying this rule that continuous hedges that constitute an ecological feature should apply and as such whilst the turbine is located within 50 metres of a hedgerow, this hedgerow is of poor ecological value and bats are more likely to forage in tall bushy hedges.

The Directorate of Chief Executive, LCC (Ecology) is similarly satisfied that the proposed turbine will not adversely impact on the woodland habitats, as it is a single small turbine and the woods are over 100m from the application site and that there are no requirements for any ecological surveys.

In summary, it is concluded that the turbines will not have any adverse impacts upon any sites of ecological important or protected species. Accordingly the scheme is considered to be in accordance with the overarching intentions of the NPPF.

Impact upon Residential Amenity

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

Criteria c) of Saved Policy BE27 states that planning permission for wind farms and individual wind turbines will be approved where the proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance. This is considered to have high consistency with the NPPF and as such affords weight in the determination of this application.

Shadow Flicker

The potential for shadow flicker can be calculated and is addressed in the Companion Guide to PPS22. Under certain combinations of geographical position and time of day the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties.

When the blades rotate the shadow flicks on and off. The effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site.

Only properties within 130 degrees either side of north relative to the turbines can be affected at these latitudes in the UK. Turbines do not cast long shadows on their southern side. The further the observer is from the turbine, the less pronounced the effect will be.

Paragraph 76 within the Companion Guide to PPS22 states that shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within 10 rotor diameters of a turbine. To ensure the guidance on shadow flicker contained in 'Planning for Renewable Energy: A Companion Guide to PPS22' was up-to-date, the Government commissioned consultants Parsons Brinckerhoff – following a competitive tender – to carry out a research project to update its evidence base on shadow flicker. The report was published in March 2011 and concluded there are not extensive issues with shadow flicker in the UK. The report found the current government guidance on shadow flicker, which states impacts only occur within 130 degrees either side of north from a turbine, is acceptable. It also found it is widely accepted across Europe that potential shadow flicker is very low more than 10 rotor diameters from a turbine.

The turbines have 12 diameter blades and therefore the potential shadow flicker effect could be felt up to 120 metres from the turbine. The nearest residential properties are Peckleton House to the north east, located approximately 350 metres away and Dairy Farm dwelling at Newbold Lane to the west, located approximately 500 metres away from the proposed turbine. As such the nearest residential properties are located well in excess of 120 metres. As such it is not considered that there would be impacts upon the village, given the distance away.

The NPPF states that Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable, and for the reasons stated above it is considered that there are no significant impacts as a result of the shadow flicker.

In summary, it is considered that the provisions of Saved Policies BE1 (criteria i), BE27 (criteria c) and requirements within the Companion Guide to PSS22 are satisfied in this respect.

Noise

Letters of representation have raised concerns over noise effects.

Paragraph 41 within the companion guide to PPS22 states that noise levels from turbines are generally low, and under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. In respect of low frequency noise (infrasound) paragraph 45 within the companion guide to PSS22 states that there is no evidence that transmitted low frequency from wind turbines is at a sufficient level to be harmful to human health.

In response to a letter of objection raising concerns over the impacts upon people from within the village, the application has been accompanied by a Noise Impact Assessment which has been considered by the Head of Community Services (Pollution) who considers that given the scale of the unit it would be highly unlikely to impact upon the amenity of the area, with regards to noise.

The NPPF states that Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable and for the reasons stated above it is considered that there are no significant impacts in respect of noise.

In summary, it is considered that the scheme accords within the provisions of Saved Policies BE27 (criteria c) BE1 (criteria i) and central government guidance contained with the NPPF and the Companion Guide PPS22 in respect of noise.

Other Issues

Highway Considerations: Access, Distractions and Public Rights of Way

Criteria iv of Saved Policy NE5 and Saved Policy T5 is considered to have no or limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

Criteria c) of Saved Policy BE27 states that planning permission for wind farms and individual wind turbines will be approved where the structure is located, a minimum distance that is equal to its own height, away from any public highway of publicly accessible area. This criterion is considered to have limited consistency with the overarching intentions of the NPPF and as such should have limited weight in the determination of this application.

Paragraph 54 within the companion guide to PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attentions and that at all time drivers are required to take reasonable care to ensure their own and other's safety. The guide therefore states that wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

It is considered that by virtue of the scale of the turbines and the distance to the nearest road that there would not be a distraction to road users.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the turbines on highway safety grounds.

As stated within paragraph 57 of the companion guide to PPS22 there is no statutory separation between a wind turbine and a public right of way, although often 'fall over' distance is considered an acceptable separation. The scheme has been considered by Director of Environment and Transport (Rights of Way) who states that footpath T82 is situated outside of the fall-over distance of the proposed turbine and is satisfied that users would not be adversely affected by the proposed turbine.

In summary, it is considered that the provisions of Saved Policies NE5 (criteria iv) and T5 and central government guidance contained with Companion Guide PPS22.

Safety and Health Risks

Letters of representation have stated that some medical experts believe that wind turbines can cause any number of health issues.

In response to health risks paragraph 77 within the Companion Guide to PPS22 acknowledges that around 0.5% of the population are epileptic and that of these 5% are photo-sensitive, and of these less than 5% are sensitive to lowest frequencies of 2.5 – 3 Hz, and that a fast moving three blade machine would give rise to the highest level of flicker frequency which is below 2 Hz.

In respect of emission from a wind turbine, paragraph 65 within the Companion Guide to PPS22 states that turbines produce electromagnetic radiation which is at a very low level and presents no greater risk to human health than most domestic appliances.

As previously discussed in respect of low frequency noise (infrasound) paragraph 45 within the companion guide to PPS22 states that there is no evidence that ground transmitted low frequency from wind turbines is at a sufficient level to be harmful to human health.

The guidance contained at a national level within the companion guide to PPS22 does not indicate that there are any significant safety or health risks as a result of wind turbines and on this basis it is considered that there would be minimal risks to the health and safety of neighbouring residents, properties and animals.

Aviation

NERL safeguarding has examined the turbine from a technical safeguarding aspect and consider that it does not conflict with safeguarding criteria and therefore have no objection to the proposals. MOD and East Midlands Airport have no objections to the proposal, subject to the imposition of a planning condition requiring details of when the turbine will commence operation. As such condition 4 has been suggested.

Minerals

The scheme has been considered by the Directorate of Chief Executive (Minerals) who states that the application is within a Mineral Consultation Area which may contain workable deposits of sand and gravel, but given the nature of the development and its limited development footprint there is no objection to this application. As such no further consideration on this matter is required.

Precedent for Further Development

It has been stated by an objector that if this development is permitted then it will result in further development of this nature and scale. It should be noted that a planning application would be required for any future wind turbine developments and such an application would be considered on its own merits.

Electromagnetic Interference

It is recognised in the Companion Guide to PPS22 that wind turbines can potentially affect electromagnetic transmissions in two ways; by blocking or deflecting line of sight radio or microwave links, or by the 'scattering' of transmission signals.

The scheme has been considered by the Joint Radio Company who do not foresee any potential problems based on known interference scenarios.

As such no objections were raised and it is therefore considered that there would not be any significant electromagnetic interference as a result of the proposed development.

Letters of Representation

In respect of other letters of representations received which have not already been addressed within the report above:-

A right to a view is not a material planning consideration.

De-valuation of property prices is not a material planning consideration.

In respect of the consultation and notification process, only those residential properties which adjoin the site are directly notified and given 21 days to comment and a site notice which was posted after the letters were sent out allows 21 days for any other interested parties to make their representations.

The Parish Council have confirmed that the application was considered at meeting on 20 August 2012. and that they have no comments on make. Whether an applicant is a Parish Councillor is not a planning consideration. Any issues with regards to conduct of any councillor are a matter for the Standards Regime.

A site visit has been undertaken to assess the potential impacts upon the locality.

In response to the letter of representation suggesting solar panels or smaller wind turbines as an alternative, the planning application to be considered is as per the application and it must be assessed on that basis.

Conclusion

In conclusion, the NPPF clearly states that the purpose of planning is to help achieve sustainable development and that development that is sustainable should go ahead without delay – a presumption in favour of sustainable development should be the basis of every decision.

There is specific planning policy support for renewable energy projects both at national, regional and local level. It is considered that the wind turbine would contribute towards offsetting the carbon emissions of their residential and equestrian operations, whilst also contributing to the overall outputs of renewable energy targets for the East Midlands Region. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts.

The scheme has been assessed from its landscape and visual impacts, impacts upon areas of historical and designated landscapes, impact upon residential amenity in relation to noise and shadow flicker and other associated impacts including highway and public rights of way considerations, safety and aviation. The scheme is not considered to cause any significant impacts in respect of these considerations and there are no other material impacts identified, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

As such the proposal is considered to be in accordance with Saved Local Plan Policies NE5 (criteria i-iv) BE27 (criteria a-c), BE1 (criteria a and i) and central government guidance contained with the NPPF and the Companion Guide PPS22.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: - Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 15 September 2012 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 it constitutes a renewable energy project that contributes towards the regional renewable energy targets for the East Midlands Region, it would not be detrimental to the visual landscape, to sites of historical or scientific importance, to species of ecological conservation or to the detriment of residential amenity or highway safety.

It is considered that the proposed development of a 15 kw wind turbine in this countryside location addresses all of the key issues raised in the Companion Guide to PPS22 in regard to operation and maintenance, noise, landscape and visual impact, ecology, shadow flicker, safety and aviation. It will result in a form of development that will allow the applicant to reduce the carbon emissions of their own operations, to produce electricity from a clean and sustainable source for the applicant and their equestrian operations and will contribute towards the supply of electricity into the National Grid.

Hinckley and Bosworth Local Plan (2001) :- Policies BE1 (criteria a and i), BE12, BE27, NE2, NE5 (criteria i-iv), NE6, and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy Spatial Objective 12.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Plan SK 4501; OS Site map (Scale 1:2500) drawing no. 002; OS site map (Scale 1:500) drawing no. 002 and overalls/planning drawing no. CF15E received by the Local Planning Authority on 25 July 2012.
- 3 No development hereby permitted shall commence until full details of the colour and finish of the turbines have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 Written confirmation of the date of the first export of electricity to the grid from the wind farm hereby permitted shall be provided to the local planning authority within one month of the date of this taking place.
- 5 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of the first export of electricity to the grid from the wind turbine hereby permitted, after which time use shall cease and the turbine and associated equipment shall be removed from the site in accordance with Condition 6.
- 6 Not less than one year prior to the expiry of this planning permission a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-
 - a) Decommissioning and works for the removal of the wind turbine
 - b) Decommissioning and works for the removal of all other ancillary equipment and structures
 - c) The depth to which the turbine and ancillary equipment would be dismantled and removed from site
 - d) The depth to which the turbine foundations shall be removed below ground level

- e) Works for the restoration of the site
- f) Timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

- 7 If the turbine, hereby permitted ceases to operate for a continuous period of 6 months then a log book or record of operations of the turbine over that period shall be submitted to for the confirmation by the Local Planning Authority.
- 8 If the turbine, hereby permitted ceases to operate for a continuous period of 6 months then a Decommission Method Statement shall be submitted for the written approval of the Local Planning Authority within 3 months of the end of the 6 months cessation period. The scheme shall include details of:-
 - a) Log book/records of operations of the turbine over the 6 month period
 - b) Decommissioning and works for the removal of the wind turbine
 - c) Decommissioning and works for the removal of all other ancillary equipment and structures
 - d) The depth to which the turbine and ancillary equipment would be dismantled and removed from site
 - e) The depth to which the turbine foundations shall be removed below ground level
 - f) Works for the restoration of the site.

The Decommissioning Method Statement shall then be implemented within 12 months of the date of its approval by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity in accordance with Policies NE5 (criteria i) and BE1 (criteria a) of the Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety to accord with the Companion Guide to PPS22.
- 5&6 The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policy BE1 (criteria a) and NE5 (criteria i) of the Hinckley and Bosworth Local Plan 2001.
- 7 To confirm that the turbine has ceased to operate for a period of 6 months in the interests of removing the turbine to prevent unnecessary clutter in accordance with Policies BE1 (criteria a) and NE5 (criteria i) of the Hinckley and Bosworth Local Plan 2001.
- 8 To prevent unnecessary clutter in accordance with Policies BE1 (criteria a) and NE5 (criteria i) of the Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 12

Reference: 12/00658/OUT

Applicant: MIRA Technology Park Ltd

Location: Mira Ltd Watling Street Caldecote

Proposal: ERECTION OF TECHNOLOGY CENTRE (CLASS B1b) INCLUDING ASSOCIATED CAR PARKING, ACCESS AND LANDSCAPING (OUTLINE APPROVAL FOR ACCESS, LANDSCAPING, LAYOUT AND SCALE)

Target Date: 16 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a Major B1b use with a floor space exceeding 500m².

Application Proposal

This application seeks outline planning permission for the erection of a technology centre including associated vehicle parking, access and landscaping at MIRA on the A5 Watling Street Higham on the Hill.

The application seeks detailed approval for access, scale, landscaping and layout, with appearance to be considered as a reserved matter. The reasoning for this is that the specific end user of the building remains undecided, and the detailed design will be influenced by this. Although the use classification will remain as B1b, the facility will either accommodate existing businesses at MIRA, who have expressed a need for additional space, or will form a Government Sponsored 'Catapult Centre'.

The proposal will be located to the north west of the existing MIRA complex and will be accessed via the existing service road, which runs from the main MIRA access. The access road will lead to the parking area. This will provide 72 spaces, including 5 disabled bays and covered cycle provision.

The building proposed has a floor area of 3,800 square metres and comprises two wings separated by a central reception. The building design is double fronted, as a result of its prominent southern and northern elevations. The building will be 4 storeys with a maximum height to the parapet of 16.5 metres, and 19.15 metres to the ridge of the central roof-top plant enclosure. Although the specific details of the appearance of the proposal will be considered as a reserved matter, a similar pallet of materials to the recently approved Customer Building have been indicated. These comprise of silver and charcoal panels, large glazed areas, and red terracotta panels at ground floor. The site is currently bounded by mature hedgerow; however this is to be strengthened on the northern boundary through additional planting. Ornamental tree and shrub planting is proposed throughout the site. The building is to be constructed to a BRE AAM rating of "very good".

For information, the application site is situated within 'Zone 2' of the recently approved outline application for the comprehensive re-development and expansion of the entire MIRA site. This zone is proposed to house the 'Technology Park', in part, including Use Class B1 and the 'Village Centre'.

The Site and Surrounding Area

The site comprises a parcel of overgrown meadowland with an area of 0.91 hectares. It is surrounded by mature native hedgerows including some mature hedgerow trees. To the east of the site is the crash test building, and to the west is open agricultural land. The site slopes gently from northwest to southeast and then to the A5. The site has a single point of access from the A5 Watling Street via a T junction. There are a number of other accesses to the site, but these are designated as emergency access points.

Technical Documents submitted with application

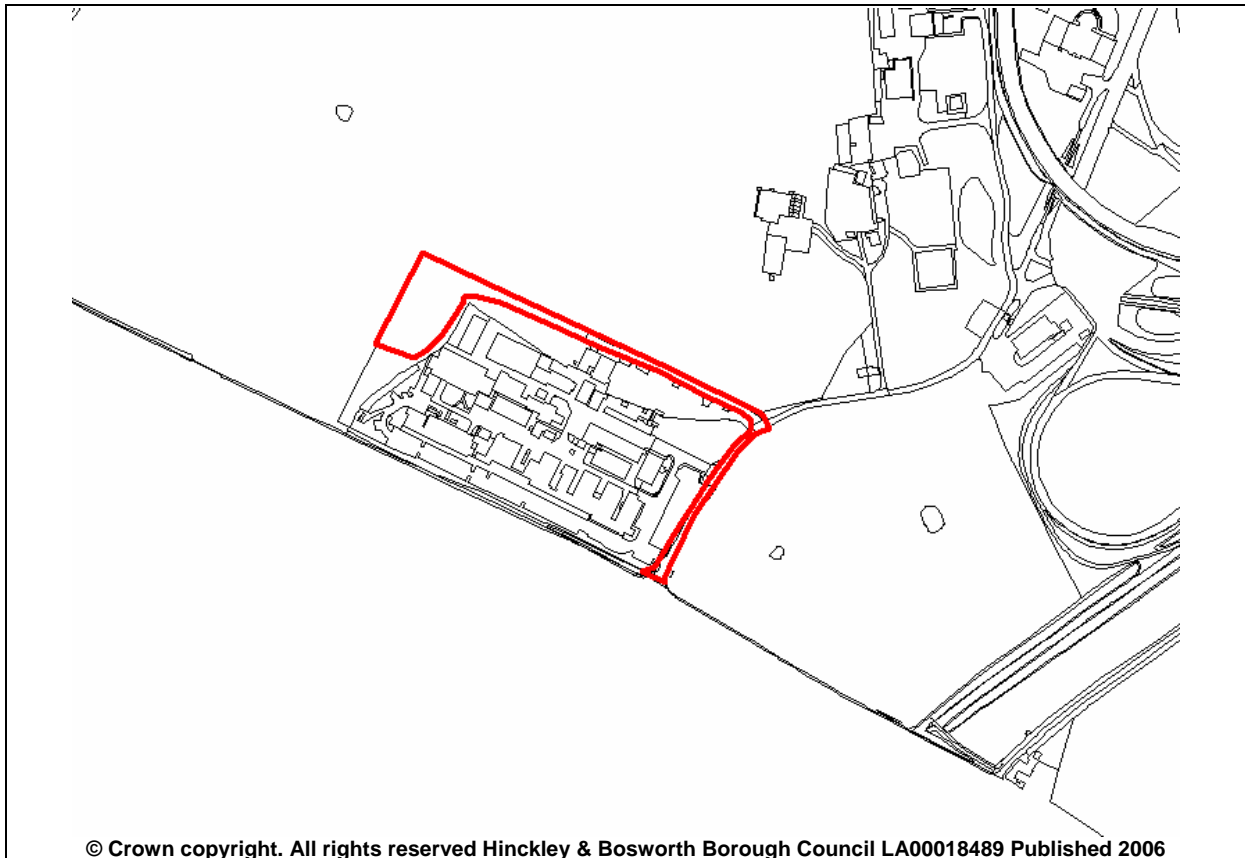
- The application is accompanied by the following documentation:-
- Design and Access Statement
- Transport Statement
- Tree Survey
- Summary Report, addressing ground conditions, Drainage and Floodrisk
- Addendum Archaeology Report
- Ecology Note
- Planning Statement

Relevant Planning History:-

The site has a vast and comprehensive planning history, however the application most relevant in this case is:-

11/00360/OUT	Business Technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/cafe/restaurant indoor and outdoor leisure, ancillary energy generation plant Equipment,	Approved	09.03.12
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internal access roads, car parking, landscaping, drainage and associated works and creation of new improvement Access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with north Warwickshire Borough Council) (Departure from the Development Plan) (EIA Development)



Consultations:-

No objection has been received from:-

The Highways Agency
Severn Trent Water Limited
Nuneaton and Bedworth Borough Council.

No objection subject to conditions have been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No requests have been received as a result of the Developer Contributions consultation.

Site notice and press notice displayed, no comments received.

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

Historical and Natural Environment Team
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services
Higham on the Hill Parish Council
Neighbours.

Policy:-

Enterprise Zone Status

The MIRA Technology Park has recently been designated as an Enterprise Zone (EZ) by Central Government. The sites designation as an EZ is not a position within the Development Plan; however it can be concluded that this designation at a national level is a significant material consideration weighing heavily in favour of accepting the scheme in principle.

It is the intention behind EZ designation that Local Development Orders will suitably control development to speed the delivery of the correct type and magnitude of development within the zone. In the case of MIRA the project has already progressed through the approval of the previously approved outline application and the submission of the current application.

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 18: Regional Priorities for the Economy

Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 1
Spatial Objective 12
Spatial Objective 13

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites
Policy EMP5: MIRA Built Development for Employment Purposes
Policy BE1: Design and Siting of Development
Policy BE12: Scheduled Ancient Monuments and Nationally Important Archaeological Sites
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy BE17: Historic Battlefields
Policy BE26: Light Pollution
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

Draft Site Allocations and Generic Development Control Policies DPD 2009

The application site was publicised as a preferred option for commercial development in the Draft Site Allocations and Generic Development Control DPD (February 2009). The site allocations preferred options document was subject to public consultation during 2009. This does not however provide justification for permitting development ahead of the plans adoption as explained in Para 17 of the ODPM's Planning System General Principles Guide. It is considered that at present the Site Allocations Document carries limited weight in the determination of any application.

Appraisal:-

The main considerations in respect of this application are:-

Principle of Development
Highways and Access
Layout, Scale, Landscaping and Design
Impact on Neighbours
Ecology
Archaeology
Drainage and Flood Risk
Noise and Pollution
Other Matters.

Principle of Development

The MIRA Case

Despite the recently approved outline application for the comprehensive redevelopment and expansion of the MIRA site, this stand alone application has been submitted as a result of current/imminent demand. Justification submitted with the application seeks to explain this position. The demand is twofold; existing occupiers of the site have expressed a requirement for additional space, or the site has been earmarked as a potential Government Sponsored 'Catapult Centre'.

'Catapults are centres of excellence that bridge the gap between business, academia, research and government, and are being established by the Technology Strategy Board (TSB). The MIRA centre would be the UK's Transport Systems Catapult and as such would be one of seven centres nationwide supporting different innovation sectors. It is anticipated that these centres will play an important role in the UK's innovation system, resulting in a long term contribution to economic growth.

Through approving the current application, the potential 'catapult' would have a bespoke base (given the existing uses on site) which would add additional weight to the case.

Although the site under consideration has already gained outline planning permission for the categorised use; due to the requirement to discharge the numerous pre-commencement conditions associated with this prior to any development taking place, some of which have no relation to the parcel of land under consideration, these are considered prohibitive, and could

stifle the potential growth and the long term development of MIRA. As such it has been considered necessary to submit this application.

As the application site comprises a currently unused parcel of land on the existing MIRA site, there is no in principle objection to a standalone application being submitted for its development.

Planning Policy

National

An overarching planning principle of the NPPF is to proactively drive and support sustainable economic development and sustainable economic growth. In this role it is committed to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. It continues, that every effort should be made to meet the business and development needs of an area, and respond positively to wider opportunities for growth. Existing businesses sectors should be supported and policies should be flexible enough to quickly respond to changes in economic circumstances. Existing clusters or networks of knowledge driven, creative or high technology industries should be promoted or expanded through positive planning for the area. With specific reference to rural areas, the NPPF seeks to support the sustainable growth and expansion of all types of business and enterprise in such areas. Accordingly, based on the above discussion, the proposal is supported by the NPPF.

Regional

The regional plan identifies a particular shortage of sites suitable for science and technology uses within the Three Cities Sub Area, which includes the Borough of Hinckley and Bosworth.

Policy 18 seeks to be responsive towards market needs and the requirement of potential investors to encourage the development of priority sectors, including specific sectors which have local economic significance and to ensure that the needs of high technology and knowledge based industries are provided for.

Based on the above, in principle, the proposed facility is supported by the Regional Plan.

Local

Core Strategy

The core strategy provides the overarching strategy and core policies to guide development within the borough up until 2026. This document identifies a number of issues which are facing the borough, including 'structural weakness in the economy' due to the over-reliance on the manufacturing sector. Growth along the A5 corridor and the resultant congestion problems are recognised as a factor contributing towards this 'weakness'.

A prominent theme within the spatial vision for the borough is the objective to focus the majority of future development within the Hinckley urban area. In addition, Spatial Objective 1 also seeks to strengthen and diversify the economy by providing suitably located premises and support programmes, including skills training to encourage appropriate sectors with growth potential.

The current proposal is therefore considered to be in compliance with the above objectives.

Development Plan

The Local Plan allocates employment sites within the borough through Policy EMP1. This identifies the MIRA site as a Class 'A' site which actively seeks to ensure retention of the MIRA works and Proving Ground for employment uses. The Employment Land and Premises Study Review (May 2010) comprises an evidence base which directly relates to this policy and to the Core Strategy. The review seeks to retain this site as a Class 'A' site, thus confirming its position as an employment site will be retained.

Other policies within the plan refer to site-specific employment uses at MIRA. Policy EMP 5 identifies appropriate land for industrial and research purposes, related to the operation of the MIRA test facility within the existing employment areas covered by EMP1. The development proposed is considered to be in general conformity with the intentions of this policy.

The facility is situated within an area defined as open countryside, and so Policy NE5 applies; however as this application comprises the expansion of an existing site, which is important to the local economy, and cannot be provided within or adjacent to an existing settlement (due to the uses specific locational requirements related to the existing facilities at MIRA), in principle the proposed development is considered consistent with the intentions of this policy and so acceptable in principle.

In conclusion, adequate justification has been provided for the specific need for this stand alone building, prior to the delivery of the already approved Masterplan site, and significant weight is attached to the need to secure economic growth in general, and in this specific location, at national, regional and local level. Accordingly, in principle, the proposed development is considered acceptable.

Masterplan Site

As previously mentioned, the site benefits from the recently approved outline application which has secured permission for the comprehensive re-development and expansion of the MIRA site. Whilst the current application has to be considered on its merits, the recent approval should be considered as a significant material planning consideration.

The site falls within Zone 2 of this application. This area has been designated for B1 uses and in part for the provision of the new village centre. In addition development parameters have been identified for this zone in terms of the acceptable scale, design, landscaping and parking provision. The proposed development, due to its usage and siting is not in conflict with the with the Masterplan vision for zone 2 and will adhere to the specific parameters of development identified for the area.

Enterprise Zone Status

The MIRA Masterplan site has been designated as an Enterprise Zone, to speed delivery of the development. This designation has accepted the principle of the development and thus although not a planning policy consideration, must be considered in the determination of this application.

Highways and Access

An extensive package of highway improvement measures were proposed and agreed with the Highways Agency for the Masterplan site. These works are to be secured via Regional

Growth Funding, with design work currently progressing. It is envisaged at present that these works will be completed in 2014. Thus the necessary highway infrastructure will be in place in advance of the long-term expansion of the Technology Park. This said, these works may not be finalised to accommodate the scheme currently under consideration.

Accordingly, it has been proposed that the existing MIRA access off the A5 will be used as a fallback position in the interim period. To assess the impacts of the proposed intensified use of this access, further transport assessments have been undertaken. In brief, the findings illustrate that the potential level of traffic associated with this scheme can be accommodated without the requirement for any additional junction works. The Highways Agency have raised no objections in respect of the development proposed, stating that it will not have any material impacts on the operation of the A5.

Specifically 72 parking spaces including 5 disabled parking bays and 12 sheltered cycle racks are to be provided. This level of parking will be consistent with the assessed traffic generation, and will be at a ratio of circa 1 space per 50 sqm of floor space. This is considered reflective of the hybrid nature of the scheme and will also be in accordance with the parameters defined within the parameter plan.

At the time of writing the report, no comments have been received from the Director of Environment and Transport (Highways) in respect of the proposed parking layout or numbers. Any comments received will be reported as a late item.

In order to encourage alternative modes of transport, to increase the sustainability of the site, the Travel Plan submitted with the Masterplan scheme has been proposed, and thus its requirements will be applicable to the development in question.

Accordingly, based on the above there are considered to be no detrimental impacts in terms of highway safety as a result of the current proposal which would justify refusal of the application and the proposal is considered to be in accordance with Policy T5 of the adopted Local Plan.

Layout , Scale, Landscaping and Design

Although this is a stand alone application and is to be considered on its merits, the parameter plan as conditioned in respect of the approved Masterplan Scheme previous must be considered as a material planning consideration. This established the following overarching key principles for future development of the site:-

PP1 Site Plan and Application Boundary – defining the application site and site levels

PP2 Development Footprint and Height – setting out the built development footprint and height limits with reference to the proposed development zones

PP3 Land Use – Defining the land use within the zones, including maximum and minimum amounts of floor space

PP4 Access and Movement – Setting out the position and form of the site access to Watling Street

PP5 Landscape Framework - Defining the strategic landscaping and open space.

Layout and Design

The proposed building is to be sited in the north western corner of the existing MIRA site. As mentioned above, this area currently comprises a parcel of undeveloped land bounded to the north west and north east by mature native hedgerow. The building will be accessed by an existing service road, which runs parallel to the north eastern boundary of the site. The access will lead to the main parking area, situated in the north eastern half of the site, with the bulk of the footprint of the building sited centrally. To the south west of the building will be a service yard with a limited number of parking spaces. The majority of the parking areas will be visually enclosed by the existing mature hedgerows, which will help assimilate the development into its rural setting. As the definitive use of the building has not yet been established, its layout has been designed with maximum flexibility in mind. The building comprises of two wings, subdivided centrally by a full height glazed reception area. The central area is to house the communal facilities, including rest rooms and a kitchen area, which are not subject to change; the remaining areas will be largely open plan to easily accommodate any future sub-division.

Indicative design details have been submitted; however the final design approach will be secured as a reserved matter once the final user of the building has been confirmed.

Scale

Although the scale of the building proposed is large, will be four stories and will have a maximum height of 16.5 metres to the parapet, its overall scale will be visually reduced by the presence of the central glazed entrance, which will break the massing of the building into two smaller components, resulting in the proposal appearing as two smaller units. The massing is further reduced through the use of projecting coloured panels on the façade and the extensive use of glazing. Accordingly, although large, the scale of the building will be in accordance of the parameters defined within the 'Parameters Plan' and will result in a development which has visual presence, whilst also being in accordance with the existing, and proposed future development of the site.

Landscaping

As the site is situated within a rural area, and its boundaries comprise of native hedgerow inter-dispersed with mature trees, the landscaping scheme proposed will reflect these characteristics. The existing perimeter hedgerow is to be strengthened through the planting of additional native species, whilst internally ornamental species will be used to meet functional requirements and provide visual interest throughout the year. These will include specimen avenue trees along with more formal hedgerow adjacent to the entrance to the building and the visitor parking areas. The hard landscaped areas will comprise of a mix of bitmac vehicular surfacing, charcoal colour block paving and silver-grey colour slab paving. These will be reflective of and in keeping with the pallet of materials proposed for the main building and of the hardsurfacing used elsewhere on site.

Appearance

Although the appearance of the building will be considered in detail as a reserved matter, details of the indicative appearance and pallet of materials proposed have been provided with the application. The details provided are broadly reflective of those established and used on the recently constructed Customer Building. This will ensure a continuity of development across the site, resulting on a sense of place and identity.

Based on the above discussion, in respect of the layout, scale and landscaping, the proposed development will be in accordance with the parameters identified within the

conditioned 'Parameter Plan', which will ensure that the development is consistent with the planned expansion of the MIRA Technology Park, whilst also ensuring that the development is compatible with its rural setting and the existing buildings on site. Therefore the proposal will be in accordance with the general design principles outlined within the NPPF and criteria a of policy BE1 and criteria i – iv of policy NE5 of the adopted Local Plan.

Impact on Neighbours

The closest residential properties to the site are Lindley House, Rowden Lodge, and The Elms.

Saved Policy BE1 (criteria i) of the Local Plan requires that development does not adversely affect the occupiers of neighbouring properties and is considered to have limited conflict with the intentions of the NPPF and therefore should be material in the consideration of this application.

Consideration has been given to the impact of the development on surrounding residential properties despite receiving no letter of representations during the course of the application.

As a result of the considerable distances between the surrounding residential properties and the proposal and the existing mature boundary landscaping of the site, despite the considerable scale of the building, it will not be highly visible from surrounding residential properties and thus will not result in any material impacts in terms of their residential amenity. Further, the use of the building will not result in a material level of noise and disturbance to the detriment of surrounding dwellings.

In summary, it is considered that the development would not result in any adverse impacts upon the occupiers of nearby residential properties. Accordingly, the scheme is considered to be in accordance with Saved Policy BE1 (criteria i) of the Hinckley and Bosworth Local Plan and the overarching intentions of the NPPF.

Ecology

The NPPF requires consideration of the potential biodiversity gains that can be secured by developments, and states that opportunities to incorporate biodiversity in and around developments should be encouraged (paragraph 118).

A phase 1 ecology survey accompanies the application; this is consistent with the Local Requirements for an application of this scale. This survey concludes that the key ecological features of the site consist of the mature boundary hedge and trees, and the ditch, and that all these features are to be retained.

In respect of protected species, it is acknowledged that there is a known population of Great Crested Newts to be present within 500 meters of the site, however given that there are no works proposed to the existing ditch, as long as this is appropriately buffered, there are considered to be no arising issues. Notwithstanding this, precautionary advice has been issued that prior to construction, three night-time surveys be conducted in spring - autumn to check for amphibians.

In respect of bats, it has been suggested that if any future limb removal of the existing trees on site takes place that they be inspected by a qualified bat-licensed ecologist or arboriculturalist beforehand.

Based on the above, it is not considered that the proposal will result in any harm to protected species either on, or surrounding the site, however the precautionary measures suggested will be added as a note to applicant.

Archaeology

The application has been accompanied with an addendum to the archaeology report submitted with the previously approved application for the expansion of the site (11/00360/OUT). This has revisited the archaeological and cultural heritage potential within the site. This desk-based archaeological assessment has confirmed that there are known sites of archaeological interest within the locality of the development area, including the Watling Street Roman Road, however no artefacts or geophysical anomalies have been located within the area of the proposed building. Notwithstanding this, in line with the previously approved scheme and conditions, further trial trenching is required prior to construction. The outcome of this will then determine whether, if any, further investigative works are required. These works will be secured by way of condition.

Drainage and Flood Risk

A detailed flood risk and drainage statement was contained within the Environmental Statement submitted with the previous application. As the area of the proposed development was covered by this, no further assessment has taken place in respect of this scheme. However, a report detailing the main findings of the previous assessment, which are directly applicable to the site has been provided.

The application site falls within the catchment of the River Anker and within Environment Agency flood zone 1, therefore having a low probability of flooding with a return period of more than 1000 years. The nearest flood zone 3 surrounding this river is over 1km from the site. Accordingly there is a low probability of the site flooding from tidal, fluvial, groundwater, pluvial, reservoir, canal or artificial sources. This said, as the development will result in additional hard surfacing to this parcel of greenfield land, assurances are required that this will not result in increased surface water runoff and associated flooding. To ensure and manage this, SUDS will be incorporated to ensure no worsening of the existing conditions.

Severn Trent Water and Head of Community Services (Land Drainage) have commented on the application. No objections have been received subject to the necessary planning conditions being attached to any grant of permission.

Noise and Pollution

An assessment of ground conditions and potential contaminants was submitted with the previous application. Accordingly, similar to above, for the purpose of this application relevant sections have been highlighted. Based on these findings, it has been established that prior to commencement, further investigations to establish ground conditions and measures to deal with any potential contamination will be required. This is in line with the comments received from Head of Community Services (Pollution) who has raised no objection subject to standard conditions.

The proposals end use does not comprise an inherently 'noisy' use, which would have a detrimental impact on the amenities of nearby residential properties, however during construction, associated activities may be audible. This said, the resulting noise is not considered to result in a major impact in this respect which would warrant refusal of the scheme. Therefore in summary, the proposal is not considered to have any adverse impacts in terms of noise or pollution.

Other Matters

Trees

An arboricultural survey has been conducted. This has established that there is tree cover around the periphery of the site, together with two primary hedges. There are no TPO'S in place, however these features are to be retained, and strengthened through the proposed landscaping. Accordingly there will be no adverse impacts in terms of vegetation as a result of this application.

Sustainability

The building will be constructed to a BREEAM 'Very Good' standard. This is in accordance with the requirements outlined within the parameters plan.

Reserved Matter – Appearance

In accordance with the Councils scheme of delegation, the future reserved matter application to consider the appearance of the building would ordinarily be determined by the planning committee. However as this could delay the delivery of the site, which may compromise the potential delivery of the nationally important catapult centre, it has been requested by the agent that subject to no considerable material objections being received, that this be dealt with under delegated authority. This request has been considered by the Head of Legal Services, and based on the specific, individualistic circumstances in this case, and the minor level of detail to be considered within this application, the following recommendations have been provided:-

Conclusion

As discussed within the main body of the report, it is concluded that the application under consideration, whether brought forward as a Technology Centre or Catapult Centre will result in an important research and development facility within the area and compliment and enhance the existing businesses and function of the MIRA site. The proposal is consistent with both national and local planning policy and with the outline Masterplan Consent which has been secured.

It has been adequately demonstrated that this development will be in accordance with the master plan and will thus not compromise its delivery, and that it comprises a much needed current facility to secure future development of the site. The scale, landscaping and siting of the building has been carefully considered, alongside any impacts in terms of highway safety, residential amenity, ecology, drainage and food risk, archaeology, contamination and impacts on trees. In respect of the above there are considered to be no adverse impacts that would warrant refusal of the application.

Therefore the application is considered compliant with both national and local policies and subject to the recommended conditions, is considered acceptable.

RECOMMENDATION A :- Permit subject to conditions listed below.

RECCOMENDATION B: - That the Head of Planning be granted delegated powers to determine any reserved matter application submitted pursuant to this grant of planning permission in respect of the appearance of the building; that he report any such determination to the next available Planning Committee meeting following the issue of the decision notice.

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 proposed location of the development and its specific end use, in principle the development is considered acceptable. Further in terms of its design, siting, materials and landscaping, the scheme is not considered to give rise to any material impacts upon visual or residential amenity, on the character of the countryside, in terms of highway safety, ecology, archaeology, noise and pollution or trees. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, EMP5, BE1(criteria a, b and i), BE13, BE14, BE16, BE17, BE26, NE2, NE5 (criteria i – iv), NE12, NE14, T5 and T11.

Local Plan 2006-2006: Core Strategy 2009:- Spatial Objectives 1, 12 and 13.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:-
(P) 101_A Location Plan – as Proposed 1/2500@A1, (P) 102_A Site Plan – as Proposed 1/500@A3, (P) 103 Supplementary Location Plan 1/10 000@ A3, (P) 200 Ground Floor Plan 1/200@A3, (P) 201 First Floor Plan 1/200@A3, (P) 202 Second Floor Plan 1/200@A3, (P) 203 Third Floor Plan 1/200@A3, (P) 204 Roof Plan 1/200@A3, (P) 210 Section A-A 1/200@A3, (P) 211 Section B-B 1/200@A3, received by the Local Planning Authority on the 17 August 2012
- 4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 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.

- 6 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Council, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7 No demolition and/or development shall take place and/or commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 8 No demolition and/ or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition number 7

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To ensure that development poses no risk of land or ground contamination in accordance with Policy NE12 of the adopted Local Plan.
- 6 To ensure there are adequate sustainable measures in place to deal with surface water runoff in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7&8 To ensure satisfactory archaeological investigation and recording in accordance with the NPPF (Section 12, paragraph 141).

Notes to Applicant:-

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Overton Ext 5680

Item: 13

Reference: 12/00674/COU

Applicant: Mr J Winter

Location: Winter Oak Watling Street Higham On The Hill

Proposal: CHANGE OF USE OF LAND TO THE SITING OF EIGHT MOBILE HOMES FOR GYPSIES

Target Date: 25 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the previous scheme was called in by a local member and the site is likely to raise wider local issues.

Application Proposal

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

The proposed mobile home pitches will each measure approximately 15 metres x 7 metres and will be laid out a minimum distance of 6 metres apart. A hard surfaced parking area is to be provided adjacent to each pitch along with two amenity buildings with a footprint of roughly 3m x 4m. The existing access and internal roadway is to be improved.

This is a re-submission of a similar previously withdrawn application (reference 11/00634/FUL) for the change of use of land to the siting of eight mobile homes for gypsies. The earlier application was withdrawn because the proposed layout conflicted with a previously approved layout for the site.

In 2005 an application was refused on the site for the change of use to residential Gypsy Caravan site for four caravans (05/017073/COU). However this was subsequently allowed on appeal on the 13 April 2007. The specified layout approved was never adhered to. Due to

this, and as the 2007 approval has now expired, it was considered more appropriate for the change of use and layout of the site to be considered in one comprehensive application, this time illustrating the existing two mobile homes along with the additional pitches proposed.

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

The Site and Surrounding Area

The application site comprises a large rectangular field which is split into two elements. Adjacent to Watling Street (A5) is a grazing paddock which is screened from the highway by a mature native hedgerow. To the rear of this, set back from the road by approximately 80 metres is a parcel of land on which two mobile homes (associated paraphernalia, stables and hard standing) are situated. There is a gated access in the south western corner of the site, leading from Watling Street and an internal access road which runs alongside the north eastern boundary. The total site has an area of approximately 0.49 hectares and is relatively flat.

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

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

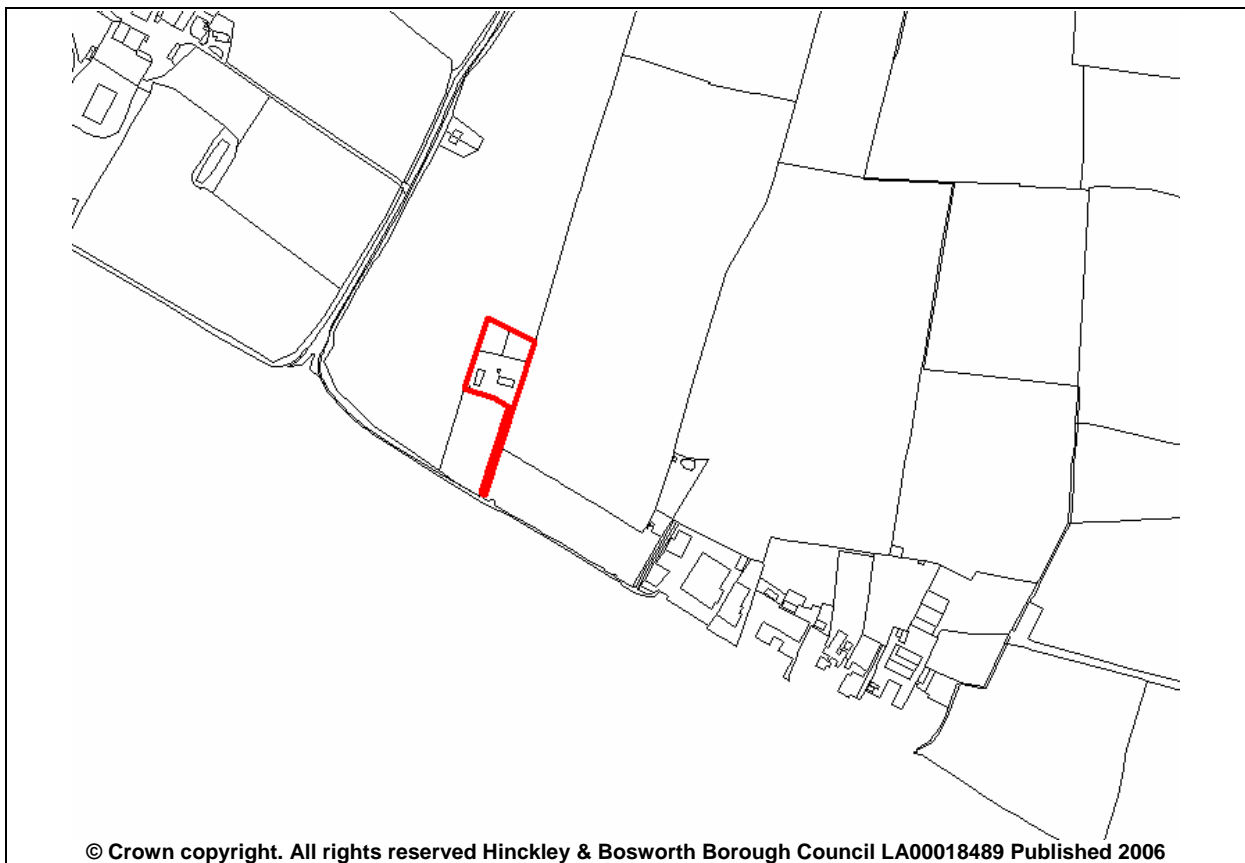
Technical Documents submitted the application

Design and Access Statement

Relevant Planning History:-

11/00634/COU	Change of use of land to the siting of eight mobile homes for gypsies	Withdrawn	23.07.12
11/00264/FUL	Change of use of the land to the Siting of four permanent mobile Homes for gypsies	Withdrawn	29.06.11
05/01073/COU	Change of use to residential gypsy caravan site for four caravans	Appeal Allowed	13.04.07
04/00241/COU	Transit gypsy site for 12 caravans with toilet block and septic tank	Withdrawn	17.05.04
04/01284/COU	Change of use to residential caravan site for three Gypsy families with a total of six caravans	Refused Appeal withdrawn	06.01.05

08/00360/UNUSE	Enforcement Enquiry - non compliance with planning approval, two additional caravans stored. Caravans not for human habitation, for sale	Closed	05.02.09
06/00015/ENF	Appeal against enforcement (change of use)	Notice Quashed	13.04.07
05/00235/BOC	Unauthorised Use of land for the siting of caravans	Approved	



Consultations:-

No objection has been received from:-

Highways Agency
 Director of Property Services (Gypsy Liaison)
 Head of Community Services (Pollution).

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

Site notice and Press notice were displayed and neighbours notified.

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

Environment Agency.
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage)
Higham on the Hill Parish Council
Nuneaton and Bedworth Borough Council
Neighbours.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

Other Guidance

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

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

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

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

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

Appraisal:-

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

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

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

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

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

Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 35 permanent pitches. Furthermore, ten temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

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

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

The nearby Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full with an extensive waiting list of 16 families. In addition, there are a number of families living on site that have grown up children who would like to start their own families with nowhere to move to. As such there are no other known pitches availability within the Borough and no suitable alternative accommodation available to the applicant.

- c) other personal circumstances of the applicant

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

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

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

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

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

Paragraph 23 of the Planning Policy for Traveller Sites requires that the scale of a proposed site should not be of such a size as to dominate the nearest settled community and should avoid placing an undue pressure on the local community. In this respect, the issues of scale and the availability of local services will be discussed in further detail below, as these are locally specific policy criteria contained within Policy 18 of the Core Strategy.

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

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
- c) promote opportunities for healthy lifestyles such as providing adequate play areas for children

- d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

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

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

Policy 18

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

Local Services

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

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

The nearest substantial facilities would therefore be within Hinckley or Nuneaton. Due to the distance of these settlements from the site it is likely that journeys will be made by car. This said the site in question was granted approval on appeal for a gypsy site and within the appeal decision (ref: APP/K2420/C/06/2006790) the inspector considered the sites proximity to local services as acceptable. Since the appeal decision the site has been occupied by gypsy families and no problems have been identified in respect of difficulties accessing local services.

However the requirement to be situated with a 'reasonable' distance of local services must be weighed against the needs of the applicants to be situated within an area which can provide the grazing facilities for their animals. As such grazing facilities are unlikely to be available within close proximity to larger, service providing settlements, on balance the separation distances identified render this site a 'reasonable' distance from local services.

Highway Safety

It is important to note that the sites access is located within Nuneaton and Bedworth Borough and as such the suitability of the access is not for consideration by Hinckley and Bosworth. Nuneaton and Bedworth Borough Council has not responded to the application consultation.

For clarification, and background information only, since the original application was allowed on appeal, the landowner has undertaken works to the access comprising of widening the area to the rear of the footway edge. This provides an area sufficiently wide enough (6.60m) for two vehicles to pass each other and created a gate entrance set back sufficiently for vehicles to stand back from the mainline carriageway. Furthermore there is sufficient vehicle/pedestrian inter-visibility to give pedestrians warning of approaching vehicles. No road safety issues have arisen as a result of the use of the access.

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

As the site gains access off a Trunk Road, the Highways Authority have been consulted on the application. To provide additional clarification in respect of the safety of the access, a highway consultant was employed by the applicant and technical drawings have been provided. Based upon this information the Highways Agency raise no objections in respect of the scheme.

For further clarification, as the access does not fall within the Borough of Hinckley and Bosworth, its suitability is not a matter for consideration during this application.

Sympathetic Assimilation

Whilst the site is bounded to the north, south and west by open countryside, to the east is a ribbon of development comprising of both residential and commercial uses. This has a significant urbanising effect on the character of the sites frontage. Accordingly it is considered the development proposed will result in an extension of the already developed form of the local area, and thus is not considered out of character.

There are no views of the site from the north, due to the existing built development and there will only be limited views from the A5 to the south due to the maturely landscaped southern boundary. Views of the site are available from Nuneaton Lane, to the west, however due to the distance of approximately 150 metres between the site and the highway, only the roofs of the mobile homes will be viewable.

It is considered that the mobile homes proposed will have a stark utilitarian impact on this rural landscape, additional landscaping along the western boundary of the site is considered necessary. The intention of this will not be to completely screen the site, but to soften the appearance of the development within its rural landscape. This will be requested by way of condition. This is considered in accordance with point b, paragraph 24 of the 'Planning Policy for Traveller Sites', which suggests that sites should be soft landscaped in such a way as to positively enhance the environment.

Scale

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

Residential Amenity

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

Safe and Healthy Environment for Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is flat (not exposed) and not located on contaminated land nor within an area of flood risk. Separate vehicular and pedestrian access is not provided in this case and is not considered to be achievable in any event. Emergency vehicles could access the site.

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

Design and Layout

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

When assessing the proposal against the Guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case, this is a private site, meaning there are no defined standards in terms of design (although the suggestions outlined within the Good Practice Guide should be considered). The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case there is an existing amenity block on site providing a toilet and laundry facilities, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

Other Issues

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

Conclusion

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

RECOMMENDATION:- That the Head of Planning shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 28 September 2012 permit subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 'Location Plan', 'Proposed Site Plan' received by the Local Planning Authority on the 30 Jul 2012.
- 3 No development shall take place until details of soft landscape works along the north western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
 - a) planting plans

- b) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - c) implementation programme.
- 4 The approved soft landscaping scheme shall be carried out and completed in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
 - 5 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for travellers sites'

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity and the character of the area, in accordance with Policies BE1 (criteria a) and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 (criteria a) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 5 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use therefore this condition is required to ensure that the site is occupied for the justified purposes.

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680