

PLANNING COMMITTEE

23 October 2012

RECOMMENDATIONS OF HEAD OF PLANNING
ON APPLICATIONS FOR DETERMINATION BY
THE PLANNING COMMITTEE

BACKGROUND PAPERS

Background papers used in the preparation of these reports are filed in the relevant application files, unless otherwise stated

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Item: 01

Reference: 12/00543/FUL

Applicant: Mr Sean Lyall

Location: 128 Main Street Markfield

Proposal: PARTIAL DEMOLITION OF EXISTING BUILDINGS TO FORM A REFURBISHED OFFICE AND DWELLING AND THE ERECTION OF ONE NEW DWELLING

Target Date: 14 September 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 Lay on the grounds of overdevelopment, highway safety, and impact on the Markfield Conservation Area.

Application Proposal

This application seeks full planning permission for a mixed use development comprising the conversion of parts of the existing Miners Welfare Institute building to form two office units with floor areas of approximately 50 and 38 square metres and communal service areas, a separate one bedroom bungalow (garden house) to the rear and the erection of a detached three bedroom dwelling and detached garage to the south with associated access, car parking and new boundary walls, fences and landscaping. Parking provision within the site is for one space per office unit, one space for the proposed bungalow and two spaces (including the garage) for the new dwelling.

The proposals also involve the partial demolition of parts of the Miners Welfare Institute which includes the section fronting onto Main Street, a store room and boiler room located between the hall and canteen, the two toilet extensions along the southern elevation and the removal of the existing stone wall and gates to the western boundary facing onto Main Street. A separate application for Conservation Area Consent for the demolition works has been submitted (reference 12/00544/CON) and is reported as a separate item within this agenda.

Members may recall a similar application (reference 11/00764/FUL) for a mixed use development comprising the conversion of the existing Miners Welfare Institute building to form three separate office units, a one bedroom bungalow and three bedroom house was refused on the grounds of overbearing impact on the neighbouring dwelling to the south of the site and the subsequent appeal (reference APP/K2420/A/11/2167071) was dismissed in a decision dated 23 March 2012.

The Site and Surrounding Area

The site measures approximately 766 square metres and is located to the east of Main Street within the Markfield Conservation Area. The single storey building occupies the northern half of the site and is primarily of brick construction with a variety of roof materials including corrugated sheets, slates, concrete tiles and timber/roofing felt. The front elevation to Main Street is constructed of stone and rendered wall above. The site is enclosed on three

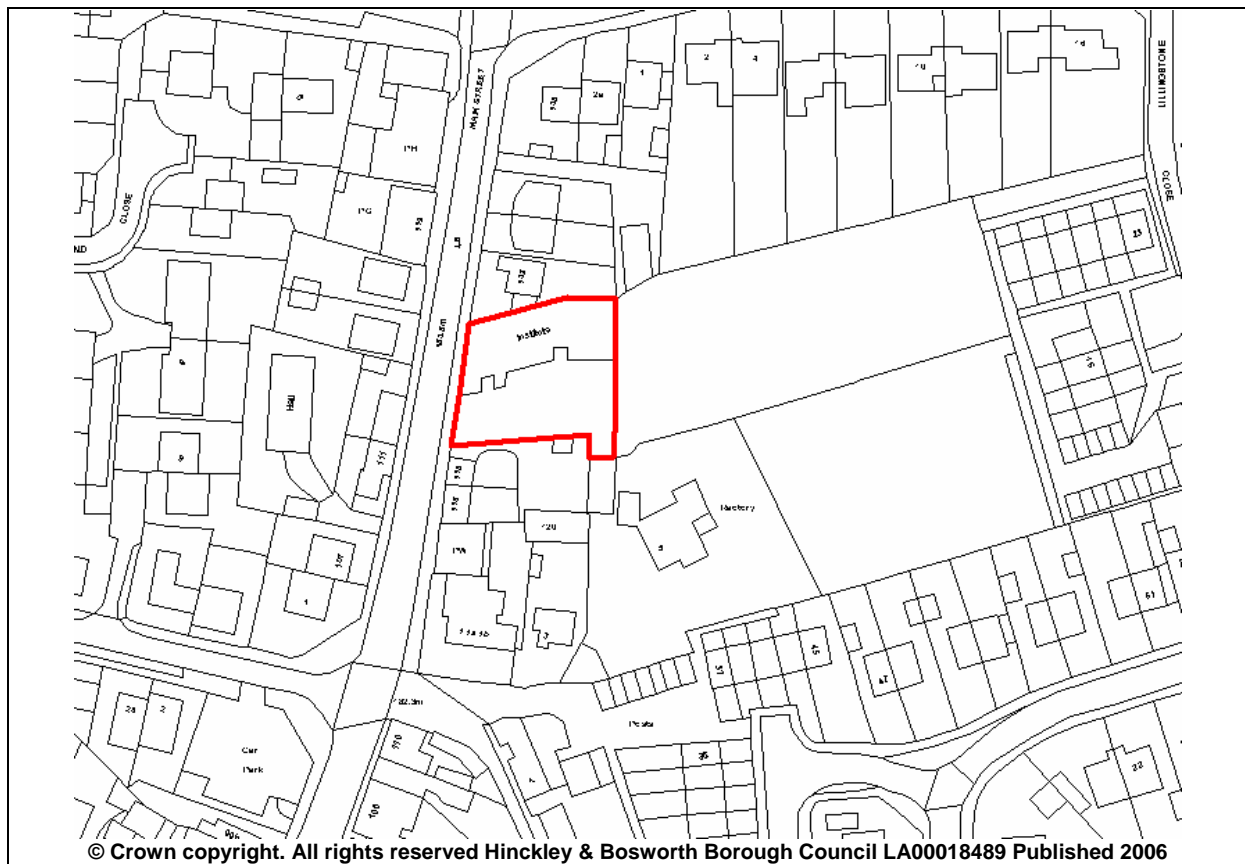
sides by walls of stone or brick construction. There are residential properties to the north, south and west and an area of public open space to the east. The dwellings to the west and south front directly onto the highway and those to the north are set back with small front gardens.

Technical Documents submitted with application

Design and Access Statement
 Transport Statement
 Heritage Statement
 Protected Species Survey Report
 Unilateral Undertaking

Relevant Planning History:-

12/00544/CON	Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling	Pending Determination	
11/00765/CON	Partial demolition of meeting hall To facilitate development	Refused Appeal Dismissed	16.11.11
11/00764/FUL	Partial demolition of the existing buildings to form a refurbished office and dwelling and the erection of one new dwelling	Refused Appeal Dismissed	16.11.11
11/00573/CON	Conservation Area Consent for partial demolition of the existing meeting hall to form a refurbished office and dwelling and the erection of one new dwelling	Withdrawn	30.08.11
11/00572/FUL	Partial demolition of the existing meeting hall to form a refurbished office and dwelling and the erection of one new dwelling	Withdrawn	30.08.11
09/00946/CON	Demolition of existing meeting hall for development of a terrace of three town houses	Approved	14.04.10
09/00945/FUL	Demolition of existing meeting hall and redevelopment of three town houses	Approved	14.04.10



Consultations:-

No objection has been received from:-

Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Archaeology)
Severn Trent Water Limited.

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

- a) overshadowing/overbearing to neighbouring properties/right to light
- b) overlooking/loss of privacy
- c) does not respect existing building line
- d) commercial use in residential area
- e) increase in noise from the movement of additional business vehicles
- f) inadequate parking on site and in the vicinity/highway safety issues
- g) land ownership and rights of way issues
- h) lack of play and open space contributions
- i) inadequate consultation undertaken
- j) loss of previously proposed footpath to Parish Council land

- k) overbearing impact on future occupiers from Horse Chestnut and other trees on adjacent land leading to removal or reduction
- l) design issues
- m) windows on site boundary - no maintenance.

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

Historic Buildings Panel
 Leicestershire Constabulary Crime Reduction Officer
 Markfield Parish Council.

The consultation period remains open at the time of writing and closes on 24 October 2012. Any further consultation response received will 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)

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design

Local Plan 2006-2026: Core Strategy

Policy 7: Key Rural Centres
 Policy 8: Key Rural Centres Relating to Leicester
 Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
 Policy BE7: Development in Conservation Areas
 Policy BE8: Demolition in Conservation Areas
 Policy BE16: Archaeological Investigation and Recording
 Policy RES5: Residential Proposals on Unallocated sites
 Policy EMP4: Employment Development on Sites Other than those Allocated for Employment Uses
 Policy T5: Highway Design and Vehicle Parking Standards
 Policy T9: Facilities for Cyclists and Pedestrians
 Policy REC3: New Residential Development - Outdoor Play Space for Children
 Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Leicestershire County Council: 6C's Design Guide
Markfield Conservation Area Appraisal 2010

Appraisal:-

The main considerations with regards to this application are: the principle of development following the implementation of the National Planning Policy Framework (NPPF); the revised design and layout; impact on the Markfield Conservation Area; impact on amenities of neighbouring properties; highway issues; developer contributions; impact on trees; and other issues.

Principle of Development

The NPPF provides a presumption in favour of sustainable development. The construction of a new modern community facility elsewhere in the village has removed the demand for community uses on the site and made it redundant. The site lies within the settlement boundary of Markfield in a predominantly residential area but with commercial uses in the vicinity where a mixed use development including the re-use of existing redundant buildings would fulfil both the social role (housing) and economic role (offices) of sustainable development identified in paragraph 7 of the NPPF. There is also an extant planning permission and conservation area consent (references 09/00945/FUL and 09/00946/CON) for the demolition of the building and redevelopment of the site for residential purposes. Therefore the proposed scheme is still considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Design and Layout

The NPPF in section 7 emphasises the importance of and requires good design. Core Strategy Policy 8 seeks to allocate land for housing and employment purposes. Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The Council's Supplementary Planning Guidance (SPG) on New Residential Development provides further design advice.

This revised scheme differs in layout from the previous refused scheme (reference 11/00764/FUL) in that the proposed dwelling has been realigned and relocated away from the southern boundary of the site resulting in the relocation of the access, the demolition of the front section of the existing hall and the reduction in the number of offices proposed within from three to two.

The proposed detached dwelling is set back from the cottages to the south with a small front garden enclosed by a new 1 metre high stone wall. Whilst the cottages to the south and west front directly onto the highway other dwellings in the vicinity, including those to the north of the site, are set back from the highway. As a result the siting will not be out of character with the area. The scale and design of the proposed dwelling with a traditional design to the front (west) and side (north) elevation and more modern design to the rear (east) is considered to be acceptable and its construction in stone and render will reflect the appearance of surrounding development. The rear amenity space measuring approximately 95 square metres is acceptable for a three bedroom dwelling and will be enclosed by existing 1.6 metres high stone walls and new 1.8 metres high close boarded fencing to protect privacy and amenity for the future occupiers.

No issues were raised by the appeal inspector in respect of the re-use of the existing hall for offices or the detached one bedroom bungalow and this scheme is similar in that respect but

with a reduction in the amount of office space. There are three existing (former canteen) windows in the east elevation of the hall on the site boundary that face onto the informal open space known as Millennium Gardens. Whilst there is a potential for the occupiers of the bungalow to suffer loss of amenity as a result of their location on the boundary, this is the furthest point from the entrance of the open space on Lillingstone Close at a distance of 105 metres, there is no link through to Main Street and they are relatively high in comparison to ground levels in the open space. As a result it is considered that these factors will help to reduce the potential for the congregation of members of public and the associated amenity issues of anti-social behaviour, noise disturbance, vandalism and loss of privacy from overlooking. The Head of Community Services (Pollution) has raised no objections to the proposed development on the grounds of noise disturbance to the occupants of the proposed 1-bed bungalow and its proximity to the open space to the rear of the site. The garden to the bungalow measures approximately 47.5 square metres and is considered to be adequate for the scale of the property and well enclosed by the proposed garage and 1.8 metres high walls and fencing to provide privacy.

The mix of uses will provide natural surveillance on the site at all times of the day with the office units in use during the day and dwellings occupied through the evening and night periods which will reduce the potential for either anti-social behaviour and/or vandalism to occur.

Overall, the general layout is considered to be acceptable and will provide adequate access, parking and amenity space for the future occupiers of the development. As a result of the layout and design and the proposed use of natural materials in its construction the development is considered to complement the character of the surrounding area and is therefore in accordance with Policy 8 of the adopted Core Strategy, Policy BE1 (criterion a) of the adopted Local Plan, the adopted SPG on residential development and the overarching design principles of the NPPF.

Impact on the Markfield Conservation Area

Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the Markfield Conservation Area. Policies BE7 and BE8 of the adopted Local Plan require the preservation or enhancement of the special character and appearance of conservation areas.

The former Miners Welfare Hall building has been closed since 2005 and has become poor in visual appearance terms. Whilst the building has some historical significance as a memorial building, it has limited architectural merit and the majority of the materials used in its construction - corrugated sheet roof, concrete roof tiles and timber/roofing felt are of low quality. As a result of the relocation of the access, the demolition of the distinctive front section of the existing hall from the Main Street frontage is proposed. Whilst this is regrettable, it is proposed that the front elevation will be realigned further in to the site and be designed and constructed with stone and render materials to reflect the distinctive design of the existing frontage. It should also be remembered that there is an extant planning permission and conservation area consent that allows for the demolition of the entire hall. The proposals are to remove the concrete roof tiles to the hall and replace them with a profiled metal roof. The canteen building, which will be converted to a 1-bed bungalow, will have a slate roof in place of its felt roof and timber cladding and cream render is proposed along the western elevation where the building currently adjoins the boiler/store room. The dilapidated boiler/store room that links the canteen will be demolished along with the two flat roof toilet blocks that are visually prominent from Main Street and have no architectural merit. It is considered that the alterations to the hall will preserve the character of the building and the replacement and upgrading of the materials to both the hall and canteen buildings will enhance the character and appearance of the Markfield Conservation Area.

The proposed detached dwelling will be constructed from stone and render with a slate roof. The front elevation is proposed to be constructed from stone in order to reflect the existing stone façade to the former Miners Welfare Hall to the north. The remaining walls are proposed to be finished in a cream render. This design approach and use of materials is consistent with the appearance of surrounding development. The inclusion of additional details such as stone cills and lintels, a timber front door and a low level 1 metre high stone wall allows the dwelling to assimilate into the area, thereby enhancing the character and appearance of the Markfield Conservation Area. Whilst the proposed dwelling at 7.2 metres to ridge and 5 metres to eaves is 1.5 metres and 0.6 metres higher than the staggered ridge level of 116-118 Main Street, it will be of similar height to the Markfield Congregational Church to the south and 0.8 m lower than 132-136 Main Street located beyond the Miners Welfare Hall to the north. As this part of the Conservation Area is defined by dwellings and public buildings with staggered ridge heights the scale of the dwelling will preserve the character of the Markfield Conservation Area. As the proposed garage is set back approximately 18 metres into the site, whilst it will be visible it will not be a prominent feature. The reinstatement of a section of stone wall along the site frontage albeit at a lower height of 1 metre is reflective of the current site appearance and adds some built continuity to the street scene. The proposed wall to the west boundary of the garden to the bungalow also adds continuity to the street scene.

It is considered that the removal of permitted development rights for both the residential units in the scheme is reasonable and necessary in this case in order to retain control over the character and appearance of the development and its impact on the Markfield Conservation Area and residential amenity of future and adjacent occupiers.

The Conservation Officer has raised objections to this scheme on the basis that the building is a war memorial and the scheme will sever the connection with the gardens to the east and have a detrimental impact on the significance and heritage value of the site, together with the character of this part of the Markfield Conservation Area. However, these comments are inconsistent with the Markfield Conservation Area Assessment which identifies the site as being an area for redevelopment and with previous observations made on applications for the complete demolition of the building for residential development and the associated conservation area consent to demolish the building which were considered to be acceptable. Both permissions remain extant and subject to conditions, the building could be completely demolished.

Notwithstanding the comments of the Conservation Officer, on balance it is considered that the current scheme would enhance the appearance of this vacant and rundown site and would preserve and enhance the character and appearance of the Markfield Conservation Area in accordance with Policy 8 of the adopted Core Strategy and Policies BE7 and BE8 of the adopted Local Plan.

Impact on Neighbouring Properties

The previous application for a similar scheme was refused on the grounds that 'the proposed detached 2 storey dwelling by virtue of its siting and mass will result in an unacceptable form of development that will have an adverse overbearing impact upon the amenities of the occupiers of Nos 116-118 Main Street'. This application seeks to address this reason for refusal which was upheld at appeal (reference APP/K2420/A/11/2167071) by realigning and relocating the proposed dwelling further away from the southern boundary of the site.

The nearest neighbouring property, No 116-118 Main Street fronts directly onto Main Street and is set approximately 1.5 metres to the south of the application site boundary wall which is of between 2.1 and 1.6 metres in height and runs at an angle to the Main Street frontage. There is a pedestrian access, approx 1 metre wide, to other properties between. The

proposed dwelling will be set back approximately 3.2 metres and aligned at a right angle to the highway. It will be set to the north of the boundary wall by between 2.8 and 0.8 metres and will project 10 metres beyond the rear elevation of 116-118 at two storey height. In addition, a single storey element will project almost up to the boundary wall and project approximately 3.5 metres to the rear of 116-118 Main Street.

The revised scheme aligns the 2 storey element of the proposed dwelling 3 metres from the side boundary at the front and 0.8 metres from the side boundary at the rear. The single storey side element is angled to run along the boundary at a distance of 0.2 metres. The proposed position from the boundary is the same as that previously approved in 2009 for the three 2½ storey dwellings. In addition, the proposed dwelling is significantly lower in height with a ridge line 2.7 metres lower and an eaves line 1 metre lower than the extant scheme and rather than a full height 2½ storey gable is designed with a smaller gable towards the front and a two storey rear projection with a pitched roof sloping away from the boundary. As a result of the realignment of the dwelling away from the boundary wall and the resulting additional separation distance, the design of the dwelling with a pitched roof that slopes away from the boundary and the comments of the appeal inspector in respect of the extant scheme it is considered that it would be difficult to sustain a reason for refusal of this scheme on overbearing impact grounds. In addition, the siting of the dwelling to the north of the garden will result in no overshadowing or loss of light to the garden. Whilst the proposed dwelling has a side elevation window to a staircase a condition to require it to be non-opening and fitted with obscure glazing would prevent any loss of privacy from overlooking is recommended.

120 Main Street is located to the rear of No 116-118, its north elevation is approximately 14 metres from the southern boundary of the site. Whilst there will be main windows in the rear elevation of the proposed dwelling due to the 90 degree angle to No 120 the potential for overlooking is minimal. In addition due the north west location of the proposed dwelling to No 120 there will not be any impact of overshadowing or loss of light to either its garden or windows.

No 132 Main Street is located to the north of the application site. No windows are proposed in the north elevation of the retained sections of the former canteen or hall which form the northern boundary and are to be converted for residential and office purposes therefore there is no potential for overlooking into the rear garden of 132 Main Street to the north. The separation distance of over 16 metres from the proposed two storey dwelling to the boundary of No. 132 and the existing building between will ensure that there will be no adverse impact on the occupiers from overbearing impact or loss of privacy from overlooking.

The proposed detached dwelling would be located 13 metres from 111 Main Street in a north easterly direction, with a public highway between. It is considered that whilst the outlook from this dwelling would inevitably change, there would be no adverse impact on residential amenity through overlooking of first floor bedroom windows given the separation distances and offset siting of the dwellings to one another.

Highway Issues

A new access with improved geometry and visibility to the existing access is proposed in a central location on the frontage. A swept path analysis within the submitted Transport Statement demonstrates that the layout provides adequate turning space for a vehicle to enter and leave the site in a forward direction. The development proposes a total of 5 off-street parking spaces set in a courtyard parking area. Two off-street parking spaces are proposed to serve the detached dwelling, one space to serve the 1-bed bungalow and one space is allocated for each of the two offices. The provision of 2 parking spaces to serve the 3-bed detached and 1 space to serve the 1-bed bungalow complies with the 6Cs Design

Guide which states that one space for each dwelling is required in locations where services can be easily be reached by walking, cycling or public transport. The 6Cs Design Guide states that B1 office use requires 1 parking space for every 40 square metres of gross floor space. The conversion of the hall will provide two offices with floor areas of 50 and 38 square metres with a communal service area. Although one of the proposed offices has a floor space (50 square metres) that is 10 square metres above the threshold set out in the 6C's Design Guide it is considered that such a marginal difference doesn't merit the requirement for an additional parking space to be provided in this case. It should be noted that there are public car parks in the vicinity of the site and on-street parking spaces available opposite the vehicle access on Main Street. Whilst there may be a marginal increase in traffic movements this is not considered to be on a scale to warrant an objection on highway grounds.

The Director of Environment and Transport (Highways) recommends approval of the application subject to a number of conditions including:- that adequate parking provision is provided and maintained; that no access gates or other barriers are erected; satisfactory surfacing and drainage of the access, parking and turning areas is provided; provision of a cycle parking area; on-site parking facilities during construction. No objections have been received in respect of the access or visibility.

Developer Contributions

The Community Infrastructure Levy Regulations (CIL) 2010 require the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed.

As the application proposes less than 10 residential units there will be no requirement for contributions towards libraries, civic amenity, education, and Primary Care Trust. There is no requirement for affordable housing to be provided within the scheme as it proposes less than 4 dwellings and the site area is less than 0.13 hectares. As the site does not make any provision for on site open space, a contribution would be required to improve existing open space within the immediate locality. Such a contribution would be required to meet the CIL tests and would need to show that the financial contribution request is necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Saved Local Plan Policy REC3 seeks 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).

The site is located with 400 metres of Mayflower Close Recreation Ground which acts as a neighbourhood park. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The Green Space Strategy 2005-2010 identifies that there is a deficiency in the amount of equipped play space in Markfield of 0.3 hectares. Financial contributions in relation to open space for children, young people and amenity green space are identified in The Green Spaces Strategy as being required to protect and enhance the quality of existing provision for children and young people. The park currently has a quality score of 60% and as such there is a recognised need for improvement. The Play and Open Space SPD sets out how the contribution is worked out proportionate to the size and scale of the development. A total of £2,188.90 is sought: £1,431.15 for the provision and £757 for maintenance of open space in Markfield. A reduced contribution of 75% is sought for the 1-bed bungalow, in line with the Play and Open Space SPD. The size of the 3-bedroom detached dwelling would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, thereby increasing wear and tear and requiring

more equipment. Markfield Parish Council have not yet responded to the current application but have previously indicated that they have plans in place to improve and provide further equipment at the Mayflower Close Recreational Ground.

It is considered that the play and open space contribution 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 the contribution is justified in this instance. As such it is considered necessary to secure these contributions through a legal agreement which is currently being pursued with the applicant.

Impact on trees

There are a number of mature and semi-mature trees located within and adjacent to the site. The landscaping plan shows that no construction is proposed within the root protection area of the Horse Chestnut tree sited to the south east which has a Tree Preservation Order and shows the installation of protective fencing along the root protection zone of the protected trees at the site and confirmation that the post holes for the boundary fences within the root protection area will be dug by hand. A condition can be imposed which ensures that tree protection measures are installed for the duration of demolition and construction across the edge of the root protection area identified on the landscaping plan.

Other Issues

In view of the historical significance of the existing building the Directorate of Chief Executive (Archaeology) requires a historic building survey to be completed and archived prior to demolition or development of the site. It is considered that this is commensurate with the significance of the building and is therefore reasonable in this case.

Subject to the development being carried out in accordance with the recommendations in the submitted Protected Species Report there will be no adverse impact on protected species.

There is no planning or statutory requirement for a pedestrian footpath to be provided through the site to Millennium Gardens at the rear. As such it is not a material planning consideration.

An area has been allocated between the 1-bed bungalow and the offices for bin storage to serve the 2 office units. There is sufficient space to the rear of both the residential properties for the storage of bins therefore a condition for a scheme to be submitted is not necessary in this case.

Public rights of way/land ownership issues are not material planning considerations.

Public consultation has been undertaken to meet statutory requirements.

Conclusion

By virtue of its scale, height, massing, siting and use of materials the proposed development is considered to preserve and enhance the character and appearance of the Markfield Conservation Area and is not considered to result in loss of residential amenity to neighbouring properties. The proposed development re-uses a building within the conservation area and the removal of visually poor side and rear extensions to the former Miners Welfare Hall will enhance the character and appearance of the Markfield Conservation Area. It is considered that sufficient parking and turning space has been provided within the site to serve the proposed mix of uses and not result in pedestrian or highway safety. Accordingly the application is recommended for approval subject to the

imposition of planning conditions and a signed Section 106 agreement or unilateral undertaking.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space and subject to no new no new significant material objections being received prior to the expiry of the consultation period on 24 October 2012 the Head of Planning 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 as it would preserve and enhance the character and appearance of the Markfield Conservation Area, would not have any adverse impact on the amenities of the occupiers of neighbouring properties, highway safety or existing trees and would provide a contribution towards the provision of public play and open space.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, b, c, e, g and i), BE7 (a, b, c and d), BE8 (a and b), BE16, RES5 (criteria a and b), EMP4 (criteria a, b, c, d and e), T5 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 8, 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: Site Location Plan Drawing No. 020A.PD.01 t 1:1250 scale; Demolition Plans Drawing Nos. 020A.02 - 05 inclusive; Proposed Site Plans, Floor Plans and Elevations Drawing Nos. 020A.PD.10A, 11A, 12A, 13A, 14A, 15, 18, 19, 20, 21, 22, and 24 received by the Local Planning Authority on 20 July 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 offices, dwellings, garage and boundary walls 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 Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 5 Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A, B and C to both dwellings and Part 1, Class D to the bungalow shall not be carried out to the proposed dwellings unless planning permission for such development has first been granted by the Local Planning Authority.
- 7 Notwithstanding the submitted details the first floor window on the south elevation of the dwelling (facing 1116-118 Main Street) shall be fixed and fitted with obscure glazing and thereafter maintained as such at all times.
- 8 Before any demolition or development commences on site, a tree protection fence shall be erected in accordance with the details submitted on Landscaping Plan Drawing No. 020A.PD.11A and once erected shall be retained in the positions shown for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 9 The development hereby approved shall be implemented in accordance with the recommendations and mitigations contained in section 5 of the Curious Ecologists 'Protected Species Survey' dated 18 July 2012.
- 10 Before any development commences, representative samples of the types and colours of materials to be used on the surfacing of the access, turning and parking areas 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.
- 11 No gates shall be erected to the vehicular access at any time.
- 12 Prior to the development hereby permitted being brought into use, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use thereafter.
- 13 The demolition hereby permitted shall not be undertaken unless and until:-
 - a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.
 - b) a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 14 Prior to the commencement of the demolition hereby permitted a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 15 For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan.
- 16 No demolition or development shall take place or commence until a Written Scheme of Investigation detailing a suitable programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: the programme and methodology of historic building survey, reporting and archive deposition and the nomination of a competent person or persons/organisation to undertake the works set out. No demolition or development works shall take place other than in accordance with the approved Written Scheme of Investigation.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 4 To protect the character and appearance of the Markfield Conservation Area in the interests of visual amenity to accord with Policies BE1 (criterion a) and BE7 (criteria d) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 (criteria d) of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of visual amenity and to protect the privacy and amenity of neighbouring properties to accord with Policy BE1 (criteria a and i) and Policy BE7 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 7 To protect the privacy and amenity of neighbouring properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure protection and retention of existing trees in and in the interests of visual amenity to accord with Policy BE1 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure adequate protection of protected species to accord with paragraph 109 of the National Planning Policy Framework.
- 10 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 11 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic and pedestrians, in the interests of highway safety, in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 12 To ensure an appropriate method of cycle storage is provided and in the interests of sustainable travel, in accordance with Policy T9 of the adopted Local Plan 2001.
- 13 To protect the character and appearance of the Markfield Conservation Area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 14 To protect the amenities of surrounding properties and in the interest of highway safety to accord with Policies BE1 (criteria c and i) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure satisfactory historic building survey, analysis and reporting to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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.
- 6 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 7 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability.

Contact Officer:- Richard Wright Ext 5894

Item: 02

Reference: 12/00544/CON

Applicant: Mr Sean Lyall

Location: 128 Main Street Markfield

Proposal: PARTIAL DEMOLITION OF EXISTING BUILDINGS TO FORM A REFURBISHED OFFICE AND DWELLING AND THE ERECTION OF ONE NEW DWELLING

Target Date: 14 September 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 Lay for reasons of adverse impact on the street scene and Markfield Conservation Area.

Application Proposal

This application seeks conservation area consent to demolish sections of the former Miners Welfare Institute building including the front elevation section, the existing boiler/store room and two external toilet blocks attached to the side elevation. The proposed works also involve the removal of the stone wall and gates sited along the western boundary of the site fronting onto Main Street.

This application is a resubmission of a previous application (reference 11/00765/CON) which was refused by Planning Committee in November 2011 and the decision was upheld at appeal (reference APP/K2420/E/11/2167067) in March 2012. The application differs from that previously refused in that an additional section of the building fronting onto Main Street is proposed for demolition. Members are advised that this application should be read in conjunction with a planning application (reference 12/00543/FUL) for the conversion of the remainder of the building to form two offices and a one bedroom bungalow, the erection of a detached dwelling and garage and re-sited vehicular access reported as a separate item within this agenda.

The Site and Surrounding Area

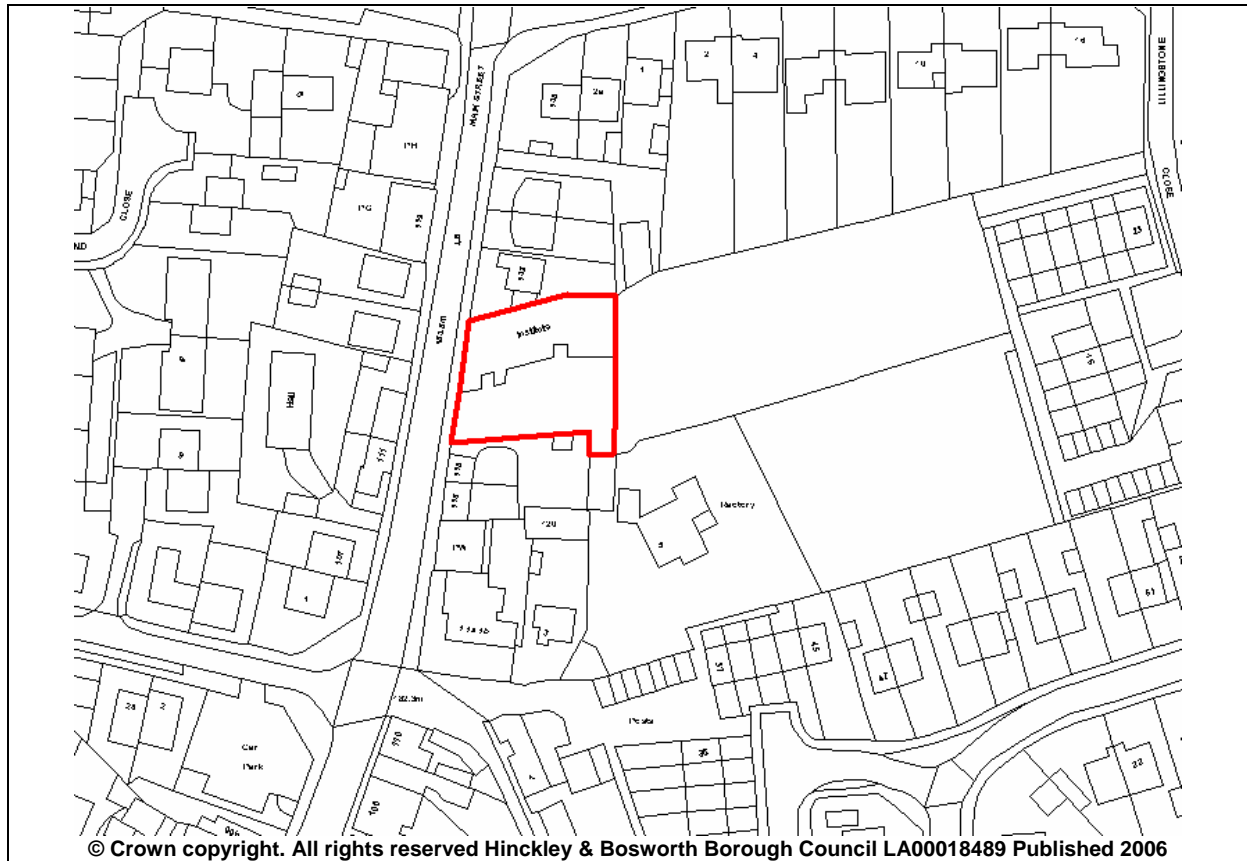
The site measures approximately 766 square metres and is located to the east of Main Street within the Markfield Conservation Area. The single storey building occupies the northern half of the site and is primarily of brick construction with a variety of roof materials including corrugated cement asbestos sheets, slates, concrete tiles and timber/roofing felt. The front elevation to Main Street is constructed of stone with a shaped rendered wall above. The site is enclosed on three sides by walls of stone or brick construction including a stone wall across the site frontage with Main Street immediately adjacent to the public highway. The site is bounded by residential properties to the west, north and south and an open public amenity area to the east. The dwellings to the west and south front directly onto the highway and those to the north are set back with small front gardens.

Technical Documents submitted with application

Design and Access Statement
Transport Statement
Heritage Statement
Protected Species Survey Report
Unilateral Undertaking

Relevant Planning History:-

12/00543/FUL	Partial demolition of existing Buildings to form a refurbished office and dwelling and the erection of one new dwelling	Pending Determination	
11/00765/CON	Partial demolition of meeting hall to facilitate development	Refused Appeal Dismissed	16.11.11
11/00764/FUL	Partial demolition of the Existing buildings to form a refurbished office and dwelling and the erection of one new dwelling	Refused Appeal Dismissed	16.11.11
11/00573/CON	Conservation Area Consent for partial demolition of the existing meeting hall to form a refurbished office and dwelling and the erection of one new dwelling	Withdrawn	30.08.11
11/00572/FUL	Partial demolition of the existing meeting hall to form a refurbished office and dwelling and the erection of one new dwelling	Withdrawn	30.08.11
09/00946/CON	Demolition of existing meeting hall for development of a terrace of three town houses	Approved	14.04.10
09/00945/FUL	Demolition of existing meeting hall and redevelopment of three town houses	Approved	14.04.10



Consultations:-

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

No objection subject to condition has been received from:-

Directorate of Chief Executive (Archaeology)
Severn Trent Water Limited.

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

- a) design and layout issues relating to the proposed redevelopment scheme
- b) method of demolition and working practices
- c) impact on the structure and amenity of neighbouring properties
- d) impact on highway safety
- e) lack of widespread public notification/consultation
- f) public rights of way/land ownership issues.

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

Historic Buildings Panel
Markfield Parish Council.

The consultation period remains open at the time of writing and closes on 24 October 2012. Any further consultation response received will be reported and appraised as a late item.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres Relating to Leicester

Hinckley and Bosworth Local Plan (2001)

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

Policy BE7: Development in Conservation Areas

Policy BE8: Demolition in Conservation Areas

Policy BE16: Archaeological Investigation and Recording

Other Material Policy Documents

Markfield Conservation Area Appraisal (2010)

Appraisal:-

The main considerations with regards to this application are the principle of demolition, the impact of the proposed demolition works on the character and appearance of the Markfield Conservation Area (CA), the amenity of neighbouring properties and other issues and concerns raised as a result of the consultation process.

Principle of demolition

The proposals involve the demolition of parts of the former Miners Welfare Institute which lies within the Markfield Conservation Area. The Markfield Conservation Area Appraisal identifies that the building was an important local facility but that it has no historic or architectural interest and that it is anticipated that the site will be redeveloped. Subject to a satisfactory scheme for redevelopment of the site for which a separate planning application (reference 12/00543/FUL) has been submitted and is under consideration, the proposals to demolish parts of the building and boundary walls are considered to be acceptable in principle in this case.

Markfield Conservation Area (MCA)

Policy BE7 states that conservation area consent for proposals which would harm the special character or appearance of conservation areas will not be granted. Policy BE8 states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that (a) the loss of the building will not be detrimental to the character or appearance of the conservation area and (b) that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

The submitted Heritage Statement outlines the history and former uses of the building. Since the opening of a new Community Centre elsewhere in the village use of the hall has fallen and it closed in 2005. Since then it has deteriorated in terms of its structural condition and visual appearance and is currently in a condition that would require considerable investment

before it could be used or occupied. Whilst the building has some historical interest as a memorial building and from its former uses, it has limited architectural merit, albeit a distinctive front elevation. In addition, the majority of the materials used in its construction including corrugated sheet roof, concrete roof tiles and timber/roofing felt are of low quality and not worthy of retention.

The front section of the hall is the most distinctive part of the building and fronts directly onto Main Street. Whilst the demolition of this section and its set back into the site will alter the frontage character, it is considered that the proposals to rebuild and replicate the façade at the front of the proposed offices using similar materials and the construction of a replacement boundary wall will satisfactorily mitigate the impact of the demolition of this section on the character and appearance of the conservation area.

The toilet extensions sited along the southern elevation of the hall are constructed from a contrasting red brick with a flat felt roof. The removal of these functional yet visually prominent extensions is considered to be acceptable as they have no architectural merit and detract from the character and appearance of the conservation area. The boiler/store room located between the hall and the canteen has become dilapidated in appearance, is of no architectural merit and detracts from the character and appearance of the conservation area. The removal of these parts of the building to facilitate the redevelopment of the site will enhance the character and appearance of the conservation area. The replacement of the uncharacteristic flat roof toilet extensions with additional windows in the south elevation to facilitate the re-use of the retained sections of the main hall for offices is considered to be acceptable and will have a positive impact on the appearance of the building.

The stone wall is considered to be a positive and strong boundary feature to the site frontage and this is reflected in the Markfield Conservation Area Appraisal where Main Street is identified as being a mixture of traditional 19th century cottages, stone boundary walls and modern infill development. Whilst the removal of this boundary wall would detract from the character and appearance of the conservation area the proposed rebuilding of new stone walls along the site frontage (albeit at a lower height of 1 metre to improve visibility from the access) will preserve the character and appearance of the conservation area and provide continuity in the street scene.

Whilst the Conservation Officer has suggested in his current response that the building is unique in the street scene and has great historical significance, this is in stark contrast to the contents of the adopted Markfield Conservation Area Appraisal and the previous response which considered the demolition of the whole building to be acceptable. In addition, the building is not identified as a significant local building on the Markfield Conservation Area Appraisal Map.

Policy BE8 requires redevelopment proposals to be in place where buildings are to be demolished within conservation areas. The separately submitted full planning permission application (12/00543/FUL) proposes a mixed use development of the site including conversion of the retained parts of the building, the erection of a new detached dwelling and garage and relocation and rebuilding of the stone walls to the frontage of the site with the use of sympathetic natural materials to reinforce the existing traditional construction materials in the area. It is considered that the redevelopment proposals would preserve the character and appearance of this part of the Markfield Conservation Area. A condition has been included within the recommendation to ensure that demolition works do not commence until contracts are in place to redevelop the site in order to ensure that the cleared site does not have a negative impact on the conservation area.

A condition requiring a historic building recording programme has been recommended by the Directorate of Chief Executive (Archaeology) to establish and record any hidden features and

ensure adequate recording of the building prior to demolition. This is in accordance with Policy BE16 of the adopted Local Plan.

On balance, the building is not considered to contribute positively to the character or appearance of the Markfield Conservation Area. The proposed demolition works together with the proposals for redevelopment of the site (being considered under the separate planning permission application) are considered to enhance the character and appearance of the conservation area and to be in accordance with Policies BE7 (criteria a - d) and BE8 (criteria a and b) together with the Markfield Conservation Area Appraisal.

Impact on Neighbouring Properties

The demolition of the boiler/store room involves the removal of the gable on the north elevation to a height of 2.2 metres. The demolition of the front section of the hall involves the reduction in height of the north boundary wall adjacent to the highway boundary to 1 metre. As the remaining walls will retain the boundary to the adjacent residential garden to 132 Main Street no loss of amenity will result. A standard note to applicant is included within the recommendation in respect of the Party Wall etc Act 1996 and land not within the applicant's ownership.

Noise, dust and disturbance from the demolition are considered to be temporary in nature and therefore do not warrant the refusal of the application. Parking for demolition vehicles can be accommodated in the area to the south of the building. There are other statutory controls which exist that control statutory noise, disturbance and pollution. The imposition of conditions relating to demolition/construction works, timetables, phasing and parking to be provided within the site will ensure that there is no parking of vehicles on the surrounding highway and that demolition takes place within an agreed time frame to prevent continual disturbance to neighbouring residential properties.

Other Issues

Public consultation has been undertaken to meet statutory requirements.

Public rights of way/land ownership issues are not material planning considerations.

Conclusion

The existing building has some historic significance but little architectural merit other than perhaps the distinctive front elevation. It includes poor quality materials in its construction and is currently unused and in a state of disrepair. The demolition of the distinctive front section can be mitigated by the redevelopment proposals to rebuild a similar façade set back into the site and new stone boundary walls. The demolition of the unsympathetic toilet blocks and the dilapidated boiler/store room together with the redevelopment proposals, being considered under the separate planning application, will enhance the character and appearance of this neglected part of the Markfield Conservation Area. The application is considered to be in accordance with Policies BE7 (criteria a - d) and BE8 (criteria a and b) together with the Markfield Conservation Area Appraisal and is therefore recommended for approval subject to conditions and no new significant material objections being received prior to the expiry of the consultation period on 24 October 2012.

RECOMMENDATION:- That the Head of Planning shall be granted powers to issue conservation area consent subject to planning permission for redevelopment of the site being approved, no new significant material objections being received prior to the expiry of the consultation period on 24 October 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, the character and appearance of the existing building, the proposals for its replacement, 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 demolition works would be in accordance with the development plan as they would enhance the character and appearance of the Markfield Conservation Area.

Hinckley and Bosworth Local Plan (2001):- Policies BE7 (criteria a - d), BE8 (criteria a and b) and BE16.

Local Plan 2006-2026: Core Strategy (2009):- Policy 8.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This consent shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 020A.PD.01 at 1:1250 scale; Demolition Plans 020A.PD.02, 03, 04 and 05 received by the Local Planning Authority on 20 July 2012.
- 3 The demolition hereby permitted shall not be undertaken unless and until:-
 - a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.
 - b) a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 4 Prior to the commencement of the demolition hereby permitted a site management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5 For the period of the demolition vehicle parking facilities shall be provided within the site in accordance with the provisions of the site management plan.
- 6 No demolition/development shall take place/commence until a Written Scheme of Investigation detailing a suitable programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the programme and methodology of historic building survey, reporting and archive deposition and the nomination of a competent person or persons/organisation to undertake the works set out. No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reasons:-

- 1 To comply with the requirements of Section 74 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To protect the character and appearance of the Markfield Conservation Area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the amenities of surrounding properties and in the interest of highway safety to accord with Policies BE1 (criteria c and i) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure satisfactory historic building survey, analysis and reporting to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development (Both during demolition and construction). 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.
- 6 In relation to Condition 6, the applicant is advised to contact the Leicestershire County Council Planning Archaeology Section (Telephone (0116) 305 8322) for further advice in respect of the requirements for discharge of this condition
- 7 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

- 8 The applicant is advised that in view of the constraints of the site and its location on the Main Street, careful thought needs to be given to working practices during both the demolition and redevelopment phases to minimise any disruption to the local area, including hours of operation, noise and dust control and parking and delivery arrangements.

Contact Officer:- Richard Wright Ext 5894

Item: 03

Reference: 12/00379/OUT

Applicant: Kirkby Homes

Location: Warwick Building Rossendale Road Earl Shilton

Proposal: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 34 DWELLINGS (OUTLINE)

Target Date: 23 October 2012

Introduction:-

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

Application Proposal

This application seeks outline planning consent with all matters reserved for the demolition of the existing commercial building and erection of 16 residential houses and 18 apartments at Warwick Buildings Rossendale Road, Earl Shilton.

Indicative layout and elevational details have been submitted with the application demonstrating how the proposed 34 units can be accommodated on the site at a density of 77 dwellings per ha. This shows two three-storey apartment blocks separated by a central access, leading to a communal parking area, facing Hinckley Road and turning the corner of Rossendale Road and New Street. A terrace of three and four properties face New Street with a terrace of three and four and a pair of semi-detached dwellings facing Rossendale Road. The dwellings indicate off street parking to the front of the dwellings and all have private gardens. It needs to be noted that these details are indicative only and do not form part of the application.

The Site and Surrounding Area

The application site consists of a two storey brick office building dating from the 1960's located on the south side of Hinckley Road, between the junctions with Rossendale Road and New Street. There is a slope from the south west falling in a north easterly direction, most prominent on the Hinckley Road to the north of the site.

The area is mainly residential interspersed with commercial properties, which are concentrated at the northern end of Rossendale Road. The northern side of Hinckley Road has red brick Victorian terrace properties with no off- street parking.

Rossendale Road has commercial units opposite the site, including an office and commercial garage, before residential properties dominate. To the south of the site a recent residential scheme has been completed consisting of two and three storey brick dwellings located close to the footpath with rear communal parking courts.

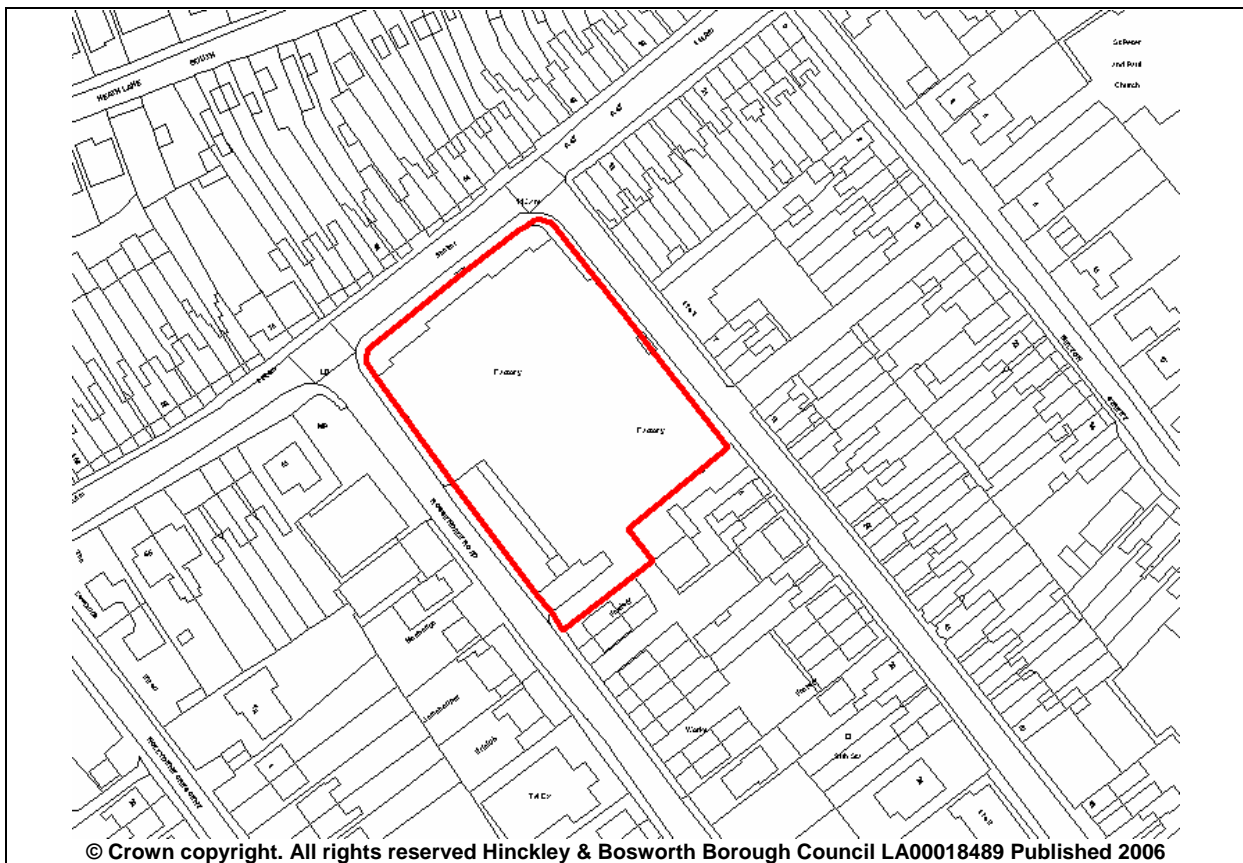
New Street consists of two-storey red-brick terraced properties and small Victorian industrial units converted to residential apartments. There is no off-street parking to many of these dwellings, resulting in a high level of on-street parking.

Technical Documents submitted with application

Transport Statement
Heads of Terms
Land contamination assessment

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from Earl Shilton Town Council.

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Environment Agency
Head of Community Services (Pollution)

Head of Business Development and Street Scene Services
Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways).

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

- a) Directorate of Chief Executive (Ecology)- no contribution requested;
- b) Director of Children and young Peoples Services (Education) - Requests £51,662.77 towards Weavers Close C of E Primary School to provide places created by the development. No contribution is sought towards local middle and upper schools as both have sufficient capacity to cope with the increase in numbers expected to be created by the development;
- c) Director of Environment and Transport (Civic Amenity)- requested £1,600.00 towards the Barwell Civic Amenity site to mitigate the increased use on this facility arising from the development;
- d) Director of Adults and Communities (Libraries) – requests £1,780.00 towards Earl Shilton library towards 110 Items of additional stock, including audio visual, reference and homework support stock;
- e) Director of Environment and Transport (Highways) have requested one travel pack per dwelling to inform new residents from first occupation what sustainable transport choices are in the surrounding area (cost £52.85 per pack from LCC highways) and 6 month bus passes (2 application forms to be supplied in each travel pack) to encourage new residents to use local bus services to establish changes in travel behaviour. (Cost of £325.00 per pass expected take up rate of 25%)

The Primary Care Trust- Requests £13,734.34 towards the nearest GP practice in Earl Shilton to enable it to accommodate the additional demand on the service as a result of the development.

Site notice and Press notice were displayed and neighbours notified.

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

- a) object to the provision of social housing as part of the scheme due to the anti-social problems this brings with it
- b) will encourage speeding
- c) safety concerns
- d) increase parking on the street
- e) no play area for children except on the street
- f) dog fouling problem in the area
- g) over development
- h) social housing is not required in this area
- i) traffic congestion
- j) will right of access be maintained
- k) inadequate access
- l) noise and disturbance
- m) insufficient infrastructure to cope with the development.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 1: Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 12: Development in the Three Cities Sub-area

Local Plan 2006-2026: Core Strategy 2009

Policy 2: Development in Earl Shilton
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy EMP1(c): Existing Employment Sites
Policy RES5: Residential policies on unallocated sites
Policy BE1: Design and Siting of Development
Policy NE2: Pollution
Policy T5: Highway Design and Vehicle Parking Standard.
Policy T9: Facilities for Cyclists and Pedestrians.
Policy REC2: New Residential Development – Outdoor Open Space for Formal Recreation
Policy REC3: New Residential Development – Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Employment Land and Premises Study

Appraisal:-

The main considerations with regards to this application are the principle of the proposal, developer contributions and highway safety.

Principle of Development

The NPPF published in March 2012 has a presumption in favour of sustainable development. The document defines sustainable development as having three roles;

The economic role contributes to building a strong, responsive and competitive economy including the provision of infrastructure.

The social role is to support strong and healthy communities by providing the supply of required housing to meet the needs of the present and future generations.

The environmental role contributes to protecting and enhancing the natural, built and historic environment, partially through minimising waste and pollution.

The proposal is located within the settlement boundary of Earl Shilton and is considered to be close to facilities, transport links and services.

Within the Local Plan the site is listed within Policy EMP1(c). This identifies the site as an existing employment site however seeks to encourage alternative uses subject to other appropriate adopted policies. This allocation is supported by the findings of the Employment Land and Premises Study. The site is located on the edge of Earl Shilton Town Centre, and is constrained by surrounding residential development and transport connections. The site is therefore not considered to be suitable for employment activities. The principle of the loss of the employment site is therefore considered acceptable.

Policy RES5 of the local plan supports applications for residential proposals on unallocated sites where they are within the defined settlement boundary and comply with other policies within the adopted local plan. In addition, Policy 2 of the Core Strategy states that, to support the regeneration of Earl Shilton, the Council will support development within Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings.

The proposal would utilise a previously-developed site that is no longer fit for purpose and contribute towards meeting the housing need within the Borough and Earl Shilton specifically. The proposal would be a form of sustainable development that re-uses a previously-developed site, close to facilities and services and public transport networks.

Excluding the Sustainable Urban Extensions, at 1 April 2012 the residual housing supply for Earl Shilton has already been met, however the Core Strategy Policy seeks to support development within the settlement boundary, as such development which is sustainable and where appropriate should be supported. The development therefore would exceed the minimum number of dwellings within Earl Shilton, however, it is not considered that the proposed additional numbers would harm the spatial vision of the Core Strategy, in this specific case for the reasons explained above, and because the proposal is considered to be acceptable with regard to the policies within the adopted Local Plan.

It is considered that the principle of development accords with the objectives of the NPPF, Policies EMP1, and RES5, of the Hinckley and Bosworth Local Plan and Policy 2 of the Core Strategy.

Infrastructure Improvement

The application proposes 34 residential units which attracts infrastructure contributions. Requests for developer contributions must be considered against the tests in the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs particularly for affordable housing. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

The threshold for the provision of affordable housing in urban areas is 15 dwellings and above. As this scheme is in an urban area, Policy 15 indicates that 20% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure. The provision of affordable housing for this site would equate to 7 dwellings; 5 for social rent and 2 for intermediate tenure.

The latest housing register for Earl Shilton indicates that there are 635 applicants on the waiting list consisting of 328 for 1 bed roomed units; 206 for 2 bed roomed units; 86 for 3 bed roomed units and 15 for 4 or more bed roomed properties. There is therefore a high demand for properties within the Earl Shilton area. The applicant has indicated on the indicative layouts that 6 of the one bed roomed units would be allocated for affordable housing, one less than required by Policy. However, the Affordable Housing Enabling Officer has indicated that due to the high demand for one bed roomed units, combined with the layout and position of the units proposed, and given the management issues associated with mixed landlords, in this instance the proposed affordable housing provision is acceptable.

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

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 the provision and maintenance of formal and informal play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

The site is located within 400 metres of the equipped site at Wood Street, and within 1km of the formal provision at Weaver Springs. Under the terms of the Council's Policy an off-site contribution can be made towards the Wood Street Club for informal provision and towards Weaver Springs for formal provision.

Informal Provision

Within the Green Space Strategy Earl Shilton had a deficiency of -0.60 ha per population of equipped play space and -0.96 ha per population of casual informal space. Within the Audit of provision Wood Street had a score of 54.8% in the 2007 update. It is envisaged that this development will result in increased use of these facilities due to the family sized dwellings being proposed. The Town Council have indicated that they propose to provide a new

skate/bmx area within the Wood Street Park and any contribution would go towards providing this.

There is no proposed provision within the site and therefore all the contributions would go towards off site provision and maintenance at Wood Street. As this is an outline application with all matters reserved and whilst numbers are indicated they could change when the reserved matters application is submitted and therefore a pro rata approach will be applied. In accordance with the Play and Open Space Strategy a 25% reduction will be applied to one bedroomed units. The contribution towards informal provision of play and open space would consist of the following elements per dwelling;

Capital contribution; £817.80
Maintenance Contribution; £617.50
Total Informal contribution per dwelling of £1435.30

Formal Provision

Within the Green Space Strategy Earl Shilton has a deficiency of outdoor space of -7.00. Within the Audits of provision Weaver Springs had a score of 22.4%. The Town Council have indicated that they have plans to provide a sports pavilion on the playing fields to provide changing facilities for the football teams that hire out the pitches. The contribution towards informal provision of play and open space would consist of the following elements per dwelling;

Capital contribution; £322.80
Maintenance Contribution; £264.00
Total formal contribution per dwelling of £586.80

There is a deficiency of informal play space within Earl Shilton when compared with the National Playing Fields standard. The development is of a type that would result in additional use of open space which would be directly related to the development. The Town Council have indicated what the monies would go towards to improve the facilities. Accordingly it is considered that the request is fairly and reasonably justified and would meet the requirements of the CIL regulations.

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

Other Developer Contributions

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

- a) Director of Children and young Peoples Services (Education) - Requests £51,662.77 towards Weavers Close C of E Primary School to provide places created by the development.
- b) Director of Environment and Transport (Civic Amenity) - requested £1,600.00 towards the Barwell Civic amenity site to mitigate the increased use on this facility arising from the development.
- c) Director of Adults and Communities (Libraries) – requests £1,780.00 towards Earl Shilton library towards 110 Items of additional stock, including audio visual, reference and homework support stock.

- d) Director of Environment and Transport (Highways) have requested one travel pack per dwelling to inform new residents from first occupation what sustainable transport choices are in the surrounding area (cost £52.85 per pack from LCC highways) and 6 month bus passes (2 application forms to be supplied in each travel pack) to encourage new residents to use local bus services to establish changes in travel behaviour. (Cost of £325.00 per pass expected take up rate of 25%)
- e) The Primary Care Trust- Requests £13,734.34 towards the nearest GP practice in Earl Shilton to enable it to accommodate the additional demand on the service as a result of the development.

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

- a) Affordable housing (6 units)
- b) Play and Open Space (£1837.60 per dwelling)
- c) Director of Children and Young People Services (Education) £2903.76 per dwelling and £520.26 per 2 bedroomed flat. No contribution is requested towards 1 bedroomed properties
- d) Director of Environment and Transport (Highways) travel packs at £52.85 per dwelling and 6 monthly bus passes
- e) The Primary Care Trust (£13,734.34 or £400.45 per dwelling).

Highway Safety

The application has been submitted with a highway statement.

This identifies the former use and confirms that the main access is from Rosendale Road where the loading doors are and that there is no real dedicated parking on the site but car parking used to take place between the loading bay doors. As such the highway statement states that this parking would have severely hampered delivery vehicles accessing the site and would only really accommodate 6 to 10 vehicles without serious conflict arising. The report continues to describe that the number of car trips generated by the existing legitimate planning use and proposed use will be calculated using the TRICs data base. This concludes that the existing use would generate 178 trips per day and proposed residential use 147. The report concludes that the proposed residential development would not result in any more trips and therefore would not have a detrimental impact on highway safety. There has been no objection to the report from the Director of Environment and Transport however conditions have been recommended.

Objections have been received on highway safety grounds. These specify speeding traffic, parking and increased congestion. The report has demonstrated that the proposal will not result in more trips being generated than the lawful use of the site. Whilst it is acknowledged that the site is currently vacant and therefore not generating any trips, planning permission would not be required if it was occupied by a commercial operator again. The development would not result in speeding traffic, as it does not change the highway layout. The indicative layouts have demonstrated that sufficient parking can be accommodated on the site not to result in an increase in on street parking that would exacerbate an existing problem. This would, however, be determined at the reserved matters stage.

Other Issues

Pollution - A land contamination report has been submitted in support of the application due to the previous industrial uses of the site. Whilst there are no objections to the report, it identifies that further investigations are required and this is supported by the Environment Agency and the Head of Community Services. It is therefore recommended that a condition

be imposed requesting that further investigations be completed to establish the level of mitigation required prior to work commencing.

Indicative layout - Whilst this is an outline application with all matters reserved, indicative layout and elevations have been provided. Whilst the form of the development facing the highways reflects that of the surrounding area, the inclusion of parking to the front of the dwellings results in the properties being sited further away from the highway that is generally characteristic of the area. The scale of the proposal on Hinckley Road is not considered to be generally in keeping with the surrounding developments. Approval is not currently sought for appearance or scale and these points will be passed onto the applicant to address within any subsequent reserved matters application.

Affordable housing - objections have been received on the inclusion of a percentage of affordable housing within the development on the basis that it will result in anti-social behaviour. The provision of affordable housing within developments is a policy requirement that complies with national policy. Anti-social behaviour is dealt with by other legislation and not a material consideration in the determination of this application.

Density - Should a reserved matters application come forward as indicated by the indicative plans submitted with the application, the density of the development would equate to 77 dwellings per hectare. Whilst objections have been received on the basis that the proposal is overdevelopment of the site, it is considered that the surrounding development is dense and a more spacious scheme would be out of character.

Sustainable design - Policy 24 of the adopted Core Strategy requires residential developments within the urban area to be constructed to Level 3 of the Code for Sustainable Homes (the Code). The Code for Sustainable Homes provides a measure for the environmental sustainability of new residential developments and developers can gain credit for using certain types of material, recycling building materials from the site, installing low flow taps, rainwater harvesting goods, sheds for bike stores and ecological gains across the site. Due to how the Code is structured it is impossible to obtain Code 3 on flat or apartments. Building Regulations now require the fabric of residential buildings to be constructed to Code 3 level, and therefore the fabric of the flats elements will be constructed to a highly energy efficient standard. However a condition is recommended that the dwellings be constructed to be compliant with Code 3.

Conclusion

The scheme is located within the defined settlement boundary of Earl Shilton and is considered to be a sustainable form of development. The applicant has demonstrated that the proposal would not cause a detriment to highway safety in the nearby streets, and a phase one environmental assessment has indicated that whilst further work needs to be undertaken the site is developable. Therefore subject to the imposition of necessary conditions, the application is considered to be in accordance with Policies EMP1 (c), RES5, T5 of the adopted Hinckley Local Plan (2001) and Policies 2, 15 and 24 of the adopted Core Strategy (2009) supported by the NPPF.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities and contributions towards education, travel packs and bus passes and health care that the Head of Planning be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission and subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 to provide affordable housing and other infrastructure and services the proposed development would be in accordance with the development plan as the scheme would utilise a previously developed site that is no longer fit for purpose and contribute towards meeting the housing need within the borough and Earl Shilton and would not have any adverse impact upon highway safety. Accordingly the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, EMP1(c) RES5, BE1, NE2, T5, T9, REC2 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 2, 15, 16, 19 and 24.

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

- 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 layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
 - b) The scale of each building proposed in relation to its surroundings
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
 - d) The access arrangements to and within the site for vehicles, cycles and pedestrians
 - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: P11/20/200 received by the Local Planning Authority on 24 July 2012.
- 4 No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site shall first be submitted to and approved in writing by the Local Planning Authority;

- a) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (b) and based on these an options appraisal and remediation strategy (giving full details of the remediation measures required and how they are to be undertaken).
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollution linkages maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

- 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 commence until a drainage plan showing the dispersal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The drainage plans should incorporate sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall be implemented in accordance with the approved details.
- 7 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.
- 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, no loose aggregate) for a distance of at least 10 metres behind the highway boundaries and shall be so maintained at all times.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To protect future users of the site and to minimise risk to the environments from any residual contamination at the site in accordance with Policy NE2 of the Hinckley and Bosworth Local Plan, NPPF paragraphs 109 and 121.

- 6 To ensure that the development is provided with a satisfactory sustainable means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE2 of the Hinckley and Bosworth Local Plan supported by the NPPF.
- 7 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 during construction in accordance with policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in 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:- Sarah Fryer Ext 5682

Item: 04

Reference: 12/00669/FUL

Applicant: Mrs Sue Smith

Location: Whitegate Stables Caravan Park Copt Oak Road Copt Oak

Proposal: CHANGE OF USE OF LAND FOR THE PROVISION OF FOUR ADDITIONAL GYPSY AND TRAVELLER PITCHES INCLUDING ALTERATIONS TO VEHICULAR ACCESS (PART RETROSPECTIVE)

Target Date: 16 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local or wider controversial issues.

Application Proposal

This application seeks full planning permission for the change of use of land for the provision of four additional pitches for use by families that fall under the definition of gypsies and travellers as defined in Annex 1: Glossary to the 'Planning Policy for Travellers Sites' together with additional operational development including the formation of an acoustic earth bund and part retrospective access improvements. The proposed pitches will each measure approximately 11 metres x 10 metres. A dayroom/toilet block measuring 5 metres x 4 metres together with an amenity/ parking area measuring approximately 30 metres x 10 metres are included in the proposals. The proposals also include an acoustic earth bund measuring approximately 58 metres in length x 10 metres in width and 2.5 metres maximum height together with a 2 metres high screen fence on top of the bund and additional landscaping within the site along the boundary with the M1 motorway. Access to the site is gained from an existing access off Copt Oak Road. The application includes partly retrospective proposals to alter the access to provide 10 metres radii at its junction with Copt Oak Road.

This is a re-submission of a similar application (reference 12/00024/FUL) for four additional pitches that was refused planning permission on highway safety grounds.

The Site and Surrounding Area

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

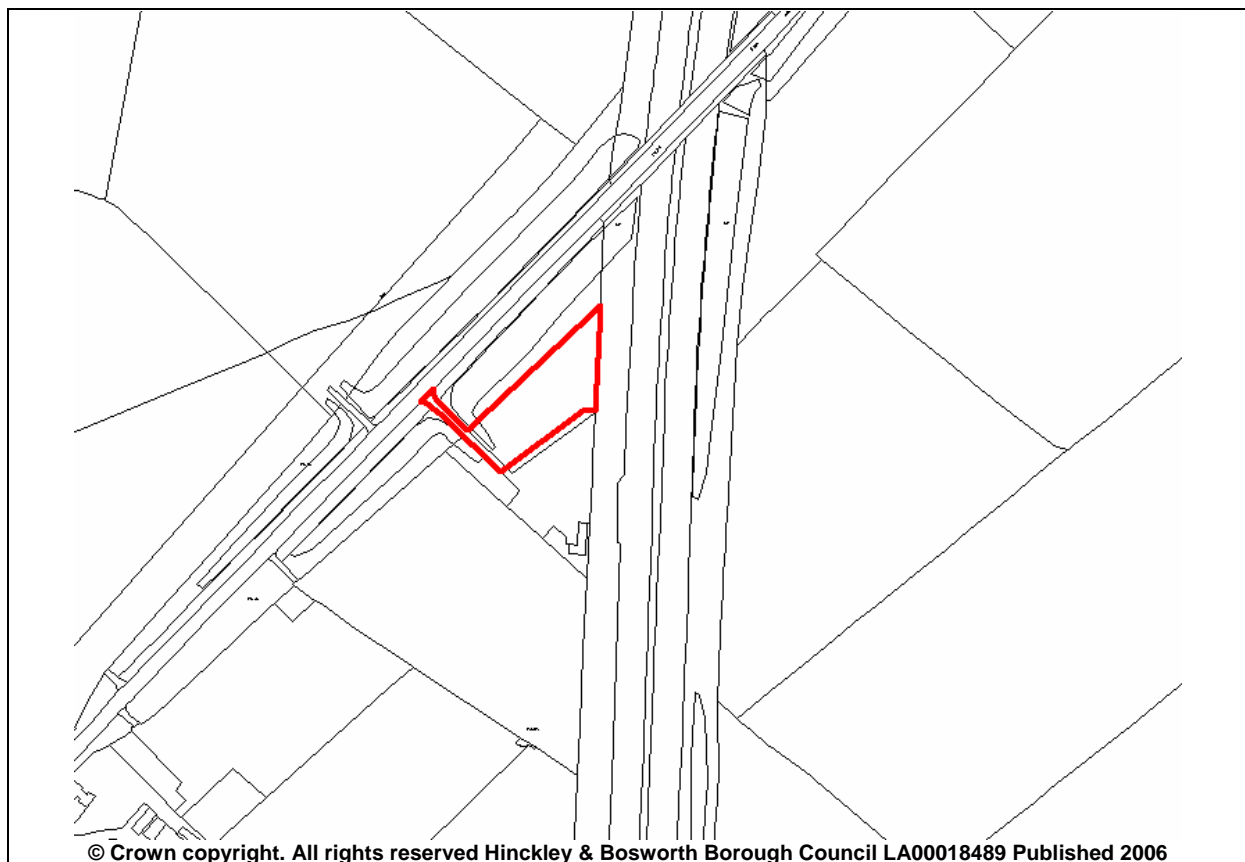
Technical Documents submitted with application

Design and Access Statement
Environmental Noise Survey
Highway Statement

Relevant Planning History:-

12/00024/FUL	Change of Use of Land for the provision of 4 Additional Gypsy and Traveller Pitches	Refused	04.04.12
11/00651/COU	Change of Use of Land for the provision of 4 Additional Gypsy and Traveller Pitches	Withdrawn	10.11.11
10/00649/COU	Change of Use of Land for the Provision of 4 Permanent Gypsy Pitches and 4 Transit Gypsy Pitches	Withdrawn	15.09.10

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



Consultations:-

No objection has been received from:-

Environment Agency
 Highways Agency
 East Midlands Airport
 Head of Community Services (Land Drainage).

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

No objection subject to conditions has been received from:-

Head of Community Services (Pollution)

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

North West Leicestershire District Council has no objections subject to compliance with relevant development plan policies and subject to appropriate landscaping being implemented, ground levels not being raised and that the proposed improvements to the access as shown on the submitted plans can be achieved.

Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that the proposal if permitted could result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high to the detriment of highway safety and that the applicant has failed to demonstrate that the proposal is located where services are readily and safely available by walking, cycling or public transport.

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

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

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

National Forest Company
Charnwood Borough Council
Site Notice
Neighbours.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 16: Regional Priorities for Gypsy, Travellers and Travelling Showpeople

Local Plan 2006-2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople
Policy 21: National Forest
Policy 22: Charnwood Forest

Hinckley and Bosworth Local Plan 2001

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

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide 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 Sites and Liaison Officer has submitted a letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The Officer also verifies the applicant's details and needs for the site. Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the surrounding countryside, neighbours and highway safety.

Planning Policy for Traveller's Sites (March 2012)

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

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

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

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

As there is a deficit of 29 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site having regard to the requirement within the Core Strategy. Approval of this application would go towards meeting the current shortfall in pitches and will significantly improve the access to services such as health and education for any families residing on the site and will provide a more stable environment for their children's development.

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

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

c) other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer has submitted a letter of support. The letter confirms the proposed site would be open to all Gypsies & Travellers regardless of their ethnic origin or family background and that Mr Smith (who would be the residential site manager) has indicated that he would be prepared to work with the Multi Agency Travellers Unit to accommodate Gypsies and Travellers in need of housing (at his own discretion). Mr & Mrs Smith and their family have been resident on the existing adjacent site for over 20 years and live peaceably with the local settled population with no reported issues. They wish to extend their site to accommodate some of the increasing number of Gypsies and Travellers who have no legal place to live. 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 in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy further below in this report.

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

The origins of the proposed end users of the site are unknown; however the owners of the site have been residing there for over 20 years.

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

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

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

Whilst the application site is not previously developed, untidy or derelict, it offers the opportunity for a natural extension to an existing unauthorised site. The proposals provide a layout that offers additional hard and soft landscaping measures to complement the existing mature landscaping around the site and an amenity/play area for future occupiers children. 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.

Local Plan 2006-2026: Core Strategy Policy 18

Policy 18 of the adopted Core Strategy 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.

Proximity to Settlement/Local Services (Sustainability)

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

(including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is located off Copt Oak Road approximately 0.5 kilometres to the south west of Copt Oak and approximately 3.6 kilometres (2.2 miles) to the north of the centre of Markfield. Due to the distance of these settlements from the site it is likely that a majority of journeys will be made by car. However, the site is considered to be within a 'reasonable' distance of Markfield and the services and facilities provided as required by Policy 18. It is important to note that the proposal represents an extension of an existing adjacent (albeit unauthorised) gypsy and traveller site and no problems have been identified in respect of accessing local services and therefore the site is considered sustainably sited and appropriate by its occupiers.

Sympathetic Assimilation, Countryside, Charnwood Forest and National Forest

Policy 18 indicates that gypsy and traveller sites should be capable of sympathetic assimilation to their surroundings. The site occupies a lower ground level in relation to Copt Oak Road and is enclosed on all sides by mature hedgerows and semi mature trees of varying heights of 3 metres and above. As a result, notwithstanding the stark utilitarian urbanising impact that caravans might create in an undeveloped rural landscape, in this case, there is an adjacent site that has operated for over 20 years, the site is well screened from the surrounding countryside, particularly during the spring and summer months, and as a result the proposals, including the formation of an earth bund will not be prominent or have any significant adverse impact on the character or appearance of the countryside, the Charnwood Forest or National Forest. On balance, and having regard to the current shortfall in pitches within the Borough, the proposals are considered to meet the requirements of Policy 18 of the adopted Core Strategy and Policies 21 and 22 of the adopted Core Strategy in respect of the National Forest and Charnwood Forest.

Scale

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

Safe and Healthy Environment for Residents

Policy 18 requires proposed sites to provide a safe and healthy environment for residents in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near hazardous places as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The application site is flat but not exposed and lies immediately to the west of the M1 motorway but on a significantly higher ground level with an embankment between. An Environmental Noise Survey to assess the exposure of the site to road traffic and other noise during day and night time periods has been submitted to support the application. This shows that current background noise levels are above the 'recommended' noise exposure levels detailed in Planning Policy Guidance 24 (Planning and Noise) being in 'NEC category C' for both day time and night time noise exposure. However, it concludes that upon the installation of acoustic control measures being a 10 metres wide x

2.5 metres high embankment bund with dense planting and a further 2 metres high screen fence on top of the embankment (total height of 4.5 metres) noise exposure would be reduced to 'NEC category B' with both day time and night time readings being slightly above 'NEC category A' rating. The Head of Community Services (Pollution) does not object to the application and given the transient nature of the site and its future occupants considers that the implementation of the acoustic control measures proposed should provide a satisfactory outcome in respect of protection from noise. A condition is recommended requiring further details of the barrier to be submitted for prior approval if permission is granted. In respect of air quality considerations, the Head of Community Services (Pollution) does not object to the application and states that even if air quality limits are exceeded there is no presumption against development. As with noise, the transient nature of the proposed site and its future occupiers means that it would be unlikely for users to remain on site for a significant period of time with regards annual exposure limits. In addition the construction of the noise barrier should lower the levels of particulate matter on the site.

The Good Practice Guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. The existing adjacent site benefits from basic facilities of mains water and electricity and a septic tank. The current proposals include connection to the nearby existing public mains foul sewer system in Copt Oak Road for the additional pitches and as a result the Environment Agency has no objection to the application.

Overall, the site is considered to comply with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Design and Layout

The Good Practice guide states that sites of various sizes, layouts and pitch numbers operate successfully. In this case, this is a private site, meaning there are no defined standards in terms of design. The guidance suggests that permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle. The proposed pitches will each measure approximately 11 metres x 10 metres. A dayroom/toilet block measuring 5 metres x 4 metres together with an amenity/hard-standing parking area measuring approximately 30 metres x 10 metres are included in the proposals. The design and layout affords individual pitches, open amenity/play space and parking spaces whilst providing natural surveillance. The internal layout and elevations of the proposed amenity building are considered to be acceptable in terms of design and siting.

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

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in four additional pitches, there will be increased activity on site and more vehicle movements. However, there are no neighbouring dwellings in immediate proximity to the site. The nearest being Llanberis Farm located approximately 250 metres to the south west of the site. As a result of the scale of the proposed development and the separation distance it is considered unlikely that the proposal will adversely affect any neighbours' amenity.

Highway Safety

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

The proposed access to the site is via an existing access to the adjacent site off Copt Oak Road. The submitted Site Layout Plan and Design and Access Statement indicate that alterations have been undertaken (albeit unauthorised) to the access since the previous application was refused to provide 10 metres radii on both sides of the junction with Copt Oak Road to improve access and egress to and from the site and to enable two vehicles to pass each other and pull clear of Copt Oak Road. The Director of Environment and Transport (Highways) advises that whilst the partially completed access improvements now meet required highway standards in the 6C's design guide these have been carried out without the appropriate consents being obtained and need to be completed to an appropriate standard in the event that permission is granted.

The Director of Environment and Transport (Highways) considers that this latest submission does not address the reasons for refusal as previously recommended under reference 12/0024/FUL. Copt Oak Road is an unlit and derestricted Class II route (B591) which lacks pedestrian footways. He considers it to be well trafficked with driven speeds past the site frontage estimated to be over 50mph. He advises that there have been 7 recorded personal injury accidents on the road in the last 5 years, two of which were classed as serious and one fatal. He considers that an additional four pitches will lead to a material increase in turning movements to/from the B591 and as a result the Highway Authority considers the proposal to be contrary to their current highway design guidance (6Cs Design Guide). As a result, the Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that the proposal if permitted could result in an unacceptable increase in turning traffic to the detriment of highway safety.

Within the submitted Design and Access Statement the applicant states that there have been no accidents near the site entrance and that the accidents have occurred over 350 metres away towards the A50. Following the recommendation of the Director of Environment and Transport (Highways) a Highway Statement has been submitted that advises that the existing access is to be widened and the junction radii increased to 10 metres and that the available visibility splays over wide grassed verges are in excess of 215 metres in both directions from a set back of 2.4 metres. The Statement estimates that the number of additional vehicle trips per day that four dwellings would generate would be 28 and an additional 8 trips per day by alternative transport means (if located in an urban area but which are unlikely in this rural location). The Statement concludes that the proposed development would result in an increase in traffic flows on the highway network by only 3 trips during the morning and evening peak hours and that this would not have any adverse impact on the highway network or significantly increase the probability of accidents.

In response the Director of Environment and Transport (Highways) accepts that visibility is good and that there have been no accidents at the site access in the last five years. However, visibility is not the only factor and he identifies that the key issue is the increase in turning traffic to and from a section of Class II road where vehicle speeds are high. He considers that the increase from 4 to 8 caravans will generate roughly 36-40 trips a day and that this increase is material, although it is accepted that in the context of traffic already using Copt Oak Road, this amount is not significant. The NPPF states that development should only be refused where there are 'severe' highway impacts. Whilst this is open to interpretation, the Highway Authority view is that although the risk of an accident is low, the potential consequences should one occur in this location would be severe. As a result, notwithstanding the Highway Statement, the recommendation to refuse the application is repeated.

The Director of Environment and Transport (Highways) also considers the site to be in an unsustainable location due to the distance from any local amenities and facilities in Markfield and Copt Oak and as such occupants of the site will rely heavily upon the use of the car contrary to local and national planning objectives in terms of sustainability and reducing the need to travel. The Director of Environment and Transport (Highways) therefore also recommends refusal of the application on the grounds that the applicant has failed to demonstrate that the proposal is located where services are readily and safely available by walking, cycling or public transport. Notwithstanding this view, the NPPF in paragraph 29 acknowledges that whilst 'the transport system needs to be balanced in favour of sustainable transport modes.... opportunities to maximise sustainable transport solutions will vary from urban to rural locations.' In addition, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the cumulative impacts of development are severe. In this case, there is already an existing site adjacent to the application site and the development is small scale, therefore the sustainability reason for refusal is not considered to be reasonable in this case.

Other Considerations

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 that can be afforded 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. As a result Policy NE5 can be afforded only limited weight in consideration of the application.

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

Conclusion

On balance, based on the identified shortfall in pitches and need for the site, which has been confirmed by the County Councils Travellers Sites and Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy, Planning Policy for Traveller Sites (March 2012), the 'need' for the site is considered to be justified and the need for the pitches is considered to outweigh any objection to development in the countryside. The site is considered to be a reasonable distance from local services and infrastructure, will be compatible with the scale of the nearest service centre (Markfield), will sympathetically assimilate into the surroundings as a result of existing and proposed landscaping, will not have any material adverse impact on the character or appearance of the countryside, Charnwood Forest or National Forest, will provide a safe and healthy environment to residents as a result of the design and layout and will not result in any adverse impact on residential amenity.

However, the Director of Environment and Transport (Highways) recommends that given the speed of traffic and poor accident record on the B591 Copt Oak Road the application be refused on the grounds that the proposal could result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high and where such an increase would not be in the best interests of highway safety. In the absence of any satisfactory justification being submitted by the applicant to overcome the objections of the Highway Authority, the application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposal would result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety and is therefore contrary to paragraph 32 of the National Planning Policy Framework, Saved Policy T5 of the adopted Hinckley & Bosworth Local Plan and Policy 18 of the adopted Local Plan 2006-2026: Core Strategy.

Notes to Applicant:-

- 1 The plans used in the determination of this application are: Site Location Plan at 1:1250 scale; Site Layout Plan at 1:500 scale; Site Section of Bund at 1:200 scale Drawing No. 11.22.01 and Day Room Plan and Elevations at 1:50 scale Drawing No. 11.22.02 received by the Local Planning Authority on 21 August 2012.

Contact Officer:- Richard Wright Ext 5894

Item: 05

Reference: 12/00697/REM

Applicant: Mr Simon McDonald

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Apparelmaster Ltd Rugby Road Burbage

Proposal: APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 212 DWELLINGS WITH ASSOCIATED ROADS, OPEN SPACE AND LANDSCAPING

Target Date: 22 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application comprising 10 or more dwellings with a site area of more than 0.5 hectares.

Application Proposal

This application comprises the reserved matters submission for one parcel of residential development on land bounded by the Ashby Canal, Railway Line and Bridge Road incorporating the former Johnsons factory. In more detail the application proposes 212 dwellings of various size and style including 28 affordable units along with the provision of an equipped children's play space, pedestrian linkages and structural landscaping. The development density will be 38.5 dwellings per hectare. A range of house types are proposed

including 2 bed terraces to 4 bed detached dwellings, ranging in height between 2 – 3 stories.

This application follows the approval of the outline application (10/00518/OUT) for a mixed use development comprising up to 375 dwellings, employment (use classes B1 a, B1c, B2 and B8) a local centre (use classes A1 – A5 and D1), Live/work units, works to Sketchley Brook corridor, remodelling of the lake and associated open space, parking and accesses. This application was approved by committee on 1 March 2011.

For the avoidance of doubt an EIA Scoping has been undertaken. The development is not considered to require an addendum to the existing EIA.

Due to officer concerns in relation to a number of minor details in respect of the layout, design, landscaping and drainage of the site, amended plans have been requested and received. Due to the minor nature of the changes however, no re-consultation has been undertaken.

The Site and Surrounding Area

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

The parcel of land subject of this application has an area just over 5 hectares and comprises the former Johnsons site and land holdings, agricultural land, and the Sketchley Brook. The site is situated to the west of Burbage, with direct access off a new link road from Rugby Road. To the east of the site is an existing employment area. To the north are existing residential properties beyond the railway line. To the south of the site is the former industrial area which is bounded by mature vegetation. The site is physically bound by the railway line to the north and Brookfield Road to the south.

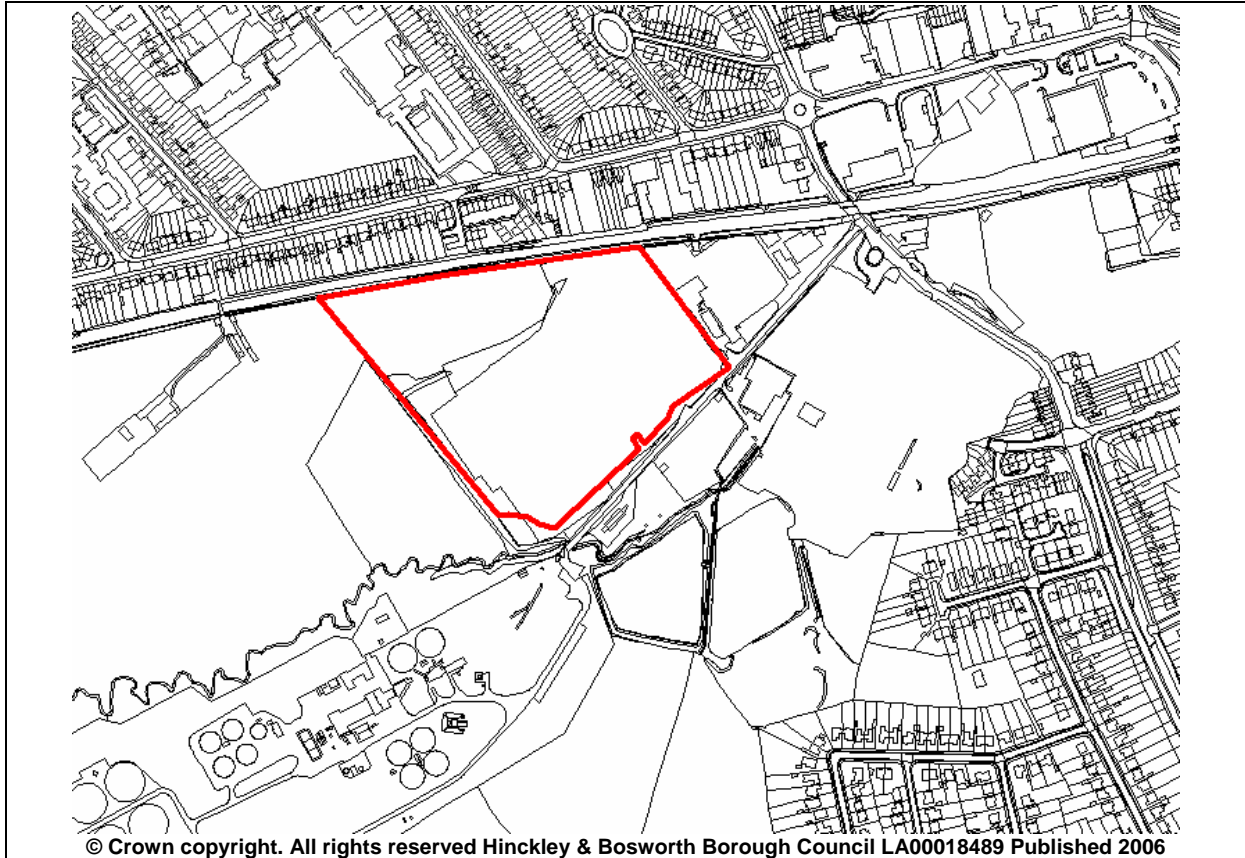
Technical Documents submitted with application

Design and Access Statement
Planning Statement
Topographical Survey
Noise Mitigation Report
Landscape Masterplan

Relevant Planning History:-

Various minor applications concerning the previous use of the site.

11/00856/REM	Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Factory Burbage Hinckley	Approved	11.01.12
10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (use classes B1 a, B1c, B2 and B8) a local centre (use classes A1 – A5 and D1), Live – work units, works to Sketchley Brook corridor, remodelling of the lake and associated open space parking and accesses.	Approved	30.08.11



Consultations:-

No objection has been received from:-

Network Rail
Sport England.

No objection subject to conditions have been received from:-

Environment Agency
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection has been received from Head of Community Services (Land Drainage) however he comments that the attenuation basins/wetland areas should be operationally complete, or sufficiently developed before the applied for phase of the development has been completed.

The Head of Community Services (Pollution) has requested further information/clarification in respect of some of the detail included within the submitted noise report. This has been requested from the applicant, and will be reported and discussed as a late item.

Burbage Parish Council has objected to the application on the following grounds:-

- a) the apartment blocks have an unacceptable visual impact
- b) the affordable housing is clustered together as oppose to being 'pepper potted' through the development

- c) the affordable housing provision of 28 is insufficient and does not meet the 20% target of 42.5 units
- d) provision of a footbridge over the railway should be considered
- e) a detailed proposal for play equipment should be provided and made available for viewing for the open play space.

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

- Policy 1: Regional Core Objectives
- Policy 2: Promoting Better Design
- Policy 3: Distribution of New Development
- Policy 22: Regional Priorities for Town Centre and Retail Development
- Policy 43: Regional Transport Objectives

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

- Policy IMP1: Contributions towards the provision of infrastructure and facilities
- Policy BE1: Design and Siting of Development
- Policy T5: Highway Design and Vehicle Parking Standards
- Policy T9: Facilities for Cyclists and Pedestrians
- Policy T11: Traffic Impact Assessment
- Policy NE2: Pollution
- Policy NE5: Development in the Countryside
- Policy NE12: Landscaping Schemes
- Policy NE13: The Effects of Development on Natural Watercourses
- Policy NE14: Protection of Surface Waters and Groundwater Quality
- Policy NE15: Protection of River Corridors
- Policy RES5: Residential Proposals on Unallocated Sites

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The principle of the development and access have been established by the granting of the outline application. Further, application 11/00856/REM approved reserved matters for the entire site for a detailed concept for green infrastructure which included: the existing, restored and enhanced components of the strategic Sketchley Brook corridor, improvements to Rugby Park Road, the Rugby Road gateway, a new park alongside Ashby Canal incorporating wetland habitat, remodelling and enhancement of an existing land, and structural landscape planting to the northern rail side boundary.

Therefore the matters for consideration in this application are layout, scale, density, design and appearance, landscaping, residential amenity, noise and vibration, flood risk and drainage, highways, storage of refuse / recycling, sustainability, developer contributions and other matters.

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

Layout

The layout proposed has been subject of considerable pre application discussion. The parcel of land subject of this application is roughly to the north of the main spine road running throughout the development and proposes 212 dwellings. The layout draws on the character of the wider area, with traditional patterns of perimeter blocks and a mix of building forms, including apartments, terraces, semi-detached and detached properties.

The layout proposed will provide direct connection to the already approved spine road (which runs throughout the entire development). Along this route, bus stops will be provided at regular intervals. The spine road arches through the centre of the proposed development from the east to west, resulting in two pockets of residential development to its north and south. Within these areas, a hierarchy of streets are proposed, which will allow for both vehicular circulation and will ensure foot and cycle connection to the wider area. The street hierarchy is as follows:-

Primary route:- Spine Road

Secondary route:- this provides direct access to the proposed plots. The route has been designed to promote lower vehicle speeds, through allowing the space to be shared by a number of users. Footpaths are proposed on both sides of the road, along with street trees and landscaping to enhance the character of the area.

Quiet Lanes:- these provide access to individual plots once off the secondary routes. These too have been designed to result in traffic calming and thus have a decreased corridor width and include on street parking and tree planting.

Private drives:- these are proposed to the perimeter of development parcels and to the backs of development blocks, where one-sided development occurs. These have shared surfaces and provide direct plot access.

A 'Green Corridor' is also to be provided centrally within the development, running to the north and south of the spine road. This culminates in a 'green' public open space in the northern part of the development. This feature provides amenity value, enhances the green character of the development and encourages alternative modes of transport.

The layout ensures that dwellings will overlook the main spine road and key open spaces and the creation of perimeter blocks will help create strong frontages to the public realm, which are overlooked and private spaces to the rear which also benefit from natural surveillance. Dwellings which occupy prominent positions or those on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Individual plots will be defined by various boundary treatments, including walls, bollards and fencing and hedgerow, which will provide demarcation between public and private spaces (the specific landscaping scheme will be discussed in detail below) and reflective of the wider locality, many of the dwellings will be situated close to the backs of pavements (within 2 metres) in order to create a sense of enclosure.

All plots will be served by off road parking, including garages, to the front or sides of the plots. This varied approach will ensure the streets are not cluttered or dominated by parking or hard-standing and that the areas benefit from natural surveillance. A small number of shared parking courts have also been proposed. Whilst historically these have not been encouraged, due to their disconnection with the residential units which they serve, and their resultant association with crime; those proposed in this case will be in close proximity to the dwellings, have been restricted in size and will all benefit from natural surveillance. Further, the areas of hard surfacing in this case have been broken up through the addition of landscaping and vegetation. Accordingly, on balance the parking courts proposed are not considered to result in any material planning concerns in this case.

The dwellings propose appropriately sized gardens in accordance with the standards set down in the Council's SPG on New Residential Development and thus are considered acceptable.

The proposed two bed flats (plots 1 - 15) fail to provide any private amenity space, however, given the provision of various parcels of publically accessible green space on site, the green space around the flats, and the good links provided within the development to surrounding open space; including the Rugby Road park, Sketchley Brook and the waterside park, on balance, the solution proposed is considered acceptable.

Affordable Housing Layout

Members should be aware that the number and general location of the affordable dwellings were agreed at outline stage. In total there will be 8 shared ownership units situated in the north western corner of the site, 3 shared ownership units situated adjacent to the western boundary of the site, and 17 affordable rental units, two situated adjacent to the shared ownership in the north western corner of the site units and the remaining 15 comprising apartments, located adjacent to the eastern entrance of the site. The layout of these has been agreed with and are supported by the Council's Affordable Housing Officer and have been accepted by the housing association which will ultimately take responsibility for their management. The layout proposed will ensure that these properties are spread throughout the site, thus creating a well integrated, mixed tenure development.

Key Policy Principle AH 3 within the Affordable housing SPD considers the distribution of affordable housing units across a development. This advises that for larger developments the preferred option is to have small groups of homes in a number of different locations throughout the site. Following concerns raised by officers in respect of the original layout of the affordable housing units only being split into two parcels, the layout has been revised. Three parcels of affordable units are now proposed (as outlined above).

The layout proposed is now considered to be acceptable within the context of the site, and is compliant with Policies 15 and 16 of the Core Strategy and the SPD.

Layout – impacts on Burgess AP

Historically concerns have been raised in respect of the siting of the residential development and consequential impacts on Burgess AP. In order to address these concerns, and in accordance with the conditions attached to the outline application, various measures have been proposed.

Detailed structural landscaping, which has already been approved as part of the earlier Reserved Matters submission (Ref: 11/00856/REM) will surround the development. In addition, a detailed landscape scheme has been included with the current Reserved Matters submission which seeks to build on this by including additional landscaping between the edge of the development and the railway line, including the provision of a 1.8 metre high close boarded fence (this will be discussed in more detail later in the report).

Further, to the east of this block of development it is proposed that a 2-3m high landscaped acoustic barrier is created consisting of a 1.2 metre high bund with a 1.8 metre high close boarded fence on top. By virtue of the proposed layout, the rear elevations of plots 21 and 22 will have habitable rooms facing the Burgess site. Although these will be 20 metres from the boundary of the site and views will be obscured by mature landscaping and the proposed bunding and acoustic fence, it was stated within the Vanguardia Noise Mitigation Measures Report (July 2012) that the orientation of the properties bordering the adjacent Burgess AP yard would result in no habitable room windows facing onto the yard. Concerns in relation to the siting of these dwellings have been raised by Head of Community Services (Pollution) and the applicant has been requested to provide additional justification in respect of the siting of these properties. This will be reported as a late item. Notwithstanding the above however, the layout of dwellings adjacent to the Burgess site have been re-planned (which differs from that indicated on the proposed Masterplan). This has resulted in only three gable ends and parking areas being directly adjacent to the boundary with Burgess, as oppose to the rear gardens of all dwellings in this area, as originally proposed within the Masterplan. This layout is considered to result in an approved relationship between these dwellings, in terms of their residential amenity, and the Burgess site.

The above measures form part the Noise Mitigation requirements originally outlined in the Noise Impact Assessment that accompanied the Outline Application. Further detail in respect of these are included in the section on Noise and Vibration of this report (below) and separately in the Vanguardia Consulting Report on Review of Noise Mitigation Measures submitted with these proposals.

Scale

The height, scale and massing of the proposal is intended to be sympathetic to and in keeping with the surroundings in respect of the existing landscape features and the Sketchley Brook. A range of 2, 2.5 and 3 storey buildings are proposed throughout the development (the majority being two storey), with 'Key' buildings being 2.5 storey to aid legibility and navigation. The building heights proposed have also taken into account the changing topography of the site, which generally slopes from the northern boundary (adjacent to the railway line) to the south. The only 3 storey buildings on site comprise the three apartment blocks on entrance to the development. Due to their siting these will not result in any impacts in terms of being overbearing, over-dominant or overshadowing on surrounding properties, and will instead signify a prominent opening to the development. Further, the variation in height of the development is considered to add interest to the development as a whole, and due to the relatively enclosed nature of the site, is considered acceptable within its setting.

Density

Policy 16 of the adopted Core Strategy seeks to achieve a density of at least 40 dph within and adjoining Hinckley and Burbage. However it states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. The proposed density across the site will be 38.5 dph.

In this case, the presence of the railway line to the north of the site, the Sketchley brook to the south and the surrounding employment uses are constraints to the site which impact upon density. Further, the density proposed takes into account the semi rural nature of the site and the likely impact of development on surrounding uses. Accordingly it is not considered that a higher density development would either be acceptable or achievable in this location. The density proposed is therefore considered consistent with the overall density and character in the surrounding areas, and will result in the most viable use of the land available.

Design and Appearance

The proposal contains a mix of designs and types of properties to add interest and variety to the streetscene. Corner properties have been designed with interest on both elevations, providing active frontages within the public domain. The built form has been used to provide end-stops to highways, creating focal points throughout the development. The appearance of the proposal seeks to draw upon local characteristics whilst also resulting in a unique settlement. As previously mentioned, a range of 2, 3 and 4 bed properties will be provided, comprising, 15 apartments, terraced properties, semi-detached dwellings and larger, detached properties. Property styles will include hipped and pitched roofed dwellings, including some with projecting gables. A variety of fenestration and header/cill details have been proposed, including the use of flat stone and tiled brick headers/lintels. Examples of these can be seen within the wider locality and thus will enhance the developments relationship with its local setting whilst also adding variety. Door canopies will include flat top stone canopies and segmental stone heads and flat stone heads. To add interest and variety, especially in the case of key focal buildings, bay windows and chimneys are proposed. To address officer concerns, the design of the porch on house type 767 has been hipped to render it more in keeping with the overall appearance of the dwelling.

In respect of other visual elements, dwellings are generally set back from the street via small front gardens or landscaped areas. Aside from a small number of rear parking courts, the majority of parking is generally to the side of dwellings, with most properties having a single garage set back within the plot, thus creating soft frontages. A range of boundary treatments have been carefully chosen to ensure that they fulfil both functional and aesthetic requirements and thus add further interest to the overall appearance of the scheme. In addition, whilst hard and soft landscaping will be discussed later in the report it is considered that this also enhances the overall appearance of the site.

Landscaping

Since submission an amended soft landscaping scheme has been requested along with further details of the hard landscaping. This was requested as at outline stage, the application made reference to the development having a 'garden suburb' feel. The landscaping scheme currently submitted is not in accordance with the general principles identified within the masterplan, and the information submitted is not sufficiently detailed. Based on these concerns, additional landscaping detail has been requested and will be discussed as a late item.

Residential Amenity

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

Whilst the site is not immediately bounded by residential development, dwellings on Westfield Road, to the north of the site, would be most likely to be impacted on by the proposal. This said, the majority of these properties are situated in large mature plots and are separated from the site by the railway line, which runs along the entirety of the northern boundary, and a landscaped buffer (within the site adjacent to the northern boundary) in excess of 35 metres in width. Accordingly, by virtue of the combined separation distance and the screening offered by the landscaped buffer, there are considered to be no material impacts on the residential amenity of properties on Westfield Road, either by way of overlooking, overbearing impacts, overshadowing or in respect of noise and disturbance. It is therefore considered that the proposal would not result in any material impacts in respect of the residential amenity of surrounding properties. Therefore the proposal is in accordance with Policy BE1 (criteria i).

Noise and Vibration

The impact of noise and vibration on the residential element of the development was considered in the EA which informed the Masterplan for the overall site at the Outline Planning stage. This in particular included consideration of the proximity of the railway line along the northern boundary of the site, the adjacent land uses where they lie adjacent to the proposed northern residential area of development (the parcel subject of this application) and the relationship between the proposed commercial/industrial and residential elements of the scheme.

Due to changes in circumstances on neighbouring sites, a further report has been commissioned and undertaken by Vanguardia Consulting Ltd, and accompanies this Reserved Matters submission. The report provides a review of the Noise Mitigation proposals for the residential development parcels of the land, in particular considering 3 separate noise sources which affect the northern development. It also considers the previous noise mitigation proposals and provides revised measures due to the changes in circumstances on the site.

These revised mitigation proposals include providing (i) a 3 metre high acoustic barrier to the perimeter of the Burgess AP yard and orientation of properties so that non-habitable rooms on the nearest properties face onto the yard, (ii) a 1.8 metre high acoustic barrier to the rear gardens of properties alongside the access road to the Severn Trent, Sewage Treatment Works, and (iii) a standard 1.8 metre high barrier to replace the existing wire fencing on the northern perimeter of the development site adjacent to the railway line.

Although the above measures have been suggested within the report as appropriate and necessary forms of mitigation, not all have been incorporated within the scheme. Accordingly an objection has been received from Head of Community Services (Pollution). This states that further assessment work needs to be undertaken in relation to the potential impacts of the Burgess site on the adjacent residential properties, additional information in respect of the acoustic glazing and ventilation is required, that the acoustic barrier proposed between the Burgess yard and the adjacent residential properties needs to be improved, and finally that additional assessments and mitigations are required to assess the impacts of noise from the railway. These concerns have been relayed to the applicant and the additional information will be reported and appraised as a late item.

In addition to the measures suggested within the Vanguardia noise report, the approved green infrastructure scheme (11/00856/REM) included proposals for substantial structural planting to the north, west and east of the residential development site located north of Sketchley Brook, and the current proposal includes additional detailed planting that builds on this scheme. These improvements will need to be taken into consideration in line with the additional information requested by Head of Community Services (Pollution).

Flood Risk and Drainage

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

With respect to foul drainage, a primary foul water drainage strategy was included as part of the initial Reserved Matters submission, however further details of the connections to this have been requested for the current detailed housing proposals.

Since submission, further surface and foul water drainage details have been requested and their detail will be reported and appraised as a late item. Notwithstanding this request however, condition 25 of the outline application (10/00518/OUT) requires the submission of a surface water drainage scheme for each phase of the site, based on sustainable drainage principles, prior to commencement. Accordingly, the suggested condition from the Environment Agency is not considered necessary in this case.

Highways

Saved Policies T5, T9 and T11 are all 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.

Due to the location of the application site, proximity to the strategic road network and the town centre, bus and rail stations was considered as part of a Transportation Assessment included in EA at the Outline Planning stage. The suitability of the proposed access arrangements to the site from both Rugby Road and via Logix Park were also considered and accepted as part of the outline proposals. The proposals included the provision of a detailed Framework Travel Plan, which was approved as part of the outline permission.

The subsequent Reserved Matters proposals for the primary physical and green infrastructure sought approval for the main spine road through the site travelling in a westerly direction from a gyratory roundabout on Rugby Road and running roughly parallel to Sketchley Brook. The details also included proposals for a footpath/cycleway running roughly alongside the spine road and 'bus gate' providing restricted access between the commercial and residential elements of the developments thereby preventing commercial traffic disturbing the residential areas.

This detailed layout provides for direct connection from the two residential areas to the approved spine road, where it is proposed that a number of bus stops will be provided. The layout also incorporates connections from within the residential areas to the approved footpath/cycleway network. The residential properties will not only be provided with appropriate vehicular access to the site but at the same time high quality infrastructure is available for all forms of transport that will seek to encourage alternative, more sustainable modes of transport.

Due to officer concerns raised in respect of the disconnected layout of individual parking plots from the dwellings which they serve, various amendments to the layout have been requested and received. Consequently where parking spaces are to the rear of plots, access has been provided to the rear of the dwellings to improve access. This improved access will help ensure these spaces are utilised, and that parking does not consequently end up on street, resulting in a highway danger.

Throughout the development, the majority of properties have two off street parking spaces, whether this is two external spaces or, one external and one garage space that are of a size that meets highway standards. This said, the proposed apartments, (plots 1-15) each have 1 parking space, along with 7 communal visitor spaces. Given that these comprise small 2 bedroomed properties, where there is less of a requirement for two off street parking spaces, and that the site has good access to public transport and is within walking distance to the facilities within Hinckley Town Centre, the slight under provision is considered acceptable in this case.

No objections subject to conditions have been received from the Director of Environment and Transport (Highways). The following conditions recommended are not considered necessary or reasonable for the following reasons and thus will not be recommended.

Suggested condition 1, which relates to a scheme to signalise the junction of Rugby Road/Hawley Road/Westfield Road has been conditioned on the outline planning application. Thus it is not considered necessary to repeat it for this application.

Suggested condition 2 relates to the completion of the gyratory roundabout. This has been conditioned on the outline planning application. Thus it is not considered necessary to repeat it for this application.

Suggested condition 3 states that the development should comply with the design standards of the LCC as contained in its current design standards document. These relate to parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and that these details should be submitted for approval prior to commencement. In relation to this condition, it is not clear which elements of the scheme do not comply with the standards and thus it may be unreasonable and unnecessary to request this information. Accordingly the Director of Environment and Transport (Highways) has been requested to identify which of the standards are not met, in order for a more reasonable condition to be drafted.

Suggested condition 4 states that prior to first occupation, residential car parking shall be provided in accordance with the 6Cs Design Guide – Highways, Transportation and Development. In relation to this condition, it is not clear which plots do not comply with the standards and thus it is considered unreasonable and unnecessary to request this information.

Suggested condition 7 states that if any gates, barriers, bollards, chains or other obstructions are to be erected on the Main Street of the development they shall be set back by 5 meters and shall be hung so as to open inwards only. This condition will be re-worded to refer to

gates only, and as the street to which it relates – ‘Main Street’ does not exist on the development, this will also be re-worded.

Suggested condition 10 states that before first occupation, 2.0 metre x 2.0 metre pedestrian visibility splays shall be provided, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. In order to ensure that the landscaping concept for the site is not compromised to a detrimental level, this condition will be reworded.

Suggested condition 11 states that no part of the development, its supports or foundations shall be positioned in, on, over, upon or within any part of the public highway and that buildings are to be set back 0.5 metres from the highway to provide clearance from windows opening and surface water drainage pipes. This condition is considered unreasonable and unnecessary. There is no reference to which plots it relates and could involve a complete re-plan of the layout. There is no justification for its imposition. This deletion of this condition has been agreed with Director of Environment and Transport (Highways).

Suggested condition 12 relates to the provision for the parking of construction vehicles. This condition is not considered necessary as there is adequate space within the site to cater for the parking of such.

Suggested condition 13 relates to the provision of off road car parking for each plot. This condition duplicates a previously suggested condition, and is not considered necessary as the standards are considered to have been met throughout the development. This position has been agreed with Director of Environment and Transport (Highways).

Suggested conditions 15 and 16 relates to the width of shared private drives. In relation to this condition, it is not clear which plots do not comply with the standards and thus it may be unreasonable and unnecessary to request this information. Accordingly Director of Environment and Transport (Highways) has been requested to identify to which plots this relates, in order for more reasonable condition to be drafted. Subsequently Director of Environment and Transport (Highways) has responded stating that these conditions are not necessary.

Suggested condition 17 requires the submission of a swept path analysis for refuse vehicles to be submitted and approved. By virtue of the wording of this condition, it could result in the layout for scheme to be amended, which would be unreasonable. Accordingly Director of Environment and Transport (Highways) has been requested to clarify which elements of the scheme would not be in accordance with the swept path analysis, in order for a more appropriate and reasonable condition to be drafted. Following further investigation, the Director of Environment and Transport (Highways) has confirmed that this condition is not necessary.

Suggested condition 18 requires details of a routing agreement for construction traffic to be submitted. These details are covered within the Environmental Management Plan, which will be secured by way of condition.

Suggested conditions 19 and 20 relate to the Travel Plan and its content. These conditions are not considered necessary as they have already been imposed on the outline application.

Any additional information received from the Director of Environment and Transport (Highways) in relation to the above conditions will be reported as a late item.

Storage of Refuse/Recycling Facilities

The scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) who has requested that a condition is proposed ensuring that details for waste and recycling storage across the site will first be agreed in writing by the Local Planning Authority. Whilst the apartments illustrate bin storage within the parking area, the collection service may not go into this area to collect. Therefore it will be necessary for an area to be allocated for collection. Further, shared private driveways, for example plots 209 to 212 have no road side collection. Therefore the suggested condition is considered necessary, and 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 to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard are already subject to the imposition of a planning condition on the outline application.

Developer Contributions

Although the outline application was subject to a detailed S106 agreement, there are elements of the current scheme for which contributions need to be secured. 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.

The layout illustrates an area of public open space (0.237 ha) which is not subject of the maintenance contribution secured at outline stage. This open space in question is considered to enhance the 'green' character of the development, to improve connections to the wider area and to provide some amenity provision for the proposed apartments, which have no specific amenity space. Accordingly this green space is considered necessary to make the development acceptable, in accordance with criteria a and b of policy BE1 and is directly related, and fairly and reasonably related in scale and kind to the development proposed. The contribution is required to ensure that this open space is maintained.

The maintenance contribution require for this area of land has been calculated using the same methodology as that used when securing play and open space contributions in line with Policies REC2 and REC3 of the Local Plan. This methodology has been independently scrutinised and is therefore considered as reasonable.

The total maintenance sum in this case would be £24,380.

Other Issues

Concerns raised by Burbage Parish Council, not already addressed within the report, will be addressed below.

It has been suggested that the provision of a footbridge over the railway should be considered. In respect of this, it is considered that the Council would have no grounds or justification on which to make this request. Firstly, not all (if any) of the land necessary to enable the suggested works falls within the ownership of the applicant, and secondly, the development, through the provision of the additional public footpaths, cycle ways and bus stops (approved within the outline and first reserved matters applications) are considered to

provide excellent and adequate connections to the surrounding area. This is a matter that had consideration at the outline application stage and is not a consideration on this application.

In respect of a scheme for children's play equipment, this request was secured via the S106 agreement attached to the outline application. This required, prior to development of the residential phases that a scheme be agreed with the Council for play equipment totalling a value of £80,000. In respect of the current reserved matters application, it was initially considered that the on site equipped play space would be provided within the centre of the development, in accordance with the above requirement. However, following detailed discussions in respect of the site layout, it is now considered that there will be insufficient space remaining on this parcel of land to provide a scheme in accordance with the requirements. Accordingly, it is now the developer's intent to provide the play equipment on the final parcel of residential development land (which has not yet been brought forward).

Conclusion

For the reasons discussed above, the development proposed is considered acceptable in terms of its design, scale, layout and landscaping and is not considered to give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or in terms highway safety, and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

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

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 for the maintenance of the public open space facilities, and the resolution of the outstanding issues in respect of noise and vibration, the Head of Planning be granted powers to issue full planning permission, subject to the conditions below. Failure to do so may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 for the maintenance of the public open space facilities it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of its siting, scale, landscaping and design will have no detrimental material impacts in terms of visual or residential amenity, on the character of the area, or in terms of highway safety, noise and vibration, drainage and flood risk. 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), NE2, NE5, NE12, NE13, NE14, NE15, EMP3, T5, T9 and T11.

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

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00518/OUT except as may be modified herein.

- 2 Notwithstanding the submitted details, no development shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed plots 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 be carried out in complete accordance with the details:- Site Plan Drawing Ref: dwg-EMS.2295_06-7A; House Type 767 received 2 October 2012; House Types received 23 August 2012:- 654, 654 B, 654 G, 1065, 900, 91, 91B, 91C, 98, 1205 (open market), 654 (shared ownership), Apartment (A - Ground Floor), Apartment (A - First and Second Floors), Apartment (B - Ground Floor), Apartment (B - First/Second Floor) and Garages and Bin Stores received 23 August 2012:- Drwg. EMS.2295-08_1.
- 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 exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 5 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 6 Notwithstanding the submitted details, if any vehicular access gates are to be erected on plots that front the spine road of the development they shall be set back a minimum distance of 5.0 metres behind the Highway boundary and shall be hung as to open inwards only.
- 7 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 8 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 9 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.
- 10 No development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents, the highway and the environment shall be prevented or mitigated from mud, dust, odour, noise, smoke, light, and traffic and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.
- 11 No development shall take place until a scheme that makes provision for waste and illustrates collection across the site and details of its implementation has been submitted to and approved in writing by the Local Planning Authority

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users.
- 5 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 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.
- 7 To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to 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.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To safeguard the amenities of nearby occupiers in accordance with the requirements of criteria i Policy BE1 of the Hinckley and Bosworth Local Plan.
- 11 In the interests of highway safety in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 06

Reference: 12/00698/REM

Applicant: Mr Simon McDonald

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Apparelmaster Ltd Rugby Road Burbage

Proposal: APPROVAL OF RESERVED MATTERS APPLICATION FOR THE ERECTION OF 133 DWELLINGS WITH ASSOCIATED ROADS AND LANDSCAPING

Target Date: 22 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application comprising 10 or more dwellings with a site area of more than 0.5 hectares.

Application Proposal

This application comprises the reserved matters submission for one parcel of residential development on land bounded by the Ashby Canal, Railway Line and Bridge Road incorporating the former Johnsons factory. In more detail the application proposes 133 dwellings of various size and style including pedestrian linkages and structural landscaping. The development density will be 29 dwellings per hectare. A range of house types are proposed including 2 bed terraces to 4 bed detached dwellings, ranging in height between 2 – 2.5 stories.

This application follows the approval of the outline application (10/00518/OUT) for a mixed use development comprising up to 375 dwellings, employment (use classes B1 a, B1c, B2 and B8) a local centre (use classes A1 – A5 and D1), Live / work units, works to Sketchley Brook corridor, remodelling of the lake and associated open space, parking and accesses. This application was approved by committee on 1 March 2011.

For the avoidance of doubt an EIA Scoping has been undertaken. The development is not considered to require an addendum to the existing EIA.

Due to officer concerns in relation to a number of minor details in respect of the layout, design, landscaping and drainage of the site, amended plans have been requested and received. Due to the minor nature of the changes however, no re-consultation has been undertaken.

The Site and Surrounding Area

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

The parcel of land subject of this application has an area of approximately 4.64 hectares and is situated on the former employment site, Johnsons which was an industrial scale cleaning complex. The site has now been cleared of all but two buildings. The site is situated to the west of Burbage, with direct access off the new link road from Rugby Road. At its north eastern end, the site has frontage onto Ruby Road. To the east of the site is an existing residential area, comprising Hillside Road and Dudley Rise and immediately north is the Rugby Road Park. To the south is an existing body of water, which is maturely landscaped. To the west of the site is Parcel D, which comprises the reserved matters application for residential development (consisting of 212 residential units).

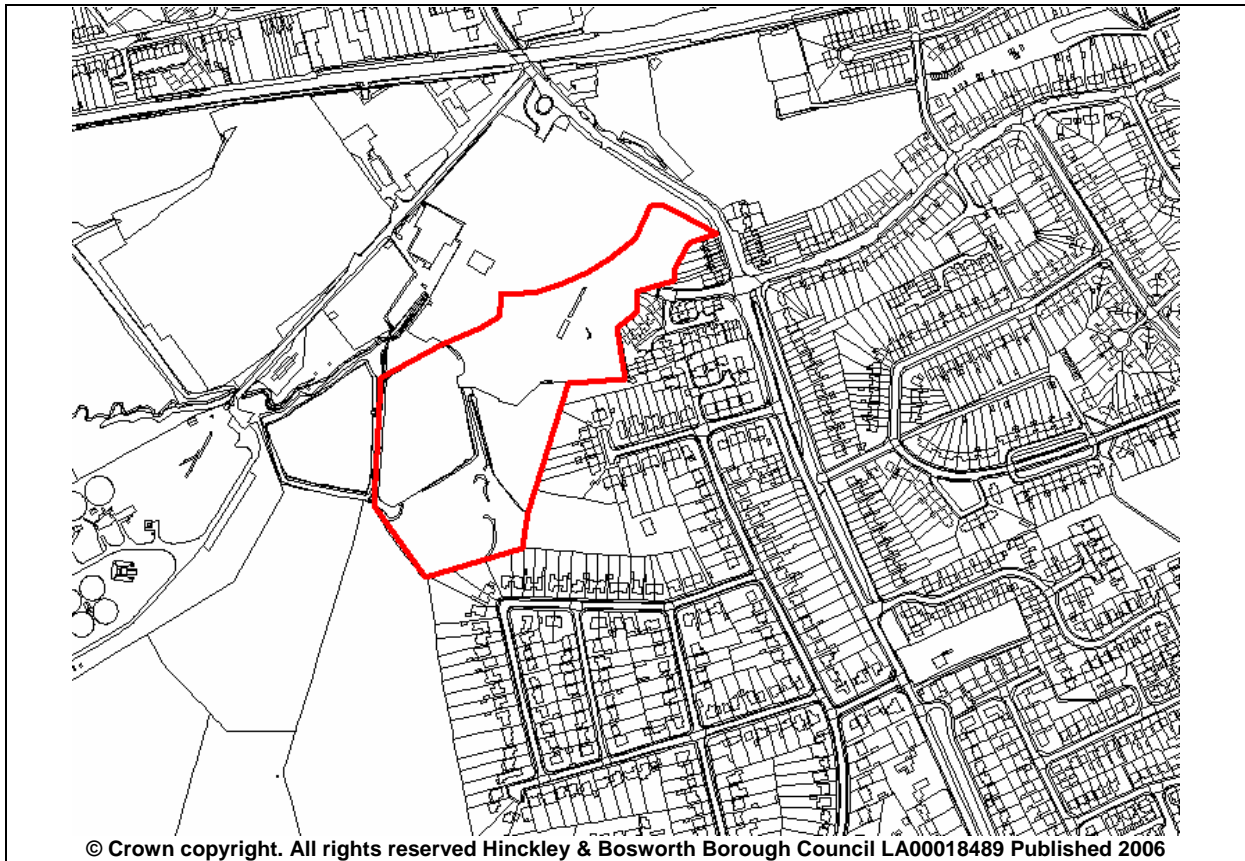
Technical Documents submitted with application

Design and Access Statement
Planning Statement
Topographical Survey
Noise Mitigation Report
Landscape Masterplan

Relevant Planning History:-

Various minor applications concerning the previous use of the site.

11/00856/REM	Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Factory Burbage Hinckley	Approved	11.01.12
10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (use classes B1 a, B1c, B2 and B8) a local centre (use classes A1 – A5 and D1), Live –work units, works to Sketchley Brook corridor, remodelling of the lake and associated open space parking and accesses.	Approved	30.08.11



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from:-

Environment Agency
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection has been received from Head of Community Services (Land Drainage) however he comments that the attenuation basins/wetland areas should be operationally complete- or sufficiently developed before the applied for phase of the development has been completed.

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

- a) there is no provision for affordable housing on the site, with the 20% target of 26.5 units not being met
- b) no link provided between Garden Close and the new development
- c) due to the size of the development it is expected that a substantial amount of open spaced will be provided in the remaining undeveloped area of the site
- d) it is expected that safe and secure fencing will be provided around the lake area.

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

- a) properties that border the site on Rugby Road are anxious to ensure that their rear gardens are adequately cleared of all fencing and remnant concrete from the former Johnsons site and then that the land is cleared and levelled in order for the boundary can be reinstated up to the new site
- b) constant noise from machines
- c) vibration to homes
- d) contamination, concerns that soil samples of the site are taken, but none from within the gardens of surrounding properties
- e) vapour and air pollution, people on site wear masks, so concerns about dangers to residents who don't
- f) lack of respect for the existing community.

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

Ramblers Association
Director of Environment and Transport (Rights of Way)
The Borough Council's Arboricultural Consultant
Police Architectural Liaison Officer.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 22: Regional Priorities for Town Centre and Retail Development
Policy 43: Regional Transport Objectives

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan (2001)

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

Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment
Policy NE2: Pollution

Policy NE12: Landscaping Schemes
Policy NE13: The Effects of Development on Natural Watercourses
Policy NE15: Protection of River Corridors
Policy RES5: Residential Proposals on Unallocated Sites

Supplementary Planning Guidance/Documents

New Residential Development SPG

Appraisal:-

The principle of the development and access have been established by the granting of the outline application. Further, application 11/00856/REM approved reserved matters for the entire site for a detailed concept for green infrastructure which included; the existing, restored and enhanced components of the strategic Sketchley Brook corridor, improvements to Rugby Park Road, the Rugby Road gateway, a new park alongside Ashby Canal incorporating wetland habitat, remodelling and enhancement of an existing land, and structural landscape planting to the northern rail side boundary.

Therefore the matters for consideration in this application are layout, scale, density, design and appearance, landscaping, residential amenity, flood risk and drainage, highways, ecology, impact on character of countryside, storage of refuse/recycling, sustainability, and other matters.

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

Layout

The layout proposed has been subject of considerable pre application discussion. The parcel of land subject of this application is roughly to the south of the main spine road running throughout the development and proposes 133 dwellings. The general layout draws on the character of the wider area, with traditional patterns of perimeter blocks and a mix of building forms, including apartments, terraces, semi-detached and detached properties.

There are four main characteristics of the layout. Dwellings which are situated along the eastern and southern boundary of the development, which are adjacent to existing residential development further south and east, are inward facing, with their rear gardens backing onto those of existing properties. Subsequently moving round the development, dwellings adjacent to the south western, western and northern boundaries, which face the wider Sketchley brook development, have outwardly views of the water body and the Sketchley brook and associated public open space and landscaping. This layout ensures an attractive outlook and results in a strong street scene. Properties central to the development are grouped in small pockets and are outwardly facing, resulting in inwardly facing private rear garden spaces which bound those of adjacent dwellings. Finally, to ensure that the characteristics and street scene of Rugby Road to the north east of the development are continued, and that the proposal is in keeping with the surrounding area, a row of terraced properties, reflective of those existing have been proposed along this small stretch of Rugby Road frontage. Whilst this layout does provide a degree of connection to the surrounding area, by virtue of both the proposed and existing boundary treatment along the eastern and southern boundaries and the orientation of properties, the development will be essentially inward facing, thus allowing it to develop specific individualistic characteristics.

Four direct connections are proposed to the already approved spine road (which runs throughout the entire development) however two comprise private driveways. These are to the northern section of the development, the only part of the development which has road frontage to the spine road. Along this route, bus stops will be provided at regular intervals. From these two points the remainder of the development to the south will be accessed via a hierarchy of streets. The street hierarchy is as follows:-

Primary route:- Spine Road

Secondary route:- this leads from the two access to the spine road and runs roughly parallel to, and serves properties adjacent to the eastern boundary. This provides direct access to the plots and has been designed to promote lower vehicle speeds, through the provision of on street landscaping and a variation in surfacing material, allowing the space to be shared by a number of users. Footpaths are also proposed on both sides of the road.

Quiet Lanes:- these will provide individual plot access to the central parcels of development once off the secondary routes. These too have been designed to result in traffic calming and thus have a decreased corridor width and include on street parking and tree planting.

Private drives:- these are predominantly proposed to serve properties fronting the northern and western boundaries of the site, where one-sided development occurs. These have shared surfaces and provide direct plot access.

The layout ensures that dwellings will overlook the main spine road and key open spaces and the creation of perimeter blocks will help create strong frontages to the public realm, which are overlooked and private spaces to the rear which also benefit from natural surveillance. Dwellings which occupy prominent positions or those on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Individual plots will be defined by various boundary treatments, including walls, bollards and fencing and hedgerow, which will provide demarcation between public and private spaces (the specific landscaping scheme will be discussed in detail below) and reflective of the wider locality, many of the dwellings will be situated close to the backs of pavements (within 2 metres) in order to create a sense of enclosure.

All plots will be served by off road parking, including garages, to the front or sides of the plots. This varied approach will ensure the streets are not cluttered or dominated by parking or hard-standing and that the areas benefit from natural surveillance.

All plots, aside from plot 9, which comprises a FOG, will provide a private garden area. Although some of those proposed are not in strict conformity with the sizes and dimensions referred to within the SPG on New Residential Development, this document is intended for guidance purposes only and the slight under-provision in some cases, and the failure of the FOG to provide any space, is offset by the developments proximity to the surrounding open space; including the Rugby Road Park, Sketchley Brook and the waterside park. Accordingly on balance, the solution proposed is considered acceptable and will not be detrimental to the amenity of the future occupiers of the dwellings in question.

Scale

The height, scale and massing of the proposal is intended to be sympathetic to and in keeping with the surroundings in respect of the existing landscape features and the Sketchley Brook. A range of 2 and 2.5 storey buildings are proposed throughout the development (the majority being two storey), with 'Key' buildings being 2.5 storey to aid legibility and navigation. The building heights proposed have also taken into account the

changing topography of the site, which generally slopes from the south eastern boundary to the north west.

Density

Policy 16 of the adopted Core Strategy seeks to achieve a density of at least 40 dph within and adjoining Hinckley and Burbage. However it states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. The density across the proposed site will be 29dph.

In this case, although lower than that advised with policy 16, given the fact that the site partially comprises Greenfield land and that the density of development within the surrounding area generally reduces the greater the distance from Hinckley, the character of the development would not be in keeping with the surroundings if developed at a higher density. Further, some of the garden sizes proposed are already smaller than the dimensions advised within the SPD and thus if development at a higher density were proposed, these areas would be further compromised, which may render the development unacceptable in terms of residential amenity. Accordingly it is not considered that a higher density development would either be acceptable or achievable in this location. The density proposed is therefore considered consistent with the overall density and character in the surrounding areas, and will result in the most viable use of the land available.

Design and Appearance

To address officer concerns in respect of the bland elevations of some gable ends, amended plans have been requested illustrating external chimney stacks. Further, additional decorative brickwork has been requested to enhance the detail of the simplistic rear elevation of the FOG (Flat Over Garage). These details have been provided which have resulted in a well designed scheme, containing a mix of designs and types of properties which add interest and variety to the streetscene. Following the amendments, corner properties now have interest on both elevations, providing active frontages within the public domain. The built form has been used to provide end-stops to highways, creating focal points throughout the development. The appearance of the proposal seeks to draw upon local characteristics whilst also resulting in a unique settlement. As previously mentioned, a range of 2, 3 and 4 bed properties will be provided, comprising both semi-detached dwellings and larger, detached properties. Property styles comprise pitched roofed dwellings, including some with projecting gables. A variety of fenestration and header/cill details have been proposed, including the use of flat stone and tiled brick headers/lintels. Examples of these can be seen within the wider locality and thus will enhance the developments relationship with its local setting whilst also adding variety. Door canopies will include flat top stone canopies and segmental stone heads and flat stone heads. To add interest and variety, especially in the case of key focal buildings, bay windows and chimneys are proposed.

In respect of other visual elements, dwellings are generally set back from the street via small enclosed front gardens and parking is predominantly set back from the street scene, to the sides of dwellings. In the majority of cases either single or double garages are proposed. These are in keeping with the style of the dwellings proposed and add further character to the development in terms of the spacing between dwellings. Due to their siting, the garages are not overly prominent and thus do not dominate the street scene. Overall the parking layout will result in a soft fronted development with parking kept off the streets. A range of boundary treatments have been carefully chosen to ensure that they fulfil both functional and aesthetic requirements and thus add further interest to the overall appearance of the scheme. In addition, whilst hard and soft landscaping will be discussed later in the report it is considered that this also enhances the overall appearance of the site.

Landscaping

Since submission an amended soft landscaping scheme has been requested along with further details of the hard landscaping. This was requested as at outline stage, the application made reference to the development having a 'garden suburb' feel. The landscaping scheme currently submitted is not in accordance with the general principles identified within the Master plan, and the information submitted is not sufficiently detailed. Based on these concerns, additional landscaping detail has been requested and will be discussed as a late item.

Residential Amenity

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

The dwellings most likely to be impacted upon by the development will be those that border the site to the south east, including dwellings on Dudley Rise, Garden Close, Hillside Road and Greenmoor Road. To ensure that proposals do not result in any adverse impacts on the privacy or amenity of surrounding properties, the SPD on New Residential Development contains various guidance. A separation distance of 25 metres is suggested where elevations containing principle windows face one another, in this case, the separation distances proposed are in excess of this for most plots. Further, whilst the rear elevations of the proposed dwellings and those existing may face one another, views will be further obscured by the existing vegetation, and proposed boundary treatment along this boundary of the development.

The rear of plots 26 has views over the side elevation of number 18 Garden close, however, as this elevation does not contain primary windows serving principle rooms, the separation distance between the dwellings of 20 metres in this case is considered acceptable to ensure there are no material impacts in terms of residential amenity.

There is a distance of approximately 16 metres between the rear elevation of plot 25 and the principle rear amenity space of number 18 Garden Close. However, due to the angled orientation of this property and the screening provided by the vegetation along this boundary, this separation distance is considered acceptable, and it not considered to result in a material level of overlooking which would warrant refusal of the application.

The side elevation of plot 27 will face the front elevations of numbers 15 – 17 Garden Close. The separation distances in this case range between 13.5 metres and 16 metres. In terms of overlooking, as there are no windows serving habitable rooms proposed within the side elevation of plot 27, there will be no material impacts on the privacy of these properties. In terms of impacts from these properties on plot 27, as views will be over a side garden, and not the principle outdoor amenity space of this plot, no material overlooking will occur. In addition, views will be further obscured by the mature vegetation along this boundary.

Within the development, there were concerns that the first floor bedroom window of plot 27 would impact upon the amenity of plot 26, for there were unobstructed views of the principle rear amenity space of this property, and a separation distance of only 11 metres. Accordingly additional tree planting has been proposed along this boundary, and a condition is considered necessary requesting that this window be obscurely glazed, to ensure impacts are reduced. Concerns were also raised in respect of the siting of the FOG and the associated impacts in terms of overshadowing and overlooking of plots 13 and 14. Since raising these with the developer, this unit has been turned 90 degrees and re-sited and the

two double garages have instead been sited along the rear boundary of these plots. Although the separation distance between the garages and the rear elevations of these properties will only be 10 metres, given the fact that their height is much lower than that of the two storey FOG, which was previously sited along the boundary, impacts in terms of over-dominance and overshadowing are no longer considered material. Further, by re-orientating the FOG impacts associated with overlooking have been resolved.

In summary, this scheme is considered to have minimal impacts upon the amenity of surrounding neighbouring residents and future occupiers of the site, subject to the imposition of planning conditions. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.

Flood Risk and Drainage

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

The Head of Community Services (Land Drainage) has commented that the attenuation basins/wetland areas (as approved under application 11/00856/REM) should be operationally complete or sufficiently developed before the applied for phase of the development has been completed. To ensure there is adequate drainage for the site. In addition, the Environment Agency has commented that a scheme for the management of surface water runoff shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding this request however, condition 25 of the outline application (10/00518/OUT) requires the submission of a surface water drainage scheme for each phase of the site, based on sustainable drainage principles, prior to commencement. Accordingly, the suggested condition from the Environment Agency is not considered necessary in this case.

With respect to foul drainage, a primary foul water drainage strategy was included as part of the initial Reserved Matters submission, however further details of the connections to this have been requested for the current detailed housing proposals.

Since submission, further surface and foul water drainage details have been requested and their detail will be reported and appraised as a late item.

Highways

Saved Policies T5, T9 and T11 are all 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.

Due to the location of the application site, proximity to the strategic road network and the town centre, bus and rail stations was considered as part of a Transportation Assessment

included in EA at the Outline Planning stage. The suitability of the proposed access arrangements to the site from both Rugby Road and via Logix Park were also considered and accepted as part of the outline proposals. The proposals included the provision of a detailed Framework Travel Plan, which was approved as part of the outline permission.

The subsequent Reserved Matters proposals for the primary physical and green infrastructure sought approval for the main spine road through the site travelling in a westerly direction from a gyratory roundabout on Rugby Road and running roughly parallel to Sketchley Brook. The details also included proposals for a footpath/cycleway running roughly alongside the spine road and 'bus gate' providing restricted access between the commercial and residential elements of the developments thereby preventing commercial traffic disturbing the residential areas.

This detailed layout provides for direct connection from the two residential areas to the approved spine road, where it is proposed that a number of bus stops will be provided. The layout also incorporates connections from within the residential areas to the approved footpath/cycleway network. The residential properties will not only be provided with appropriate vehicular access to the site but at the same time high quality infrastructure is available for all forms of transport that will seek to encourage alternative, more sustainable modes of transport.

Due to officer concerns raised in respect of the disconnected layout of individual parking plots from the dwellings which they serve, various amendments to the layout have been requested and received. Consequently where parking spaces are to the rear of plots, access has been provided to the rear of the dwellings to improve access. This improved access will help ensure these spaces are utilised, and that parking does not consequently end up on street, resulting in a highway danger.

No objections subject to conditions have been received from the Director of Environment and Transport (Highways). The following conditions recommended are not considered necessary or reasonable for the following reasons and thus will not be recommended.

Suggested condition 1, which relates to a scheme to signalise the junction of Rugby Road/Hawley Road/Westfield Road has been conditioned on the outline planning application. Thus it is not considered necessary to repeat it for this application.

Suggested condition 2 relates to the completion of the gyratory roundabout. This has been conditioned on the outline planning application. Thus it is not considered necessary to repeat it for this application.

Suggested condition 3 states that the development should comply with the design standards of the LCC as contained in its current design standards document. These relate to parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and that these details should be submitted for approval prior to commencement. In relation to this condition, it is not clear which elements of the scheme do not comply with the standards and thus it may be unreasonable and unnecessary to request this information. Accordingly the Director of Environment and Transport (Highways) has been requested to identify which of the standards are not met, in order for a more reasonable condition to be drafted.

Suggested condition 4 states that prior to first occupation, residential car parking shall be provided in accordance with the 6Cs Design Guide – Highways, Transportation and Development. In relation to this condition, it is not clear which plots do not comply with the standards and thus it is considered unreasonable and unnecessary to request this information.

Suggested condition 7 states that if any gates, barriers, bollards, chains or other obstructions are to be erected on the Main Street of the development they shall be set back by 5 meters and shall be hung so as to open inwards only. This condition will be re-worded to refer to gates only, and as the street to which it relates – ‘Main Street’ does not exist on the development, this will also be re-worded.

Suggested condition 10 states that before first occupation, 2.0 metre x 2.0 metre pedestrian visibility splays shall be provided, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. In order to ensure that the landscaping concept for the site is not compromised to a detrimental level, this condition will be reworded.

Suggested condition 11 states that no part of the development, its supports or foundations shall be positioned in, on, over, upon or within any part of the public highway and that buildings are to be set back 0.5 metres from the highway to provide clearance from windows opening and surface water drainage pipes. This condition is considered unreasonable and unnecessary. There is no reference to which plots it relates and could involve a complete re-plan of the layout. There is no justification for its imposition. The removal of this condition has subsequently been agreed by the Director of Environment and Transport (Highways).

Suggested condition 12 relates to the provision for the parking of construction vehicles. This condition is not considered necessary as there is adequate space within the site to cater for the parking of such.

Suggested condition 13 relates to the provision of off road car parking for each plot. This condition duplicates a previously suggested condition, and is not considered necessary as the standards are considered to have been met throughout the development. This position has been agreed with Director of Environment and Transport (Highways).

Suggested conditions 15 and 16 relates to the width of shared private drives. In relation to this condition, it is not clear which plots do not comply with the standards and thus it may be unreasonable and unnecessary to request this information. Accordingly Director of Environment and Transport (Highways) has been requested to identify to which plots this relates, in order for a more reasonable condition to be drafted. Subsequently Director of Environment and Transport (Highways) has responded stating that these conditions are not necessary.

Suggested condition 17 requires the submission of a swept path analysis for refuse vehicles to be submitted and approved. By virtue of the wording of this condition, it could result in the layout for scheme to be amended, which would be unreasonable. Accordingly Director of Environment and Transport (Highways) has been requested to clarify which elements of the scheme would not be in accordance with the swept path analysis, in order for a more appropriate and reasonable condition to be drafted. Following further investigation, the Director of Environment and Transport (Highways) has agreed that this condition is not necessary and can therefore be removed.

Suggested condition 18 requires details of a routing agreement for construction traffic to be submitted. These details are covered within the Environmental Management Plan, which will be secured by way of condition.

Suggested conditions 19 and 20 relate to the Travel Plan and its content. These conditions are not considered necessary as they have already been imposed on the outline application.

Any additional information received from the Director of Environment and Transport (Highways) in relation to the above conditions will be reported as a late item.

Ecology

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

Impact on character of Countryside

The south western tip of the site is adjacent to an 'Area of Separation' as defined within the adopted Local Plan. Although there will be some views of the development from this area, the openness of this space will not be compromised and the development will be viewed against the backdrop of existing development within the area. When compared with the historic views of the factory which was situated on the development site, the proposed development will enhance the views and character of this area. Accordingly, there are considered to be no adverse impacts on the character of the surrounding countryside.

Storage of Refuse/Recycling Facilities

The scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) who has requested that a condition is proposed ensuring that details for waste and recycling storage across the site will first be agreed in writing by the Local Planning Authority. shared private driveways, have no road side collection, therefore the suggested condition is considered necessary, and 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 to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard are already subject to the imposition of a planning condition on the outline application.

Other Issues

Issues raised by Burbage Parish Council and within the letters of representation, not addressed within the main body of the report, will be considered below.

Concerns have been raised that the required percentage of affordable housing has not been provided on site. In response to this, Members should be aware that the number and general location of the affordable dwellings for the entire Sketchley Brook development were subject of a comprehensive viability investigation and were subsequently agreed at outline stage (10/00518/OUT). It was agreed that it would be viable for the scheme to provide 28 affordable units in total. Accordingly, with viability demonstrated and accepted and the correct provision being made across the entire development, it would be completely unreasonable and unnecessary to re-visit this element of the scheme again, nor is there any ground to do so.

It has been stated that there is no link provided between Garden Close and the new development. The new connections provided by the development to the existing local area are considered excellent, and there are no grounds for requiring an additional connection to be provided in the above mentioned location.

In respect of a scheme for children's play equipment, this request was secured via a S106 agreement attached to the outline application. This required, prior to development of the

residential phases that a scheme be agreed with the Council for play equipment totalling a value of £80,000.

Fencing will be provided around the lake area, the details of this have already been approved under application 11/00856/REM.

Concerns have been raised that properties that border the site on Rugby Road are anxious to ensure that their rear gardens are adequately cleared of all fencing and remnant concrete from the former Johnsons site and then that the land is cleared and levelled in order for the boundary can be reinstated up to the new site. This is a private matter which will need to be addressed by the developer and does not constitute a material planning consideration.

Concerns have been raised in respect of noise, vibration, contamination and pollution during construction. In order to ensure that these concerns do not result in an adverse impact on the residential amenity of surrounding properties, a condition is recommended.

Conclusion

For the reasons discussed above, the development proposed is considered acceptable in terms of its design, scale, layout and landscaping and is not considered to give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or in terms of flooding and drainage, highway safety or protected species and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

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 development by virtue of its siting, scale, landscaping and design will have no detrimental material impacts in terms of visual or residential amenity, on the character of the area, or in terms of highway safety, drainage and flood risk, or ecology. The application is therefore recommended for approval subject to conditions.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, BE1 (criteria a, b, g, i), NE12, NE13, NE15, T5, T9 and T11.

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

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00518/OUT except as may be modified herein.
- 2 Notwithstanding the submitted details, no development shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed plots 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 be carried out in complete accordance with the details:- Site Plan Drawing Ref: dwg- EMS.2295_05-7B I; House Types 1300B - Elevations and Floor Plans, 1852 - Elevations, 1852 - Floor Plans received 2 October 2012; House Types received 23 August 2012:- 654, 654 G, 734, 878, 978, 978B, 98, 1123, 1205, 1365, 1408, 1430, 1585, 1763 and Garages received 23 August 2012:- Drwg. EMS.2295-07_1.
- 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 exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
- 5 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 6 Notwithstanding the submitted details, if any vehicular access gates are to be erected on plots that front the spine road of the development they shall be set back a minimum distance of 5.0 metres behind the Highway boundary and shall be hung as to open inwards only.
- 7 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 8 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 9 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.
- 10 No development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents, the highway and the environment shall be prevented or mitigated from mud, dust, odour, noise, smoke, light, and traffic and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.
- 11 No development shall take place until a scheme that makes provision for waste and illustrates collection and includes details of implementation across the site has been submitted to and approved in writing by the Local Planning Authority.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.

- 4&5 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 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.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To safeguard the amenities of nearby occupiers in accordance with the requirements of criteria i Policy BE1 of the Hinckley and Bosworth Local Plan.
- 11 In the interests of highway safety in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 07

Reference: 12/00761/COU

Applicant: Patrick Godden

Location: Upper Grange Farm Ratby Lane Markfield

Proposal: CHANGE OF USE OF LAND AND BUILDING FOR DOG TRAINING AND DOG SHOWS

Target Date: 8 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is likely to raise wider local controversial issues.

Application Proposal

Planning permission is sought for the change of use of land adjacent to the existing dog training building for the holding of outdoor dog shows, and also seeks the part change of use of the existing dog training building for the holding of indoor dog shows.

The proposed outdoor dog show area relates to an area of 1,100 square metres situated in the field north west of the existing indoor training building on an area of level ground, before the land falls away to the north west.

The number of dogs attending a Dog Show will fluctuate with an average number of 70 dogs per show expected. The dog shows will almost exclusively be held on a weekend, with shows competitors arriving from 09:00 and site cleared by 18:00. There is existing car parking available on site for at least 100 cars, with an over flow car park which can also be utilised if required.

The use of the outdoor show area will largely be constrained by the weather, with full use of the outdoor show area only possible in dry, warm fine days. The proposal therefore also seeks the part change of use of the existing indoor dog training building for the holding of dog shows. In these circumstances the outdoor dog show area will be utilised largely for the preparation and walking of dogs when they are not directly involved in the show ring. There are no building works or alterations proposed as part as this application.

An Enforcement Notice was served in 2007 on the applicant which required the cessation of the use of the land edged red and coloured blue on the attached plan for organised commercial and competitive dog shows, dog agility classes, dog flyball, working trials, dog obedience training, behaviour modification, tracking, and dog tournaments and entertainments.

The inspector at the 2008 inquiry into the applicant's appeal against the Enforcement Notice upheld the requirements in the Notice as served but amended them to add the indoor dog training building to the area subject to the requirements in the Notice and provided that the applicant should cease the use of the indoor dog training building for commercial and competitive dog shows, tournaments and entertainments.

In 2009 the applicant successfully appealed the decision to add the indoor dog training building and the decision was remitted to the SoS for reconsideration.

There has been a long intervening period during which the Council has twice successfully challenged in the High Court the SoS` proposed arrangements for reconsidering the decision to add the indoor training building to the Enforcement Notice requirements.

The point has now been reached where the SoS will reconsider by means of written representations the decision by the inspector in 2008 to add the indoor training building.

The requirements in the original Notice, as outlined above, continue in force.

The Site and Surrounding Area

The site is located to the North of Ratby Lane, half a kilometre to the west of the site is the M1 motorway and a public footpath crosses the site from south to north. The site is within open countryside and an area designated as National Forest. Access to the site is situated between residential dwellings to the east off Ratby Lane. To the north west of the site are dog boarding kennels and located alongside is the indoor training building, the land falls away to the north west to an area approved for dog training classes. To the North East is an area of hardstanding currently used for car parking, and a ménage, with an existing hydrotherapy building situated adjacent to the recently subdivided two storey dwellings.

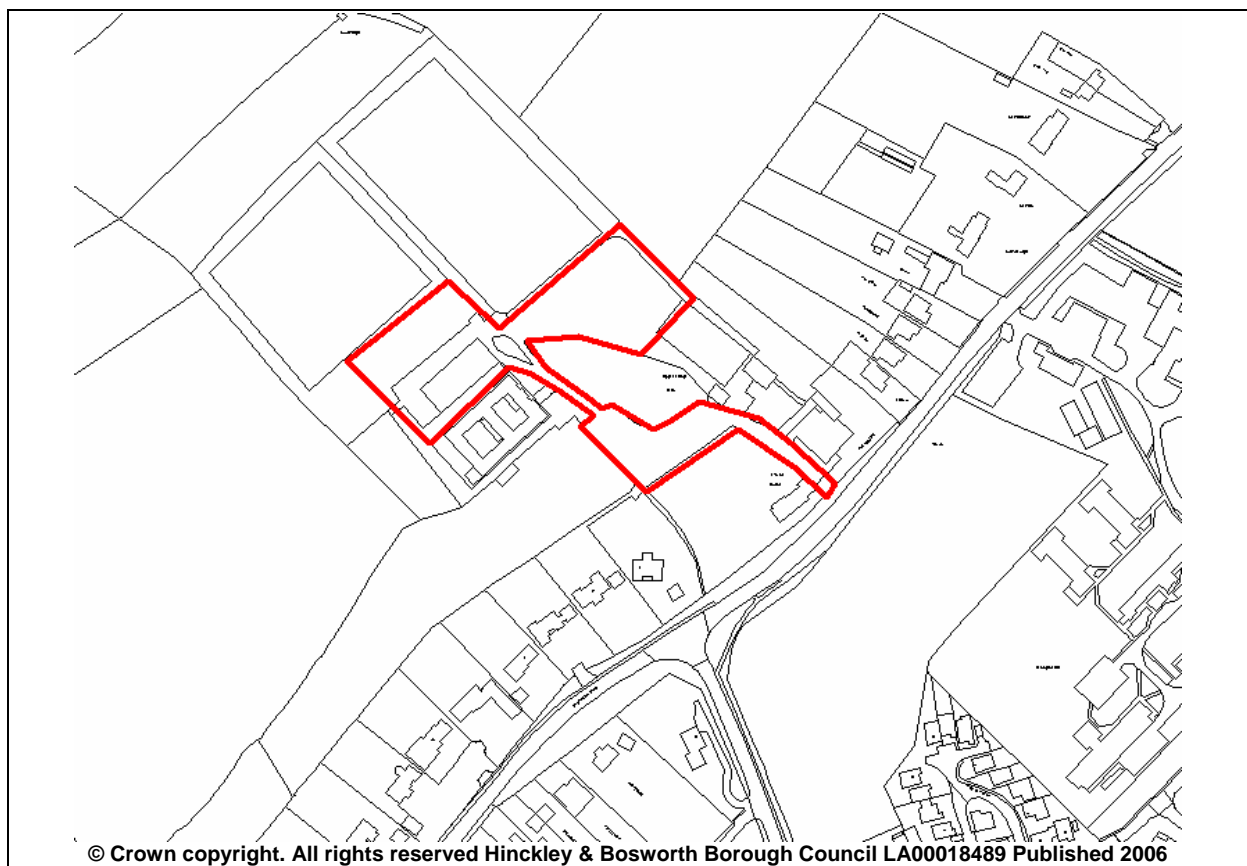
Technical Documents submitted with application

Acoustic Report
Planning Statement

Relevant Planning History:-

09/00770/COU	Change of use of land to dog training	Approved	23.12.09
07/00031/BOC	Enforcement Notice material Change of use	Served	06.12.07
07/00393/CLU	Certificate of Lawful Existing Use for Dog Training	Refused	23.05.07
06/00418/FUL	Certificate of Lawful Existing Use for Dog Training Flyball Agility Tracking and Dog Shows	Refused	10.01.07
04/00322/COU	Change of use and alterations of kennel buildings to class B1 (Offices)(Resubmitted Scheme)	Refused	19.05.04
04/00321/COU	Change of use from dog show and exercise building to B1 light industrial (resubmitted)	Refused	19.05.04
03/01280/COU	Change of use and alterations of Kennel buildings to Class B1 (offices)	Withdrawn	15.12.03

03/01277/COU	Change of use of dog show and Exercise building to Class B1 (light industrial use)	Withdrawn	15.12.03
98/00625/FUL	Erection of indoor dog training building (Amended Scheme)	Approved	27.08.98
97/00749/FUL	Erection of indoor dog training building	Approved	11.12.97
97/00045/COU	Change of use and extension to Existing building to form hydro pool and associated facilities	Approved	05.03.97
97/00022/ADV	Display of free standing illuminated signs	Approved	14.02.97



Consultations:-

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

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

No objections subject to comments have been received from Head of Community Services (Land Drainage).

Head of Community Services (Pollution) has objected to the application based on inadequacies identified within the acoustic report.

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

- a) conditions imposed on previous applications have not been complied with and thus the current application wrongly states that activity on site has not commenced
- b) the noise report submitted in support of the application is inadequate and not representative of the actual circumstances
- c) no planning permission has been granted for the 'overflow car park' which may have adverse impacts in terms of noise on the amenity of surrounding properties
- d) many residents of surrounding properties are at home during the day, contrary to what is stated within the planning statement and thus the proposal will have an adverse impact in terms of residential amenity
- e) the application forms wrongly state that the development has not yet commenced, this is not the case, as dog shows and training classes are currently being held during the day
- f) queries are raised in respect of whether the main car parking area can accommodate 100 vehicles
- g) it is considered that the higher level of activity on site the greater the risk of noise disturbance. This is most prevalent around the arrival of visitors. Accordingly a permission which results in increased levels of activity on site would not be welcomed
- h) various conditions to restrict the use if permitted have been suggested
- i) Concerns have been raised in respect of the location of the site notices displayed
- j) it is stated that it is unreasonable for a business to expect to create noise 365 days per year; however previous hour's restrictions have not been adhered to by the applicant or subsequently enforced by the Council.

At the time of writing the report, no comments have been received from Markfield Parish Council.

Site notice and Press notice were displayed and neighbours notified.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy

Policy 21: National Forest

Policy 23: Tourism Development

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy T5: Highways and Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, impacts on residential amenity, on the character of the countryside, highway safety and other issues.

Principle

The main thread running through the NPPF is a presumption in favour of sustainable development. In respect of development within rural areas, section 3 seeks to support a prosperous rural economy through supporting growth and expansion of all types of business and enterprise in rural areas, through promoting the development and diversification of agricultural and other land-based rural businesses and supporting sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, which respect the character of the countryside.

Since the release of the NPPF, the strength of Policy NE5 of the local plan has been weakened, however in terms of the principle of development, the intentions of this policy are broadly in conformity with those of the NPPF.

Based on the above, as the development proposed would further diversify and enhance the existing facilities at the site in question, additional benefits will be brought to the local rural economy and by virtue of both the visitors and participants of the proposed activities, both local rural tourism and leisure activities will be improved. Accordingly, in principle the development is considered acceptable.

Residential Amenity

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

The dwellings most likely to be affected by the proposed use are those on Thornton Lane, to the south east of the site. The impacts will be predominantly associated with noise and disturbance from vehicle movements, general show-related activities and from barking dogs, both those being shown and those resident within the kennels on site. [NB Kennels have planning permission]

There is a history of noise complaints relating to this site, with the majority of complaints referring to activities taking place at the 'top fields' and from the existing kennels. The majority of these complaints were received between 24.08.06 – 19.02.07. Accordingly a noise abatement notice was served in April 2007. Following this it was reported that dog training activities had been relocated to the bottom fields, and complainants reported improvements. This said, complainants maintained there was continued disturbance from the increased activities on site, and from activities in the parking area. Three complaints were received in July 2007. In respect of the above, in his proof of evidence relating to the former

enforcement appeal (07/00031/UNAUTH) the Environmental Health Officer agreed that since dog training on the top fields had ceased, noise disturbance and noise impacts on residential properties were significantly reduced. Isolated complaints continue to be received regarding barking from the kennels, however further monitoring has been undertaken by the Head of Community Services (Pollution) but no nuisance has been witnessed.

Specifically in relation to dog shows, complaints were received in Aug 2009, September 2009 and September 2012.

In order to demonstrate the possible harm resulting from the proposed use, the applicant has submitted a Noise Impact Assessment. The content and findings within this assessment have been considered by the Head of Community Services (Pollution).

For background information, the Head of Community Services (Pollution) has provided the following comments:-

Community Services (Pollution) has received complaints relating to noise associated with dog shows. It is complained that increased activities on site will increase the noise levels generated by kennelled dogs. In addition, complaints have been received alleging excessive barking from dogs that are kept in cars on the car park when not being shown.

In addition further clarification is required in terms of the capacity of the bottom car park, for it needs to be determined whether the size of this is sufficient for show goers, so as to avoid the use of the top car park.

The application is for dog shows between 09:00 and 18:00 daily. However the planning statement details that such use is predominantly at weekends. If permission is granted for these hours then the intensification of use is significant and impact could be significant on noise grounds.

During informal discussions in relation to the proposed use, it was suggested that between 13 and 17 shows were required. It needs to be detailed within this submission how this has changed and how many shows have been undertaken in 2010, 2011 and to date and proposed in 2012. It also needs to be detailed how many of these were 2 day shows. This will give a true representation of what is needed, and will then allow the true impact to be fully considered.

Specifically in relation to the Acoustic Report, the Head of Community Services (Pollution) is of the view that the monitoring undertaken can not be deemed representative of the activities on site, because;

Only 4½ hrs of monitoring were undertaken in total.

- Only 1½ hrs of monitoring was undertaken when the show and agility were present externally.
- The noise levels from agility and shows need to be monitored separately rather than being measured at the same time - this will allow assessment of each impact individually.
- Independent verification of monitoring would be useful.

Based on the perceived deficiencies identified by Head of Community Services (Pollution) in the submitted acoustic report, it is not considered that sufficient information has been provided to assess the potential impact from the use. Therefore further noise assessments are required.

Following the concerns raised by the Head of Community Services (Pollution), the applicant has been requested to amend the acoustic report to address the deficiencies identified. The applicant however considers the content of the report to be adequate and representative and is therefore unwilling to undertake any additional assessment. Specifically, in respect of the issues identified within the report, the noise consultant has responded stating that the survey period was adequate to gain the necessary background prior, during and after the events. It was executed over a typical session for the day in question at both boundary and close quarters to each event...there could be slight variations in event noise produced for separate days, however, this is the same for any noise survey carried out for any noise source irrespective of source type. The interpretation of the close quarters noise assessments was calculated to the site boundary, effectively, this is the same as having the events on separate occasions.

Notwithstanding the comments from the noise consultant (as outlined above) the Local Planning Authority maintain their position, that, based on the inadequate information submitted, they are not in a position to determine and assess the potential impacts of the proposed use on the residential amenity of surrounding properties. Therefore the application is recommended for refusal based on the failure of the applicant to demonstrate that there would not be a significant harmful impact on nearby residential properties due to noise and general disturbance from the proposed use and associated comings and goings.

Character of Countryside

Although there is relatively continuous development along Ratby Lane, the open land behind the frontage has a more rural appearance. Although policy NE5 states that the character of the countryside will be protected for its own sake, the character has already been heavily influenced by the residential development and the kennels and training building. As the development proposed will be confined to an existing building and a relatively small parcel of external land (in comparison to the areas of land which already benefit from planning permission for external dog training activities), impacts in terms of visual amenity and on the character of the countryside are considered to be no worse than those at present. Further, the paraphernalia associated with dog shows is of a temporary nature, and thus will not result in any permanent or long term damage to the landscape. Although the external show ground will be visible from the public footpath which runs through the site, due to its position to the rear of the existing kennels and hall, it will not be visible from the street scene. Further, when viewed from the countryside to the north and north east, any activities will be viewed against the backdrop of existing development.

The proposed use will result in a need for approximately 100 car parking spaces, however, as a consequence of the previous schemes on site, the areas of hard standing required to provide these have already been constructed. Accordingly, this proposal will not necessitate any additional hard standing and thus in this respect there will no further impacts on the character of the area.

Based on the above, the proposed use of specific areas of the site for dog shows and training are not considered to result in any further adverse impacts on the character of the surrounding countryside or landscape and thus the proposal will be in accordance with the criteria i – iv of policy NE5 of the local plan.

Highways

In considering the potential impacts of the proposed use in terms of highway safety, the Director of Environment and Transport (Highways) has considered the existing uses and facilities on site. Based on these it has been concluded that the proposal will not result in any further impacts in terms of highway safety and that the existing parking and access

arrangements are adequate to serve the proposed use. Accordingly, the proposal is considered to be in conformity with policy T5 of the local plan.

Other Issues

Head of Community Services (Drainage) have commented that dog waste must be disposed of in an appropriate manner. Leachate from stockpiled animal waste must not be discharged to watercourses or soakaways. The disposal of animal waste of this nature is not a material planning concern; however the applicant will be reminded of the requirements identified through the imposition of a note to applicant in relation to this.

Director of Environment and Transport (Rights of Way) has commented that although the proposed show activities will not directly affect the route of the public footpath, it does cross the car parking area. Accordingly the applicant will be responsible for ensuring that the footpath is clearly delineated is not blocked and that access is maintained at all times. A condition has been suggested requiring details of how segregation between users of the footpath and parked vehicles will be achieved. As the car park is existing and is operational in respect of other uses on site, and as the current proposal will not involve an intensified use of the car park, the suggested condition is not considered to be reasonable, necessary or enforceable. Accordingly the condition will not be imposed. A note to applicant has been suggested stating that no additional structures should be erected across the route of the footpath. This will be added to the decision notice if approved.

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

It has been suggested that conditions imposed on previous applications have not been complied with and thus the current application wrongly states that activity on site has not commenced. In relation to the installation of the acoustic fence, this condition has not yet been complied with, for the reasons outlined above. However, the Local Planning Authority are working with the applicant to resolve this issue. On a similar theme, it has been alleged that the 'overflow car park' does not benefit from planning permission. The car park in question has been complete in excess of four years and thus is now immune from enforcement action. The current application will be determined on its specific merits.

It is suggested that many residents of surrounding properties are at home during the day, contrary to what is stated within the planning statement. As mentioned within the main body of the report, due to the inadequacies identified within the acoustic report, impacts in terms of residential amenity can not be robustly assessed.

Concerns are raised that the application forms wrongly state that the development has not yet commenced, this is not the case, as dog shows are currently being held. The Local Planning Authority are aware that shows are currently being held. In relation to this, the applicant is arguing that he is operating within his permitted development rights. Whether or not this is the case; the current application will be determined on its merits and this will have no bearing on the outcome of the application.

Queries are raised in respect of whether the main car parking area can accommodate 100 vehicles. The Director of Environment and Transport (Highways) has considered the application and current facilities on site and has considered them to be adequate. Accordingly no adverse comments have been received.

Concerns have been raised in respect of the location of the site notices. Following this, new site notices were displayed on public land opposite the site.

It has been stated that it is unacceptable for a business to expect to create noise for 365 days per year. As mentioned above, potential impacts in terms of residential amenity can not be adequately assessed due to deficiencies identified within the acoustic report.

Conclusion

Based on the deficiencies identified within the acoustic report, it is not considered possible to make an informed or robust assessment of the potential impacts of the proposed use on the residential amenity of the surrounding properties in terms of noise and disturbance. Consequently the application is recommended for refusal on the failure of the applicant to demonstrate compliance with criterion (i) of policy BE1 of the adopted local plan.

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 application fails to demonstrate that the proposed use would not result in an adverse noise impact upon the amenities nearby residents and is therefore contrary to the requirements of criteria i of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan 2001 and paragraph 123 of the National Planning Policy Framework 2012.

Contact Officer:- Eleanor Overton Ext 5680

Item: 08

Reference: 12/00762/CONDIT

Applicant: Patrick Godden

Location: Upper Grange Farm Ratby Lane Markfield

Proposal: VARIATION OF CONDITION NO. 4 OF PLANNING PERMISSION 09/00770/COU TO AMEND THE HOURS OF OPERATION

Target Date: 27 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a variation to a Major planning application and is likely to raise wider local controversial issues.

Application Proposal

This application seeks to vary condition 4 of planning permission 09/00770/COU. This application granted full planning permission for the change of use of land for Dog Training at Upper Grange Farm, Ratby Lane Markfield.

This application seeks to vary condition 4, which reads as follows:-

The training classes shall only take place between the hours of 6.00pm and 8.00pm Mondays to Fridays, excluding Bank Holidays, between 10.00am and 6.00pm on Saturdays, Sundays and Bank Holidays.

The reason for the condition was:- To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

The suggested variation is as follows:-

The training classes shall only take place between the hours of 10.00am and 8.00pm Mondays to Fridays, excluding Bank Holidays, and between 10.00am and 6.00pm on Saturdays, Sundays and Bank Holidays.

For information, condition 3 of application 09/00770/COU restricted the training classes to 10 dogs and Condition 2 required the erection of a screen fence in accordance with the detailed specification within the Agreed Noise Impact Assessment, prior to the first use of the dog training area. It should be noted however that as this acoustic fence intersects a public footpath, it is not currently possible to erect it in accordance with the approved scheme. To resolve this issue, and enable the condition to be fully complied with, the Local Planning Authority is currently in the process of applying for a footpath diversion in association with the applicant.

Members may recall that this site is subject to an Enforcement Notice issued in 2007, and a 4 -day Public Inquiry was held in June and July 2008. The Inspector in his decision sought to extend the Enforcement Notice requirements to include the existing indoor dog training. The Council had at the time resolved not to include the Indoor Dog Training Building and this was not a matter raised either by the applicant or by the Council at the Inquiry. The decision by the Inspector to include that building was successfully challenged by the applicant and the SoS was required to reconsider the decision to include it. Following two subsequent successful challenges by the Council on related matters the SoS is currently considering the decision to include the building by way of written representations.

The Site and Surrounding Area

The site is located to the North of Ratby Lane, half a kilometre to the west of the site is the M1 motorway and a public footpath crosses the site from south to north. The site is within open countryside and an area designated as National Forest. Access to the site is situated between residential dwellings to the east of Ratby Lane. To the north west of the site are dog boarding kennels and located alongside is the indoor training building, the land falls away to the north west to an area approved for dog training classes. To the North East is an area of hardstanding currently used for car parking, and a ménage, with an existing hydrotherapy building situated adjacent to the recently subdivided two storey dwellings.

The training area is situated in a sub-divided field known as the 'bottom field', comprising an area of 0.7 hectares. The field is split into three parcels for dog training activities. The land falls away to the north west, resulting in the application site being several metres lower than houses situated along Thornton Lane.

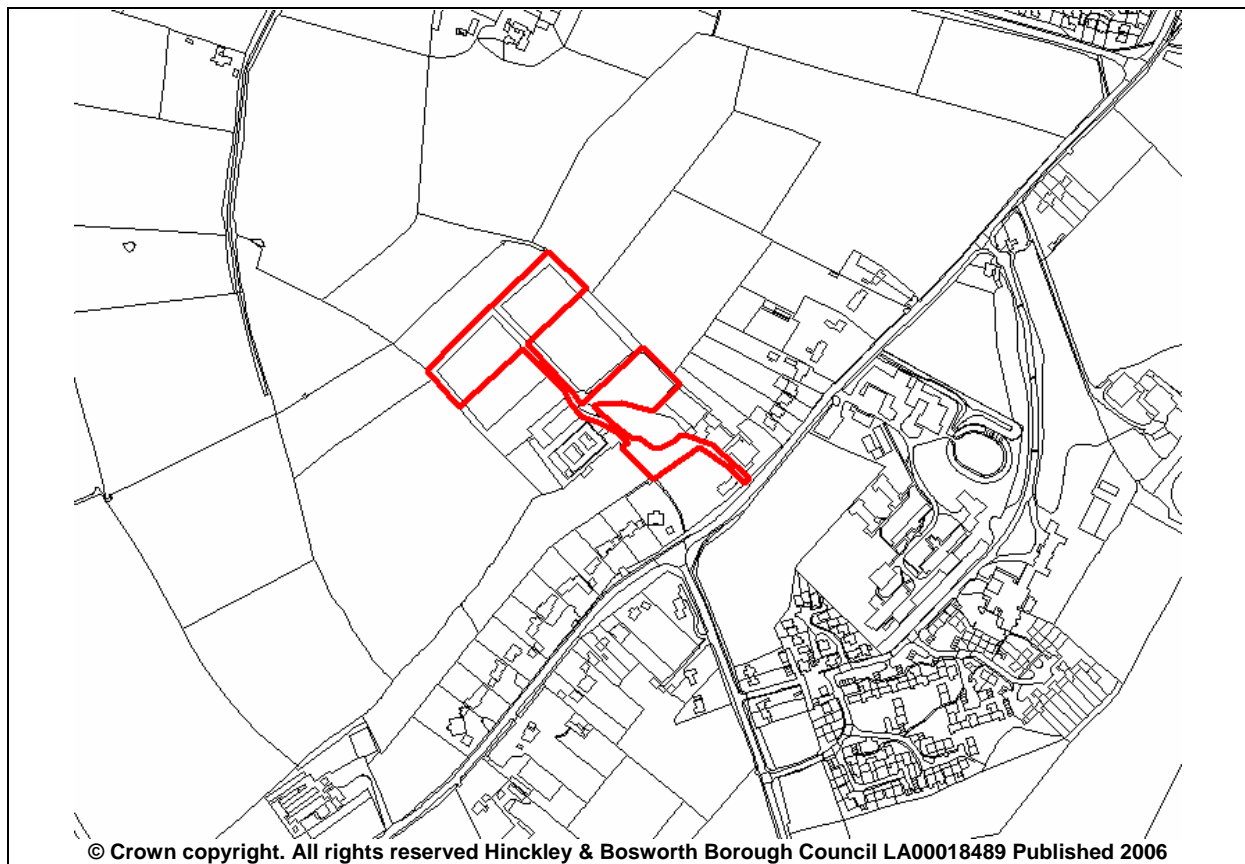
Where the footpath crosses the site, there is a 2m wide corridor, denoted by a post and rail fence. This forms the physical sub division of the training area.

Technical Documents submitted with application

Acoustic Report
Planning Statement

Relevant Planning History:-

12/00761/COU	Change of use of land and building for Under Consideration Dog training and dog shows	Pending Determination	
09/00770/COU	Change of use of land to dog training	Approved	23.12.09
07/00031/BOC	Enforcement Notice material Change of use	Served	06.12.07
07/00393/CLU	Certificate of Lawful Existing Use for Dog Training	Refused	23.05.07
06/00418/FUL	Certificate of Lawful Existing Use for Dog Training Flyball Agility Tracking and Dog Shows	Refused	10.01.07
04/00322/COU	Change of use and alterations of kennel buildings to class B1 (Offices)(Resubmitted Scheme)	Refused	19.05.04
04/00321/COU	Change of use from dog show and Exercise building to B1 light industrial (resubmitted)	Refused	19.05.04
03/01280/COU	Change of use and alterations of kennel buildings to Class B1 (offices)	Withdrawn	15.12.03
03/01277/COU	Change of use of dog show and exercise building to Class B1 (light industrial use)	Withdrawn	15.12.03
98/00625/FUL	Erection of indoor dog training Building (Amended Scheme)	Approved	27.08.98
97/00749/FUL	Erection of indoor dog training building	Approved	11.12.97
97/00045/COU	Change of use and extension to existing building to form hydro pool and associated facilities	Approved	05.03.97
97/00022/ADV	Display of free standing illuminated signs	Approved	14.02.97



Consultations:-

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

No objection subject to comments have been received from Director of Environment and Transport (Rights of Way).

Head of Community Services (Pollution) has objected to the application based on inadequacies identified within the acoustic report.

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

- a) conditions imposed on previous applications have not been complied with and thus the current application wrongly states that activity on site has not commenced.
- b) the noise report submitted in support of the application is inadequate and not representative of the actual circumstances.
- c) no planning permission has been granted for the 'overflow car park' which may have adverse impacts in terms of noise on the amenity of surrounding properties
- d) many residents of surrounding properties are at home during the day, contrary to what is stated within the planning statement and thus the proposal will have an adverse impact in terms of residential amenity
- e) the application forms wrongly state that the development has not yet commenced, this is not the case, as dog shows and training classes are currently being held during the day.
- f) queries are raised in respect of whether the main car parking area can accommodate 100 vehicles.

- g) it is considered that the higher level of activity on site the greater the risk of noise disturbance. This is most prevalent around the arrival of visitors. Accordingly a permission which results in increased levels of activity on site would not be welcomed.
- h) various conditions to restrict the use if permitted have been suggested.
- i) concerns have been raised in respect of the location of the site notices displayed
- j) it is stated that it is unreasonable for a business to expect to create noise 365 days per year; however previous hour's restrictions have not been adhered to by the applicant or subsequently enforced by the Council.

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

Markfield Parish Council
 Ramblers Association.

Site notice and Press notice were displayed and neighbours notified.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

Policy 21: National Forest
 Policy 23: Tourism Development

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The principle of development, impacts on the character of the countryside and any impacts in terms of highway safety have been considered as acceptable during the previous application. Accordingly, the sole issue for consideration in the determination of the current application is whether the increased hours, as proposed, will result in an unacceptable impact in terms of noise and disturbance upon the residential amenity of surrounding properties.

Residential Amenity

Criteria i of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties and is

considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The dwellings most likely to be affected by the proposed use are those on Thornton Lane, to the south east of the site. The impacts will be predominantly associated with noise and disturbance from vehicle movements, general dog training activities (participants talking, instruction being given etc) and from barking dogs, both those being trained and those resident within the kennels on site.

There is a history of noise complaints relating to this site, with the majority of complaints referring to activities taking place at the 'top fields' and from the existing kennels. The majority of these complaints were received between 24 August 2006 – 19 February 2007. Accordingly a noise abatement notice was served in April 2007. Following this it was reported that dog training activities had been relocated to the bottom fields, and complainants reported improvements. This said, complainants maintained there was continued disturbance from the increased activities on site, and from activities in the parking area. Three complaints were received in July 2007. In respect of the above, in his proof of evidence relating to the former enforcement appeal (07/00031/UNAUTH) the Environmental Health Officer agreed that since dog training on the top fields had ceased, noise disturbance and noise impacts on residential properties were significantly reduced. Isolated complaints continue to be received regarding barking from the kennels, however further monitoring has been undertaken by the Head of Community Services (Pollution) but no nuisance has been witnessed.

Specifically in relation to dog shows, complaints were received in August 2009, September 2009 and September 2012.

In order to demonstrate the possible harm resulting from the proposed use, the applicant has submitted a Noise Impact Assessment. The content and findings within this assessment have been considered by the Head of Community Services (Pollution).

In relation to the Acoustic Report, the Head of Community Services (Pollution) is of the view that the monitoring undertaken cannot be deemed representative of the activities on site because;

Only 4 ½ hrs of monitoring were undertaken in total.

- Only 1 ½ hrs of monitoring were undertaken when the show and agility were present externally.
- The noise levels from agility and shows need to be monitored separately rather than these activities being measured at the same time - this will allow assessment of each impact individually.
- Independent verification of monitoring would be useful.

Notwithstanding the above, the Head of Community Services (Pollution) has stated that there have been no complaints verified by Environmental Health regarding the use of the bottom fields for training and given the fact that the extended hours are the less sensitive times of the day i.e. 10:00 – 18:00 when background noise is at its highest and when the average person is active, it is possible that the impact may not be significant. However, without proof of this, as discussed above, it is not possible to determine categorically that there will not be an impact.

Based on the perceived deficiencies identified by Head of Community Services (pollution) in the submitted acoustic report, it is not considered that sufficient information has been

provided to assess the potential impact from the use. Therefore further noise assessments are required.

Following the concerns raised by the Head of Community Services (Pollution), the applicant has been requested to amend the acoustic report to address the deficiencies identified. The applicant however considers the content of the report to be adequate and representative and is therefore unwilling to undertake any additional assessment. Specifically, in respect of the issues identified within the report, the noise consultant has responded stating that the survey period was adequate to gain the necessary background prior, during and after the events. It was executed over a typical session for the day in question at both boundary and close quarters to each event...there could be slight variations in event noise produced for separate days, however, this is the same for any noise survey carried out for any noise source irrespective of source type. The interpretation of the close quarter's noise assessments was calculated to the site boundary, effectively, this is the same as having the events on separate occasions.

Notwithstanding the comments from the noise consultant (as outlined above) the Local Planning Authority maintain their position, that, based on the inadequate information submitted, they are not in a position to determine and assess the potential impacts of the proposed use on the residential amenity of surrounding properties. Therefore the application will be recommended for refusal based on the failure of the applicant to demonstrate that there would not be a significant harmful impact on nearby residential properties due to noise and general disturbance from the proposed use and associated comings and goings. .

Other Issues

Director of Environment and Transport (Rights of Way) has requested that further information is obtained from the applicant to determine what measures are in place to ensure that the free passage of pedestrians is not interrupted while dog training is taking place. As this application solely seeks to vary the hours of the already approved dog training, there will be no further impacts over and above those existing on the public footpath. Accordingly this request for further information is not considered necessary in this case.

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

It has been suggested that conditions imposed on previous applications have not been complied with and thus the current application wrongly states that activity on site has not commenced. In relation to the installation of the acoustic fence, this condition has not yet been complied with, for the reasons outlined above. However, the Local Planning Authority are working with the applicant to resolve this issue. On a similar theme, it has been alleged that the 'overflow car park' does not benefit from planning permission. The car park in question has been complete in excess of four years and thus is now immune from enforcement action. The application under consideration seeks to address the issue of weekday training, however if this application is refused, the issue will be passed to the planning enforcement team for further investigation. The current application will be determined on its specific merits.

It is suggested that many residents of surrounding properties are at home during the day, contrary to what is stated within the planning statement. As mentioned within the main body of the report, due to the inadequacies identified within the acoustic report, impacts in terms of residential amenity can not be robustly assessed.

Concerns are raised that the application forms wrongly state that the development has not yet commenced, this is not the case, as dog shows are currently being held. The Local

Planning Authority is aware that shows are currently being held and are investigating and monitoring the situation. In relation to this, the applicant is arguing that he is operating within his permitted development rights. Whether or not this is the case; the current application will be determined on its merits and this will have no bearing on the outcome of the application.

Queries are raised in respect of whether the main car parking area can accommodate 100 vehicles. The Director of Environment and Transport (Highways) has considered the application and current facilities on site and has considered them to be adequate. Accordingly no adverse comments have been received.

Concerns have been raised in respect of the location of the site notices. Following this, new site notices were displayed on public land opposite the site.

It has been stated that it is unacceptable for a business to expect to create noise for 365 days per year. As mentioned above, potential impacts in terms of residential amenity can not be adequately assessed due to deficiencies identified within the acoustic report.

Conclusion

Based on the deficiencies identified within the acoustic report, it is not considered possible to make an informed or robust assessment of the potential impacts of the proposed use on the residential amenity of the surrounding properties in terms of noise and disturbance. Consequently the application will be recommended for refusal on the failure of the applicant to demonstrate compliance with criteria i of policy BE1 of the adopted local plan.

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 application fails to demonstrate that the proposed use would not result in an adverse noise impact upon the amenities nearby residents and is therefore contrary to the requirements of criteria i of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan 2001 and paragraph 123 of the National Planning Policy Framework 2012.

Contact Officer:- Eleanor Overton Ext 5680

Item: 09
Reference: 12/00535/FUL
Applicant: Mrs Stephanie Alexander & Mrs Gillian Evans
Location: 6 Clarendon Road Hinckley
Proposal: INSTALLATION OF AN AIR CONDITIONING UNIT (RETROSPECTIVE)
Target Date: 25 October 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises contentious issues in the wider area.

Application Proposal

This application seeks full planning permission for the retention of an external air conditioning unit located to the rear of 6 Clarendon Road, Hinckley. 6 Clarendon Road is currently in use as a children's nursery and has been operating as such for 20 years. The air conditioning unit is located on the northern elevation adjacent to the conservatory. The unit is located on the ground and measures 1.2m by 0.5m in height. It projects from the building by 0.4m and is enclosed by a mesh cage.

The Site and Surrounding Area

6 Clarendon Road is a detached property with off-street parking to the front. Clarendon Road is a mainly residential street with a few commercial properties including a dentist and the nursery. 6 Clarendon Road has been extended to the rear with a conservatory and various flat roofed extensions.

To the east the application site shares a boundary with 4 Clarendon Road, a semi-detached two storey dwelling located at a slightly higher level than the application site. This property is separated from the application site by a close boarded fence re-enforced by a conifer hedge approximately 5 metres from the rear elevation of the application property.

To the west of the site (6a Clarendon Road) is a two storey detached dwelling, separated from the application site by a mixture of vegetation and close boarded fence.

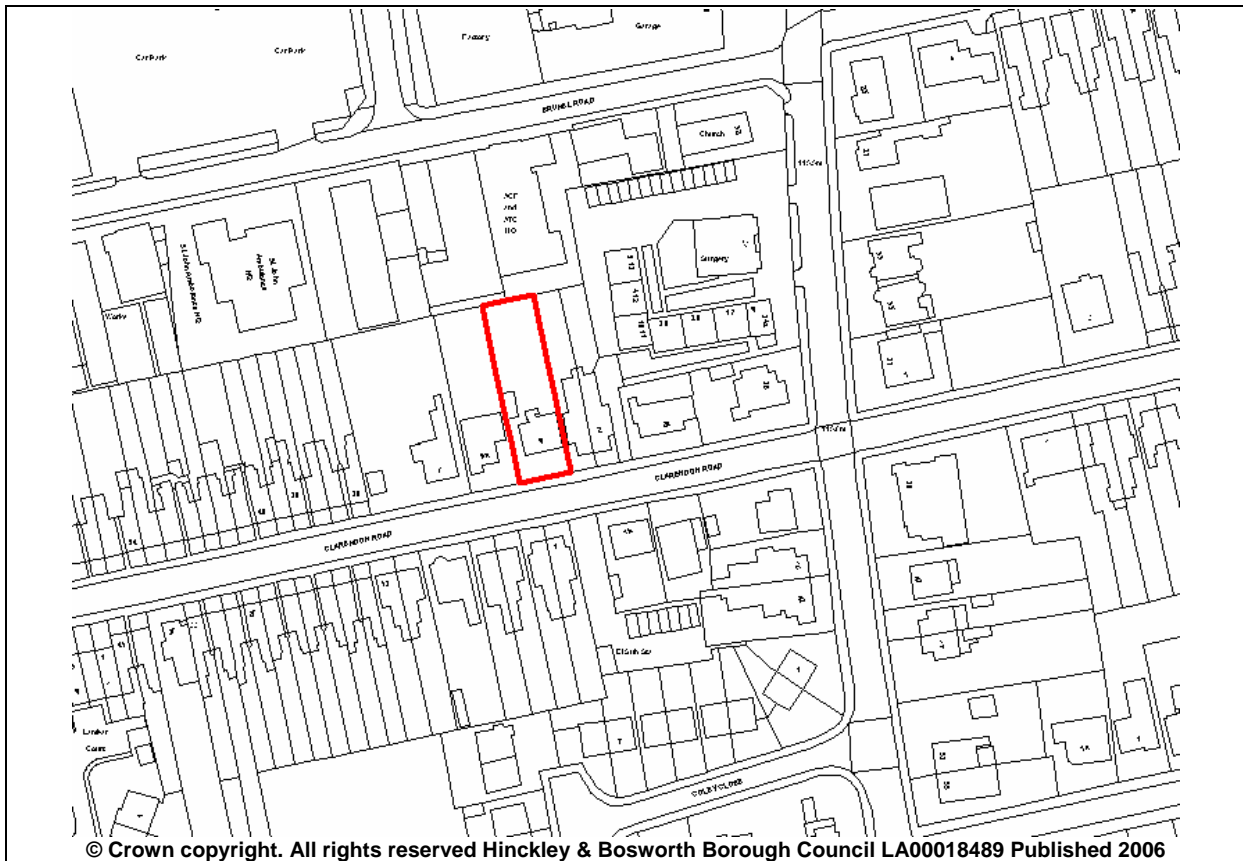
Technical Documents submitted with application

None relevant.

Relevant Planning History:-

07/00348/FUL	Extensions and alterations including a conservatory incorporating an emergency means of escape	Approved	22.05.07
03/01347/CONDIT	Variation of condition 1 of planning Application to increase the maximum number of children to 30	Approved	25.02.04

94/00626/CONDIT	Variation of condition 2 of planning Application 94/00442/COU	Approved	21.09.94
94/00442/COU	Use of first floor room as additional nursery	Approved	29.07.94
81/01026/4	Children's play room	Approved	24.11.81
8100615/4	Extension to form children's playroom	Approved	10.07.81



Consultations:-

No objections have been received from the Head of Community Services (Pollution).

An objection has been received from an adjoining neighbour, via the local Ward Member, raising a number of concerns about the nursery use in general. In respect of the air conditioning unit the objections relate to the noise impact from the air conditioner which they do not consider can be mitigated by conditions restricting the use to "extreme weather only" as the nursery needs to use the air conditioner in ordinary weather. The neighbour further suggests that the nursery replaces the roof of the conservatory so that the unit is not required or install the air conditioning unit at the bottom of the garden or move it further into the site away from their boundary.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1 – Design and Siting of Development (criteria a and i)

Other Material Policy Guidance

World Health Organisation Guidelines for Community Noise

BS8233 – Sound insulation and noise reduction for buildings

BS4142 – Method for rating industrial noise affecting mixed residential and industrial areas

Noise Policy Statement for England (March 2010)

Appraisal:-

The main considerations with regards to this application are the principle of development and the impact on residential amenities.

Principle of development

The site is located within the settlement boundary of Hinckley where there is a presumption in favour of development subject to satisfactory consideration of all other planning matters. The NPPF has a presumption in favour of sustainable development. Paragraph 11 of the NPPF seeks to conserve and enhance the natural environment and at paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”. Paragraphs 120-123 of the NPPF seek to ensure that new development is appropriate for its location and that the effects of pollution on health, the natural environment or general amenity should be taken into account.

The proposed air conditioning unit is required to regulate the temperature within the conservatory extension of an existing children’s nursery. The principle of development is considered to be acceptable and subject to there being no impact on residential amenity, the proposals are not considered to have any conflict with the NPPF’s presumption in favour of sustainable development.

Impact on residential amenity

The property is a detached dwelling on a residential street. The air conditioning unit is located on the rear elevation of the conservatory extension, adjacent to the boundary with no. 4 Clarendon Road. No. 4 is a residential dwelling with a rear wing containing windows that face the shared boundary. Whilst there are other residential properties surrounding the application site, no. 4 is situated the closest to the air conditioning unit and as such noise monitoring has been carried out to assess the impact on the amenities of the occupiers of no. 4 Clarendon Road as the nearest noise receptor.

The Head of Community Services (Pollution) has monitored noise from the unit and has no objections to the proposals when considering the levels against the assessment criteria for potential noise impact.

Measurements were taken in two positions. Position 1 was at freefield position with readings taken 3.5 metres from the nearest reflective surface and 1.2 metres from the ground. Position 2 was at façade position with readings taken 1 metre from the nearest façade of the closest sensitive receptor. At measuring position 1 noise from the unit was barely audible over the background noise of passing traffic and light breeze in the trees above the monitoring position. At monitoring position 2 the noise from the unit was audible but not intrusive against the background noise. The following table sets out the monitoring results taken on 5 October 2012 from the rear garden of no. 4 Clarendon Road:-

Location	Recording	Time	Period	Laeq	L90
Freefield					
1	Unit on full hot	12:15- 12:20	5 min	48.0	44.6
1	Unit on full cold	12:21- 12:26	5 min	48.8	45.7
1	Unit off	13:45-14:44	59 min	47.0	43.0
Façade					
2	Unit on full hot	12:36- 12:41	5 min	49.0	47.6
2	Unit on full cold	12:45- 12:50	5 min	47.4	45.4
2	Unit off	12:57-13:42	45 min	46.7	43.5

The World Health Organisation guidelines for Community Noise indicates levels of 50-55dB in gardens over 16 hours in the day and 35dB in living rooms over 16 hours in the day. A standard calculation of a 15dB reduction would be applied to indicate indoor noise levels with an open window. The indoor noise levels would meet the World Health Organisation guidelines for Community Noise for living rooms. The same calculation would also meet the "good" standard within BS8233.

The Head of Community Services (Pollution) also carried out an assessment using BS4142. BS4142 assesses the likelihood of complaints by considering the noise from the equipment against background noise levels. This assessment indicated that the difference between background noise level and rating level ranged between 2.9dB and 8.5dB. A 5-10dB difference indicates an increase of marginal significance. A score of over 10dB indicates that complaints are likely. The applicants indicate that the unit is only used to modify the temperature in the conservatory so that babies can sleep there and it only operates for around an hour and half in the morning and two hours in the afternoon. However, using worst case scenario, by assuming that the unit will operate throughout the day, the assessment shows an increase in noise levels of "marginal significance".

The neighbour indicated that the noise is louder in the summer months when the fan has to work harder. However, a review of the manufacturer's specification for this unit generally corresponds to the measured noise levels. It is therefore considered that noise from the air conditioning unit would not have a significant detrimental impact on residential amenities.

Conclusion

The measurements taken by the Head of Community Services (Pollution) indicate that the noise emitted from the air conditioning unit is within the acceptable levels and the air conditioning unit is not considered to have a detrimental impact on residential amenity. The application is therefore recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The air conditioning unit is not considered to have a detrimental impact on residential amenity and accordingly the development is considered acceptable.

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

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250, Block Plan at 1:500 and Plans and Elevations at 1:100 and 1:50 received by the local planning authority on 30 August 2012.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 10
Reference: 12/00723/FUL
Applicant: Clare Guest
Location: Land Opposite Superstore Stoke Road Hinckley
Proposal: 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
Target Date: 8 November 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 1 no. detached dwelling, 1 no. Flat Over Garage unit, two terraces of 3 properties and two semi detached dwellings within the same site area. This application seeks to replace them with 8 two storey detached dwellings consisting of 4 different house types including associated garages.

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 two areas, one located centrally within the site and the other along the Sword Drive/Dayton Avenue/Triumph Road frontages and opposite the car park serving Wickes, Halfords and the Millstone public house.

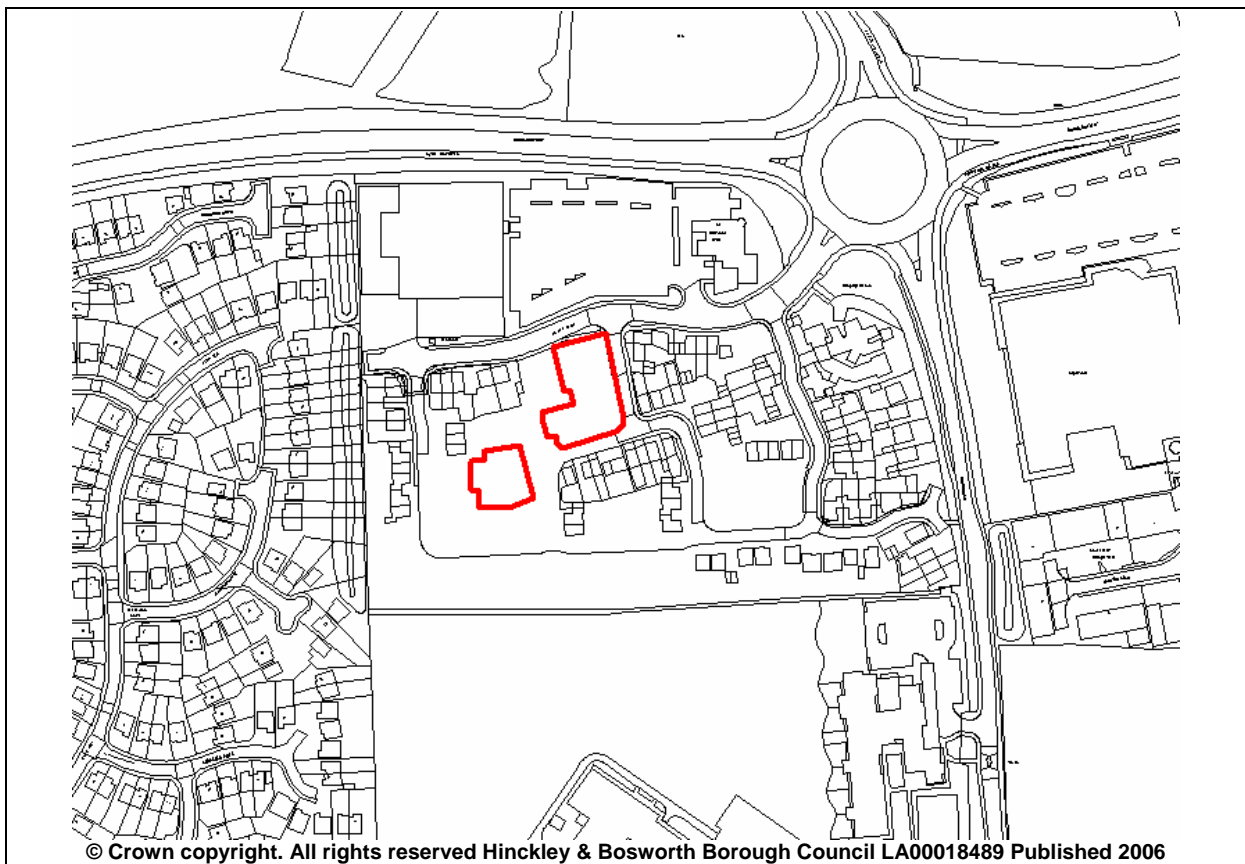
Technical Documents submitted with application

Legal Agreement - Deed of variation

Relevant Planning History:-

12/00622/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
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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
 Director of Environment and Transport (Highways).

At the time of writing the report comments have not been received from:-
 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 8 two storey dwellings from 4 different house types. The design of the dwellings varies, incorporating projecting gables, bay windows and porches. Two of the plots (23 & 24) face Sword Drive and would be the only detached dwellings on the frontage, adding variety to the street elevation. Plots 24 and 26 are corner plots. There is sufficient detail on the side elevation of plot 24 to add interest to the streetscene as the built form turns the corner. Plot 26 does not have any detail to the side elevation; however given the orientation of the dwelling and boundary treatment and landscaping proposed forward of that elevation it is considered acceptable in this instance.

The proposal replaces small units with larger family sized dwellings. However a sufficient mix of property types remains across the entire site. It is considered that there is a sufficient mix of properties on the site to comply with Policy 15 of the Core Strategy.

The approved comprehensive scheme consists of features including arched brick soldier courses and simple canopies across doorways. 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 6 new dwellings would maintain the variety already approved. The proposed dwellings would therefore assimilate well into the rest of the development.

The proposal maintains the layout approved by the 2008 permission, with the proposed properties facing on to the public highways. There are no substantial changes to the layout.

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 towards the centre of the site, within the new development. The majority of the plots surrounding the northern element (plots 23-28 inclusive) are constructed with some now occupied. The southernmost element of the proposal (plots 32 and 33) is surrounded by dwelling yet to be constructed. Adjacent to plot 22 a single garage has been removed, reducing the built form to the east of this plot and consequentially the outlook to this dwelling has improved. The other properties maintain the relationship between properties considered acceptable under the previously approved scheme.

Highways

The application proposal would be served by the road layout approved under application 08/00349/FUL and is therefore acceptable. The application includes parking for plots not within the red line specifically plots 21, 22, 30, 31, 33, 35, 36 and 37, however, the proposal maintains an adequate level of off street parking, at least two spaces per dwelling. The proposal is considered to be acceptable from a highway safety point of view and complies with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

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 has reduced 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. 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 8 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

The proposal seeks to amend part of a larger scheme and the proposed changes do not result in a significantly different scheme. The design and appearance of the proposed dwellings respects and maintains the character of the comprehensive development and 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, complying with Policy 16 of the adopted Core Strategy. Whilst the proposal would fail to meet the requirement of Policy 24, and meet 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 already advanced in its construction. The proposal is therefore considered acceptable.

RECOMMENDATION:- That subject to no significant material objections being received prior to the expiry of the consultation period on 5 October 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 8 November 2012 may result in the application being refused:-

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 previous application, the mix, siting and location of other development in the area and the design and appearance of the proposed dwellings it is considered that the amendment does not alter the mix of dwellings proposed, the character and appearance of the estate and amenities of neighbouring residents. The proposal is considered 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_L_03_E (site location), M109_PL01_CC (site layout), 3254-SK02 rev A, 4266-SK02H Rev A, 4266-SK02 Rev B, 4251-SK02 Rev B, 4256-SK02 Rev a, G01 [SG] 01 Rev C, G02.P [SG] 01 Rev C. received 4 September 2012. JB/251-02 F received 5 October 2012.
- 3 The 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 exiting 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 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied.
- 7 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.
- 8 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 To prevent pollution of the water environment to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 To 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.
- 8 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: 11
Reference: 12/00667/FUL
Applicant: Mrs H Woodward
Location: Pinwall Hall Farm Sheepy Road Pinwall
Proposal: REPLACEMENT AGRICULTURAL BUILDING
Target Date: 31 October 2012

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of a new agricultural building measuring a maximum of 28.6 metres in length by 23 metres in width by 5.3 and 8.2 metres to the eaves and ridge, respectively. The building would occupy a footprint of 642 square metres, to replace an existing agricultural building of 276 square metres.

The building is intended to be constructed in concrete panels to the lower wall, with a brick low level side extension, timber Yorkshire boarding to the upper walls, and green steel cladding for the roof.

The Site and Surrounding Area

Pinwall House Farm extends to approximately 104 hectares, with the applicant renting a further 63.5 hectares. The site comprises a range of farm building of various ages and styles, with brick built, timber cladding and steel and corrugated sheeting. Pinwall Hall Farm farmhouse is a Grade II Listed Building.

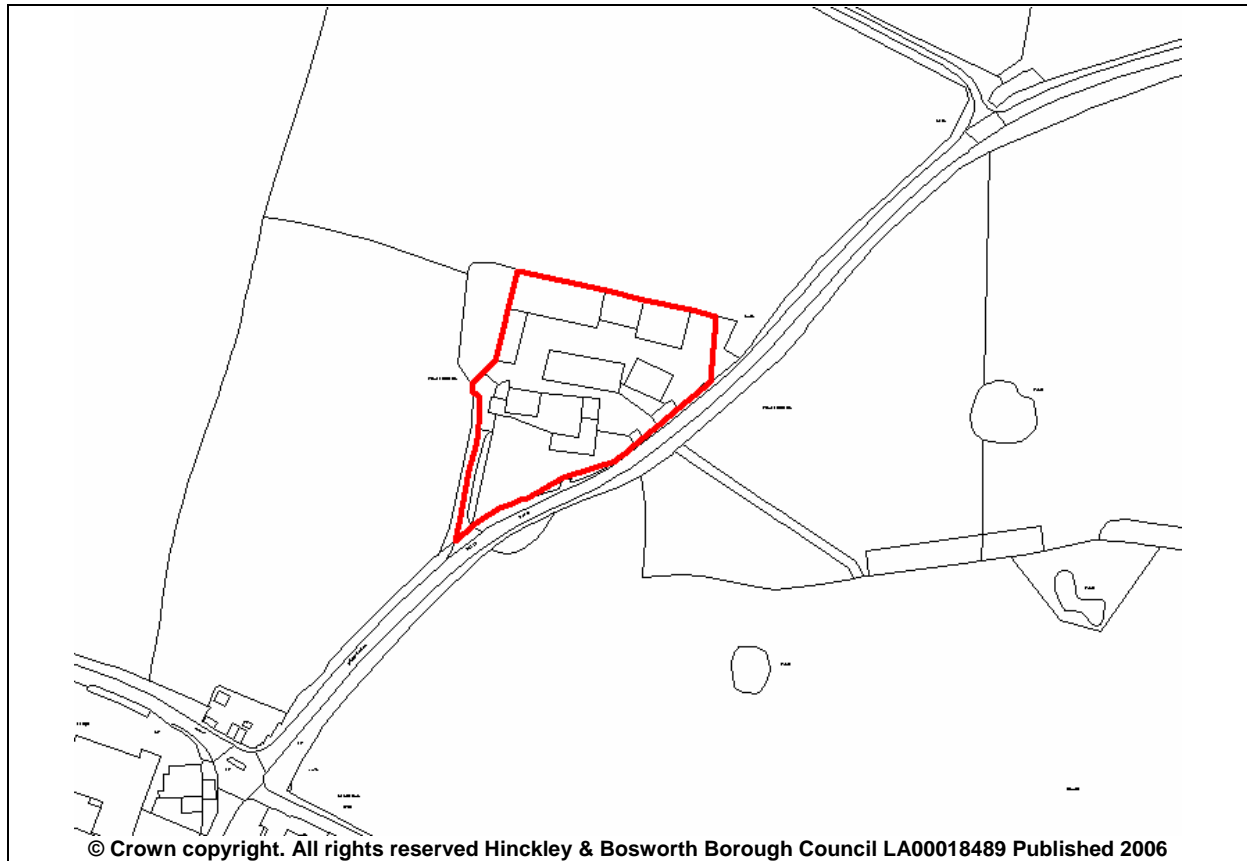
The site is located outside of the settlement boundary of Pinwall, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement

Relevant Planning History:-

03/00431/GDO	Erection of an Agricultural Building	GDO	27.05.03
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Consultations:-

No objections from:-

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

The consultation period remains open at the time of writing and closes on 18 October 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

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

Sheepy Parish Council
The Council's Conservation Officer.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Policy BE5: The Setting of a Listed Building

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Design of Farm Buildings SPG

Other Material Policy Guidance

None relevant.

Appraisal:-

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

Principle of Development

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

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should 'promote the development and diversification of agricultural and other land-based rural businesses.

The function of the proposed building will be for the storage of machinery, hay and straw and would be used from January to April for lambing. The scheme involves the demolition of the existing shed which due to its current dilapidated condition has to be separately insured and is no longer fit for purpose. It is considered that a modern large scale agricultural building is required for the efficiency of labour and modern agricultural practices. Accordingly it is considered that the building will strengthen the viability of the agricultural holding, and promote the development of the agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

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

Siting and Impact upon the Countryside

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and support the thriving rural communities within it, and

paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv, within Saved Policy NE5, remain generally relevant to development within the countryside and are consistent with the NPPF. 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 and is considered to be consistent with the NPPF and as such should be given weight in the consideration of this application.

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

The proposed building is set to be positioned on the footprint of the building it is set to replace, with the exception of the angle of the footprint. The proposed building is set to occupy an area to the south of an existing agricultural building referred to as 'Building A' which is a large modern style building and to the east of 'Building B' which comprises a mix of styles - an open sided agricultural building to its northern elevation and a brick built mono pitch stable block to its southern elevation.

The existing barn, proposed to be demolished is sited at an angle to the other buildings on site, and the new building is set to be re-aligned to run flush, and come in line with two existing buildings on site.

The proposed barn would be screened to the north and west by the presence of existing agricultural buildings on site. Views will be obscured from the south due to the presence of 2 smaller buildings. In respect of views from the east, it is considered that the new agricultural barn would be viewed with a backdrop of existing buildings and therefore, whilst large would not look out of place or uncharacteristic in the landscape.

It is considered that the siting of the building in this location will be seen in context of other farm buildings when viewed from public vantage points and would therefore not look incongruous in this countryside setting.

In summary, it is considered that the barn is contained within the existing farm complex, ensuring that there is no encroachment onto the surrounding countryside and would not significantly impact upon the appearance and amenity of the surrounding countryside, over and above that of the existing agricultural building that it intends to replace and other agricultural buildings on site.

The scheme is therefore considered to be in accordance with Saved Policies NE5 (criteria i and iii) and BE1 (criteria a) of the Local Plan 2001 and SPG on Design of Farm Buildings.

Scale and Design

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

The footprint of the building is set to be 366 square metres larger than that of the building which is replaces.

The function of the building is for the storage of machinery, hay and straw and for lambing between January and April. The applicant has justified the need for the use of this building as the existing building is run down and no longer fit for purpose. The applicant also states that a new building will improve the sustainability of the farm, providing safety and security for lambs and adequate storage and security for goods and foodstuff and reducing clutter.

It is considered that there is an identified need for a new, modern large scale agricultural building due to the under capacity of storage and the need for secure storage. The function of the proposed building has influenced the scale and type of the building and it is considered that it is required for the long term agricultural requirements of the site. In addition, the building is not considered to appear out of keeping in scale in comparison to the adjacent agricultural barns and other farm buildings which currently exist on site.

The applicant has confirmed that discussions were undertaken with the Council's Conservation Officer at a pre application stage and the materials thoroughly considered at this stage. The applicant states that the cladding proposed for the roof was specified to match the roofs of other buildings already on the site and the bricks were introduced to what is a low-level side extension to blend in with an existing wall and a small outbuilding adjacent, whilst the Yorkshire boarding was specified to allow air access to the building and is a standard construction material used for farm buildings.

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

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

Impact upon the Setting of the Listed Building

Saved Policy BE5 is considered to be consistent with the intentions of the NPPF and therefore affords weight in the determination of this application.

The proposed building is intended to be sited to the north east of the farmhouse, which is a Grade II Listed Building.

The proposed building is not intending to project any closer toward the Listed Building than that of the adjacent building 'Building B' located to the west and the height of the proposed building is 0.4 metre higher than 'Building A' located to the north as such this is not significantly higher than existing buildings on site.

It is considered that the appearance of the proposed building is a visual improvement over that of the building it intends to replace.

As such it is considered that whilst the overall height of the building will have increased by 1.5 metres and the footprint increased, the siting of the building will be no closer than other buildings on site, and the overall appearance and careful consideration of materials ensures that the building would not detract from the setting of the Listed Building.

In summary by virtue of the siting, scale and design it is not considered that the setting of Pinwall Hall Farm farmhouse would be significantly impacted upon as a result of this proposal. The scheme is therefore considered to be in accordance with Saved Policy BE5 of the Local Plan 2001.

Impact upon Residential Amenity

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

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

Highways Considerations

Saved Policies T5, BE1 (criteria g) and NE5 (criteria iv) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

This application does not involve any changes to the access, visibility, parking arrangements or traffic generation upon the highway network.

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

Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. It is considered that the principle of an agricultural farm building in this location is acceptable as the applicant has demonstrated that there is a need for a modern agricultural building on site. The building will strengthen the viability of the agricultural holding and consequently contribute to the rural economy.

The siting of the building will not encroach upon the countryside or be detrimental to the character and appearance of this countryside setting. Overall by virtue of the siting, scale, materials and finishes of the building, the scheme is considered to be in accordance with the principles of designing a new farm building as stated in the SPG on Design on Farm Buildings, and does not detrimentally affect the setting of the Grade II Listed farmhouse.

The scheme is considered to be in accordance with Saved Local Plan Policies NE5 (criteria i-iv), BE1 (criteria a and i), BE5 and T5. Accordingly this 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 18 October 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 the principle of a new agricultural building is considered acceptable within this farm setting and there are no material impacts on either the character of the countryside, setting of the Listed Building, impact upon residential amenity or highway safety.

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

Local Plan 2006-2026: Core Strategy 2009:- Design of Farm Buildings SPG.

- 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: - Proposed Location Plan drawing no. 286/212/01/Rev A; Proposed Site Plan drawing no. 286/212/06/Rev B; Proposed Plans drawing no. 286/212/05/Rev A and Proposed Elevations drawing no. 286/212/07/Rev A received by the Local Planning Authority on 5 September 2012.
- 3 The materials used in the construction of agricultural building hereby approved shall be strictly in accordance with the details submitted in the application form.

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 Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If it is intended to house livestock in the proposed building, provision shall be made to ensure that animal waste and surface water contaminated by animal waste will not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991'. Clean roof water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.

Contact Officer:- Ebony Mattley Ext 5691

Item: 12
Reference: 12/00635/HOU
Applicant: Mr David McDonald
Location: 178 Hinckley Road Earl Shilton
Proposal: FORMATION OF A VEHICULAR ACCESS
Target Date: 1 November 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission to extend the width of an existing vehicular access by dropping kerbs at no. 178 Hinckley Road, Earl Shilton. The proposal is to lower five block kerbs extending 4.5 metres in width across the highway.

The Site and Surrounding Area

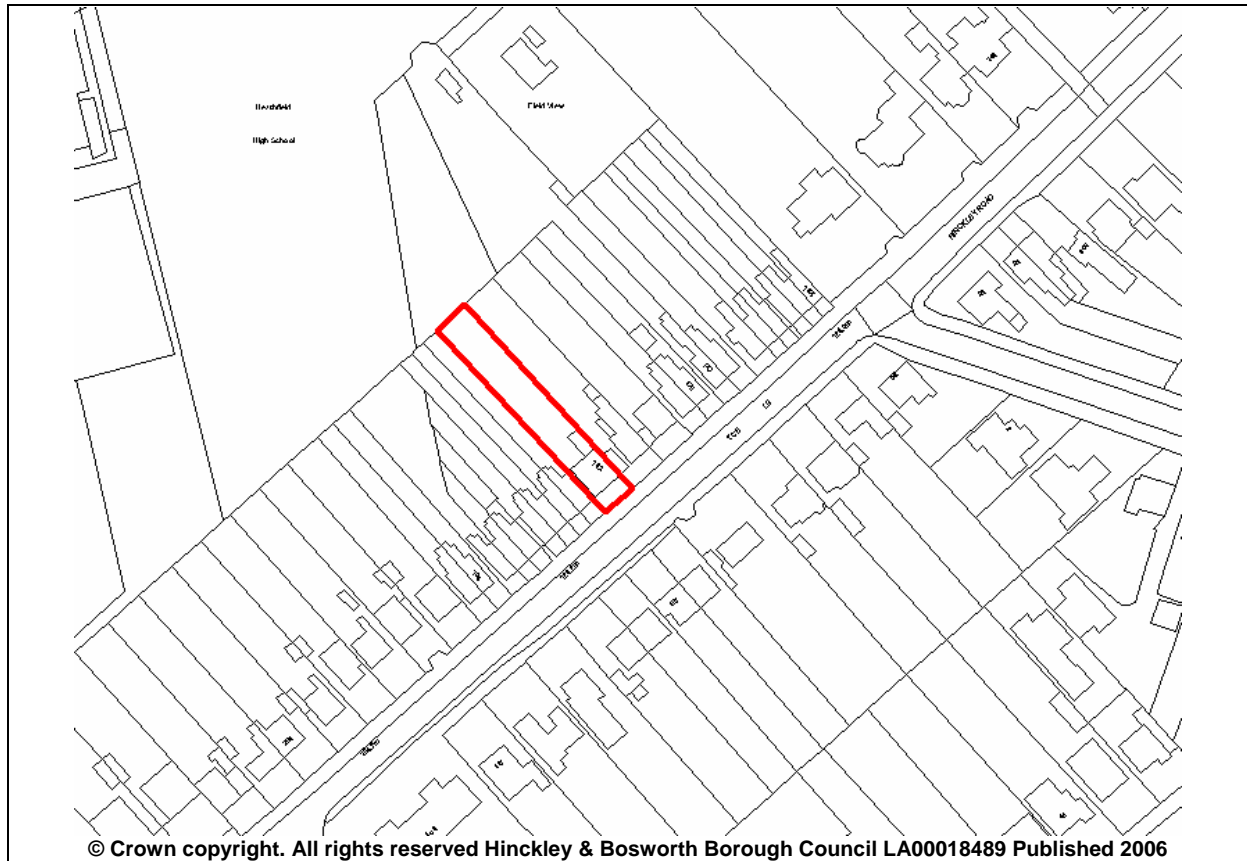
The site is located on a classified road (A47) providing the main route through Earl Shilton. The dwelling has a frontage width of approximately 9 metres and already benefits from a section of lowered kerbs to the south west. The main dwelling house to which the extended access will serve is a detached two storey property. The existing access leads on to a block paved and non-loose aggregate driveway which extends the full width of the plot. The surrounding properties along the northern side of Hinckley Road are varied containing a mixture of terraces, semi's' and detached properties.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

95/00238/FUL	Extension to dwelling	Approved	03.05.95
89/00803/4	To drop kerbs for vehicular access	Approved	15.08.89



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Earl Shilton Town Council.

Site notice displayed on 21 September 2012 and neighbours notified.

No representations received from neighbours.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main consideration for the determination of this application is whether the extended access that includes further dropped kerbs on Hinckley Road (A47 - classified) is acceptable in terms of the character of the surrounding area and on highway grounds.

Impact on Character of Surrounding Area

It should be noted that there are already dropped kerbs serving other properties along Hinckley Road. In addition there are already dropped kerbs serving the applicant's site. The presence of an additional 4.5 metres of lowered kerbs in the streetscene will not have any detrimental impact on the character of the surrounding area and therefore is considered acceptable in relation to Local Plan Policy BE1.

Highways

The width of the new vehicular access will be approximately 4.5 metres, which will extend the existing amount of dropped kerb the full width across the site allowing vehicular access at any point. There is a brick wall approximately 0.5 metres in height along the common boundary with no. 176 and therefore no constraints in terms of pedestrian visibility. The driveway to which the dropped kerb will serve is currently surfaced by stone slabs (non-loose aggregate) which is considered to be a satisfactory access surface.

No objection has been received from the Director of Environment and Transport (Highways), and therefore, the formation of an extended access on to the A47 is considered acceptable on highway grounds.

Conclusion

The proposed extended vehicular access which involves dropped kerbs to this site will not have a detrimental impact on the character of the surrounding area and is acceptable on highway grounds. The application is considered to be in accordance with Policy BE1 and T5 of the Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 formation of an extended vehicular access (dropped kerbs) is in accordance with the development plan, would complement the character of the surrounding area and would not have any adverse impact on highways safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 criteria a-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 and Block Plan and Proposed Opening to Drive Amended received on 6 September 2012.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 For the avoidance of doubt and in the interests of proper planning.

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:- Kevin Roeton Ext 5919

Item: 13

Reference: 12/00789/HOU

Applicant: Mr S Mc Grady

Location: 37 The Fairway Burbage

Proposal: EXTENSION AND ALTERATIONS TO DWELLING

Target Date: 1 November 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 Mrs. Hall due to concern that the proposal will prevent natural sun light entering the only window serving a kitchen at no. 39 The Fairway.

Application Proposal

This application seeks full planning permission for extensions and alterations, to include the construction of a pitched roof above the existing flat roof single storey element to the side of no. 37, The Fairway. The proposal projects 5 metres from the south east roof plane of the main house and extends 7 metres along the flat roof element and will accommodate a third bedroom with en-suite. The application also includes a dormer window on the front elevation roof plane to serve the bedroom measuring 2 metres in width x 2.6 metres in height and a roof light on the rear elevation roof plane to serve the en-suite.

The Site and Surrounding Area

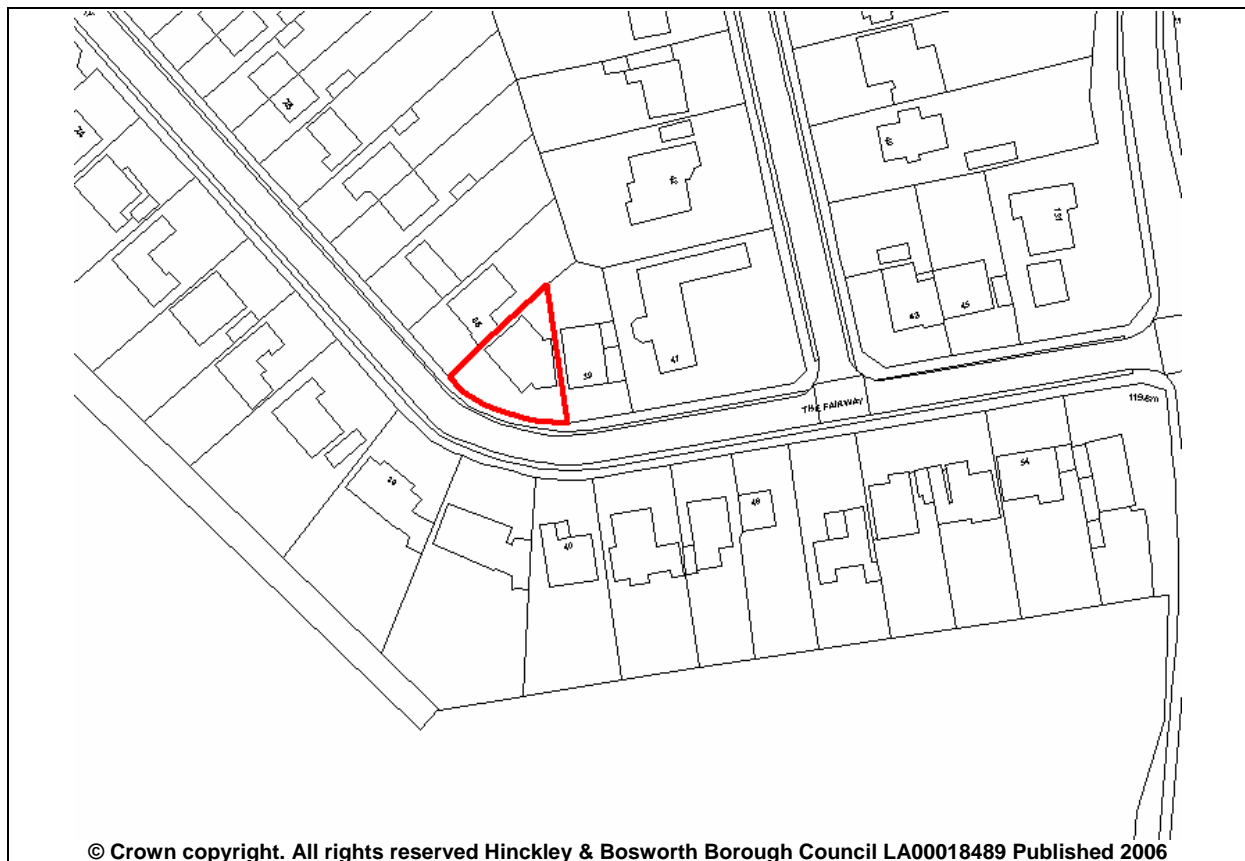
The site is located within the core residential area of Burbage characterised by individual housing development and identified as Zone 4 in the Burbage Village Design Statement. The dwellinghouse was built in the 1970s, forming infill development on the inside bend of the Fairway between two bungalows. The street includes a mix of residential properties varying from detached and semi-detached, two storey dwellinghouses and bungalows. The applicant's detached dwellinghouse is single storey in scale but has accommodation within the roof space and includes a single storey flat roof side element asymmetrical in terms of its proportions. The main dwelling house is constructed from brown facing brick and dark grey concrete interlocking roof tiles. The garage has been converted into a study and utility room. There are currently two car parking spaces in front of the single storey element.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

74/00014/4M	Semi bungalow and garage with access	Approved	23.07.74
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Consultations:-

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

One representation has been received from Councillor Mr. Nichols raising the following concerns:-

- a) existing extension results in a small amount of light entering the kitchen
- b) if an extension of the size proposed is allowed this will take the majority of window light available
- c) size of extension should therefore be reduced
- d) contravenes Policy BE1 (d) in that the design of the extension does not incorporate design features which will reduce energy consumption since the extension will cause the neighbour to have their kitchen lights on at all times
- e) extension is overbearing and will be against Policy BE1 (a) in that it will not complement or enhance the character of the local area with regard to scale, layout and design.

One letter of neighbour representation has been received, which states the following:-

- a) Loss of light into kitchen window
- b) Prior notification of proposed extension by neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

House Extensions Design Guidance SPG

Burbage Village Design Statement SPD June 2006

Appraisal:-

The main considerations with regards to this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling, streetscene, the amenities of the occupiers of neighbouring properties and parking provision.

The Principle of Development

The site is located within the settlement boundary of Burbage, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Design and Impact on Existing Dwelling and Streetscene

The relevant design principle (GN2 2.7) set out in the Burbage Village Design Statement and the guidance within adopted SPG requires extensions to have a similar scale and design using materials compatible with the original building. The proposed side extension has a gabled roof design which reflects the main dwelling in accordance with the Adopted House Extension Supplementary Planning Guidance. The proposal seeks to extend the main house in a south-easterly direction with the ridge and eaves being the same as the existing property. Due to the 0.9 metre set back from the front elevation and 1.4 metre set back from

the rear elevation, the proposal will be subservient to the main house. The proposed use of Redland Renown tiles and hung tiles on the gabled end compliments the materials used on the main dwelling.

Amended plans have been received showing the dormer window reduced in size. The ridge height has been lowered to be 0.2 metres lower than the main ridgeline. It has a pitched roof design again matching the existing roof type of the main house resulting in a coherent appearance and will be sited in a central position on the front roof plane. The dormer will help break up the monotonous mass of tile and provide some visual interest when viewed from the street. A roof light will be inserted on the rear elevation which is considered acceptable on this property. Whilst not a feature on the existing dwelling the dormer window and roof light are considered to be well designed and would not appear incongruous to the existing dwelling or the streetscene as a whole particularly bearing in mind the varied character of the surrounding area and the presence of dormer windows in the vicinity.

The scale, mass and siting of the proposed side extension is considered to maintain the character of this dwellinghouse in the street scene. The proposed extension is considered acceptable in terms of the design requirements of Policy BE1, the Burbage Village Design Statement and the House Extension Design Guide SPG.

Impact on Neighbours Amenities

When considering neighbouring amenity the actual built form of the proposal is the roof structure. Concerns have been raised that No 39 will suffer a loss of light through the kitchen window located on the west elevation of the property. No. 39 The Fairway is a detached bungalow which is sited to the east of the applicant's house.

The proposal at its closest point (the corner of the angled proposal) will be approximately 2.5 metres from the window. It should be noted that the point closest to the neighbouring property is the lowest point of the proposal which is similar to the height of the flat roof built form already on site (2.8 metres). On the boundary between the 2 properties there is a 1.8 metre high fence, which is situated approximately 1.5 metres from the window at No 39.

The proposed development is due west of No 39, the roof slope to the ridge runs up away from the window in a south-west direction with the highest part (6.4 metres) being some 5 metres away. It is accepted that due to the proximity of the fence and the existing flat roof extension there is currently limited light penetration to the kitchen window. However it needs to be considered whether the proposal will cause further light loss that renders the proposal unacceptable.

The suns orientation (east to west) and its directional movement in relation to the position of the kitchen window and the existing flat roof element at No 37 means that the kitchen window already does not gain the full amount of sun light. The suns orientation taken with the orientation of the proposal to the window (south-west) will result in minimal light loss over and above that already experienced Late afternoon sunlight in winter may be affected, however on balance it is considered that the loss of light and overshadowing would not be so severe to justify refusal of the application on this basis.

No. 35 The Fairway is a detached bungalow sited to the north west of the applicant's house. By virtue of its location in respect of the proposal there will be no impact on their residential amenity. Likewise, properties opposite the site are at a sufficient distance to not be affected by the proposal.

Highways

The proposal will result in the creation of an extra bedroom. Local Plan Policy T5 requires there to be two car parking spaces for a three bedroom property such as this. At least 7 metres in width x 5 metres in length of driveway will remain to the highway which will accommodate at least two car parking spaces and therefore no impact on highways therefore meets the requirements of Policy T5 of the Local Plan.

Conclusion

The proposed extensions and alterations to no. 37 The Fairway are considered to respect the character of the main house and the streetscene and due to the careful positioning and orientation would not adversely affect the amenities of the occupiers of neighbouring properties or highways safety. The application is considered to be in accordance with the National Planning Policy Framework and Local Plan policies BE1 and T5, in general compliance with the Burbage Village Design Statement and The House Extension Supplementary Planning Guidance. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 a sustainable development, would complement the character of the existing dwelling and surrounding area and would not have any adverse impact on the street scene, the amenities of neighbouring dwellings or parking provision.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 criteria a-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 materials to be used in the construction of the proposed development shall be in accordance with the details contained in the application.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location and Block Plan received on 6 September 2012; Proposed elevations and plans as amended on 3 October 2012.

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 criterion (a) of the adopted Hinckley & Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

Contact Officer:- Kevin Roeton Ext 5919

Item: 14

Reference: 12/00692/FUL

Applicant: Mrs Lisa Bradley

Location: 1 Elm Tree Drive Burbage

Proposal: CHANGE OF USE FROM RESIDENTIAL CURTILAGE TO A VETERINARY CENTRE, ASSOCIATED PARKING AND RELOCATION OF THE ACCESS DRIVE

Target Date: 5 November 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses and it has been called in by Councillor Mrs Hall for reasons of highway safety and residential character.

Application Proposal

This application seeks full planning permission for the change of use of a residential property, 1 Elm Tree Drive, Burbage, to a veterinary centre and associated parking together with relocation of the access drive. The premises would comprise a reception area, consulting room, surgical theatre, recovery room, staff kitchen and office. Parking for two staff would be within the existing double garage. Six visitor parking spaces are to be provided within the curtilage including one disabled space. The existing access off Elm Tree Drive is to be relocated further from the junction with Burbage Road. No changes are proposed to the external elevations of the dwelling.

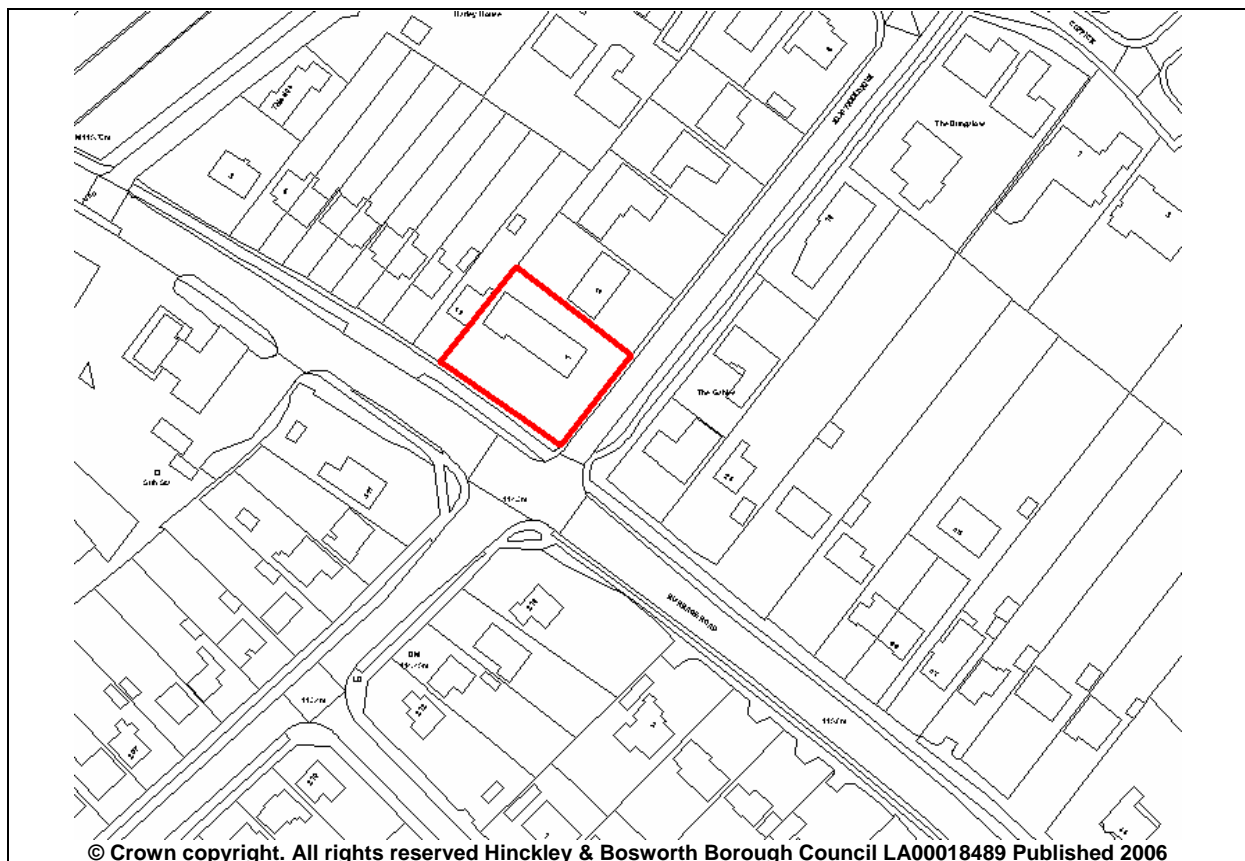
The Site and Surrounding Area

The application property is a three bedroom white rendered bungalow occupying a large corner plot to the north of the junction of Elm Tree Drive and Burbage Road. There is an extensive front garden with mature landscaped areas fronting Burbage Road, a grassed area fronting Elm Tree Drive and a wide but shallow enclosed rear garden. There is an existing tarmac access off Elm Tree Drive close to the junction.

Technical Documents submitted with application

A supporting letter advises that the applicant currently operates two practices; the main one in Bedworth and one (for the last eight years) at 75 Boyslade Road, Burbage but there is now a need for larger premises. The proposed hours of work are 9.00am - 6.30pm Mondays to Fridays and 10.00am - 2.00pm Saturdays only. Consulting occurs from 9.00am - 11.00am then 3.00pm - 6.30pm with a 10 minutes appointment system. There will be no out of hours work as emergencies are dealt with by a designated team based off-site. Only small animals are treated, not farm or equine animals. No animals will be kept at the premises overnight. The practice is governed by the Royal College of Veterinary Surgeons and the Veterinary Medicine Directorate who visit premises regularly.

Amended plans have been submitted in respect of the floor plan layout of the premises, relocation of the access drive and parking provision. Re-consultation has been undertaken and expires on 23 October 2012.



Consultations:-

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

No objection subject to conditions has been received from:-

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

Neighbours notified, 12 letters of objection have been received raising the following concerns:-

- a) noise from comings and goings from additional traffic movements and animals
- b) highway safety - proximity of drive to Burbage Road junction and limited visibility
- c) insufficient parking within site leading to on-street parking
- d) traffic congestion at junction from additional vehicles
- e) impact on amenity and health of neighbours from odours, chemicals, animal matter and infections/diseases
- f) contrary to restrictive covenants on the land in respect of business use
- g) potential target for crime
- h) existing opening hours on website longer than proposed
- i) highway safety - dangers to pedestrians
- j) loss of privacy
- k) inappropriate development in a residential area
- l) loss of property value
- m) additional traffic from potential future residential development
- n) loss of a residential property.

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

Burbage Parish Council
Head of Business Development and Street Scene Services (Waste Minimisation)
Leicestershire Fire and Rescue Service.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy EMP4: Employment Development on Sites Other than those Allocated for Employment Uses

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Documents

Burbage Village Design Statement (2006).

Appraisal:-

The main considerations with regards to this application are the principle of development and impact on the character and appearance of the area, the amenities of neighbouring properties, highway safety and other issues.

Principle of Development

The National Planning Policy Framework provides a presumption in favour of sustainable development. The proposals are for the change of use of an existing building within the urban area and will contribute to the economic role (business expansion) and the social role (provision of local services) of sustainable development identified in paragraph 7 of the NPPF. The proposals are therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Impact upon the Character of the Area

Policy BE1 (criterion a) and Policy EMP4 (criterion b) state that planning permission will be granted where development complements and does not detract from the character or appearance of the surrounding area. The Burbage Village Design Statement guidance note 2.9 suggests that the re-use of larger detached properties set in spacious grounds should be considered to preserve the visual character and landscape setting of such properties and their surroundings, guidance note 8.3 requires sympathetic conversion.

The site is surrounded by residential properties, although there are commercial premises in the vicinity including a petrol station approximately 30 metres to the west, various commercial/employment units beyond and a health clinic approximately 60 metres to the north west fronting Burbage Road. The proposals for the change of use to a veterinary centre do not involve any material alterations to the external elevations of the dwelling. The front curtilage is well screened by mature planting from Burbage Road and whilst a small proportion of this is to be removed for additional parking, the proposed alterations to the access drive and provision of additional parking will not have any significant impact on the overall character or appearance of the building or curtilage. Therefore, overall, the change of use is not considered to have any significant or material adverse impact on the character or appearance of the premises and the proposals are therefore in accordance with Policies BE1 (criterion a) and EMP4 (criterion b) and guidance notes 2.9 and 8.3 of the Burbage Village Design Statement.

Whilst neighbours have raised objections to the use of the premises for business use and refer to restrictive covenants on the land, these are legal matters not material planning considerations.

Impact on Neighbours

Policy BE1 (criterion i) and Policy EMP4 (criteria a and c) state that planning permission will be granted unless the development adversely affects the amenities of neighbouring properties.

The premises occupy a large corner plot which faces onto Burbage Road, a main route into Hinckley from the M69 motorway with wide verges. The extensive front curtilage of the premises fronting Burbage Road will be the main area of external activity from comings and goings and parking along with the smaller area fronting Elm Tree Drive. The rear garden area is enclosed by a 1.8 metres high timber panel fence with concrete posts.

Neighbours have raised objections in respect of loss of privacy and noise from comings and goings, additional traffic movements to and from the premises and noise from animals. Whilst it is acknowledged that the proposals are likely to lead to an increase in comings and goings to the premises over and above that of a residential property, the main areas of external activity are located away from more sensitive rear garden areas of the nearest neighbouring properties, particularly 2 Elm Tree Drive and 19 Burbage Road which will be screened by the building. In addition, any noise generated will be heard against a background of traffic on the adjacent Burbage Road. In respect of loss of privacy, there is a high level secondary habitable room window on the side elevation of 2 Elm Tree Drive and a rear conservatory facing the application site and a first floor window and a rear conservatory on 19 Burbage Road. However the garden area is enclosed by adequate boundary fencing to protect neighbours from any adverse overlooking and the use of this more sensitive rear external area can be controlled by a planning condition.

Neighbours have also raised objections due to potential adverse impact on amenity and health from odours, chemicals, animal matter and infections/diseases. Should planning permission be granted for the change of use, the premises will be inspected by appropriate regulatory bodies and will have to operate within their health and safety guidelines. The hours of work proposed can be controlled by a planning condition. The Head of Community Services does not object but suggests a planning condition that no animals are kept at the premises outside working hours or overnight.

On balance, the proposals are considered to be in accordance with Policy BE1 (criterion i) and Policy EMP4 (criteria a and c) and any reason to refuse the application on the grounds of adverse impact on the amenity of neighbouring properties could not be sustained.

Impact on Highway Safety

Policy BE1 (criterion g), Policy EMP4 (criteria d and e) and Policy T5 state that planning permission will be granted where the development ensures adequate highway visibility and parking and manoeuvring facilities, and does not generate traffic on a scale likely to exceed the highway network or impair road safety.

The existing access to the premises is in close proximity (7 metres) to the Burbage Road junction and traffic lights. This leads to a driveway with parking for a number of vehicles, a double garage and a turning head. Neighbours have raised objections to the proposals on highway safety grounds due to the limited visibility and proximity of the current access to the Burbage Road junction, insufficient parking within the site leading to on-street parking and traffic congestion at the junction from additional traffic generation. The Director of Environment and Transport (Highways) initial response raised similar concerns.

However, amended plans have been submitted which propose to close the existing access and relocate it 20 metres from the junction with Burbage Road, provide a total of 8 off-street car parking spaces within the curtilage, including two for staff in the existing double garage and a disabled space. Following consideration of the amended proposals the Director of Environment and Transport (Highways) considers that they provide a clear highway safety benefit and recommends approval of the application subject to planning conditions to restrict the erection of any gates or barriers to the access, the creation and maintenance of a 2.4 metres wide visibility strip from the Elm Tree Drive carriageway and closure of the existing access. As a result it is considered that the amended proposals provide adequate off-street car parking for the scale of the proposed veterinary practice and will mitigate any impact from the proposed development in respect of additional traffic generated.

On balance, the proposals are considered to be in accordance with Policy BE1 (criterion g) and Policy EMP4 (criteria d and e) and Policy T5 and any reason to refuse the application on the grounds of adverse impact on highway safety could not be sustained.

Other Issues

The loss of one residential property will not have any material impact on housing numbers within Burbage.

No evidence has been submitted to support the view that the premises may become a target for crime and this matter is not a material planning consideration.

Loss of property values is not a material planning consideration.

Conclusion

The conversion of existing buildings within settlement boundaries for alternative uses is considered to be sustainable and acceptable in principle. The proposed change of use will not have any adverse impact on the general character or external appearance of the premises, the amenities of the occupiers of neighbouring properties or highway safety. The proposals are therefore in accordance with Policies BE1 (criteria a, g and i), EMP4 (criteria a, b, c, d and e) and T5 of the adopted Local Plan and guidance notes 2.9 and 8.3 of the Burbage Village Design Statement and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it relates to the conversion of an existing building within the urban area and would not have any adverse impact on the general character or external appearance of the premises, the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i), EMP4 (criteria a, b, c, d and e) and T5.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale received by the Local; Planning Authority on 10 September 2012; Proposed Layout Plan at 1:500 scale and Proposed Floor Layout Plan at 1:100 scale received by the Local Planning Authority on 1 October 2012.
- 3 The Veterinary Centre hereby permitted shall not be open to customers and no animals shall be kept at the premises outside the hours of 9.00am to 6.30pm on Mondays to Fridays and 10.00am to 2.00pm on Saturdays.
- 4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town & Country Planning (General Development Order) Order 1995 or

any provision in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used other than as a Veterinary Centre without planning permission having first been granted.

- 5 Notwithstanding the submitted details, the garden area to the rear (north east) of the building adjacent to 2 Elm Tree Drive and 19 Burbage Road shall not be open to the public or used for the keeping of animals.
- 6 Within one month of the new access being brought into use, the existing vehicular access shall be permanently closed and the vehicular crossing reinstated to pedestrian footway in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 7 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the proposed vehicular access.
- 8 Notwithstanding the details submitted on the Proposed Site Layout Plan, before the development hereby permitted is first brought into use, a visibility splay 1.5 metres in width across the sites frontage with Elm Tree Drive shall be created, with nothing erected or planted within that splay allowed to grow above a height exceeding 0.6 metres above the level of the adjacent carriageway and once provided shall thereafter be so maintained.

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 safeguard the amenities of the occupiers of neighbouring properties to accord with Policy BE1 (criterion i) and Policy EMP4 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the use remains compatible with the surrounding area to accord with Policies BE1 (criteria a, g and i) and policy EMP4 (criteria a, b, c, d and e) of the adopted Hinckley & Bosworth Local Plan.
- 5 To safeguard the privacy and amenity of neighbouring properties to accord with Policy BE1 (criterion i) and Policy EMP4 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 6 To reduce the number of vehicular accesses to the site and reduce the number of potential conflict points in the interests of highway safety to accord with Policies BE1 (criterion g), EMP4 (criteria d and e) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policies BE1 (criterion g), EMP4 (criterion d) and 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 applicant is advised that this permission relates to the change of use of the premises and alterations to the access and curtilage only and does not give planning permission for any external alterations.

Contact Officer:- Richard Wright Ext 5894

Item: 15

Reference: 12/00742/FUL

Applicant: Mrs Jackie Millerchip

Location: 15 Sunnyside Hinckley

Proposal: PART CHANGE OF USE TO CHILDCARE NURSERY INCLUDING RETENTION OF SENSORY CABIN FOR NURSERY (RETROSPECTIVE)

Target Date: 7 November 2012

Introduction:-

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

Application Proposal

This application seeks full planning permission for the part change of use of 15 Sunnyside to a children's nursery and the retention of a summer house in the rear garden used as a sensory cabin. This application is retrospective and the business is currently operating from the premises.

The applicant has worked as a Childminder for 20 years from this property, however in recent years three members of staff have been employed due to the success of the business. The applicant provides care for early year's children (0-5) but specialises in

providing care for children with disabilities or special educational needs including providing respite care at weekends and overnight for parents.

The planning system allows businesses to be operated from a residential property without requiring consent providing the property retains the residential character. Planning consent is required when, possibly due to the success of the business, the business begins to dominate the character of the dwelling which results in a material change of use occurring. This is the situation in this instance.

The applicant has 45 children currently on their books however they do not all attend every day or every week. The applicant has provided a typical breakdown of the working hours and children on the premises throughout the day spread over a fortnight.

Week 1

Monday	08:15 – 18:30	2 full time/2 afternoon only /5 after school
Tuesday	08:15 – 18:15	2 full time/1 morning only/1 afternoon only/5 after school
Wednesday	08:15 – 18:30	2 full time/2 morning only/1 afternoon only/5 after school
Thursday	08:15 – 19:00	2 full time/1 afternoon only/2 pre-school/7 after school
Friday	08:15 – Overnight	5 full time/7 after school/1 overnight after school
Saturday	All day	3 full time/1 evening only/1 all day and overnight
Sunday	All day	2 full time/1 evening only/1 all day and overnight

Week 2

Monday	09:30 – 18:00	1 full time/2 afternoon only/5 after school
Tuesday	08:45 – 18:15	1 morning only/1 afternoon only/1 full time/4 after school
Wednesday	08:45 – 18:15	1 full time/1 morning only/1 afternoon only/5 after school
Thursday	10:00 – 18:15	1 full time/1 afternoon only/2 after school
Friday	08:00 – Overnight	3 pre-school/4 full time/2 after school/1 overnight after school
Saturday	All day	3 all day and overnight
Sunday	Overnight – 19:15	3 all day/1 evening

School aged children are dropped off or collected after school and remain until their parents collect them or they are taken home by the applicant. Transport is provided to take children with disabilities to and from school by Leicestershire County Council.

The Site and Surrounding Area

15 Sunnyside is a two storey semi-detached property within a residential area with off street parking providing three parking spaces to the front of the dwelling. To the rear the property benefits from a long garden, at the bottom of which is the summer house that has been converted into a sensory cabin with other ancillary residential sheds behind. Immediately to the rear of the property is an area of decking from which the children are excluded, however they have access to the rest of the garden.

The front bedroom of the property has been converted into a 'grown up' living room with the smallest third bedroom used as an office. On the ground floor the children have unrestricted access to the through lounge and conservatory, access to the kitchen is restricted especially

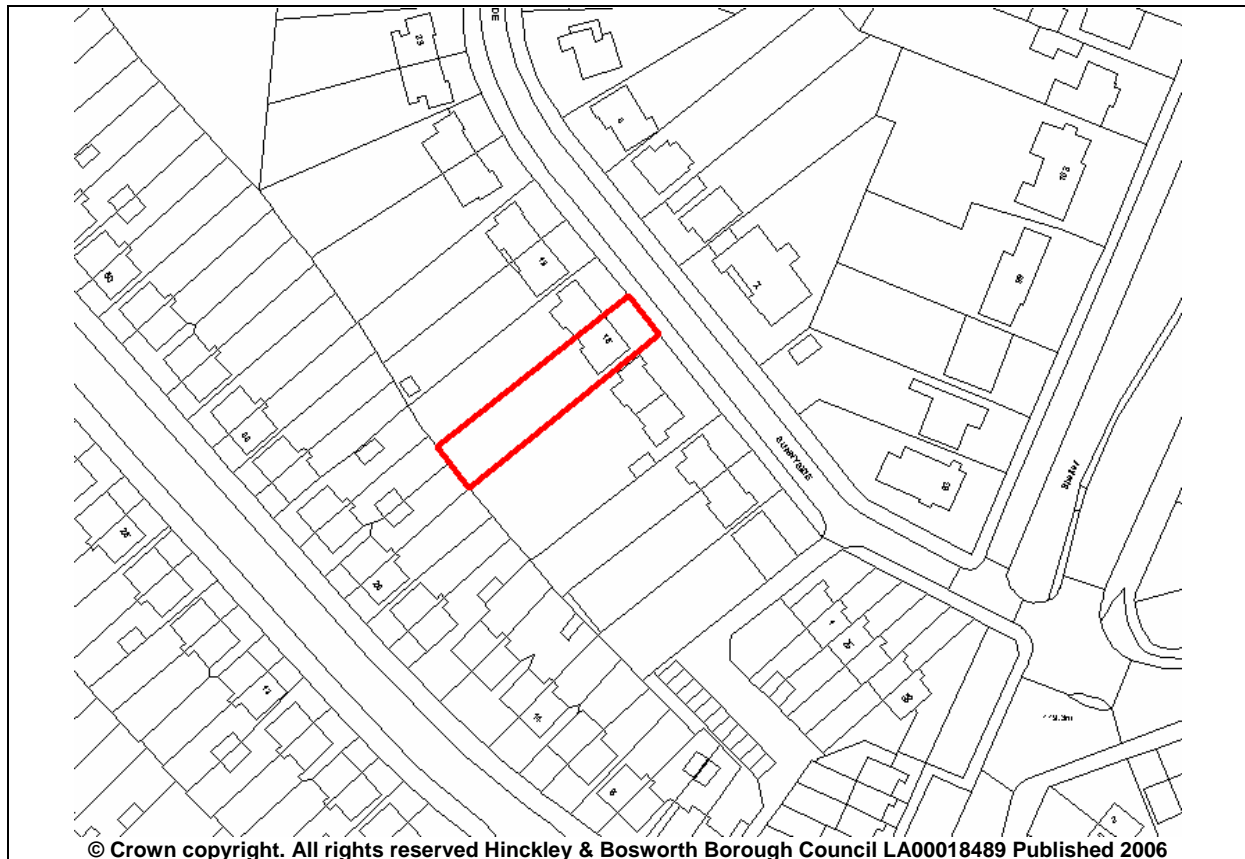
when meals are being prepared. The small down stairs front room has been converted in to a bedroom and storage room for nappies and materials and contains a bunk bed for when children stay over.

Technical Documents submitted with application

Planning statement

Relevant Planning History:-

None relevant.



Consultations:-

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

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

Neighbours were notified.

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

- a) unsuitable for nursery to be in a residential area
- b) created a lot of traffic
- c) operational 7 days a week from 7am till 6:30pm
- d) loss of privacy
- e) visitors use driveway to reverse onto and turn around

- f) can no longer use garden
- g) devalued property
- h) parking in street causing danger to other users of the highway.
- i) noise
- j) workers smoke outside the front of the dwelling
- k) emergency vehicles unable to get past.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, whether the material change of use of the property detrimentally affects the amenities of neighbouring occupiers, and whether the increased traffic movements would detrimentally affect highway safety.

Principle of Development

The application site is located within the settlement boundary of Hinckley, close to services and public transport networks. The proposal seeks consent for the intensification of an existing business that provides a service to the local community. Due to the location and nature of the application, the proposal is considered to comprise a form of sustainable development and therefore the principle of development is acceptable, subject to complying with other relevant policies within the adopted local plan.

Impact on amenity

For the application not to be acceptable it has to be demonstrated that the use now occurring at the property, results in significantly more noise and disturbance than a normal dwelling house.

The business operates 7 days a week however at weekends the use is significantly reduced. The application will therefore be separated between the activities during the week and those at weekends.

Week time activities

Generally the business operates between the hours of 8:15 to 6:30 Monday to Friday; however as it responds to the needs of the families it serves there can be some deviations. As a general rule, there are one or two children that are dropped off before school by parents, who then are at school for the majority of the day. Generally there are two full time children during the day with often an additional child either in the morning or afternoon. It is not considered that this aspect of the business is materially different to a conventional residential dwelling with a young family.

After school the number of children increase. Some of the children attending at this time are disabled and get dropped off by County Council transport (usually a mini bus). Others are collected by the applicant in the minibus. Parents collect their children at various times throughout the evening, or the children are taken home by the applicant.

The use of the property is most intensively used for after school care and this is when the greatest number of trips are generated. This period lasts for approximately 3 hours with the number of children steadily decreasing over this period.

It is considered that the application during the day is not significantly different to a residential dwelling with a young family, nor any different to a childminder working from home for which no planning permission is required. The period of more intensive use is after school and limited to a few hours, and does not intrude on the quieter times of an evening. Given the way the proposal is operating it is not considered that the proposal would significantly detrimentally impact on the amenities of neighbouring residents during the week.

Weekend activities

Over the weekend the applicant may have up to three children on the premises, one or two of whom may stay overnight. Therefore on the premises at any time there could be two adults and three children, this is not materially different to how a family would use the premises and therefore it is not possible to demonstrate that this use would significantly affect the amenities of neighbouring residents.

Overnight stays

The applicants provides respite care to give families a break when requested. Due to the size of the house and limited bed spaces the number of children that can stay over is limited to 1 or 2. It is not considered that the character of this is materially different to how a family would use the premises and therefore there are no impacts on amenity arising from this aspect of the business.

The Head of Community Services (Pollution) has confirmed that no noise complaints have been recorded for the property and given the information within the application raises no objection to the proposal use. It is considered that should any noise complaints be received in the future, these can be dealt with under the environmental health legislation.

The applicant has indicated that Ofsted does not control how many children can be on the premises at any one time, as Ofsted only controls how many under 8's can be on the premises. Regarding the accommodation of older children, Ofsted require that any care provided for older children must not affect the care of children receiving early year provision. The application has been assessed on the information submitted and how the business is currently operated. Generally there are no more than 10 children on the premises at any one time during term time however this number increases during school holidays. Allowing

unlimited children could result in a detrimental impact upon the amenities of neighbouring residents and highway safety. It is therefore considered appropriate to impose a condition restricting the number of children on the premises at any one time to 10 during term time but allowing an increase to 15 during the school holidays.

In conclusion operating as described within the information submitted, and subject to the imposition of a condition limiting the number of children on the site, it is not considered that the proposal would affect the amenities of neighbouring residents severely enough to sustain reason for refusal. The proposal is considered to comply with Policy BE1 (i).

Highway Safety

Objections have been received on the grounds that vehicles coming to drop off and collect children are resulting in a highway danger. The Director of Environment and Transport (Highways) has commented that whilst the use of the site would result in parking problems at certain times which can lead to delays for local residents, the delays are time specific as would be expected with most educational establishments and will not lead to constant congestion or parking problems. Overall, the issues are deemed to be finely balanced from a highway point of view and the situation is not so bad as to warrant a refusal on these grounds. Conditions are recommended requesting that a layby be installed and the dropped kerbs across the frontage be extended. Whilst it is considered that the extension to the dropped kerb to the front of the site to allow vehicles to leave in a controlled manner is reasonable, requiring a layby is considered to be out of proportion to the development and therefore not reasonable.

Sensory Cabin

This is located at the bottom of the garden and measures 3.4 m to the ridge and covers an area of 5.1m by 5.2m including an area of decking to the front. The structure is located 20 m away from the nearest residential properties, 28 and 30 Neathley Road. It is centrally located within the garden located at least 2 m from the boundaries. It is not considered that this structure would be overbearing to any adjoining properties. There is sufficient garden space remaining to preserve the amenities of the occupiers.

Other Issues

Objections have been received due to the van being parked to the front of the property within the driveway. There are no restrictions on the size of vehicle allowed to park on a private driveway and this is not a consideration in the determination of this application.

Objections have been received due to vehicles using a neighbouring driveway to turn around in and that a front boundary wall has been knocked over. These are not matters that would alter the determination of the application.

Devaluation of property and people smoking at the front of the application property are not material planning considerations and therefore not a consideration in the determination of this application.

Representations have been received stating that the use of the premises have detrimentally affected privacy. There is no additional built form that would result in additional overlooking, and therefore there is not considered to be a detrimental impact on the privacy of surrounding residents.

Conclusion

It is not considered that the use of the premises would result in a severe loss of amenity to neighbouring occupiers on the basis of how it is operating at the moment. No objection has been received from The Director of Environment and Transport (Highways) and it is therefore recommended that planning permission be granted.

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 nature of the proposed use, the proposed use as children's nursery is not considered to result in a detrimental impact on the amenities of surrounding residents nor highway safety. The proposal is therefore considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy BE1 (a and i).

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
DUC_08_0101 (site location plan 1:1250), DUC_08_01 04 A, DUC_08_01 03 received 12 September 2012 and DUC_08_01 02 A received 4 October 2012.
- 2 No more than 10 children at any one time shall be on the premises known as 15 Sunnyside on days which fall within the County Council's designated school term time and no more than 15 children shall be on the premises at any one time on days which fall outside the County Council's designated school term time.
- 3 Within 3 months of the date of this permission a scheme of access improvements, including an implementation plan, to 15 Sunnyside shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 The application has been considered acceptable on the basis of how it operates at the moment and it is considered that any more children would increase the comings and goings and noise from the property resulting in a detriment to the amenities of neighbouring residents and highway safety in accordance with Policy BE1 (i).
- 3 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety, to afford easy access to the site; to prevent damage to the public 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:- Sarah Fryer Ext 5682