

REPORT P35

PLANNING COMMITTEE

15 November 2011

**RECOMMENDATIONS OF DEPUTY CHIEF EXECUTIVE
(COMMUNITY DIRECTION)**

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01

Reference: 11/00360/OUT

Applicant: MIRA Technology Park Ltd

Location: Mira Ltd Watling Street Caldecote Nuneaton

Proposal: BUSINESS TECHNOLOGY CAMPUS COMPRISING REPLACEMENT MIRA HEADQUARTERS, OFFICE, RESEARCH AND MANUFACTURING FACILITIES, HOTEL AND LOCAL FACILITIES INCLUDING RETAIL/CAFE/RESTAURANT, INDOOR AND OUTDOOR LEISURE, ANCILLARY ENERGY GENERATION PLANT/EQUIPMENT, INTERNAL ACCESS ROADS, CAR PARKING, LANDSCAPING DRAINAGE AND ASSOCIATED WORKS AND CREATION OF NEW IMPROVEMENT ACCESS POINTS, WIDENING OF A5, ASSOCIATED EARTH WORKS AND LANDSCAPING (OUTLINE: ACCESS ONLY) (CROSS BOUNDARY APPLICATION WITH NORTH WARWICKSHIRE BOROUGH COUNCIL) (DEPARTURE FROM THE DEVELOPMENT PLAN) (EIA DEVELOPMENT)

Target Date: 26 August 2011

Introduction:-

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

Application Proposal

This application seeks outline planning permission for the creation of a business and technology campus at MIRA on the A5 Watling Street at Higham on the Hill.

The application seeks consent for:-

- A replacement MIRA Headquarters
- Office, research, and manufacturing facilities
- A hotel and local facilities including retail/café/restaurant
- Indoor and outdoor leisure facilities
- Ancillary energy generation plant/equipment
- Internal access roads and car parking
- Landscaping, drainage and associated work
- The creation of new and improved points of vehicular access and improvements to the A5

In detail this comprises:-

- B1 Business 132,716 square metres
- 100 bed Hotel 4,500 square metres
- A1 local shops 500 square metres
- A3 Restaurant/café 1,000 square metres
- D2 Health/leisure facilities 1,000 square metres

- The creation of dual carriageway section of the A5 Watling Street between the Redgate A444 junction and to the east of the existing MIRA access
- Improvements to the A5 Watling Street and A444 Redgate junction in the form of an elongated roundabout
- The creation of a new left-in left-out junction to the development from the A5 Watling Street west of the existing MIRA access
- The creation of a roundabout junction in place of the existing MIRA access
- Works to the Wood Lane-A5 Watling Street junction to create a left-in left-out junction
- Minor carriageway realignment works to the Higham Lane and A5 Watling Street roundabout
- Carriageway realignment works at the A47 at the Longshoot junction on the A5
- Redesign of the existing Dodwells roundabout at the junction of the A5 Watling Street and the A47 in Hinckley
- Off site foot and cycle path improvements

The application seeks approval for access and all other matters are reserved for approval at a later stage. The outline application forms a masterplan development for the future of MIRA.

The masterplan divides the development into 5 zones:

Zone 1 is located along the eastern frontage of Watling Street (A5) and extends north to the line of the existing high-pressure gas main. Zone 1 will accommodate uses falling within Use Class B1, including B1a, b and c up to a maximum of 54,326 square metres of floorspace and will comprise, in part, the new 'Technology Park'. It is anticipated that this zone will contain large scale units typically in excess of 7,500 square metres. The large units to the north of the access road will be set back from the boundary and will have substantial landscaping to maximise the screening of the units from areas and properties outside the site. Where the zone is subdivided into separate plots the building footprint within the plot would typically occupy 35 to 40% of the plot area.

Given that Zone 1 development will take place on undeveloped land currently in and adjacent to agricultural use to the west, a landscape buffer zone is proposed which will remain permanently free from development. Within this buffer zone, strategic boundary planting will be provided to a depth of 10 metres if development proceeds within any part of the Zone prior to the development of plots adjacent to the buffer zone. A 10 metre minimum landscaped edge will be provided along the A5 frontage and a Linear Park will be provided to the north of the zone consisting of a strategic area of open landscaping, the core zone of which lies immediately adjacent to an existing high-pressure gas main. Zone 1 will accommodate the proposed secondary access to the site.

Zone 2 is located to the east of Zone 1 along the Watling Street (A5) frontage and is bounded to the north by the high-pressure gas main and in broad terms to the east by the existing MIRA Drive entrance to the site. Zone 2 will include the new 'Technology Park', in part, including Use Class B1 and the proposed Village Centre, which will comprise retail, leisure, food and drink, community uses and a hotel. The maximum quantum of development for B1 uses will be up to 38,210 square metres. Zone 2 will incorporate up to 7,000 square metres for the Village Centre uses. It is anticipated that this zone will contain smaller scale research and development buildings and laboratories, mainly centred on a central axis road. These units will be located on the site of the existing MIRA headquarters building. The proposed Village Centre area will be designed to a more human scale, incorporating landscaping and water features to create a sense of communal space. To facilitate this development, the existing MIRA complex, comprising 20,694 square metres of Use Class B1 floorspace, will be demolished.

Zone 3 is located along the eastern frontage of Watling Street (A5) and is bounded by the unused Ashby and Nuneaton Joint Railway line to the east, the existing MIRA Drive entrance and Zone 2 to the west and the southern outer limits of the test track to the north. Zone 3 also forms part of the new 'Technology Park', and will include uses falling within Use Class B1 to a maximum of up to 29,399 square metres of B1 floorspace. It is anticipated that Zone 3 will consist of office facilities and high-technology studios, centred around the 'Hungry Hill' area of the site, which is at a distinct height above most of the rest of the site. This zone is bounded by a disused railway line to the South, and also contains an existing water body that is to be retained. Where the zone is subdivided into plots for individual buildings the building footprint would typically occupy approximately 35 to 40% of the plot area.

The Linear Park is proposed to serve both as a wildlife corridor and as an amenity for the workforce. The Linear Park will penetrate the development from east to west running along the northern boundaries of Zones 1 to 3 and the southern boundary of Zone 4. The Linear Park is centred on the High-Pressure gas main that crosses the site and its minimum width of 25 metres reflects the no build zone associated with that. It will, however, widen up to a maximum of 200 metres. The minimum extent of the Park will be 7.5 hectares once completed.

Zone 4 is located to the north of the Linear Park and to the south of the Proving Ground and test tracks. This zone will form the home of the new MIRA Headquarters and will form the heart of the overall scheme in a central zone of the site in close proximity to the existing proving ground facilities and the test tracks. A maximum of up to 76,624 square metres of floorspace falling within Use Class B1 is proposed including an energy centre to service the complex. The MIRA headquarters building will form the natural focal point of the whole development and will be fronted by landscaping including water features. The proposed new water body for Zone 3 may cross or form part of the eastern section of Zone 4.

Zone 5 is located to the north west of the site adjacent to the Proving Ground and test track. It is proposed that Zone 5 could accommodate a maximum of up to 10,918 square metres of Use Class B1 floorspace. This area will also include a Primary Sub Station that will service the site as a whole.

For the avoidance of doubt the application seeks outline approval for the development of the MIRA Technology Park which is a significant part of the recently announced Enterprise Zone.

Due to the scale of the proposal and the position of the administrative boundaries of Leicestershire and Warwickshire, the application falls within the administrative areas of Hinckley and Bosworth and North Warwickshire Borough Councils. To ensure clarity, the application under consideration includes a red line that includes land within North Warwickshire, however Hinckley and Bosworth Borough Council has no power to determine the application in this area. A separate application for the development proposed within North Warwickshire has been submitted to North Warwickshire Borough Council. For the avoidance of doubt the nature of the development falling within North Warwickshire is that of the improvements to the A5 Watling Street fronting the site.

The application is considered to be development requiring an Environmental Impact Assessment and by virtue of current development plan designation the proposal is considered to be a departure from the development plan. This application has been advertised accordingly and any decision that the Council makes will need to be referred to the Secretary of State via the National Planning Casework Unit before a decision can be issued.

The Site and Surrounding Area

The existing MIRA operation currently covers approximately 334 hectares and consists of 53 miles of test track within what is known as the proving ground.

The application site comprises 71.5 hectares of land that is located partially within and partially to the southwest of the existing MIRA facility. The land within comprises the existing MIRA offices and workshops adjacent to the A5 Watling Street and also an area of land to the north adjacent to the proving ground. The land outside and to the southwest is currently agricultural land.

The existing site has only one point of access from the A5 Watling Street via a T junction. MIRA does have other accesses to the road network but these are strictly emergency access points.

The existing site is well screened from public view by virtue of its elevated position and also on site and perimeter landscaping. The application site on the other hand is very open and is therefore prominent within the surrounding landscape, particularly within the A5 corridor.

The site is extended across Watling Street (A5) to the south. The northern extent of this road demarcates the border between North Warwickshire Borough and Hinckley and Bosworth Borough. The eastern extent of the site is bounded by hedgerows and the now disused Ashby and Nuneaton Joint Railway, with individual residential dwellings dispersed along Wood Lane along the eastern boundary of the site.

The western boundary of the Application Site is bounded by a laneway and agricultural land beyond. Within this rural location, a number of dwellings/farm buildings exist. The first (Rowden Lodge) is located some 200 metres along the lane running directly adjacent to the site's eastern boundary and consists of a complex of five buildings bounded by woods, groups of trees and hedgerows.

Lindley Park is located 400 metres to the north east within a woodland/rural setting. Within the Park is the Scheduled Ancient Monument of the ruins of Lindley Chapel. This wider complex consists of farm related buildings including Lindley House. Rowden House Farm is located 200 metres to the north and abuts the north western boundary of the Application Site and consists of a series of farm related buildings and the main farm residence.

To the north east of the Application Site is an area within the former Lindley Airfield (RAF Lindley), which is known as the Proving Ground Estate. This area consists of a vast array of buildings from a series of red brick garage and storage areas and corrugated iron structures to modern purpose designed office buildings and workshops. Uses in this area include offices, climatic wind tunnels, vehicle workshops, offices and conferencing facilities. Beyond this building complex lies the MIRA Proving Ground itself, comprising vehicle test tracks, which total 113 km. Beyond the test tracks and the Application Site boundary to the north and north east is open farmland, with the village of Higham-on-the-Hill being some 200 metres from the eastern boundary of the outer test track.

Technical Documents submitted with application

The application is accompanied by an array of supporting technical documents:

An Environmental Statement that considers the likely arising environmental impacts from the development. The statement includes chapters on:

Planning Policy - outlines those aspects of planning policy relevant to the development.

Socio-Economic Effects - identifies the likely effects of the Proposed Development on human beings living and/or working and/or visiting the application site.

Agricultural Land – considers the impact of the loss of some 43.6 ha of existing agricultural land.

Air Quality - An air quality assessment has been undertaken based on predictions from a validated air quality dispersion model.

Archaeology and Cultural Heritage – Both desk and field based assessments, trial trenching, excavation, field walking, historic building and geophysical surveys have been undertaken in order to identify heritage assets of the application area and to inform the most appropriate evaluation methodology.

Ecology - The existing ecological baseline of land at MIRA has been considered and the ecological impacts arising from extending the existing business park have been assessed. The information has been gathered through Phase 1 and Phase 2 surveys and from desk-top study information.

Infrastructure and Services - A series of specialist surveys have been carried out to determine the exact location of the existing buried services and these have been plotted on the existing services drawings. During this process it was established that the existing water main from the A5 at the East end of the site is badly corroded and will be replaced during the extension and rerouting operations.

Land Contamination and Ground Conditions - Phase 1 Environmental Assessment comprised a walk over survey of the site and a desktop investigation of published information and historical documents.

Landscape and Visual Impact - This chapter evaluates the existing landscape of the application site and surrounding area in terms of its sensitivity, capacity and ability to accommodate change. The assessment addresses this by considering the interrelated but separate aspects of landscape and visual impact assessment and identifies the likely significant effects of the proposed development on the landscape and visual resources before and after mitigation.

Noise and Vibration - The area surrounding the Application Site is affected by road traffic noise from the A5 Watling Street and at distances further from the A5 the noise climate also includes noise from existing activities on the MIRA proving ground together with general noise from local activities. A baseline noise level survey was carried out to inform the noise impact assessment.

Transport - The 'Transport' chapter of the ES provides a thorough review of existing planning policy, assessment methodology, details of the study area, survey data and the consultation process as well as significance criteria. Furthermore the baseline conditions of the application site have been reviewed in terms of provision for walking & cycling, public transport, access by private car and baseline traffic flows on the surrounding highway network and highway safety.

Water Resources – The site is within the catchment of the River Anker. An assessment has been made of the hydrology and flood risk issues relating to the Application Site.

Cumulative Effects - Two types of cumulative effects have been assessed in relation to the Proposed Development. The interaction of individual effects of the Proposed Development,

for example, noise, dust and visual intrusion during the demolition and construction works; and the effects resulting from the Proposed Development in combination with other schemes.

Residual Effects - Each assessment has identified the residual effects of the Proposed Development following the incorporation of recommended mitigation measures and completion of the scheme.

A Sustainability Statement confirms that the development demonstrates awareness of and commitment to addressing relevant sustainability objectives through management policy and specific proposed design features.

A Planning and Consultation Statement seeks to provide support and justification for the proposal in light of the development plan and the relevance of other material considerations. The statement gives details of the extensive consultation that has taken place prior to the submission of the application.

A Design and Access Statement appraises the proposed development against the Government's principles as set out in the Town and Country Planning (Development Management Procedure) Order and associated guidance. The statement identifies the sites and developments constraints and takes these forward into the design concept of the masterplan.

A Planning Parameter Plan Report and accompanying plans provides a series of physical siting and layout parameters that the development will conform to ensure it is delivered in conjunction with its outline consent and the Environmental Statement as submitted. It is proposed that these plans will provide the basis of any subsequent reserved matters submissions and approvals.

Following extensive negotiations with consultees a significant volume of additional information has been submitted during the application process. This includes:

- Environmental Statement Addendum 1: Highways
- Environmental Statement Addendum 2: Archaeology & Cultural Heritage, Landscape & Visual Impact
- Amended Parameter Plans: Omitting the demolition of Lindley Grange
- Supplement to Planning and Consultation Statement: Need, scale, alternative site, ancillary uses & sequential test.

Where material in planning terms, reconsultation has taken place and where necessary reconsultation has taken place under the Environmental Impact Assessment Regulations.

History:-

MIRA has a very extensive planning history and the most recent and relevant applications Members have considered is that for:-

10/00800/FUL

Construction of workshop and associated office block and proving ground control rooms

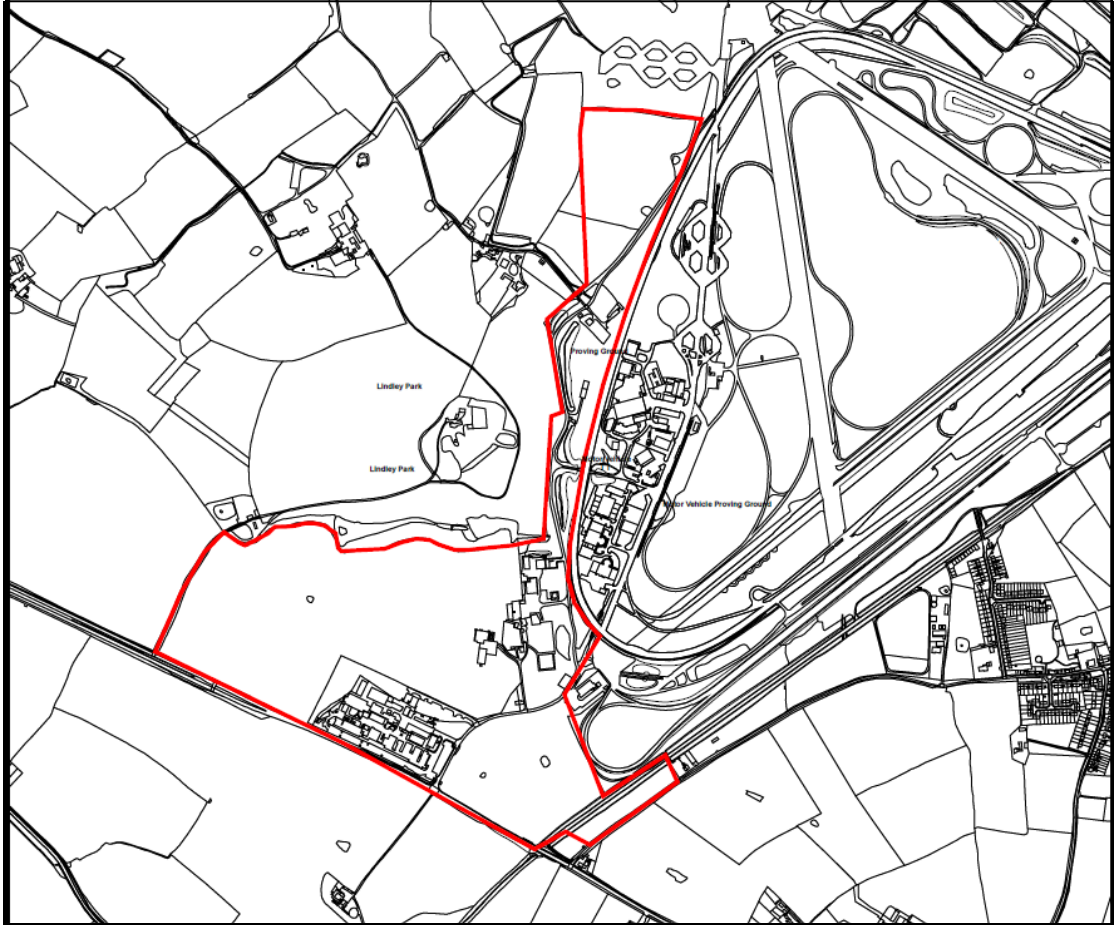
Approved 06.1.2011

The MIRA facility does have an extensive and relevant historical background that is important to the determination of this application.

After the Second World War, the Motor Industry Research Association (MIRA) was established in 1946 in order to create a centre of excellence for the research resources of the UK car manufacturers and in 1948 the now defunct airfield became available to MIRA member companies. At this stage, the test track consisted only of disused runways and the former airfield control tower. The airfield runways remain today and are now encompassed by a vehicle test track which combines to form 'The Proving Ground'.

For three decades MIRA was supported by the Government and was governed by a Council formed of member companies. Since the mid 1970s, MIRA has operated as an independent and completely self funding commercial operation with its governance moving from a Council to a Board of Directors. Since the 1970s, MIRA has expanded into mainland Europe, securing SAAB as the first overseas member. Further overseas contracts followed, from the USA, China and Korea. Today MIRA provides its services across the globe with overseas operations in many countries, including China, Korea, India, Brazil and Turkey.

Although historically, MIRA's brand was synonymous with automotive testing, this function accounts for only 40% of its current operations. The majority of MIRA's activities today are focused on vehicle and transport engineering, supporting vehicle manufacturers in the design and development of their future products. MIRA has also diversified its operations into the rail, aerospace and defence sectors and in many technologies, MIRA is at the forefront of research and development solutions in areas such as low carbon vehicles, intelligent mobility and autonomous control.



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)
Western Power Distribution
Sport England
Nuneaton & Bedworth Borough Council.

No objection subject to conditions has been received from:-

Directorate of Chief Executive, LCC (Ecology)
Director of Chief Executive (Archaeology)
The Leicestershire Constabulary Crime Reduction Officer
Head of Community Services (Pollution)
Environment Agency
Highways Agency
Natural England
English Heritage
Severn Trent Water Ltd
Warwickshire County Council (Highways).

Leicestershire County Council Chief Executive (County Planning Authority) supports the application and reports that:-

- Restrictions should be placed upon occupancy to appropriate uses that would benefit specifically from co-location with the MIRA facilities.
- The proposed 2400 jobs should be given significant weight.
- All works to the highways considered necessary are secured.
- The County Archaeologist being satisfied with all aspects of the development.
- All aspects of the Bosworth Battlefield Conservation Management Plan should be taken into account.
- Reserved Matters application should include waste management plans and construction waste management provision.

Higham on the Hill Parish Council support the proposal but are concerned about the proposed closure of Wood Lane.

Witherley Parish Council supports the proposal but raises concerns about traffic flows through Fenny Drayton and associated increases in crime.

North Warwickshire Borough Council (NWBC) have provided initial observations to the effect that they are concerned about the sustainability of the site and the development, the quantum of development and request that employment and training opportunities are created for local residents. Given that NWBC also have an associated planning application to determine, they have reserved providing final observations until such time as their Planning Board has considered their application. These comments will be reported as a late item.

The Atherstone Civic Society raises no objection to the development of the existing MIRA facilities, however they do object to the development within the countryside and the resulting urbanisation and traffic impacts, to which they claim there is no policy support. They claim

the development will diversify away from vehicle testing, will not result in local jobs and highway improvements will facilitate further growth around Nuneaton.

The Council for the Protection of Rural England (CPRE) raises no objection to the development on brownfield land but do object to the loss of the countryside. They would like to see the reuse of the former Ashby & Nuneaton railways line to the southeast as part of the Sustrans cycle network and would like to see better footpath links.

Site notice and Press notice were displayed and neighbours notified.

11 neighbour letters received. Of which:-

Four object on the grounds of:-

- a) impact on wildlife
- b) loss of agricultural land
- c) impact on the countryside
- d) scale of development
- e) traffic generation
- f) lack of cycle route connections
- g) Installation of ANPR cameras on Watling Street and believes this will filter crime through the surrounding villages.
- h) Jobs won't be for local people
- i) Noise and disturbance.

Six support the proposal but raise concerns about:-

- a) traffic generation
- b) highway improvements
- c) lighting, screening
- d) loss of view
- e) building size
- f) closure of Wood Lane
- g) lack of extension to footpaths and cycle routes
- h) public access to the Linear Park
- i) privacy
- j) siting of sub station
- k) use of and need for hotel and leisure facilities
- l) noise.

One letter asks for further clarification but does not express any opinion on the proposal.

Due to the nature and scale of the development there has been an extensive amount of consultation with specialist organisations. It is normal that many of these organisations do not respond to our consultation however, for the avoidance of doubt those organisations consulted but that haven't responded are:-

Ramblers Association
Leicestershire & Rutland Playing Fields Association
Nuneaton & Bedworth Borough Council
Leicestershire And Rutland Wildlife Trust
Leicestershire Badger Group
National Grid
Leicestershire Fire And Rescue Service
Historic Buildings Panel

Ancient Monuments Society
The Society For The Protection Of Ancient Buildings
Council for British Archaeology
Countryside Commission
Cyclists Touring Club
Leicestershire Footpath Association
Hinckley And District Chamber Of Trade.

Policy:-

Enterprise Zone Status

The MIRA Technology Park has recently been designated an Enterprise Zone (EZ) by Central Government. The designation as an EZ is not a position within the development plan as such; however it is reasonable to conclude that the designation at a national level of such an area for development is a significant material consideration weighing heavily in favour of accepting the scheme in principle.

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

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' in policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access.

Planning Policy Statement (PPS7) 7: 'Sustainable Development in Rural Areas', in paragraph 5 states that planning authorities should support a wide range of economic activity in rural areas. Paragraph 19 states that the Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment.

Planning Policy Statement 10 (PPS10): 'Planning for Sustainable Waste Management', confirms that the overall objective of the Government is to deliver sustainable development and to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The PPS Companion Guide further details the importance of waste management strategies.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'. The PPG indicates that it is the role of the planning system to promote alternatives to car travel and to deliver sustainable transport objectives.

Planning Policy Statement 23 (PPS23): 'Planning and Pollution Control' sets out national planning guidance on pollution of land, air and water.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Ministerial Statements

Planning For Growth (2011) This suggests that the planning system has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as quickly as possible. When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. This statement confirms that particular weight will be attached to the need to secure economic growth and employment.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 2 'Promoting Better Design' seeks to continuously improve the level of carbon dioxide emissions and resilience to future climate change through the layout, design and construction of new development.

Policy 18 'Regional Priorities for the Economy' recognises the importance of raising skills, developing the service sectors and high value manufacturing and creating innovative businesses to ensure the region is better positioned to maintain economic competitiveness.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009)

Spatial Objective 1: 'Strong and Diverse Economy' identifies the need to strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises alongside skills training.

Spatial Objective 12: 'Climate Change and Resource Efficiency' seeks to minimise the impacts of climate change by investing in green infrastructure and renewable energy technologies.

Spatial Objective 13: 'Transport and Need to Travel' seeks to reduce the high resilience on car travel within the Borough and increase the opportunities for other forms of transport.

Hinckley & Bosworth Local Plan 2001

Policy EMP1: 'Existing Employment Sites' seeks to actively retain the MIRA site for its existing employment use.

Policy EMP5: 'MIRA, Built Development for Employment Purposes' seeks to ensure that a built development within the MIRA site is not to the detriment of the appearance and character of the area, complies with current highway standards, provides necessary landscape screening and makes provision for the storage of waste material.

Policy EMP6 'Surface Test Facilities and Landscaping to Proving Ground' seeks to ensure that development within the MIRA site would not be detrimental to the amenities enjoyed by occupiers of nearby dwellings by reason of visual intrusion, noise and effect on the general character of the area.

Policy BE1: 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, density, design, materials and architectural features; ensure adequate highway visibility and parking standards and manoeuvring facilities and do not adversely affect the amenities of neighbouring properties.

Policy BE12: 'Scheduled Ancient Monuments and Nationally Important Archaeological Sites' states that planning permission will not be granted for any proposed development which would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting.

Policy BE13: 'Initial Assessment Of Sites Of Archaeological Interest And Potential' states that any application where triggered, should be accompanied by an initial assessment of whether the site is known or likely to contain archaeological remains.

Policy BE14: 'Archaeological Field Evaluation Of Sites' requires that where archaeological remains may exist, there is a need for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist.

Policy BE16: 'Archaeological Investigation and Recording' states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

Policy BE17: 'Historic Battlefields' states that planning permission will not be granted for development that would have an adverse effect on the character or setting of the Bosworth Battlefield area.

Policy BE26: 'Light Pollution' states that planning permission will be granted for development which incorporates a lighting scheme provided that the proposal would not unacceptably create a nuisance, create light spillage or unnecessarily high levels of light to nearby residents and/or road users in terms of glare; affect the character or appearance of the area.

Policy NE2: 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-

- a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or
- b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or
- c) For sport or recreation purposes.

And only where the following criteria are met:-

- i) It does not have an adverse effect on the appearance or character of the landscape.
- ii) It is in keeping with the scale and character of existing buildings and the general surroundings.
- iii) Where necessary it is effectively screened by landscaping or other methods.

Policy NE12: 'Landscaping Schemes' states that development proposals should make provision for further landscaping where appropriate.

Policy NE14: 'Protection of Surface Waters and Groundwater Quality' protects the water environment.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T11: 'Traffic Impact Assessment' requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.

Policy RETAIL 1: 'General Retail Strategy' states that amongst other things, planning permission will not be granted for major retail development proposals outside of Hinckley town centre unless there is a demonstrable need for the development.

Policy REC1: 'Development Of Recreation Sites' states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless in the case of this application, the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community.

Policy REC4: 'Proposals for Recreational Facilities' states that planning permission for new recreational facilities will be granted provided that:-

- a) Any large scale indoor facilities are to be located only in or adjoining built up areas;
- b) The facility does not have a detrimental effect upon adjacent land uses, or upon the amenities of adjacent residents;
- c) The form, scale and design of the proposal are in keeping with the area and do not detract from the character of the landscape;
- d) Adequate parking and access arrangements are provided, and there is capacity in the local road network to accommodate the development;
- e) Landscaping is provided as an integral part of the proposal;
- f) Any new development is not detrimental to the rights of way network;
- g) The proposal does not adversely affect sites of ecological, geological or archaeological significance.

Policy REC9: 'Access to the Countryside' states that proposals for development in the countryside should have regard to the following:-

- a) Improving access to the countryside, in particular for vulnerable groups including disabled people;
- b) Promoting walking, cycling and horse riding as safe and convenient means of access to the countryside;
- c) Safeguarding existing rights of way and ensuring that acceptable alternatives are provided where appropriate;
- d) Ensuring that new development does not adversely affect the safety and convenience of existing off-road routes;
- e) Improving, where possible extending, the existing public footpath and bridleway network.

Other Material Policy Documents

Draft Site Allocations and Generic Development Control Policies DPD 2009

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

Appraisal:-

The main considerations with regards to this application are:-

- Principle of Development
- Highways and Access
- Layout and Design
- Impact on Neighbours
- Ecology
- Archaeology
- Drainage and Flood Risk
- Noise and Pollution
- Infrastructure and Contributions
- Other Matters

Principle of Development (inc sustainability and economic impact)

Principle of Development - The MIRA Case

The application seeks to explain MIRA's unique position within the automotive engineering market place and the need for the development, not only in terms of its scale but also in terms of why it is needed in the current location.

The scale of MIRA floor space proposed is inherently linked to MIRA's Corporate Business Plan which aims to achieve an increase in turnover to £100m within a seven year period, with a projected increase in staffing levels during that time from 520 to 1000. MIRA has demonstrated that the business is growing very well and to maintain this growth in line with the business plan they must adapt and develop. As part of this process, the space requirements of all existing and planned business units have been the subject of a detailed study, both from overall/optimum requirements and of the need for phasing to accommodate both relocated and the newly established operations. Business continuity during the redevelopment process has been a critical part of this exercise.

Apart from the B Class uses sought, the application seeks outline permission for associated leisure, hotel and retail uses. The inclusion of such uses has been of some concern as on face value it would appear to present the creation of a new community within what is an isolated rural location. This has been raised with MIRA and an addendum to the Planning Statement has been submitted that explains the reasoning behind the inclusion of these uses. The exercise identifies a "baseline" core space requirement of approximately 50,000 sq m of research and development and ancillary space for MIRA by way of both replacement and new build accommodation, together with future expansion space of around 15,000 sq m to provide for the future growth of the business in the longer term. The core requirement is indicated in the current application, whilst the potential expansion space is located adjacent to the main MIRA zone, north of the linear park.

Approximately 65,000 sq m of the B Class accommodation within the application represents Technology Park floor space which will be available to non-MIRA users. As such it builds upon the success of the existing Proving Ground facility (which already provides accommodation 31 major automotive companies) and creates a Transport R&D centric campus. The synergy of automotive R&D with MIRA is already apparent from the existing business cluster but this will be greatly expanded to allow the site to provide an appropriate platform for businesses operating in the global transportation sector (Automotive, Aerospace, Rail and Defence) to establish their R&D operations.

The application explains that the size of this market (which is global rather than UK based or even European) is difficult to quantify and that historic take-up rates within the R&D sector generally are of limited relevance in the present context with many emerging markets such as India, China and Brazil experiencing unprecedented growth. This reflects the fact that much demand is latent since non-specialist Science and Technology Parks cannot offer the same services or the functional and reputational synergy with MIRA which provides a unique draw here. To this end, significant interest has already been expressed in the Park from a range of vehicle manufacturers, component suppliers, transport infrastructure and research organisations.

In terms of overall scale, comparison can also be usefully drawn with other facilities and alternative sites which provide an indication of scale/critical mass within other R&D locations. Whilst this will not cater for MIRA users for the reasons explained later it does provide an indication of appropriate scale by way of a general comparator and essentially shows that the MIRA quantum is comparable with other R&D locations.

Given that the proposal requires the incorporation of an amount of agricultural land (countryside), it was requested that consideration is given to the issue of alternative potential sites. In this regard, it is accepted that the MIRA Headquarters is considered to be location specific since the company is clearly tied to the use of the Proving Ground and its extensive engineering and test facilities. Accordingly, there is no suggestion that the Headquarters component should be provided elsewhere.

The other proposed Technology Park floor space will either be dependent upon or benefit directly from proximity to MIRA and on this basis it is anticipated that the park will represent a cluster of business class floor space within the automotive and transportation sectors for which co-location with MIRA is either necessary or highly desirable from both functional and commercial perspectives. Notwithstanding this, the application has considered the availability of other sites; however, it is important to note that the MIRA site does operate a high level of security. This is an essential requirement for certain types of projects. Many alternative sites do not hold this status and therefore would not be viable alternatives for businesses that engage with the Ministry of Defence on confidential projects or have confidential commercial projects in development.

On the basis of the work undertaken in considering the availability and suitability of alternative sites, it can be reasonably concluded that:-

- There are no other suitable locations within this part of the Midlands for this specific type of high technology cluster, even when the requirement for proving ground facilities is discounted;
- Within the Southern part of the UK there are no other suitable and available locations with proving ground facilities which have the ability to expand in the way proposed at MIRA.

This is an important conclusion which underpins the scheme which has been advanced and emphasises the sites unique characteristics. It is vitally important to note that it is within this context and characteristics that the existing site has already been recognised through the Enterprise Zone designation.

In light of the unique nature of the MIRA business and the fact that alternative sites are not available or suitable, the submitted planning application identifies a range of facilities which are likely to be incorporated in a village centre area and which will provide an important contribution to sense of place of the completed comprehensive development. They will also underpin its sustainability credentials in ensuring that adequate facilities are provided on site for a large workforce. It is important to note that reference to the word village is only used to

describe the character of the area in question and does not imply that residential development is either proposed or acceptable as part of the development.

In summary there is no doubt that MIRA has a sound commercial objective and business case and as such there are robust economic benefits that will arise from the development.

Principle of Development - Enterprise Zone

In August 2011 it was announced that the MIRA Technology Park had been selected as an Enterprise Zone (EZ) by Central Government. This planning application and masterplan development was conceived in advance of the announcement of the creation of a new round of EZ's and as such the current planning application can be regarded as the development blueprint for the EZ's creation. Whilst work will progress on the EZ, at the current time the applicant is keen to progress this planning application to ensure the development and their business case is deliverable.

As discussed briefly in the earlier section of this report, the designation of the site as an EZ is to be considered as a significant material consideration in the determination of this planning application, however whilst the weight that should be apportioned to it is significant it is only in terms of establishing the principle for development. To take a differing or more restrictive approach would be in direct conflict with the Central Government commitment to the designation of the site, however it is vitally important to ensure that all other planning matters are appropriately considered and addressed within this context. Given the very early days of the EZ designation it is reasonable to conclude that the technical matters and their impacts have yet to be considered, as these would be addressed through the Local Development Order (LDO) process. In the absence of a LDO it is only right that impacts are considered and addressed through this outline planning application. It should be noted however that the designation as an Enterprise Zone is designed to reduce the impact of bureaucracy and the planning process on economic growth.

Aside of the EZ is the development plan. S.38 (6) of the 2004 Act confirms that "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise", and as such it is only proper that the current application is also considered alongside the development plan.

Principle of Development - Planning Policy Statements

Planning Policy Statement 1 (PPS1) confirms that sustainable development is the core principle underpinning the planning system. The PPS further confirms that sustainable development is not just about sustainable technology but also about protection of the environment, the prudent use of natural resources and sustainable economic development.

The current proposal has a mixed sustainable credentials and therefore does not completely satisfy the requirements of PPS1. There is no suggestion that the development is not sustainable in economic terms and this has been appraised at length in the earlier sections of this report. The loss of the countryside is not sustainable, however is somewhat a pre-requisite of economic development within the context of the Borough because of the limited availability of brownfield sites, and is generally accepted within the spatial objectives of the Core Strategy (see below) as well as saved policy NE5.

The sites geographical location is not sustainable due to its position within the countryside and therefore dependent on car travel for access by all users. Notwithstanding this point the traffic generation from the proposal has been carefully considered by the relevant consultees and appropriate mitigation in terms of highways improvements and travel plan measures are

proposed. Of course it is realistic to assume that by virtue of the sites location that car travel will remain the predominant form of access to and from the site and therefore is not particularly sustainable in this respect. In terms of its use of natural resources the development is proposed to score well and the development is promoted on its green credentials, particularly in so far as its objective to be constructed to a 'very good' BREEAM standard.

In considering sustainability as a whole the proposal has both positive and negative impacts, however it is considered that the sustainability imbalance can be somewhat rebalanced through the green travel plan measures and the BREEAM standards the development will achieve. In the most simplistic approach, the over achievement in one area of sustainable development justifies the under achievement in another and to this end it is considered both reasonable and necessary to condition the construction of the development to the 'very good' BREEAM standard.

Planning Policy Statement 7 (PPS7) seeks to protect the countryside but equally recognises that sustainable developments within the countryside may be necessary and acceptable within the wider economic context. Whilst the development will result in the loss of the countryside and useable agricultural land, these losses need to be considered alongside the applications merits, those being the economic benefits that the development will bring to the Borough's economy. Within this context of economic merit, PPS7 provides a general support for the proposal that when considered alongside the spatial objectives of the Core Strategy is supported further.

Planning Policy Statement 4 confirms that it is for local planning authorities to adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably. In considering the detail of the MIRA business case, there is no suggestion that the development will not result in a form of secure and sustainable economic development.

Principle of Development - Development Plan - East Midlands Regional Plan (2009)

The East Midlands Regional Plan (March 2009) forms part of the statutory development plan providing the overarching policy context for the consideration of planning applications of strategic importance in the Region.

On the 6 July 2010 the Government announced that it was to abolish Regional Spatial Strategies and in light of this the Methodology was amended and republished in July 2010. A Judicial Review took place on the revocation of Regional Plans, on the 7 February 2011 a judgement was made by the High Court in favour of the Secretary of State meaning that the intended scrapping of Regional Spatial Strategies is a 'material consideration' which can be considered by local planning authorities and planning inspectors when making decisions. This has been reflected in the emerging Localism Bill which was introduced to Parliament on 13 December 2010. As a result of the Bill it will mean that the East Midlands Regional Plan will be abolished. However, the East Midlands Regional Plan has not been formally abolished and remains a material consideration in the determination of this and any other planning application.

The Regional Plan identifies a particular shortage of sites suitable for science and technology users within the Three Cities Sub-Area, which includes Hinckley and Bosworth Borough.

Policy 18 sets a requirement to keep up to date employment land reviews to inform the allocation of a range of employment sites at sustainable locations. The policy sets a number of considerations when allocating sites, including: the need to be responsive to market needs and the requirements of potential investors; to encourage the development of priority

sectors including specific sectors which have local economic significance; to ensure that the needs of high technology and knowledge based industries are provided for; and, to promote diversification of the rural economy. In addition the scale should be consistent with the approach for urban concentration set out in Policy 3 of the Regional Plan.

Whilst the current application site is not allocated in the development plan, the existing MIRA facility is and against this policy affords support from the Regional Plan.

Principle of Development - Development Plan – Core Strategy

At a local level the Core Strategy provides the overarching strategy and core policies to guide the future development of the borough to 2026 and in doing so makes clear spatial choices about where developments should go in broad terms.

The Core Strategy highlights a number of issues that are facing the borough, including 'structural weaknesses in the economy' (paragraph 3.15), which exist as a result of an over reliance on the manufacturing industry and associated job losses from the contracting hosiery, textiles and boot and shoe industries, particularly in the urban areas of Hinckley, Barwell and Earl Shilton. Growth along the A5 corridor and resulting congestion problems are also highlighted as a factor contributing towards these structural weaknesses.

The Core Strategy Vision references that by the end of the plan period in 2026, more residents will be choosing to work locally as higher paid jobs are provided through the successful diversification of the economy.

A strong theme across the spatial objectives is to focus the majority of future development within the Hinckley urban area. In particular, Core Strategy Spatial Objective 1 on Strong and Diverse Economy sets out that the focus for new employment will be Hinckley, reflecting its status as a sub-regional centre and in Earl Shilton and Barwell to support the regeneration of these areas, with smaller scale employment in key rural centres to support the rural areas of the borough. Spatial Objective 1 also seeks to strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises and other support programmes, including skills training, to encourage appropriate sectors with growth potential. The current proposal is considered to be in overall compliance with the objectives of the Core Strategy.

Principle of Development - Development Plan – Saved Policies of the Local Plan

The Local Plan allocates employment sites within the borough through Policy EMP1. This includes the identification of MIRA as an 'A' site which sets the requirement to actively seek to retain the MIRA Works and Proving Ground for employment uses. The Employment Land and Premises Study Review (May 2010) is an evidence base that directly relates to this policy and the Core Strategy. The 2010 Review identifies MIRA as a key business/landowner in the borough and retains the position that the site will be protected for employment uses. The Review also sets out that the current local plan allocations are not perfectly representative of the potential for the MIRA site, making reference to the Company's desire to improve its buildings and infrastructure and release land for development along the A5 frontage. It is made clear in the Review that MIRA recognises the potentially sensitive planning issues that would be associated with any such development.

The Local Plan includes further site specific employment policies relating to the site. Local Plan Policy EMP 5 sets out appropriate land uses for industrial and research purposes, which are related to the operation of the MIRA test facility within the existing employment areas covered by EMP1. EMP 6 focuses on more limited development relating to surface test facilities and associated landscaping. The scale of the proposed development is not

considered to be in conformity with the general direction of these policies. It should also be noted that the application site extends beyond the area covered by policies EMP 5 and EMP 6.

Policy NE5 Development in the Countryside also applies, as development outside the existing employment allocations would constitute development in open countryside. This policy sets out that the countryside will be protected for its own sake, but includes exceptions whereby development might be deemed acceptable, including where the proposal is important to the local economy and cannot be provided within or adjacent to an existing settlement. In such cases this is subject to meeting a range of criteria relating to the effect on landscape character and appearance, relationship with the scale and character of existing buildings and general surroundings, that where necessary the development is screened effectively; and, that the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety. Notwithstanding the details examined in the later sections of this report, it can be argued that whilst the intention of Policy NE5 is to protect and prevent unwarranted loss of the countryside the policy does recognise that such loss can be appropriate where economic benefits arise. It is with this support that the proposal is considered to generally comply with this development plan policy.

Principle of Development – Development Plan – Other

It has previously been the Council's stated intention through the Site Allocations and Generic Development Control Policies Development Plan Document (DPD), Consultation Draft Preferred Options Report, February 2009 to protect allocated employment sites, including MIRA (identified on the proposals map as HIG03). This proposed allocation takes the whole of the planning application area (within Hinckley and Bosworth) into account and seeks to retain the existing employment allocation at MIRA. Preferred option policy EMP1: Development of Employment Sites indicates that the Local Planning Authority will grant planning permission for the development of employment sites in accordance with the corresponding allocations. Whilst this could be interpreted as a future policy intention of the planning authority, this document is subject to change through a due process and therefore can only carry weight associated with an emerging Development Plan Document. This document and its position within the development plan does confirm both MIRA long term intention for the development of the site but also the Council's commitment to the development of the site as was in 2009. Whilst the DPD has not progressed further to date, there is no suggestion that the site would not be retained within that document as detailed in the draft document.

The application includes the proposed development of a number of uses that could be construed as main town centre uses within the context of paragraph 7 of PPS 4, namely: retail, leisure, restaurants and hotel.

In October 2010 the applicant submitted a supplement to the Planning and Consultation Statement, which includes additional information on this element of the proposal. The supplement provides justification in relation to the retail, leisure and restaurant elements which re-affirms that they will have a direct role in providing services to occupiers of the Technology Park, rather than being run as separate commercial operations and are required to make the development marketable and sustainable. There is sound planning rationale that supports the provision of ancillary facilities to a commercial development of this magnitude and the proposed retail, leisure and restaurant uses proposed. Accordingly, in the interest of sustainability and ensuring a sustainable and comprehensive development is created, there is overarching planning policy support for complementary uses as proposed.

Conversely, it is identified that the hotel would be a commercial operation and has therefore been the subject of a sequential assessment in line with the requirements of PPS 4.

The hotel sequential assessment considers the need for and benefits of additional hotel provision; the availability, suitability and viability of alternative sites; and, associated impacts that would arise. It is noted that a number of potential sites identified within the Hinckley Town Centre Area Action Plan have been discounted by the applicant through the sequential test process, on account of existing commitments or identified constraints. It is identified and recognised that the hotel could be considered to have differing operational and market requirements to those in town centres, as a result of the intention for it to draw a large proportion of its customers directly from visitors to MIRA businesses and therefore is in conformity with the requirements of PPS4.

Principle of Development – Other Material Considerations

Loss of Recreation Facilities

The existing MIRA site has recreation facilities in terms of sport pitches and basic gym facilities that are open to both employees and the local groups under a booking arrangement. The masterplan proposal subject of this application seeks to redevelop these facilities with the new MIRA Headquarters building within Zone 4. However the existing facilities will be redeveloped within proposed Linear Park. It is on this basis of replacement and improvement of facilities that Sport England raises no objection and compliance with Local Plan Policies REC1 and REC4 is achieved.

Loss of Agricultural Land

Of the total 71.51 hectare site area, 43.6 hectares of the site is currently within agricultural use. By the very nature of the development proposed these 43.6 hectares will upon total completion of the development, no longer be in or available for agricultural use.

In accordance with Natural England data, the application specifies that the land that will be lost is within the lower qualities of Grade 3 Classification, where Grade 1 land is of the very best quality. The application further clarifies (with supporting statements from the current farmer), that whilst the land is currently used for agricultural purposes, “whilst the land can produce good crops with careful management, it is by no means the most productive land we farm”.

The loss of agricultural land is a material consideration in the determination of this application; however the loss needs to be considered alongside the other gains the development will bring. The Core Strategy confirms that farming constitutes 88% of the total land use within the Borough, yet is a declining employer, providing only 1.2% of jobs. This position is reflected in the spatial objectives of the Core Strategy and Para 3.15 “Structural Weakness in the Economy”. Accordingly, it is within the context of securing economic development that the loss of agricultural land should be carefully considered.

The objectives of the Core Strategy are far reaching and in considering the land uses within the Borough, farming amount of 88%, and the availability of brownfield sites, there can be no doubt that the Core Strategy carries a presumption in favour of the loss of some agricultural land to provide its economic growth aspirations. Therefore, whilst the loss of agricultural land is significant it is not the most valued land (in agricultural terms) and in line with the Ministerial Statement on Economic Growth, there is no defensible case to object to its loss given the proposals economic benefits.

Principle of Development - Development Plan – Conclusions

The Local Plan (2001), the emerging Site Allocations and Generic Development Control Policies DPD Preferred Options (2009) and Employment Land and Premises Study Review (2010) support the principle of employment uses across much of the application site. However, it is clear that the scale and scope of the proposals contained in this application go above and beyond that anticipated within the adopted Core Strategy and the adopted Local Plan.

Notwithstanding the above position, the Core Strategy identifies structural weaknesses in the Borough's economy that will need to be addressed over the plan period to 2026. The objectives aim to encourage appropriate sectors with growth potential, alongside a range of environmental and social objectives. While the Core Strategy primarily aims to focus growth within urban areas, it is considered that the proposed development at MIRA would act as a catalyst for realising growth potential within the automotive research and development sector and in doing so provide an opportunity to significantly strengthen the Borough's employment base. MIRA is recognised as occupying a unique place in the Borough's employment structure and this outline planning application represents a proposal, which reflects the ambition of MIRA to expand its existing operation by improving necessary infrastructure and enabling the establishment of a significant cluster of transport research and development operations.

The applicant has provided evidence in order to assess scale, need and potential alternative locations for the proposed development. This confirms the growth potential at MIRA and the unique and location specific nature of the proposed operations, something that has been further emphasised by its recent designation as an Enterprise Zone.

The economic development case has been established by the applicant and is generally supported by the policy direction provided by PPS 4 and the Written Ministerial Statement of 23 March 2011. Therefore, significant weight should be attached to the need to secure economic growth and employment. However, the overall sustainability of the proposed development remains fundamental to this assumption and it is noted that the application is supported by proposals to mitigate its impact in relation to matters relating to transportation, energy use, landscape and the environment.

Highways & Access

The existing MIRA site is served by one point of vehicular access from Watling Street and as such the access to the site has been identified as a key constraint on the development capabilities of the MIRA site, both historically and in respect of the current proposal. For the avoidance of doubt Watling Street is a trunk route forming part of the national strategic transport network and as such the Highways Agency is the regulatory agency and statutory consultee in respect of developments that will impact upon the road. To this end the application is accompanied by a detailed transport assessment that provides a package of highways mitigation works to the Watling Street, and a transport assessment. The mitigation works are detailed in the introduction section of this report.

Whilst the development site as a whole lies within Hinckley and Bosworth, the section of Watling Street fronting the application site and the existing MIRA site is located within North Warwickshire. As such, North Warwickshire Borough Council is considering a separate planning application for highway improvements for part of the development within their area.

Due to the overall scale and the cross boundary nature of the development, the Highways Agency has been working closely with the representatives of the Highways Teams of both Leicestershire and Warwickshire County Councils who are equally concerned about the

impacts of the proposal on their road networks. These are all other roads other than Watling Street.

The submitted transport assessment and travel plan are highly detailed technical documents and it is not considered necessary to attempt to summarise the developments impacts on highway safety terms. It is important to note that the proposal can only result in additional vehicle movements on the A5 and the wider highway network and, as such the proposal is significant in transport planning terms.

Whilst the highways matters have been subject to extensive scrutiny by all regulatory parties, there is now a consensus of opinion that subject to the proposed mitigation works being delivered, the development will not result in any adverse impact upon the highway network. This is in terms of both highways safety and capacity.

The mitigation works are proposed to be delivered in accordance with the Transport Assessment and the Highway Agency's findings and will be subject to planning conditions as directed by the Highways Agency. Members are reminded that these conditions are 'directed' by the Highways Agency and they have no power to amend or delete them.

Aside of vehicle based access consultation has identified some concerns in respect of foot and cycle path connections and public access to the site.

When looking at existing foot and cycle path connections surrounding the existing MIRA site it is obvious that many routes exist but all either pass the sites perimeter or terminate abruptly at the site boundary. In the case of the latter, this is believed to have occurred from the sites historical use as a secure area by the RAF and the later development as a proving ground. Naturally, to support and develop the MIRA business the sites security needs to be maintained and on this basis there is no proposal within the application to reconnect any of the severed routes. Notwithstanding this position, the proposed Linear Park and Zones 1, 2 and 3 will be accessible by the general public. Only Zones 4 and 5 will be secure areas. On balance this commercially derived proposal is considered to make adequate provision in respect of its public access that does not require the reconnection of these severed routes. Members should remember that such planning gains can only be secured where they are necessary to make the development acceptable in planning terms. In this case such justification does not exist. On balance the proposal is considered to satisfy the requirements of Policies BE1 and REC9 of the Adopted Local Plan.

The application and the transport assessment does identify a series of footpaths and cycle paths that do serve the development and could be upgraded and improved to better encourage the use of alternatives to the car to MIRA. These proposals are:

The resurfacing of the Weddington Country Walk between MIRA Technology Park and the underpass to the West Coast Main Line (Stoney Road) to Sustrans specification. Works within Nuneaton and Bedworth Borough to include:-

- The widening of the cycleway to at least 3.0 metres along its length;
- The provision of 0.5m lateral clearance from all surrounding vegetation;
- Aesthetically pleasing finishing material suitable for predicted usage;
- Finished footway level to be higher than adjacent ground to allow for free drainage.
- The extension of the Weddington Country Walk northwards from the A5 underpass for a distance of approx. 150 metres with new connecting footway/cycleway links (to a width of 4.0 metres) to MIRA Technology Park and Wood Lane within MIRA Technology Park.

The construction of a new bridge over the A444 Weddington Road. Works within Nuneaton and Bedworth to include: -

- A 3.0m wide footway / cycleway on bridge deck with central delineation;
- Approach ramps to be no steeper than 1:20;
- 1.4m high parapet and 900mm high handrails on both sides of bridge deck;
- Provision of anti-slip / skid surfacing material on bridge deck;
- Surface water drainage discharge to avoid spillage onto carriageway below;
- Minimum clearance of 5.7m to carriageway of A444 Weddington Road below;
- Improved ramp connections to A444 Weddington Road inc. widening to 3.0 metres.
- Replacement of field-track bridge located midway between A5 and A444.

The resurfacing of the existing bridleway N24 from Weddington Junction to Church Lane to form new shared footway / cycleway with associated signage within Nuneaton and Bedworth Borough.

The improved cycle infrastructure along the A5 corridor between the Redgate junction (A5 / A444) and Higham Lane junction, a total distance of some 2.9 kilometres, comprises the upgrading / widening of existing shared footway/cycleway on the northern side of the main carriageway, improved crossing facilities and signage. In detail these works comprise:-

- The provision of a 4.0 metre wide shared footway / cycleway along the frontage of the MIRA Technology Park within Hinckley and Bosworth Borough;
- The widening of the existing footway along the remaining length between the two junctions, outside of the MIRA Technology Park boundary to between 2.0 metres (minimum) and 3.0 metres (preferable) subject to land ownership within Hinckley and Bosworth Borough
- Improved signage along the length of footway / cycleway inc. links to NCN52;
- Improved crossing facilities at the Redgate junction and Higham Lane roundabouts in the form of dropped kerb facilities, safe storage on central islands and improved signage within Hinckley and Bosworth and Nuneaton and Bedworth Boroughs;

Provision for cyclists within the proposed highway improvements at the Longshoot and Dodwells junctions, within Hinckley and Bosworth Borough.

In conjunction with these identified deficiencies and the commitment by MIRA to encourage non-car forms of travel the transport assessment is accompanied by a Green Travel Plan which provides a series of commitments to reduce car travel by employees. Amongst other measures, the travel plan proposes a MIRA Bus scheme where MIRA will provide a public transport service for employees and visitors from nearby settlements and transport hubs (Hinckley Railway Station) to the site. This approach indicates MIRA's commitment to looking at alternative forms of travel and suggests that sustainability is a key concept of the development.

To this end and in conjunction with the proposed off site highway improvements, the travel plan will be subject to conditional approval to secure its provision.

Layout & Design (inc visual impact)

This is a reserved matters application that seeks approval for the principle of development and access only. Accordingly, the details of layout and design are reserved for submission at a later point. Notwithstanding this point the application is submitted with a series of parameter plans and an accompanying report. These documents seek to provide a

methodology by which the site will be developed in accordance with its constraints and the findings and recommendations of the applicable chapters of the Environmental Statement.

The parameter report and plans seek to define the development and fix the overarching key principles of the development. The five plans detail:-

PP1 Site Plan and Application Boundary
Defining the application site and the site levels

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

PP3 Land Use
Setting out the land uses across the zones and includes maximum and minimum amounts of floor space per zone

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

PP5 Landscape Framework
Setting out the strategic landscape and open space

The parameter plans provide a logical methodology to which the master plan development can be delivered against and as such provide a framework that the development and therefore any reserved matters applications should adhere to.

The plans have been prepared alongside the findings of the various chapters of the Environmental Statement and as such take account of the sites topography and natural constraints and are heavily influenced by the submitted visual impact assessment.

In considering the visual impact, Members should be in no doubt that the proposed development will significantly alter the character of the surrounding area and by the very nature of its scale will be clearly visible from all directions, but particularly so for some distance from the South and West. Whilst it is the role of the planning system to control such impacts they do need to be considered alongside the proposals planning merits, particularly the developments economic benefits and its status as a newly designated Enterprise Zone. Significant weight needs to be attached to the fact that the site has been designated an Enterprise Zone by Central Government. In making such a designation Central Government has given a certain amount of consideration to the scale of the development and its impacts, however the presence of this designation should not be used as the sole deciding factor when considering the acceptability of the visual impact and it is within this context that the submitted visual impact assessment and the accompanying parameters plans are necessary to control the developments impact. The Enterprise Zone Status confirms that a visual impact will occur but it is the role of the planning system through planning applications to control the impact so far as is reasonable without harming the function of the zone.

The parameter plans detail the developable areas of the site and set a series of scale parameters that any development within that area will not exceed. The parameters include:-

- Site and zone boundaries
- Development footprint and height
- Land use
- Access and movement
- Landscape framework

The plans provide a 'plan based' blueprint that the development will be designed and delivered against and as such are the concept by which the site will be designed around. Key points (not exhaustive) derived from the parameter plans include:-

- Use zoning and floor space upper limits ensures the overall quantum of development is defined and controllable.
- In showing the maximum extent of built footprint in each zone, it is not intended that all of the area shown will be covered by buildings since this will be subject to floor space restrictions.
- The heights of buildings will reflect both the site topography and nearby residential dwellings, therefore taller buildings will be on the higher ground and away from residential dwellings. Not all buildings across plots will be built to the maximum levels indicated. The height quoted has been designed to provide the necessary flexibility in terms of building type, since the three dimensional envelope will necessarily vary according to the nature of the use and to occupier requirements.
- Access points, the Linear Park and landscape buffers are defined; therefore the overall 'grain' of the development is already defined and understood.

To ensure the visual impact of the development is controlled and to allow for a master plan concept to be delivered, the parameter plans and the accompanying parameter plan report are proposed to be subject to a planning condition to ensure that the subsequent phases and accompanying reserved matters approvals are delivered in accordance with them.

In consistency with the sustainable approach to the wider development concept, the application makes a commitment to sustainable design and proposes all buildings to be built to a BREEAM 'very good' rating. Alongside this sustainable technologies are proposed, including, solar heated water, photovoltaic's, ground source heating, air source heating, combined heat and power systems, medium sized wind turbines, water source heat pump and kinetic road plates.

Policy 24 of the Core Strategy provides a series of sustainability targets for developments within the Borough however none of these are triggered by the current proposal. Notwithstanding the position it is considered that there is a sound policy basis to secure sustainable design in all new developments within the Borough and the application under consideration is to date the largest stand-alone development submitted in the life of the Core Strategy, thus justifying the need for high sustainable credentials. Furthermore, the proposals development plan prematurity and the Governments commitment to sustainable economic development provides a sound basis on which to ensure that this large scale economic development is delivered with high sustainability credentials. Accordingly, a BREEAM 'very good' on all aspects of the development will be subject to condition.

The matter of the details of large scale proposals for central heat and power and a wind turbine are considered to only be feasibility options and as such not intrinsic parts of the development. As such no controls are proposed on these elements as they do not form part of the basics of the outline application.

Impact on Neighbours

By virtue of the sites position within the countryside and MIRA existing facility to the northeast, there are very few residential dwellings that are likely to be affected by the proposal. The nearest residential properties to be affected by the development are:-

To the South:-

Grange Cottages
Lindley Lodge Cottage
Elms Farm (Weddington Lane).

To the North:-

Rowden Lodge
Lindley House
Rowden House Farm
Rowden Gorse
Rowden Cottage.

There are additional dwellings to the northeast of the existing Proving Ground Estate however these are not considered to be subject to any impacts arising from the development given the distance from the application site.

It is important to note that the current application is in outline only and as such the issues of siting; scale and appearance are for consideration at the later reserved matters stages. Notwithstanding this fact, the scale of the proposal is such that a good degree of work has been done in advance of the reserved matters stage and as such the issues considered through the layout & design and noise & pollution sections of this report appropriately consider the arising issues that will impact upon these neighbours.

Specific objection has been received from Witherley Parish Council in respect of the traffic arising from the development and associated crime having an adverse impact upon the occupiers of Fenny Drayton.

Dealing with traffic first, there is no logical case whereby traffic associated with the development (either construction or operational traffic) would pass through Fenny Drayton. Whilst it is accepted that Fenny Drayton is located close to the cross roads of the A5 and the A444 there is no obvious need for traffic to deviate from these routes and pass through the village. Accordingly, it is considered that this perception will not materialise into a material planning. The Director of Environment and Transport (Highways) further confirms that the proposed mitigation works to the Redgate Junction will provide benefits to the local highway network by either retaining traffic on the most appropriate routes, or diverting traffic back to the most appropriate routes.

The Crime and Disorder Act 1998 requires local authorities to facilitate the reduction in crime and disorder in all that they do. However, when it comes to the determination of planning applications, planning legislation makes it very clear that any application 'should be determined in accordance with the development plan unless material consideration indicate otherwise'. Accordingly, consideration should be given to whether The Crime and Disorder Act is a material consideration.

Any new development should not increase crime or disorder but the extent to which they either do or don't is subjective.

The Leicestershire Constabulary Crime Reduction Officer raises no objection subject to conditions in respect of on site crime reducing design measures and the need for the provision of an Automatic Number Plate Recognition (ANPR) Camera to be located on the A5. The design measures required can and will be delivered through the detailed design stage of the reserved matters applications. The request for an ANPR Camera is not supported with any substantive evidence that demonstrates that it is necessary to make the

development acceptable in planning terms and as such cannot be secured through this grant of planning permission.

In the case of this proposal, there is no submitted evidence that indicates that there will be a resultant increase in crime. The Leicestershire Constabulary Crime Reduction Officer has been consulted and whilst comments on the on site design measures that should be implemented, there is no indication of any impact on the surrounding communities.

Ecology

The submitted ecology report identifies the presence of bats, badgers and Great Crested Newts within the application site. The submitted report also details a proposed mitigation strategy to ensure that the development will not result in any detriment to either species.

Following the amendment to the application, Lindley Grange is no longer proposed to be demolished and as such there will be no proposed development to identified bat roosts within this building. Accordingly, the mitigation detailed is no longer applicable in respect of the building, however bats are known to roost in the wider area and a condition to secure further survey work and mitigation is necessary.

In terms of Badgers, the closure of one badger sett will be required prior to development within the rifle range area and is likely that this will necessitate creating a new artificial sett in a quiet nearby location. Further survey work (mapping badger territories and determining clan size in the sett to be closed) may be required at the detailed consent stage and for a Licence application to Natural England in order to design and locate the artificial sett. This information and proposed mitigation will be secured by way of planning condition.

In terms of Great Crested Newts, a habitat loss of county significance will result from the loss of an existing pond within the site. In compensation for this loss, a minimum of two new ponds will be created within the proposed landscaping area at least six months prior to construction works commencing. Ponds that currently offer poor habitat quality for amphibians will be restored through scrub clearance. The created new ponds will be inoculated with flora and fauna from the lost pond and will be managed to promote a diverse range of plants and invertebrate life in turn benefitting great crested newts. The design of the ponds and the drainage requirements of the site will ensure that water quality is maintained to a high standard. Criteria for pond design will include:-

- Ponds close together but with not linking;
- Minimum pond area 50m², Maximum pond area 300 sq m;
- Maximum depth in large ponds 1m;
- Shelving towards centre, most of the depth between 20 – 60 cm;
- Significant element of shallows to 2cm deep;
- Scalloped edges;
- Surrounded by a 10m wide buffer of tall grassland habitat

The ponds will be created under on-site supervision from an ecologist.

In terms of the wider and non significant ecologic interests within the site, the application confirms that In accordance with paragraph 14 of PPS9, significant ecological enhancement will be brought about through the appropriate management of bird nesting and wildflower habitats which lie both within the site and the proposed linear park and also outside the application site boundary but within MIRA's ownership. These areas within MIRA ownership, along with pond habitats that are also to be restored, will be managed according to an Ecological Management Plan prepared by MIRA grounds staff.

The objections received concerning the impact on wildlife are not detailed, however the impact on protected species has been considered and appropriately mitigated and the remaining wildlife interests will be further enhanced and supported through the extensive programme of landscaping and the provision of the Linear Park.

Both Natural England and the Director of Environment and Transport (Ecology) raise no objection subject to appropriate conditions to secure the proposed mitigation. Such conditions are detailed as part of the recommendation within this report.

Archaeology (inc impact on Schedule Ancient Monument)

The application site is located in a sensitive area where a number of historic remains and constraints have required careful investigation and consideration. The key historic interests are:

- To the south of the site lies the A5 which follows the line of the Roman Road known as Watling Street and is well known to be an archaeologically rich area.
- To the west of the site lies the Scheduled Ancient Monument of the remains of Lindley Hall Chapel.
- Within the site lies the Former dwelling house known as Lindley Grange and the location of the deserted medieval village of Lindley.
- Within the site, the Proving Ground is based upon the former runways and taxi areas of the former WW2 airfield known as RAF Lindley.
- To the north of the site lies the Bosworth Battlefield.

As part of the Environmental Statement the applicant has submitted comprehensive details of the historical and archaeological interests at the site. Walkover surveys, filed walking, geophysical surveys, cartographical studies and trenching works have been carried out. The statement confirms the sites history and the likely historical interests and impacts. Following initial observations from consultees, additional information has been received and the Environmental Statement subsequently amended.

Following concerns raised by English Heritage in response to early consultation, and the findings of the applicants Protected Species Survey, the applicant has modified the application to retain Lindley Grange.

The Visual Impact Assessment confirms that the proposed development will have a limited visual impact on the Scheduled remains of Lindley Chapel and the associated Deserted Medieval Village. The mitigation strategies for minimising the visual impact to designated and undesignated heritage assets in the vicinity (which include the Scheduled Monument of Lindley Chapel and the remains of the associated Deserted Medieval Village, Listed Buildings, unlisted historic buildings, the site of the Battle of Bosworth and the World War II Nuneaton Airfield) largely involve landscaping and planting proposals. The proposals provide a long-term and year-round solution to the potential visual impact of the development on heritage assets.

Archaeological trial trenching towards the north-eastern boundary has confirmed that medieval remains associated with the Deserted Medieval Village of Lindley do not appear to extend into the area. However, archaeological remains in the form of a pit and stone-lined drains were discovered here along with finds including Roman pottery and tile, and medieval roof tile. These remains were discovered at the western extent of this area of trenching and it is likely that further work will be required to ascertain whether archaeological remains extend westwards or southwards within the application site so that an appropriate mitigation

strategy can be established prior to the determination of any forthcoming Reserved Matters or Full Planning Application(s) relevant to this area.

Archaeological trial trenching adjacent to the A5 Watling Street has revealed archaeological remains dating to the Roman period. These remains include features and finds indicative of domestic occupation during the 2nd-4th centuries AD. Further archaeological investigation will be required in this area in the form of excavation of agreed areas of archaeological potential.

Archaeological trial trenching targeted on the proposed access road has revealed archaeological remains thought to date to the Iron Age or Roman periods. This represents a second distinct area of activity with finds suggesting domestic occupation, potentially of an earlier date to the remains found towards the southern boundary of the site. Additional archaeological investigation will be required in this area prior to the determination of any relevant forthcoming Reserved Matters or Full Planning Application(s) including additional trenching to ascertain the extent and significance of archaeological remains that will be affected by the proposed development. Areas of archaeological potential are likely to require further excavation prior to the commencement of any associated ground works including the formation of the access road and any associated landscaping, services, ground reduction or topsoil removal.

Geophysical survey identified anomalies representing potential archaeological remains in Area 3. However, the archaeological trial trenching targeting these anomalies and testing the potential adjacent to the A5 Watling Street in this area was not possible due to the presence of protected newt species. Although it is unclear whether significant archaeological remains are present in this area, the work has demonstrated that the buried remains of occupation dating to the 2nd-4th centuries AD are located adjacent to the Roman road. Archaeological evaluation will be necessary in this area prior to the determination of any relevant Reserved Matters or Full Planning Application(s) (including the proposed alterations to the A5 Watling Street in this area) and design modification or engineering solutions may be necessary should significant archaeological remains worthy of preservation in situ be revealed by this work. However, based on current information, including the results of the archaeological investigations that have already been undertaken in other areas of the site, this would not present a constraint to the principle of development.

A metal detector survey, towards the north of the site, has confirmed that remains associated with the 1485 Battle of Bosworth do not appear to extend within this area. Finds recovered during the survey include a Roman or medieval lead weight, medieval pottery, and Post-medieval and modern artefacts.

Archaeological trial trenching was targeted on anomalies identified by the Geophysical Survey and revealed the buried remains of brick structures likely to represent buildings associated with the World War II airfield. Further archaeological work will be required in this area to investigate and record the features identified and any associated remains.

Archaeological evaluation has been focused on informing key decisions involved in the granting of Outline Planning Permission for this development. The programme of archaeological work assessed the impact of the development on potentially significant remains including those associated with the Scheduled Monument of Lindley Chapel and associated Deserted Medieval Village, roadside activity or settlement adjacent to the Roman road and archaeological remains associated with the Battle of Bosworth.

It is likely that archaeological remains exist in other areas of the site, particularly in the vicinity of the features that have already been identified and therefore a series of planning conditions are necessary to secure the protection of any historical finding or asset.

In light of the additional information submitted in respect of the developments possible impact on archaeological heritage and the remains of the Scheduled Ancient Monument known as Lindley Chapel, and the detailed consideration by Director of Chief Executive (Archaeology), English Heritage raises no objection.

Flooding & Drainage

Chapter 17 of the submitted Environmental Statement contains a Flood Risk Assessment for the application site and the proposed development.

The whole of the application site is in the River Anker catchment. The River Anker flows from Nuneaton in a northwest direction joining the River Tame at Tamworth. After Nuneaton the water course flows through rural floodplain towards the urban settlement of Atherstone, some 5km to the north west of MIRA.

There are two outfalls to the Application Site; both of these are ditches classified by the EA as tertiary rivers. The whole of the site is in EA Flood Zone 1, therefore having a low probability of flooding with a return period of more than 1000 years. The nearest Flood Zone 3 is surrounding the River Anker and is over 1km from the site.

The surface water drainage from MIRA is currently divided into three; two relate to the Application Site and the third is to the east. The outlets from the site are:-

- The workshops and buildings on the western side of the Proving Ground, have a formal surface drainage system with an outfall to the eastern spur of the Three Ponds along the northern boundary of the Southern Site. The outfall is a 450mm pipe. The Three Ponds are outside MIRAs boundary.
- The existing headquarters buildings and labs along the A5 drain to their western boundary with a 450mm diameter culvert beneath the A5. The outlet to the east of the Proving Ground and outside the Application Site is;
- The main Proving Ground drains to the northeast with outlets either side of Higham Field Farm;

Additionally to the formal MIRA surface water drains, the current farmland which will become part of the Technology Park drains via open ditches to either the Three Ponds linking with the western outfall or towards the south and the culvert beneath the Watling Street.

The existing foul sewer within the MIRA Site has to be pumped in places, but the foul drains ultimately collect to the western boundary of the current headquarters buildings on the north side of the A5. From this it extends south as a 225mm private gravity sewer to a private pumping station on Weddington Road where it is pumped to the public foul sewer in Caldecote Village. The public foul sewer drains by gravity to a public pumping station beside the River Anker from where it connects to a trunk sewer to the Woodford Sewage Works.

The Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) have all considered the application and the submitted Flood Risk Assessment. Between these consultees there is a consensus of opinion of no objection subject to necessary planning conditions being attached to the grant of outline planning permission.

Noise & Pollution

The existing MIRA Proving Ground, by the very nature of its use, is a concern to the nearby residents. It is important to note that there are no operating restrictions on the use of the

proving ground in terms of either hours of operation or noise. This lack of control has resolved following the very nature of the development of the Proving Ground following its creation in the late 1940's. For the avoidance of doubt it's neither reasonable nor technically possible to apply any restrictions to the use of the Proving Ground through this grant of outline planning permission.

Notwithstanding this point, the application and supporting information places great emphasis on explaining the MIRA Business and explains how that has evolved in more recent years. This confirms that the increased use of the Proving Ground or further large scale developments to it do not feature within the future business projection. MIRA stress that they are not vehicle testers but are evolving as an automotive engineering business. To this end the proposed technology park development is not considered to result in any marked increase in the use of the proving ground and as such there should be no material increase in noise or pollution arising from this area or use of the site.

The proposed technology park will however have some impact in terms of noise and disturbance. Chapter 16 of the Environmental Statement details that a noise level survey has been carried out in January 2011 to establish the current baseline noise levels at noise sensitive locations close to the Proposed Development.

In considering the noise impact, the long term operational light industrial use, traffic and commercial activities and also the construction phase of the development has been considered.

The report confirms that it is reasonably likely that construction activities will be audible at the nearby dwellings, if the threshold values are not exceeded a significant effect, or Major Adverse impact would not be present and therefore the impact could be described as no more than Moderate Adverse.

In relation to road traffic noise and in consideration of findings of the Transport chapter, the increase in traffic noise arising from the proposal is considered as Negligible.

In order that noise emissions from the proposals when operational are of negligible impact at residential locations nearby, noise emissions should be at least 10 dB below the background noise level. When considering the arising operational noise and the traffic noise, the overall noise level increase will be less than 1 dB and as such can be considered as having a negligible impact.

The issue of lighting has been raised through consultation responses and is a concern to nearby residents for obvious reasons. The development magnitude is such that the undeveloped rural character of the area will be urbanised and this will undoubtedly result in it being a lighter and brighter place than it is at present. The change in character is an inevitable consequence of the development but controls will be imposed to ensure that there is no direct conflict between lighting (approved at reserved matters stages) and residential amenity. To this end, lighting scheme conditions, both for the construction phases and the completed operation of the development will be recommended. In a further attempt to protect the amenities of neighbours the landscape concept and parameter plans details extensive provisions for landscaping screening to sensitive perimeters and boundaries and these too will be subject to conditions.

It is inevitable that the process of constructing a major development could give rise to some temporary impacts. Site management and mitigation measures during the construction period are typically set out in a Construction Environmental Management Plan (CEMP) to reduce or, where possible, eliminate construction impacts. The application acknowledges that:-

- Where noisy tasks are to be undertaken affecting residential or other occupied buildings, the occupiers would be given advance notice explaining the reason for the works, the expected time and duration, and the procedures for minimising the noise or vibration.
- Where work has to be undertaken during either the evening or night-time periods, the Contractor would advise and consult with the relevant Local Authority in accordance with an agreed procedure.
- All plant and equipment associated with the construction works would be properly maintained, provided with effective silencers and operated in such a manner as to avoid causing any excessive noise emission.
- Static plant would be located in areas as far as possible from sensitive receptors, including inhabited buildings, and would be screened where practicable. Plant known to emit noise predominantly in one direction would, when possible, be screened or orientated so that the noise is directed away from noise sensitive areas.
- Any compressors brought on to site would be silenced or sound reduced models fitted with acoustic enclosures. The doors to such enclosures should be kept closed during operation.
- Care would be taken when erecting or striking scaffolds to avoid impact noise from banging steel.
- Audible warning systems, such as vehicle reversing sirens, would normally be switched to as low a setting as is compatible with safety requirements.
- With site compounds, where possible and beneficial, site buildings would be situated to provide additional screening between the works and other occupied premises.
- Where appropriate, the stockpiling of site materials, soil or spoil would be located where it can provide some additional screening provided that any plant associated with this would not in itself generate nuisance and provided that prevailing wind conditions would not increase the potential for nuisance due to dust.
- The transport of materials on or off site by road would take place during the normal daytime working period and where possible would also be routed away from sensitive receptors. Deliveries would be programmed to arrive during daytime hours where possible.

Due to the nature and scale of the development and the likely development timetable being over a number of years, it is considered reasonable to ensure that the development is delivered in accordance with the submitted Construction Environment Management Plan.

In summary, both the nature of the completed development and the construction phase of the development have been appropriately detail in the submitted Environmental Statement and this has been scrutinised by the Head of Community Services (Pollution) who raises no objection and proposes a series of planning conditions to control the following matters:-

- Noise (operational)
- External lighting (construction and operational)
- Ground contamination assessments, monitoring and remediation schemes
- Construction Environmental Management Plan (consecution noise, working times, deliveries etc)

Infrastructure & Developer Contributions

In compliance with the tests in Regulation 122 of the CIL Regulations 2010 there are planning obligations which the development will be required to deliver. These are:

- Highways improvements (as detailed in the introduction section of this report)
- Cycle path improvements (detailed under Highways & Access)

- Provision of the on site Linear Park which will be open to the public
- Green Travel Plan and MIRA Bus initiatives
- Development to a BREEAM very good rating

The general approach to developer contributions must be considered alongside the guidance contained within Circular 05/05 and more recently 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. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

In the case of the works/contributions proposed there is sound planning justification for these works and they feature in the applicants Enterprise Zone and Regional Growth Fund bids and as such are considered to be a strategic important to maintain the sustainability credentials of the proposal. There is sound planning justification when considered against the CIL tests and the works/contributions are required to make the development acceptable in planning terms.

Due to the location of the application site and the position of the Borough boundary the delivery of these improvements is far from straight forward. The proposed works are to be secured and delivered as follows:-

- All works within the A5 boundary will be secured by conditions in conjunction with the Highways Agency.
- All works within Nuneaton and Bedworth Borough are to be secured by a combination of planning condition and a unilateral undertaking. The Weddington Country Walk is owned by Nuneaton and Bedworth Borough Council and they are willing to carry out the proposed works on receipt of appropriate funds. It is proposed that MIRA will provide a commuted sum to Hinckley and Bosworth to deliver these works and in turn Hinckley and Bosworth will enter in to a contract with Nuneaton and Bedworth to deliver the works.

At the time of writing this report the unilateral undertaking has not been received, however it is likely to be submitted before the Committee meeting. Accordingly, this matter will be picked up in the late item.

Other Matters

Waste Management

The Companion Guide to PPS10 states that “Sustainable waste management opportunities will be best secured through good design and layout in both waste and non-waste related proposals. Non-waste related development might incorporate recycling facilities such as bring banks, provide dedicated facilities to enable the collection of recyclable materials, or contribute toward community waste management facilities such as green waste composting sites or civic amenity sites. Good building design and site layout of facilities in appropriate locations will improve community acceptance of waste management facilities by mitigating environmental impacts, including visual appearance, and by improving operations on site so reducing impacts on the amenities of neighbouring uses to an acceptable level”. To ensure that waste is appropriately controlled a condition is proposed to secure the submission of a waste management plan.

The objections received in respect of loss of view arising from the development are not material planning considerations.

The scale of the application is such that it is not likely to be built to its full extent immediately. Accordingly, to ensure that the development remains deliverable across the projected delivery period, Officers have worked closely with MIRA to ensure that any grant of permission is reasonable to MIRA. It is on this basis that conditions are worded as flexibly as possible and submission of reserved matters and the first commencement on site is over a greater period than normally granted.

Conclusion

For the reasons discussed and appraised within the above sections of this report, it is concluded that the application under consideration will bring significant economic and employment benefits to the Borough and also to the surrounding area; however this is not without conflict to some of the provisions of the development plan. This conflict is principally the loss of the countryside and the prematurity of the proposal as an extension to the already recognised MIRA Employment site.

In the case of the former, the loss and harm to the countryside is considered to be minimal, and not of the best quality agricultural land within the Borough and therefore outweighed by the economic benefits the development will bring. The development is of course part of the Central Government defined Enterprise Zone and as such it is recognised at Government level the site is within the Countryside. Notwithstanding this designation the proposal does not result in any material harm that renders the proposal inappropriate. Accordingly, the application's merits significantly outweigh its harm.

In the case of the latter, the prematurity of the development to the adoption of the Site Allocations DPD is not considered to be a material planning consideration. There is a sound planning basis upon which the development is acceptable to both the provisions of the current development plan and applicable material considerations.

Accordingly, the application is considered to present significant planning merits and is generally compliant with most aspects of the development plan. Accordingly, subject to no intervention by the Secretary of State, outline planning permission should be granted.

RECOMMENDATION:-

- a) That the Secretary of State be notified, pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 (the Directions), that the LPA is minded to grant permission subject to the conditions set out in the report and subject to the receipt of an undertaking pursuant to section 106 TCPA to secure off-site cycle network improvements,**
- b) That if the Secretary of State does not notify the LPA within the time frame set out in the Directions that he intends to issue a direction, then the Deputy Chief Executive (Community Direction) be granted authority to approve the application in accordance with (a) above.**

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

The proposal will bring significant economic and employment benefits to the Borough and also to the surrounding area; however this is not without conflict to some of the provisions of the adopted Hinckley and Bosworth Local Plan. This conflict is principally the loss of the countryside and the prematurity of the proposal as an extension to the already recognised MIRA Employment site.

The loss and harm to the countryside is considered to be minimal, and not of the best quality agricultural land within the Borough and therefore outweighed by the economic benefits the development will bring. The development is part of the Central Government defined Enterprise Zone and as such it is recognised at Government level the site is within the Countryside. Notwithstanding this designation, the proposal does not result in any material harm that renders it inappropriate. Accordingly, the application's merits significantly outweigh its harm and development plan conflicts. The application is considered to present significant planning merits and is generally compliant with the spatial vision of the Adopted Hinckley and Bosworth Core Strategy. The proposal is not considered to adversely impact upon the amenities of others.

The recommendation to grant outline planning permission has taken into account the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and the Local Planning Authority is satisfied that the Environmental Statement complies with the above regulations and that sufficient information has been provided to assess the environmental impacts of the proposal.

Hinckley and Bosworth Local Plan (2001):- EMP1, EMP5, EMP6, BE1, BE12, BE13, BE14, BE16, BE17, BE26, NE2, NE5, NE12, NE14, T5, T11, RETAIL1, REC1, REC4 and REC9.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Spatial Objectives 1, 12 and 13.

- 1 Applications for the approval of all the reserved matters for the first phase of the development referred to herein shall be made within a period of 3 years from the date of this permission. Applications for the approval of all remaining reserved matters shall be made within a period of 10 years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:-
 - i) 3 years from the date of this permission: or
 - ii) 2 years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

- 2 In respect of each part of the development to be the subject of a separate reserved matters approval, that phase or part of the development as hereby permitted shall not be commenced until approval of the following details (hereinafter called "reserved matters") has been obtained from the Local Planning Authority in writing:-
 - i) Layout
 - ii) Scale
 - iii) Appearance
 - iv) Landscaping

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-
- Site Location Plan 1:10,000 received 11 May 2011, Parameter Plans Appendix 1 Planning Parameters Revision 2 June 2011 as amended PP2 and PP3 received 4 October 2011, ATC-10_014-A_2A-R2, ATC-10_014-A_2B-R1, ATC-10_014-A_2C-R2, ATC-10_014-A_2D-R1
- 4 Notwithstanding provision of the Town and Country Planning (Use Classes Order 1987) as amended, the development hereby permitted shall not be used for any other purposes other than:-
- a) Any use falling within Class B1b of the Town and Country Planning (Use Classes Order 1987) or;
 - b) Any use falling within Class B1a or B1c which:
 - (i) Is directly or functionally related to MIRA, transport or automotive research and development sector or other research facilities on the Site; or
 - (ii) Has a special need to be located close to MIRA or other research facilities on the Site that is agreed with the Local Planning Authority.
- 5 No development shall take place until a scheme for targeting local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 6 Notwithstanding the details submitted, no development shall commence on site until such time as a Green Travel Plan to promote sustainable transport modes of travel to the site from the surrounding area, including Hinckley & Bosworth, North Warwickshire and Nuneaton and Bedworth has been submitted to and approved in writing by the Local Planning Authority. Before the first use of each phase of the development, the Plan shall be implemented in accordance with the relevant approved details.
- 7 No development within each phase shall commence until such time as a BREEAM Design Stage Assessment, carried out by a qualified assessor, demonstrating that the development within that phase can be constructed to a minimum of a BREEAM 'Very Good' Standard has been submitted to and approved in writing by the Local Planning Authority. In addition, prior to the first use of that phase of the development, a final certificate demonstrating that the development has been constructed to BREEAM 'Very Good' Standard shall be provided to the Local Planning Authority.
- 8 No development within each phase shall commence until such time as a scheme for protecting residential dwellings from noise from the completed development of that phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of development hereby approved and maintained as approved thereafter.
- 9 No development within each phase shall commence until such time as a scheme for the external lighting of that phase including details of permanent external lighting including layout plan, lighting types, luminaire type, intensity, mounting height, aiming angles and luminaire profiles, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.

- 10 No development shall commence until such time as a scheme for the external lighting of each phase of the site during the preparation and construction phase, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.
- 11 No development shall commence until such time as a Risk Based Land Contamination Assessment (including landfill gas) has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.
- 12 Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.
- 13 If, during the course of development, previously unidentified contamination is discovered, development shall cease immediately on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days of its discovery. Prior to the recommencement of development on the affected part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.
- 14 Should any imported fill or cover system be required as part of the Remedial Scheme or site preparation works, prior to installation of the imported fill or cover system, an independent validation of the materials origin and characteristic shall be submitted to and approved in writing by the Local Planning Authority. Only the approved material shall be used on the development site.
- 15 No development approved by this permission shall commence until a scheme for the management of land contamination during the site preparation and construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- 16 Notwithstanding the detail submitted, 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 and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light 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.
- 17 No development shall commence until such time as a waste management plan has been submitted to and agreed in writing by the local planning authority. The plan shall then be implemented as approved through each phase of the development and be maintained as approved thereafter in the completed development.

- 18 The development hereby permitted shall comprise no more than the following uses and areas:-
- Use Class B1(b) Research & Development - 118,413m²
 - Use Class B1(a) Offices - 14,303m²
 - Use Class C3 Hotel - 4,500m² (100 beds)
 - Use Class A1 Local Retail Facilities - 500m²
 - Use Class A3 Restaurants - 1,000m²
 - Use Class D2 Leisure - 1,000m²
- 19 No more than 35,524m² B1b, 4,290m² B1a and 2,100m² hotel / service uses shall be occupied on the application site until the Access Junction Improvements shown in ATC drawings ATC-10_014-A_2E (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.
- 20 No more than 35,524m² B1b, 4,290m² B1a and 2,100m² hotel / service uses shall be occupied on the application site until the Wood Lane Junction Improvements shown in ATC drawings ATC-MIRA_A5_JCT-WDLN-R2 (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.
- 21 No more than 35,524m² B1b, 4,290m² B1a and 2,100m² hotel / service uses shall be occupied on the application site until the A5 Redgate Improvement Scheme shown in ATC drawing ATC-MIRA_A5_JCT-RDGT-R3 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 22 No more than 71,048m² B1b, 8,580m² B1a and 4,200m² hotel / services shall be occupied on the application site until the Access Strategy shown in ATC drawings ATC-10_014-A_2A-R2, ATC-10_014-A_2B-R1, ATC-10_014-A_2C-R2, ATC-10_014-A_2D-R1 (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.
- 23 No more than 71,048m² B1b, 8,580m² B1a and 4,200m² hotel / services shall be occupied on the application site until the Higham Roundabout Improvement Scheme shown in ATC drawing MIRA/A5/JCT-HGHRDBT-R2 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 24 No more than 71,048m² B1b, 8,580m² B1a and 4,200m² hotel / services shall be occupied on the application site until the Longshoot Roundabout Improvement Scheme shown in ATC drawing MIRA_A5_JCT-LNGSH-R3 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 25 No more than 71,048m² B1b, 8,580m² B1a and 4,200m² hotel / services shall be occupied on the application site until the Dodwells Roundabout Improvement Scheme shown in ATC drawing MIRA_A5_JCT-DWLRDBT-R2 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 26 In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as a further survey for badgers within the application site and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.
- 27 In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as method statement detailing

measures to prevent harm to Great Crested Newts, provision of new habitat and reinstatement of previous habitat has been submitted to an agreed in writing by the Local Planning Authority. The method statement and any mitigation shall be fully implemented before the commencement of any relevant development phase.

- 28 No development shall commence until such time as a strategic surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency).
- 29 No development shall commence within each phase until such time as drainage plans for the disposal of surface water and foul sewage in accordance with the agreed drainage strategy have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.
- 30 No development shall commence until a soil handling and reuse strategy has been submitted to and agreed in writing by the local planning authority. All existing site soils should then be managed and reused in accordance with this strategy at all times thereafter.
- 31 No development shall commence until such time as a scheme and implementation programme detailing the improvements as described in Section 10.13-10.18 & Figure 10.1 – Offsite cycle infrastructure Improvements within the Supplementary Transport Assessment Report, August 2011 has been submitted to and approved in writing by the Local Planning Authority. No more than 35,524m² B1b, 4,290m² B1a and 2,100m² hotel/service uses shall be occupied until the approved scheme has been implemented as approved.
- 32 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme(s) of Investigation has been submitted to and approved in writing by the local planning authority. The scheme(s) shall include an assessment of significance and research questions; and:
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No demolition/development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.
- 33 The development in each phase shall not be occupied until the site investigation and post investigation assessment for each phase has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition 32 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 34 In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as a further survey for bats within the outbuildings to Lindley Grange and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.

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 To define the terms of the reserved matters and for the avoidance of doubt, in the interests of proper planning.
- 4 In the interests of sustainability and to ensure that the development remains controlled and associated with the operations of the Mira. To ensure compliance with Spatial Objectives 12 and 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.
- 6 To reduce the dependency on car travel to and from the site, in the interests of sustainability and highway safety and in accordance with the requirements of Spatial Objective 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 7 It is accepted that the development is not located in a sustainable location; however there are substantial material consideration that support the development. This condition is proposed to ensure that the development achieves its sustainability objectives in line with the requirements of Planning Policy Statement 1 and the general principles of Spatial Objective 12 of the Adopted Hinckley and Bosworth Core Strategy.
- 8 To protect the environment in accordance with Policy NE4 of the Hinckley and Bosworth Local Plan.
- 9&10 To safeguard the amenities of nearby occupiers and to ensure that there is no unnecessary light pollution, in accordance with the requirements of Policies BE1 and BE26 of the Hinckley and Bosworth Local Plan.
- 11-13 To protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.
- 14 To ensure that contaminated material is not introduced onto site and to protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.
- 15 To protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.

- 16 To safeguard the amenities of nearby occupiers in accordance with the requirements of Policy BE1 of the Hinckley and Bosworth Local Plan.
- 17 To ensure that adequate provision is made for the management of construction and operation of waste arising from the development. To ensure compliance with the requirements of PPS1, PPS10.
- 18-25 To ensure that the A5 Trunk Road continues to serve its purpose as part of a system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from vehicles accessing the application site and in the interests of road safety.
- 26 To conserve, enhance and restore the diversity of England's wildlife in accordance with PPS 9 and to ensure that badgers or their setts are not harmed by the proposals in accordance with the Protection of Badgers Act 1992.
- 27 To conserve, enhance and restore the diversity of England's wildlife in accordance with PPS 9 and the protection of Great Crested Newts in accordance with the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.
- 28 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with the requirements of PPS25 and Adopted Local Plan Policies NE1 and NE14.
- 29 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. In accordance with the requirements of PPS25 and Adopted Local Plan Policies NE1 and, NE14.
- 30 Good quality soil is a finite resource and given the development will result in the loss of 43ha of Grade 3 agricultural land it is reasonable and necessary that the soils from the site should be used as sustainably as possible. To ensure compliance with the requirements of PPS1 and PPS7.
- 31 To ensure useable cycle routes are available to and from the site, to reduce the dependency on car travel, in the interests of sustainability and highway safety and in accordance with the requirements of Spatial Objective 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 32&33 To ensure satisfactory archaeological investigation and recording in accordance with the requirements of Policies BE13, BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 5.
- 34 To conserve, enhance and restore the diversity of England's wildlife in accordance with PPS 9 and to ensure that bats or their roosts are not harmed by the proposals in accordance with the Wildlife and Countryside Act 1981.

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 highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design, construction and supervision of the works.
- 6 The applicant should be made aware that any works undertaken to the Highways Agency network are carried out under the Network Occupancy Management policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The HA's Area 7 Managing Agent Contractor contact details for these matters is area7.roadspace@aone.uk.com. Please contact Mr Alan Darby of the HA's East Midlands Network Delivery and Development Directorate on 07900 535 262 at an early stage to discuss the details of the highway agreement.
- 7 A section S61 agreement under the Control of Pollution Act 1974 should be considered.
- 8 The scheme required by condition 28 shall include:-
 - ES Section 17. 53 - Limiting surface water run-off from the site to the greenfield run-off rate of 5l/s/ha for all rainfall events up to the 100 year plus 20% for climate change rainfall events.
 - ES Sections 17. 54 and 17.82 - The use of SUDs systems within the site including filter drains and strips, porous paving to car parking areas, swales and attenuation ponds, and rainwater harvesting, to attenuate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 20% for climate change critical rain storm.
 - ES Section 17.88 and 17.93 - A minimum freeboard of 300mm above the 100 year plus 20% (for climate change) flood level and the proposed finished floor level of any building.
 - ES Appendix 17.2 - Results from percolation tests undertaken in accordance with BRE Digest 365 (or CIRIA Report 156), to confirm that infiltration drainage is not a viable option, prior to and in support of the detailed drainage design.
 - Detailed drawings and tabulated information: -
 - A master drainage plan drawing showing each phase/catchment area, detailing the proposed SUDs system types to be used in each phase/catchment, the attenuation volumes for each SUDs element and discharge rates proposed for individual catchment or plot, based on the proposed impermeable area, and not the overall area of each catchment.

- The cumulative discharge rates to be passed forward from each phase when it drains into another, and the final discharge rates from each outfall taking flows off of the site.
- Simple calculations in support of the above (not detailed drainage design unless it is already available).
- The above information in an easily readable table format, including which catchments drain to which outfall.
- A phasing plan and table clarifying which downstream drainage elements need constructing in order to provide each upstream catchment/plot, eg. Zone 2 (East) needs elements of Zones 2 (West) and Zone 1 to be in place in order for this catchment to be constructed.
- Details of how surface water run-off will be managed during the construction phase, including but not exclusive of eg, SUDs drainage elements to be constructed at the groundworks phase of the development. As areas cleared of vegetation can increase silt pollution and surface water run-off, leading to increased flood risk.
- Details of how the scheme shall be maintained and managed after completion.
- A drainage design compliance procedure to monitor the provision of the master surface water drainage scheme, impermeable areas, attenuation volumes, and flow controls, including an auditing process to include checking and certification that each phase of the development complies with the agreed scheme. Each stage of the development will be presented to the Environment Agency as evidence that the agreed scheme has been followed.
- Reference to the following CIRIA and other documents within the detailed design of the surface water drainage system: -
 - C689 Culvert design and operation guide;
 - C687 planning for SuDS making it happen;
 - C698 Site handbook for the construction of SuDS;
 - The GRO Green Roof Guide - As this will highlight buildings where it is possible to use these as part of the development eg security buildings at gated entrances.

9 Western Power Distribution advisees that they have Network within the site. For all new developments, diversions and ground works you can contact Western Power Distribution CAT Team at Toll End Road, Tipton, DY4 0HH or call 08450 727270. For advice and support on locating equipment and safe working around the network contact cablesafe on 0800 015 0927. Any alteration, building or ground work in the vicinity of our network that may or may not directly our cables must be notified in detail to Western Power Distribution.

Contact Officer:- James Hicks Ext 5762

Item: 02
Reference: 11/00693/FUL
Applicant: Mr John Calladine
Location: The Poplars Watling Street Hinckley
Proposal: CHANGE OF USE OF LAND FOR THE PROVISION OF FOUR MOBILE HOMES
Target Date: 28 October 2011

Introduction:-

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

Application Proposal

This is a full application for the creation of four pitches on which to site four permanent mobile homes, along with a separate building to house washing and toilet facilities (the dayroom). The mobile homes will have a footprint measuring 4 meters x 8 meters and the dayroom, a footprint of 3.5 meters x 4.5 meters and a maximum height of 3.2 meters. The mobile homes are to be situated parallel to one another adjacent to the north western boundary of the site. They are sited a distance of approximately 6 meters apart. The dayroom is to be sited adjacent to the proposed rear garden boundary of The Poplars. A hard surfaced parking area, measuring 10 meters x 15.5 meters is proposed adjacent to the northern most boundary of the site. The site is to be accessed via the existing access to The Poplars and the hard surfacing to the front of the dwelling has been specified as the proposed parking area. The mobile homes are to accommodate four families whom come within the definition of a Gypsy for the purposes of Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites.

An amended plan has been submitted illustrating parking and access to the rear of the site. Due to the minor nature of the change, no re-consultation has been undertaken.

The Site and Surrounding Area

The site is located on the northern side of Watling Street; with the town centre of Hinckley to the East. The site falls within the settlement boundary and comprises a mixed residential/commercial area.

The site has an area of approximately half an acre and comprises the residential curtilage of the dwelling known as The Poplars. This dwelling comprises an extended semi-detached property. The plot is to be sub-divided, providing a new garden area for the dwelling. The dwelling is set back 20 meters from the highway with garden and hard standing to the front.

To the north of the site are open fields and to the east is a parcel of grassland. Further east of this is a commercial development. To the west of the site are a further 6 residential properties and a petrol station. The site is bound by mature landscaping to all but the common boundary between the application property and its neighbour Rivendell. This comprises fencing, which is proposed to be improved and raised by the applicant.

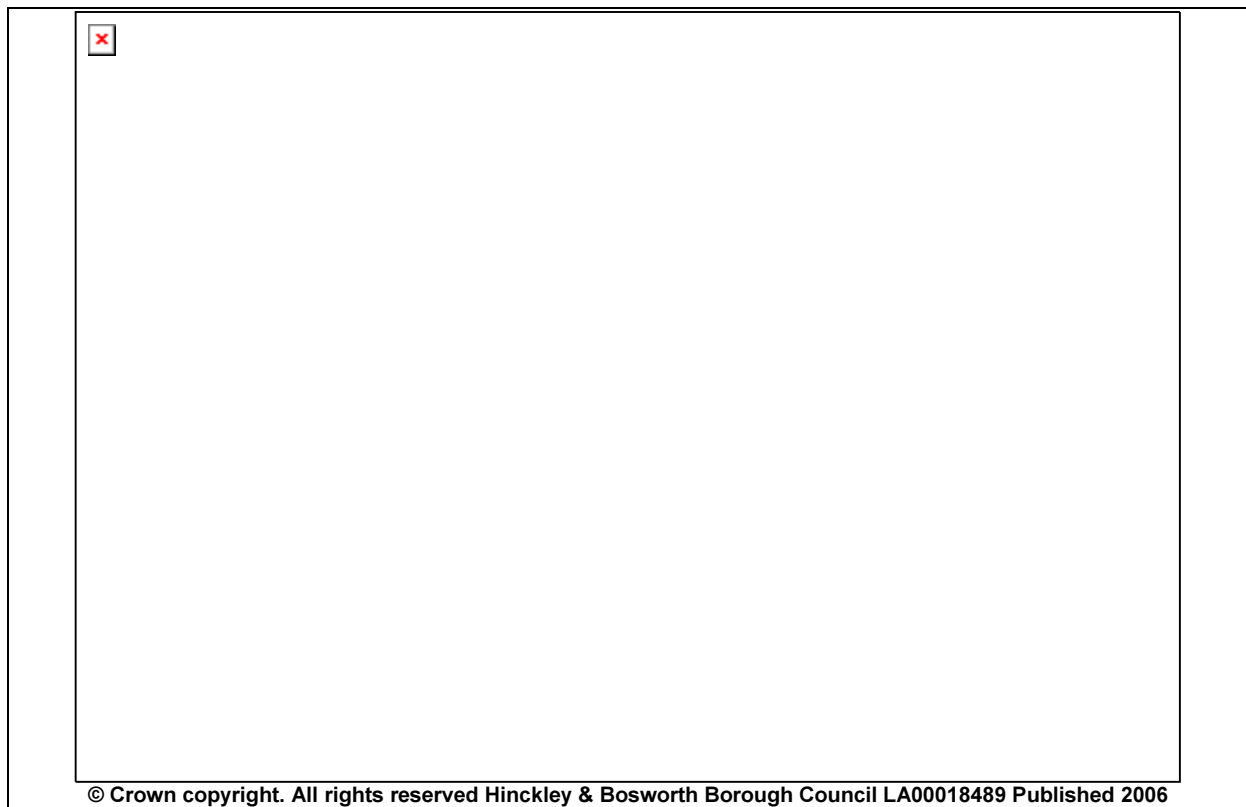
Technical Documents submitted with application

The Design and Access Statement provides an overview of the site, the proposal and its end users, and states that it is compliant with national and local planning policies. It goes on to state that the site has a good safe access, is conveniently located for schools and community facilities, does not visually encroach into the open countryside, does not impede a public right of way, benefits from substantial screening, adheres to design policies, provides the required on site amenities and has been sited to ensure that it has no adverse impacts on either visual amenity, the character of the area or nearby residents.

Personal details of the end users of the site have also been provided. A Statement of Need has been submitted by the agent which confirms the intended end users of the site and that there is an urgent need for the pitches under consideration.

History:-

10/00710/OUT	Erection of one Dwelling (outline – Access Only)	Approved	11. 11.10
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Consultations:-

No objection has been received from:-

- Highways Agency
- Environment Agency
- The Director of Property Services (Gypsy Liaison)
- Director of Environment and Transport (Highways)
- Head of Community Services (Land Drainage)
- The Head of Community Services (Pollution Control).

No objections subject to conditions have been received from:-

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

Eight Letters of representation have been received raising the following issues:-

- a) that the proposal if allowed will de-value nearby properties
- b) that there is already a mobile home park within close vicinity of the site with two homes for sale
- c) there will be an increased danger to highway safety and increased traffic from the proposal
- d) concerns that the applicant is not a local man
- e) the proposal will result in increased litter and mess, which could attract vermin
- f) that the sewage network will not be able to cope as it is already at capacity
- g) concerns that the applicant has incorporated a footpath into his land ownership
- h) if permitted, the site will illegally expand
- i) there will be increased noise in the area
- j) the proposal will be out of character with existing development
- k) that the site proposed is not appropriate for the siting of caravans
- l) the proposal will result in a loss of garden land
- m) the proposal will have an adverse impact on the privacy of surrounding properties
- n) that the proposal will spoil the view of surrounding properties
- o) there are inaccuracies within the Design and Access Statement
- p) the existing power lines, electricity sub station and mobile phone receivers are too close to the application site and will pose a risk to its residents
- q) increase the risk of flooding
- r) have adverse impacts on the personal living conditions of nearby residents
- s) concerns that the site will be used for commercial purposes
- t) there are already 3 gypsy sites within close proximity of the application site.

Policy:-

Central Government Guidance

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Planning Policy Guidance Note 13: 'Transport' seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:-

To significantly increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision:-

- a) To recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- b) To identify and make provision for the resultant land and accommodation requirements

- c) To help or avoid Gypsies and Travellers becoming unintentionally homeless
- d) To reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- e) To create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- f) To promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
- g) To underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- h) To ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively; and
- i) To reduce the number of un-authorized encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

Circular 01/2006 position

The SoS announced on 29 August 2010 his intention to revoke Circular 01/2006. In light of the decision in the second CALA case, his intention to do so becomes a material consideration.

However, the weight to be given to this intention is a matter for the Committee to judge as the decision-maker.

In a recent appeal decision, the inspector considered these issues and concluded that circular 01/2006 remained extant and it was not known what would replace it or the timescale for its replacement. In the meantime he considered that the circular remained the principal source of advice on sites for Gypsies and Travellers.

He also considered that the Circulars weight must be reduced as a result of the SoS's intention to revoke it but that the circular still retained substantial weight.

The SoS in his consideration of the case said he gave less weight to the circular but did not clarify his position further.

The SoS published a consultation paper on `Planning for traveller sites` and the end date for responses is 3 August. A report was presented to the June Committee.

The circular remains extant and the Committee needs to take an informed decision on the weight to be given to its provisions given that there are as yet no firm or formal proposals to amend or revoke it.

The main intentions within the circular are as follow:-

- a) to increase significantly the number of Gypsy and Traveller sites with planning permission in order to address under-provision
- b) to recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- c) to identify and make provision for the resultant land and accommodation requirements
- d) to help or avoid Gypsies and Travellers becoming unintentionally homeless
- e) to reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- f) to create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- g) to promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
- h) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- i) to ensure that DPDs include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively; and
- j) to reduce the number of un-authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in the circular.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the

proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal: -

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land.

Policy 16: Regional Priorities for Provision for Gypsies, Travellers and Travelling Show people suggests that Local Authorities should identify land for additional pitch provision based on clearly evidenced assessments of need and that Local Development Frameworks should make provision for the minimum additional pitch requirements set out in Appendix 2, taking account of the need arising from future growth beyond 2012. Appendix 2 identifies that Hinckley and Bosworth Borough Council should provide a minimum of 26 pitches for Gypsies and Travellers plus 5 transit pitches and 2 plots for show people.

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

Hinckley and Bosworth Local Plan 2001

The site is situated within the settlement boundary of Hinckley as identified within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Other Documents

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:-

Given that the development is for a residential site for Gypsy families, in accordance with the Circular definition as confirmed by The County Council Gypsy Liaison Officer, the issue for consideration is whether the needs of the gypsy families and the development satisfies the criteria of adopted Core Strategy Policy 18. In addition other material planning considerations such as impacts on the residential amenity of surrounding properties, impact on the character of the area and impacts on highway safety must also be considered.

Gypsy and Traveller Need

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

Principle of Development

Policy 18 of the Core Strategy states that planning permission will be granted for new gypsy and traveller sites providing that the site is within the settlement boundary of Hinckley. Accordingly the principle of development is considered acceptable.

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

Proximity to Settlement/Services

To ensure that sites are sustainable and are well integrated within the local community, access to health and GP services, proximity to schools – to encourage children to attend school on a regular basis and the provision of a settled base that reduces the need for long distance travelling need to be considered. Policy suggests that priority should be given to locations in or near existing settlements that have access to local services.

The application site is on Watling Street, within the settlement boundary of Hinckley and is approximately 3 km from the town centre. Within walking distance of the site are a number of services, including shops and public transport facilities and within close proximity are schools and medical facilities. Accordingly the site is considered to be situated within a 'reasonable' distance of local services and facilities as required by the policy.

Highway Safety

As Watling Street comprises a Trunk Road the Highways Agency were consulted in respect of highway safety issues. The Highways Agency do not consider that the proposed development will have a material impact on the A5 and therefore have no objections to the application.

Neighbours have raised various highway related concerns in respect of the proposal. Although the scheme will result in additional vehicle trips to and from the site, the access and its visibility is considered suitable to accommodate this.

The amended plan submitted illustrates the parking, turning and access arrangements for the site. The existing front garden is to be hardsurfaced to provide 6 parking spaces. A further 6 spaces will be provided adjacent to the north eastern boundary of the site. The rear spaces will be accessed via a new driveway situated between the eastern boundary of the dwelling and the eastern most boundary of the site. To the front of this there will be a vehicle turning area.

Accordingly as it is proposed, there are sufficient off road parking spaces to accommodate the proposal and the turning and access arrangements are considered acceptable.

Accordingly, based on the above there are considered to be no material highway safety issues which would justify refusal of the scheme.

As it is proposed, there is space for approximately 5 off road parking spaces on the existing driveway. For the development as a whole, including the existing dwelling, there would need to be 10 off road parking spaces provided.

Sympathetic Assimilation

Policy 18 makes reference to the fact that Gypsy sites should be capable of sympathetic assimilation in to their surrounds, it does not require them to be completely screened. The

mobile homes proposed will have a stark utilitarian appearance; however, due to the mature landscaping along the north eastern and eastern boundaries of the site, they will be largely screened from the open countryside to these elevations. Further as they are to be situated adjacent to the north western boundary of the site, to the rear of the application property and its neighbour; only fleeting views of them will be available from the highway. The mobile homes will be visible from the rear of adjacent properties on Watling Street, however the applicant intends to improve the boundary treatment along this elevation to further screen the proposal. Specific details of how this is to be achieved have not been submitted, and thus it is considered necessary to impose a condition requesting that such details are submitted. To aid the proposals assimilation within its setting it is considered necessary to require that this boundary treatment includes vegetation to soften the appearance of the mobile homes.

Scale

Criteria 6 of Policy 18 requires sites to be of an appropriate scale in respect of size of the nearest settlement, its services and infrastructure. As the site is proposing 4 pitches and is located within the settlement boundary of Hinckley, the scale of site proposed can be easily accommodated within the existing community and by the services it provides. Accordingly, its scale is considered acceptable given its proposed location.

Residential Amenity

Policy 18 of the Core Strategy 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 application proposes 4 mobile homes equating to four families, there will be increased activity on site resulting in additional noise and more vehicle movements. The closest residential properties to the site are those situated to the north west, including the property adjoining the application property.

The application site comprises a long, relatively narrow strip of land, bounding the garden of the adjacent property. The amenity room and the mobile homes are to be sited parallel to one another, along the length of the common boundary, with the parking area sited adjacent to the common boundary at the end of the plot.

When fully occupied, the development (and the existing dwelling) could house a maximum of 5 families, equating to approximately 20 residents. Although the plot in question is larger than surrounding plots, the proposal is considered to constitute over development of this narrow plot. The day room is situated approximately 13 metres from the rear of the adjacent property, Rivendell, and the nearest mobile home will be approximately 25 metres from this property. Due to the arrangement of the mobile homes, their proximity to the common boundary (1.5 metres), and to the adjacent property, the development is considered to have an unacceptable impact on the residential amenity of the adjacent property and its rear amenity space, by virtue of disturbance and privacy, and they will have an overbearing impact due to their continuation along the length of the common boundary. It is not considered that these impacts could be overcome by way of condition.

In addition, although the internal access road to the rear parking area will run parallel to the eastern boundary of the site, it will still be relatively close (approximately 17 metres) to the adjacent residential property. Further, there is nothing preventing vehicles from being parked in-between the mobile homes. The site plan illustrates parking for 12 vehicles. Accordingly the likely number of vehicle movements associated with the development, and their proximity to the adjacent residential property are also considered to result in an unacceptable level of noise and disturbance on the amenity of surrounding residential properties.

Based on the above, the proposal resultant of its density, citing and the associated vehicle movement is considered to result in an unacceptable impact on the residential amenity of surrounding properties, by virtue of noise, disturbance and privacy. Therefore the application is contrary to the intentions of policy BE1 of the adopted Local Plan and Policy 18 of the Core Strategy.

In response to the concerns about the additional litter, each mobile home will have designated refuse facilities, so this concern is not considered valid.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. A letter of representation highlights that the site is within close proximity of an overhead power line. Central Networks were not initially consulted on the application. However a consultation has been undertaken since this concern has been raised. Their comments have not yet been received and will be reported as a late item. There are no known hazardous places. The site is flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. Emergency vehicles could access the site.

The guide says that essential services (mains water, electricity, drainage and sanitation) should ideally be provided. Within the Design and Access Statement it is stated that the site will have basic facilities including mains water, electricity and mains sewer connection and that there is the capacity to provide the additional services. Sewerage in this case is by a private system which will be subject to Building Regulations approval.

Design and Layout

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

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

Other Considerations

Sustainability

The proposed site is situated within the settlement boundary of Hinckley and is therefore considered to be sustainable, given its close proximity to a range of local services.

Neighbour Representations

Concerns not considered elsewhere in the report will be discussed below:-

It has been stated that the proposal will de-value nearby properties. This is not a material planning consideration and can therefore have no bearing on the decision made.

It has been suggested that there is a mobile home park within close vicinity of the site with two homes for sale. The Gypsy and Traveller Liaison Officer has confirmed that there are no available gypsy and traveller pitches available within the vicinity of the site and that the county council operated site at Aston Firs has an extensive waiting list.

Concerns have been raised that the applicant is not a local man. The origin of the applicant is not a material planning consideration and can therefore have no bearing on the decision made.

Concerns have been raised that the sewage network will not be able to cope as it is already at capacity. In respect of Severn Trent, the local service provider has not objected to the application on these grounds and thus it is assumed that capacity is not an issue.

It has been suggested that the applicant may have incorporated a footpath into his land ownership. There are no footpaths within the immediate vicinity of the site, or crossing the site so this is unlikely.

Concerns have been raised, that if approved, the site will illegally expand. The possibility of this occurring is not a material planning consideration. If the site expanded without planning permission, this would constitute a breach of planning control and would be referred to the Councils Enforcement team for further investigation.

It has been suggested that the proposal will be out of character with existing development. As there are a wide range of uses within the vicinity of the site, the area has a mixed character and thus, this type of development would not appear out of character in the wider context.

It is stated that the proposal will result in a loss of garden land. Whilst this may be the case, there is adequate remaining garden land for the property in question.

Concerns have been raised that the proposal will spoil the view of surrounding properties. Loss of view is not a material planning consideration.

It has been suggested that there are inaccuracies within the Design and Access Statement. The submission of documents which accompany planning applications are taken at face value and as they comprise part of a legal submission their validity is not questioned unless evidence is produced to demonstrate that documents are incorrect. That evidence has not been forthcoming and there is no reason to doubt the accuracy of the documents submitted.

Concerns have been raised that the site will increase the risk of flooding. The site is not situated within a flood plain and no objections in respect of this have been received from

either the Environment Agency or Severn Trent Water. Accordingly there is no evidence to substantiate this claim.

There are concerns that the site will be used for commercial purposes. This type of activity would require an application for change of use. If such activities occurred without planning permission, there may be a breach of planning control and the case would be referred to the Councils planning enforcement department for further investigation.

It has been stated that there are already 3 gypsy sites within close proximity of the application site. Whether or not this is the case can have no bearing on the outcome of this application. Research conducted at both local and regional level has identified an under provision of Gypsy and Traveller sites and has Identified the number of pitches which each Local Authority are required to provide to meet their specific local need.

Conclusions

On balance, the proposal, resultant of its density, siting and the associated vehicle movement is considered to result in an unacceptable impact on the residential amenity of surrounding properties, by virtue of noise, disturbance and privacy. Therefore the application is contrary to the intentions of policy BE1 of the adopted Local Plan and Policy 18 of the Core Strategy.

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, resultant of its density, siting and the associated vehicle movement is considered to result in an unacceptable impact on the residential amenity of surrounding properties, by virtue of noise, disturbance and privacy. Therefore the application is contrary to the intentions of policy BE1 of the adopted Local Plan and Policy 18 of the Core Strategy.

Contact Officer:- Eleanor Shaw Ext 5680

Item: 03

Reference: 11/00602/FUL

Applicant: Mrs P Taylor

Location: Bungalow 4 Pipe Lane Orton On The Hill

Proposal: DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS

Target Date: 24 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated 5 or more objections.

Application Proposal

Members are advised that this application is read in conjunction with the accompanying application for Conservation Area Consent (ref: 11/00603/CON) which proposes the demolition of a single storey detached dwelling.

This application seeks full planning permission for the erection of 6 dwellings and associated access.

The application proposes the erection of 6 two storey dwellings, consisting of 5 three bedroomed properties and 1 four bedroomed property. The application includes 2 affordable properties, both for social rent. A new vehicular access is proposed from Pipe Lane to serve all 6 dwellings. Plot 1 contains an integral garage, with the remaining 5 properties utilising a central shared parking court, providing two car parking spaces per dwelling.

The scheme also proposes a single storey storage building for bins and cycles with bat roosting opportunities within the roof space.

Tree removal and additional tree planting and associated landscaping are also proposed.

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

- a) Additional plan depicting the location of the affordable housing units;
- b) An addendum to the planning and heritage statement referring to the sustainability of the site.

Re-consultation was undertaken with the Council's Affordable Housing Officer and the Director of Environment and Transport (Highways) respectively.

The Site and Surrounding Area

The site, measuring approximately 0.51 hectares in size, is bound to the south by Pipe Lane, to the north and west by residential dwellings and to the south by additional paddock land, under the ownership of the applicant.

The site is currently occupied by no. 4 Pipe Lane, a single storey four bedroomed detached dwelling, with the remainder of the site comprising paddock land containing a horse chestnut tree covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides with mature hedgerows.

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

Technical Documents submitted with application

The application has been accompanied by a draft S106 agreement.

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

Arboricultural Report

The development would result in the removal of trees identified within Category 'C' (low value) whilst trees G2 – G5 are set to be retained. The survey advises that a Tree Protection Plan will need to be submitted and specific Arboricultural Method Statements may also be

required. The report states that loss of trees can be mitigated by the provision of new tree planting which can be secured through the use of appropriate conditions.

Archaeological Report

The report states that there are no archaeological remains with statutory or non-statutory designations on the site and concludes that the current evidence indicates that the archaeological potential of the site is not of sufficient importance to constrain the development.

Design and Access Statement (and Affordable Housing Statement)

The statement details the application site and its surroundings and considers the proposed development in the context of national and local policy, concluding the proposal satisfies the relevant plan policies in particular Core Strategy Policy 15 as the scheme provides two affordable housing units. The statement confirms that the proposed development has been conceived to have the appearance of a large farmhouse at the front of the site with a range of outbuildings to its rear arranged around a courtyard having the appearance of outbuildings/barns. The statement therefore considers the proposed development to have the appearance of a converted farmstead of which there are a number of examples throughout Orton on the Hill.

Drainage Assessment

The assessment recommends that Severn Trent should be contacted in respect to the connection of the new manholes and rising mains with the roads. The assessment advises that rainwater harvesting systems should be implemented to help limit the surface water discharge from the site.

Planning and Heritage Assessment

The assessment refers to the development being appropriate within its context, significant to the character and appearance of the Orton on the Hill Conservation Area, can be undertaken without causing harm to the living conditions of any nearby residential property, or to any trees and highway safety. The assessment acknowledges the site's designation as a "potential development area" and considers the proposed development to be entirely consistent with Local Plan Policy RES5 and Core Strategy Policy 15 and on this basis recommends that planning permission be granted.

Addendum to Planning and Heritage Statement

This information was submitted following Leicestershire County Council Highway Authority raising concerns regarding the sustainability credentials of Orton on the Hill. The statement refers to both Warton and Austrey being located within 2 kilometres of the site, the threshold set out in PPG13 and therefore within walking distance to post office/shop and schools at Warton. Further out within a 5 kilometres radius the settlements of Polesworth, Atherstone, Sheepy Magna and Twycross can be accessed, which host a range of facilities and amenities. The information also states that the impact as a result of 6 dwellings is small in absolute terms and of an appropriate scale to the village and that the wider benefits of the development in terms of the delivery of affordable housing units should be supported.

Protected Species Report

The appraisal states that other than bats, protected species were not significant enough in respect of this site to warrant investigation or further surveying given the distance to the

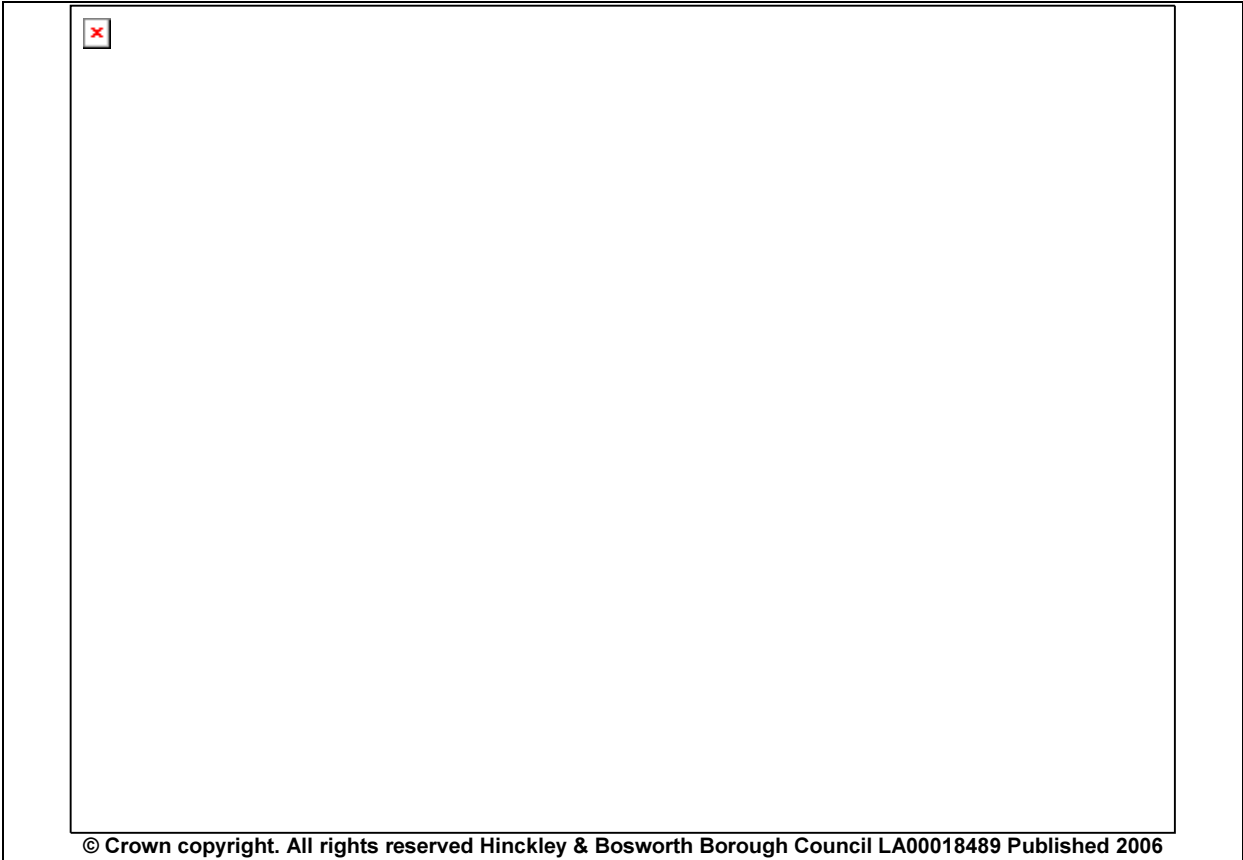
nearest water course was approximately 0.6km south-east of the site and no significant woodland was present adjoining the site. However, in respect of bats the appraisal states that whilst there is a lack of evidence of bats, due to the habitat and location for potential bat use it is suggested that a watching brief be maintained.

Transport Appraisal

The report concludes that the existing traffic flows on the local road network are very low and that the additional traffic as a result of the proposed development (a net increase of 5 residential properties on the site) would not have a material impact on the local road network. The report recognises scope for a low key improvement to the junction of Pipe Lane and Sheepy Lane, as shown in the designs that would be sympathetic to the village location but which offers a significant improvement to visibility, from 20m to 52m, for the benefit of all users of Pipe Lane.

History:-

11/00603/CON	Demolition of existing dwelling	Pending	
08/00569/FUL	Erection of 9 no. dwellings and associated access	Returned	20.05.09
79/002000/4	Erection of bungalow	Approved	10.05.79



Consultations:-

No comments/objection has been received from:-

Environment Agency
Directorate of Chief Executive (Archaeology)
Head of Community Services (Pollution).

No objection subject to conditions/recommendations have been received from:-

Severn Trent Water Ltd
Director of Environment and Transport (Highways)
Directorate of Chief Executive, LCC (Ecology)
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Land Drainage).

Site notice and Press notice were displayed and neighbours notified.

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

- a) un-necessary demolition of bungalow which only needs some cosmetic repairs to exterior and internal refurbishing
- b) un domesticated agricultural field, at the heart of the conservation area; Pipe Lane is a valuable village amenity
- c) character and style of proposed dwellings does not match that of existing dwellings
- d) the proposed farmsteads design and layout similar to that of existing farmsteads is untrue – none of the existing farmsteads are elevated or have a profusion of two storey, 7.8 metre high buildings; no where else in the village does this type of property, a row of modern terraced houses centred around a communal parking lot, exist;
- e) the design of the dwellings shows a large area of roofing which is unbroken and which will not blend into the surrounding landscape
- f) six dwellings would be compacted within a small area, too dense and leaves area for future development
- g) the planning and heritage statement refers to plot 1 screening the remainder of the development
- h) the development would give rise to a 7.5% increase in the number of dwellings in a hamlet
- i) due to the land levels the dwellings would be 3 - 4 metres higher than adjacent dwelling; height would be imposing, dominating and would compromise the view and detrimental to the streetscene
- j) plots 2 to 6 would be 11 metres above street level – as shown in the submitted drawing
- k) overall does not enhance the Conservation Area and has significant impact upon its special character; contrary to policy BE7 of the local plan
- l) areas of open land or breaks between buildings should be retained in accordance with policy BE19 of the local plan
- m) the designation of the land within the Conservation Area Appraisal was accepted despite many objections and views of local residents were ignored
- n) green spaces, wide grass verges, trees and hedges make the character of the Conservation Area and all of these would be detrimentally affected by the proposed development
- o) development spoils the view of the village when approaching the cross roads;
- p) all dwellings will be overlooking the garden area to Lower Farm, No. 7 - 9 Pipe Lane which is a Grade II Listed farmhouse property which enjoys views of the village church

- q) lack of pedestrian footpath on Pipe Lane; increase in number of people walking will lead to danger to pedestrians especially children and the elderly and contrary to policies NE5 and BE22
- r) provision of footpaths would be in direct conflict with the Conservation Strategy to retain grass verges and avoid the use of kerbs
- s) Pipe Lane gives access to two footpaths
- t) width of Pipe Lane does not allow for 2 cars to pass easily and increase in traffic flow would have detrimental effects on soft verge areas as insufficient room to pass
- u) exit from the site at a narrow part of the lane and difficulty in manoeuvring in the lane
- v) lack of public transport in the village would increase onus on cars and contrary to PPS1, PPS7, PPG13 and government policy
- w) insufficient on site parking and turning (resulting from visitors), impacts upon bin collection day and could lead to increase in parking on Pipe Lane and impacts upon road safety
- x) cross roads at Sheepy Lane is dangerous, increase in traffic onto an already dangerous crossroad
- y) proposed improvements at the junction of Pipe Lane and Sheepy Road do not offset the impact and dangers of increased vehicle movements
- z) previous application for erection of stables was refused in 2004 ref 04/00270/FUL for highway reasons; same reasons should be applied for 6 dwellings
- aa) inadequacies within the tree report, being out of date and judging trees not to be of Arboricultural merit, despite the original report advising further investigation of tree G5
- bb) the impact on a variety of wildlife in this tiny hamlet will be significant and impact of bins as mitigation is minimal; the demolition of no. 4 could not be done until alternative roosts were provided and bats do not adapt easily to being made homeless
- cc) there is no mains drainage within the vicinity of the application site; pollution of water courses and increase of flood risk requires further investigation and a risk assessment
- dd) site would create light pollution
- ee) why affordable housing units; thought this policy was for areas where there is public transport, shops, schools, employment vacancies, none of which are present in the village; lack of essential infrastructure does not support affordable housing allocation; the "social card" is being play to distract attention from the other weaknesses of the proposal
- ff) this could create a precedent for further building within the village
- gg) inadequacies in the technical documentation accompanying the application and lack of site levels.

Twycross Parish Council have raised objections on the following grounds:-

- a) inconsistent with the overall character and pattern of development and does not contribute to or enhance the Conservation Area and prevents the enjoyment of open views across the area
- b) narrow carriageway, increase in traffic and increase in danger to vulnerable pedestrians
- c) poor sustainability credentials, poor transport choice, location relying heavily on the use of the car.

Councillor Morrell has raised objections on the following grounds:-

- a) contrary to Core Strategy objectives which clearly states that any material development gains should be located in sustainable locations
- b) the site allocations document identifies the villages of Twycross and Sheepy Magna
- c) serious highway issues due to the narrow country road
- d) overdevelopment in a rural hamlet and in a Conservation Area, contrary to Core Strategy objectives.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Tree Officer).

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

PPS3 has very recently been updated to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies within the PPS and particularly paragraph 69 which lists the following considerations:-

- a) Achieving high quality housing
- b) Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
- c) The suitability of a site for housing, including its environmental sustainability
- d) Using land effectively and efficiently
- e) Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Local Development Framework Core Strategy 2009

Policy 13: 'Rural Hamlets' states that because of the limited services in these hamlets, development will be confined to infill housing development. The Policy states that in Rural Hamlets, the council will:-

- Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16
- Support development that complies with Policy 17: Rural Needs

- Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within rural areas at the rate of 40% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provide a mix of types and tenures appropriate to the applicable household type projections and requires at least 30 dwellings per hectare within and adjoining 'Rural Hamlets'

Policy 17: 'Rural Needs' supports small scale development that meet a 'local need' subject to criteria including that a legal agreement is entered into to ensure that all housing provided will be for the exclusive occupation, in perpetuity, of people with a local connection.

Hinckley and Bosworth Local Plan 2001

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

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3: 'New Residential Development - Outdoor Play Space for Children' requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy BE1: 'Design and Siting of Development' of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and; does not adversely affect the occupiers of neighbouring properties.

Policy BE7: 'Development in Conservation Areas' states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.

Policy BE19: 'Open Spaces and Areas of Special Character within Settlements' states that any area of land or visual break between buildings identified as making a contribution to the special character of a settlement should be retained.

Policy NE14: 'Protection of Surface Waters and Groundwater Quality' protects the water environment.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

The Council's Supplementary Planning Document (SPD): 'Affordable Housing' provides the background and approach to the Borough Councils delivery of affordable housing.

The Council's Supplementary Planning Guidance (SPG): 'Rural Needs' sets out the key principles which include:-

- To ensure that there is no 'sustainability trap', where development is only approved in areas that are already considered sustainable;
- Lack of any development in some settlements may result in them becoming less, not more, sustainable
- That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements;
- That rural economic development is supported and encouraged;
- That existing services in rural areas are supported and maintained.

Other Material Policy Guidance

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

The Orton on the Hill Conservation Area Appraisal (March 2009)

The Conservation Area appraisal has identified the site as a potential development area and for boundary improvements

The appraisal states that the village is divided into two distinct areas; one being the Church of St. Edith and the area round The Green and Pipe Lane, which is characterised by relatively unplanned organic pattern of buildings which are separated by distance, green spaces and hedges. The appraisal states that it is important to the character of the conservation area in this location that the large green spaces between groups of buildings are retained. The appraisal also states that to maintain the distinctive character and appearance of the Conservation Area it will be necessary to, amongst other criteria: ensure new development contributes positively to the character and appearance of the Conservation Area in terms of siting, scale, design and materials used.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact upon the character and appearance of the Conservation Area, impact upon residential amenity, highway considerations, sustainability, development contributions and affordable housing; drainage and flood risk, ecology, impact upon trees and archaeology and other matters.

Principle of Development

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

Orton on the Hill is classified as a Rural Hamlet within Policy 13 of the adopted Core Strategy. Policy 13 states that development will be confined to infill housing development, and the Orton on the Hill Conservation Area Appraisal has identified this site as a potential development area.

It is considered that the approval of this application would bring forward 6 units, including the provision of 2 affordable housing units in line with Core Strategy Policy 13 to support housing development that provides for a mix of housing types and tenures.

The application site comprises garden land and would, prior to the update to PPS3, have fallen into the category of Brownfield land, however the update to PPS3 removed garden land from the 'Brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The relevant plan policies include PPS3 which states that the extent to which the proposed development is well integrated with, and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access should be considered.

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

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

In summary, there is no objection in principle to the erection of 6 dwellings within the settlement boundary of Orton on the Hill which would provide affordable housing in a rural area of identified need. For the reasons discussed in this report, it is not considered that the scheme would be in conflict with adopted development plan policy.

Siting and Design and Impact Upon the Character and Appearance of the Conservation Area

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

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

Impact upon Character

The current pattern and grain of the development in the immediate locality to the north, west and south is characterised by development set back from the road frontage, with large detached dwellings situated in large plots. Whilst it is acknowledged that the predominant character comprises frontage development but set well back from the road frontage, there is already the existence of development at depth to the west of the site between Pipe Lane and The Green.

Plot 1 is sited 12 metres back from the road frontage, with Plots 4-6 located approximately 50 metres away from Pipe Lane. The siting of the proposed dwellings is therefore set back from the road frontage, in conformity with the pattern of the development in the area. The dwellings propose appropriately sized rear gardens in accordance with the standards set down in the Borough Council's SPG on New Residential development and it is considered that this provides large amenity plots which are characteristic of the area.

There are a range of property sizes and scales within the vicinity with most being of single and two storey proportions. It is considered that the footprints of the proposed dwellings are similar, if not smaller, than those to the north and west of the application site and proposed two storey dwellings are considered acceptable in this setting.

In response to neighbouring letters of objection, it is acknowledged that there are land level differences, however the set back of units 2-6, low density, areas of separation, combined with the retention of hedgerows and trees will ensure that the scheme is not over dominating. The curtilages of the proposed dwellings do not extend to the whole of the site, ensuring that visual breaks are maintained between the proposed development and the surrounding area and is therefore considered to be in accordance with Policy BE10 of the Local Plan.

It is considered that the development is characteristic of the surrounding area in respect of its siting, scale and proportions.

Impact upon Character and Appearance of the Conservation Area

The proposal is also located within Orton on the Hill Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The Orton on the Hill Conservation Area appraisal has identified the site as a potential development area and for boundary improvements, but it is also considered necessary that any development maintains the distinctive character and appearance of the Conservation Area.

The proposed dwelling and rear amenity spaces do not extend back to the peripheries of the site, ensuring that there are ample separation distances and to ensure the large green

spaces between groups of buildings are largely retained, as identified within the Conservation Area appraisal.

In terms of design, the scheme proposes a fairly simplistic form of adjoined dwellings intended to replicate a farmstead design with the additional of dormer windows and chimney stacks. The layout is considered characteristic of rural, agricultural settings and fenestration details in terms of proportions and detailing have been carefully designed to reflect the character of the surrounding dwellings and respect the Conservation Area.

In response to neighbour letters of objection, the un-broken ridges of plots 2-6 is considered characteristic of former agricultural, barn type structures and is therefore seen as a positive design element within this scheme to ensure that the design is not of a typical modern twenty first century design, which would be detrimental in this setting.

The materials proposed are brick, plain clay tiles, metal framed windows in stone surrounding, timber doors and cast iron guttering and downpipes. It is considered necessary to impose planning conditions to secure the submission of these samples to ensure the scheme will be of a satisfactory external appearance for this Conservation Area setting.

It is considered that the scheme contributes positively to the character and appearance of the conservation area in terms of siting, design and materials used.

In response to neighbour letters of objection, the closest Listed Building to the site is Lower Farm located to the south of Pipe Lane. The closest proposed dwelling, unit 1, would be located at least 48 metres away, combined with an across the road relationship. Given the set back of the other units back within the site it is not considered that there would be any significant impacts upon the setting of the Listed Building

In summary, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design and use of materials is considered to contribute positively to the character and appearance of the Conservation Area. Accumulatively the scheme is considered to be in accordance with guidance contained with PPS3, Policy BE1 of the adopted Local Plan, principles outlined in the Council's SPG on New Residential Development and is considered to preserve the Conservation Area in accordance with Policy BE7 of the adopted Local Plan and Policy 13 within the adopted Core Strategy.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be Little Gables located to the west of the site.

There is a distance of approximately 18 metres from the rear wall of the neighbouring property to the corner of plot 6. The Council's SPG on New Residential Development usually seeks a distance of 14 metres between a blank wall and window, and 25 metres between two walls containing habitable windows. Given the distance between the dwellings it is not considered that there would be any sufficient loss of light, overshadowing or overbearing impacts, and due to the physical relationship between the two properties with no windows proposed in the side elevation of plot 6, there is not considered to be any direct overlooking as a result of the dwelling. In addition, new planting is proposed to the south west of plot 6 which would also screen the development from the neighbouring dwelling.

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

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

Highway Considerations

A new vehicular access is proposed from Pipe Lane to serve all 6 dwellings. Plot 1 contains an integral garage, with the remaining 5 properties with a central shared parking court, providing two car parking spaces per dwelling. Cycle storage is proposed in the single storey detached building. Proposed improvements at the junction of Pipe Lane and Sheepy Road are also proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme, subject to the imposition of planning conditions including a condition requiring the details of a scheme for pedestrian improvements along Pipe Lane to the Sheepy Lane junction.

In response to neighbour letters of objection raising concerns over the previous reasons for refusal for stables (ref: 04/00270/FUL) each case is considered on its own merits and it is in the opinion of the Director of Environment and Transport (Highways) that these opinions have been expressed.

In summary, it is not considered that there would be any significant impacts upon highways safety, subject to the schemes compliance with the suggested condition. Accordingly the development accords with Policies T5 and T9 of the adopted Local Plan.

Sustainability

The site is located within the rural hamlet of Orton on the Hill, as defined by the adopted Core Strategy. Policy 13 of the adopted Core Strategy states that because of the limited services in hamlets, development will be confined to infill housing development and that the council will support housing development within settlement boundaries that provides for a mix of housing types and tenures. Orton on the Hill has limited services to support a growing residential population and it is acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car. However, it is hoped that over the Core Strategy period the growth of residential development within the hamlet will bolster the population, viability and sustainability of the village and that some level of development is considered necessary to ensure existing services and community cohesion is maintained. In addition, this advice is echoed within guidance contained with PPS7.

In addition, the accompanying Design and Access statement refers to the proposed dwellings being constructed to comply with the Code for Sustainable Homes (Code 3). In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with Building a Greener Future. This standard is in line with Building Regulations and therefore the development will be constructed to this continually evolving standard.

Developer Contributions and Affordable Housing Provision

Affordable Housing

Policy 15 of the Core Strategy requires an affordable housing target of 40% in rural areas and the Council's Affordable Housing Officer has requested two units for social rented housing.

The applicant has committed to providing the two affordable housing units within the draft Heads of Terms in accordance with Core Strategy Policy 15.

There is currently no affordable housing in Orton on the Hill and therefore no applicants are accepted onto the housing register. However the village is part of the Twycross parish and there is a high demand for housing in Twycross. The latest housing register for Twycross stated that 81 applicants were seeking 1 bedroomed properties; 25 applicants were seeking 2 bedroomed properties; 21 applicants were seeking 3 bedroomed properties and 4 applicants were seeking 4 or more bedroomed properties. It is considered that there is a high demand within Twycross and the provision in this development is welcomed.

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

The provision of the affordable housing is being secured through the draft S106 agreement submitted with the application. The Council's Affordable Housing Officer has requested that the S106 agreement contain a requirement for applicants in the first instance to have a local connection to Twycross parish.

The Council's Affordable Housing Officer has also confirmed that the layout of the affordable units is acceptable.

In response to neighbour letters of objection, the existing amenities and services within a settlement is not a consideration in requesting affordable housing provision. The site lies within a rural area and proposes 4 dwellings or more and therefore triggers the requirement for the provision of 40% in accordance with the requirements of Policy 15 of the Core Strategy.

Accordingly the scheme would meet the requirements of Policies 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

The erection of a dwelling requires a financial contribution towards play and open space as set out in Policy REC3 of the Local Plan. In this instance, there is no existing open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the policy.

Drainage and Flood Risk

It has been acknowledged that there are variations in the on site land levels in comparison to the surrounding land levels. The application has been accompanied by a Drainage Assessment which has been considered by statutory consultees.

The Head of Community Services (Land Drainage) states that planning consent should be conditional upon the execution of the sustainable drainage proposals and Severn Trent Water has no objection to the scheme but has requested that a condition be imposed to ensure drainage plans are first submitted to and approved in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this effect.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) all of whom have no objection subject to the imposition of a planning condition for drainage plans to be submitted. Accordingly it is considered that the proposed works will be in accordance with Policy NE14 of the Local Plan and guidance contained within national planning policy PPS25.

Ecology

The application has been accompanied by a protected species report.

The Directorate of Chief Executive (Ecology) is satisfied with the level of survey work and that the resulting mitigation and compensation is sufficient for bats and has confirmed that the application will have no impact on any designated site of ecological importance. In respect of Great Crested Newts and badgers, the Directorate of Chief Executive (Ecology) recommends an updated survey of the site for badgers and a detailed terrestrial search to be undertaken for Great Crested Newts, prior to the commencement of development.

Accordingly, subject to a number of recommendations contained with the 'Notes to Applicant' it can be concluded that the proposal will not have any adverse impact upon a protected species.

Impact upon Trees

The site contains a chestnut tree and the applicant has indicated a 14 metre radius tree root protection area whereby the details of specialist foundation design will need to be submitted to the Local Planning Authority and there will be a 'no dig' area to provide 5 of the car parking spaces within the parking court area.

The representations from the Head of Corporate and Scrutiny Services (Tree Officer) have yet to be received and as such will be reported as a late item.

Archaeology

The application has been accompanied by an Archaeological Report which states that there are no archaeological remains with statutory or non-statutory designations on the site and concludes that the current evidence indicates that the archaeological potential of the site is not of sufficient importance to constrain development. The Directorate of Chief Executive (Archaeology) confirms that the proposals are unlikely to have a significant impact on archaeological remains and therefore no further work is necessary.

Other matters

In respect of concerns being raised that there are no site sections showing the levels of the building across the site, and out of date reports, these issues were considered at the validation stage of the application and it was not considered necessary at the time to request additional site levels.

Conclusion

In conclusion, the proposed dwelling would be located within the settlement boundary of Orton on the Hill, where there is a presumption in favour of development subject to all other matters being addressed. The scheme is considered to provide affordable housing in a rural area of identified need and is not considered to give rise to any significant material impacts upon the occupiers of the neighbouring dwelling, highway safety, drainage and flood risk or protected species and is considered to preserve the character and appearance of Orton on the Hill Conservation Area. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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 to provide affordable housing units, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 24 November 2011 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, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity, highway safety or protected species and is considered to preserve the character of Orton on the Hill Conservation Area.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, REC3, RES5, BE1, BE19, T5 and T9.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009): - Policies 13, 15, 16, 17, 19 and 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Site Layout Drawing No. 02 Rev A; Unit 1 Drawing No. 03 Rev A; Unit 2-6 Elevations Drawing No's 06 and 07; Unit 2-6 Plans GF Drawing No. 04; Unit 206 Plans FF Drawing No. 05; Site Plan and Section Drawing No. 01 Rev A; Storage Building Drawing No. 09; Landscaping Drawing No. 10 Rev A; Property Level and Detail Survey Drawing No. 09/036/02a; Highway and Property Survey Drawing No. 09/036/10/01; Cross Section A-B Drawing No. 09/036/03 received by the Local Planning Authority on 29 September 2011 and Site Layout (showing affordable housing units) Drawing No. 02 Rev B received by the Local Planning Authority on 26 October 2011.

- 3 Before development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and bin store 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 submitted plans, no development shall take place until full details of both hard and soft landscape works, including defined residential curtilage, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 Before development commences, a method statement outlining method of working, tree protection plan, including protective tree fencing and foundation design of the proposed bin and cycle store shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details
- 9 Before first occupation of the dwellings hereby approved, the access drive and forecourt area shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate).
- 10 Before first occupation of the dwellings hereby approved, the parking spaces shown within Drawing No. 02 Rev A shall be provided and shall not be obstructed and shall thereafter permanently remain available for car parking.
- 11 Before first occupation of the dwellings hereby approved, visibility splays of 2 metres by 33 metres shall be provided at the junction of the access with Pipe Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 12 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway

boundary and have 4 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times

- 13 Notwithstanding the details shown on the approved plans, there shall be no pedestrian access to any of the plots from Pipe Lane
- 14 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 15 No development shall commence until drainage plans for the disposal of surface water and foul sewage, incorporating sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development first being brought into use.
- 16 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.

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.
- 3-5 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 In the interests of visual amenity, to accord with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 8 To protect a tree during construction in the interests of visual amenity in a Conservation Area in accordance with the requirements of Policy BE7 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 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.
- 11 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 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.
- 14 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.
- 15 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within Planning Policy Statement 25 Development and Flood Risk.
- 16 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 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 Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00603/CON.
- 6 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.
- 7 In relation to condition 8 no dig methods would be required in respect of details submitted.
- 8 The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

- 9 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.
- 10 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3056782.
- 11 In order to provide the visibility splays detailed in condition 12 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.
- 12 The applicant is reminded to undertake the surveyor's recommendations within the protected species reports.

In respect of Great Crested Newts, a detailed terrestrial search must be undertaken prior to works commencing.

In respect of Badgers, it is recommended an updated survey of the site to check for badgers is undertaken prior to works commencing to check that badgers have not moved into the area in the meantime.

In respect of Bats, it is not thought that a license is required for the work providing that recommendations in section 12 of the report are followed:-

Work should be undertaken on the building between 1st October and 31st of April the following year. If this is not possible a European Protected Species license will be required (12.1)

Prior to commencement of disturbing work to the existing dwelling, the replacement roosting as proposed in the outside storage / bicycle store should be created as detailed as in Drawing 9 and incorporating Brown Long-eared and Pipistrelle access points and Brown Long-eared roost details as shown in the survey report.

Immediately prior to demolition or disturbing works to the roof of the current dwelling updating survey work must be undertaken as recommended in section 12.8 of the report

Contact Officer:- Ebony Mattley Ext 5691

Item: 04
Reference: 11/00603/CON
Applicant: Mrs P Taylor
Location: Bungalow 4 Pipe Lane Orton On The Hill Atherstone
Proposal: DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 6 DWELLINGS WITH ASSOCIATED ACCESS
Target Date: 24 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated 5 or more objections.

Application Proposal

This application seeks Conservation Area Consent for the demolition of a single storey four bedroomed detached dwelling with integral garage.

Members are advised that this application should be read in conjunction with planning application (ref: 11/00602/FUL) which proposes the erection of 6 no. dwellings with associated access.

As such the dwelling is proposed to be demolished to allow for additional dwellings on site.

The Site and Surrounding Area

The site measuring approximately 0.51 hectares in size is bound to the south by Pipe Lane, to the north and west by residential dwellings and to the south by additional paddock land, under the ownership of the applicant.

The site is currently occupied by no. 4 Pipe Lane, a single storey four bedroomed detached dwelling, with the remainder of the site comprising paddock land, containing a horse chestnut tree, covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides with mature hedgerows

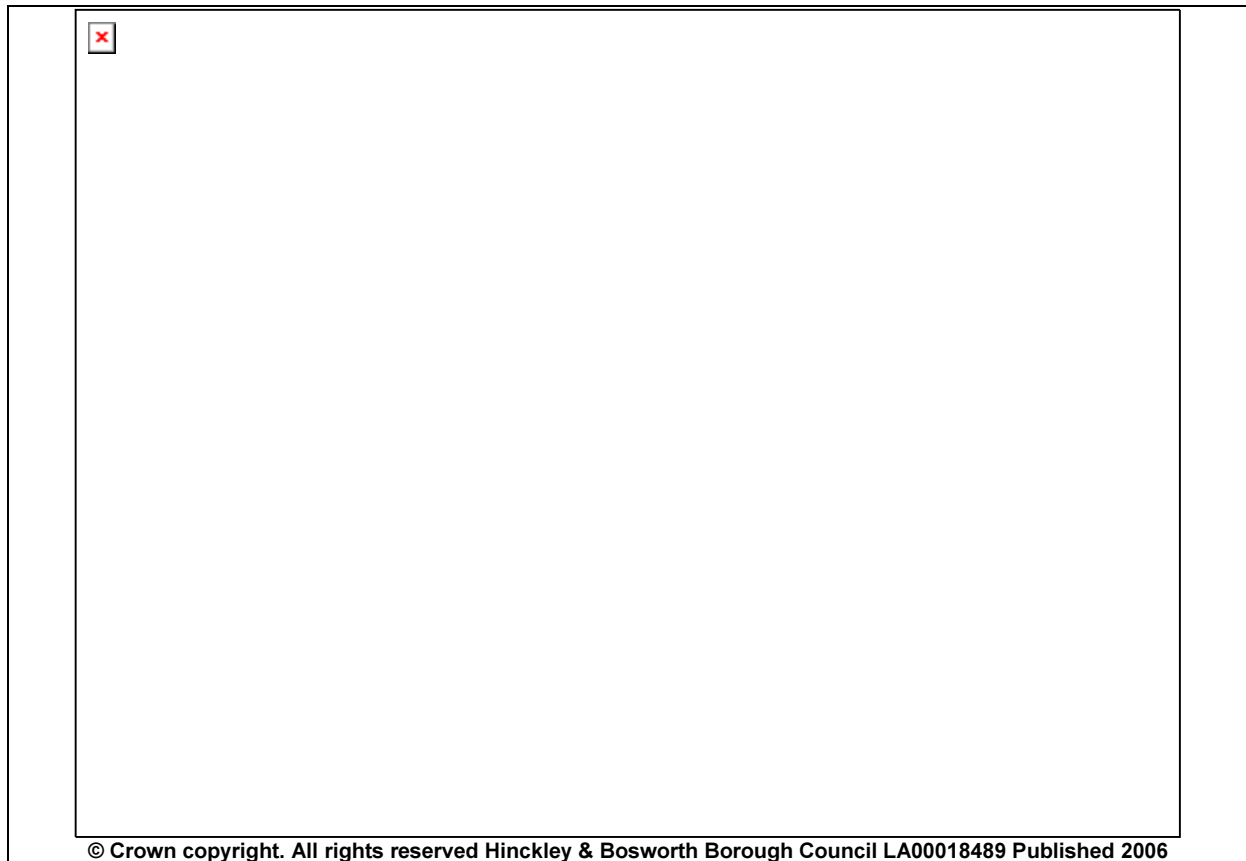
The site is located within the settlement boundary of Orton on the Hill and within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Document submitted with application

The application is accompanied by a planning and Heritage Statement which acknowledges the dwelling being designated a 'weak area/building' within the Council's Orton on the Hill Conservation Area Appraisal.

History:-

11/00602/FUL	Demolition of existing dwelling and erection of 6 no. dwellings with associated access	Pending	
08/00569/FUL	Erection of 9 no. dwellings and associated access	Returned	20.05.09
79/002000/4	Erection of bungalow	Approved	10.05.79



Consultations:-

No objection from Directorate of Chief Executive (Archaeology).

Site notice and Press notice were displayed and neighbours notified.

17 letters of objection have been received overall.

One letter has raised concerns over the un-necessary demolition of bungalow which only needs some cosmetic repairs to exterior and internal refurbishing, with the remainder of the representations concerning 11/00602/FUL.

Twycross Parish Council have similarly objected to the application 11/00602/FUL.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Tree Officer).

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 5 (PPS5): 'Planning and the Historic Environment' sets out how applications affecting heritage assets should be determined; it requires Local Planning Authorities to assess impacts on the historic environment.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

No relevant.

Local Development Framework Core Strategy 2009

Policy 13: 'Rural Hamlets' states that the council will require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Hinckley and Bosworth Local Plan 2001

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

Policy BE8: 'Demolition in Conservation Area' states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

Other Material Policy Guidance

The Orton on the Hill Conservation Area Appraisal (March 2009)

The Conservation Area appraisal has identified the dwelling and its curtilage as 'Weak Areas/Building'.

Appraisal:-

The main consideration in the determination of this application is the impact of the demolition of the dwelling upon the character and appearance of the Conservation Area.

Impact upon the Character and Appearance of the Conservation Area

The proposed development involves the demolition of a single storey four bedroomed detached dwelling with integral garage constructed following planning approval in 1979 (ref: 79/002000/4) and is therefore of a late 1970's, early 1980's design.

The dwelling and garden have been considered as part of the Orton on the Hill Conservation Area Appraisal and identified as 'Weak Areas/Building'. On this basis it is not considered that the dwelling makes a significant positive contribution to the streetscene and character and appearance of Conservation Area to deem it worthy of retention. It is considered that the dwelling currently detracts from the character and appearance of the Conservation Area, and as such there is no in principle objection to its removal.

Saved Policy BE8 requires redevelopment proposals to be in place where structures/buildings are to be demolished within Conservation Areas. It is noted that there is development proposed and being assessed under planning application ref: 11/00602/FUL, for the erection of six dwellings.

It is considered that the development put forwarded under planning application 11/00271/FUL proposes development upon the wider area of the site which is considered to at least preserve the character of the Orton on the Hill Conservation Area. As such the replacement is considered in accordance with Saved Local Plan Policy BE8 of the adopted Local Plan.

Due to the siting of the development within the Conservation Area, it is considered necessary to prevent the demolition until immediately prior to redevelopment, to ensure that the clearance following a demolition does not have a negative impact on the Conservation Area. As such it is considered necessary to impose a planning condition to ensure this.

In response to the neighbouring letter of objections, these relate to and have been appraised within application 11/00271/FUL.

Conclusion

In conclusion, the proposed demolition involves the removal of one dwelling which is considered detrimental to the character and appearance of the Orton on the Hill Conservation Area. There is a comprehensive replacement scheme currently under consideration for the wider site which is considered to preserve the character and appearance of the Conservation Area. The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by the imposition of an appropriate condition to ensure that the cleared site does not blight the Conservation Area for a long period of time. If Members are minded not to approve planning permission for the redevelopment of the site then Conservation Area Consent should also be refused until such time as a satisfactory redevelopment scheme is in place.

Accordingly it is recommended that Conservation Area Consent is granted, subject to the imposition of planning conditions.

RECOMMENDATION:- to grant conservation area consent for the demolition, subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered that the demolition of the garage would not be detrimental to the character and appearance of the Conservation Area.

Hinckley and Bosworth Local Plan (2001):-Policy BE8.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009): - Policy 13.

- 1 The demolition hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: OS Sitemap (Scale 1:2500) and plan entitled survey, drawing no. 010 A received on 29 September 2011
- 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 (ref: 11/00602/FUL) hereby granted has been entered into, and its contents have been agreed by the Local Planning Authority.
 - b) 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.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To protect the character and appearance of the Conservation Area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

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

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 05

Reference: 11/00719/OUT

Applicant: Tony Morris & Sons

Location: Land St Marys Court Barwell

Proposal: ERECTION OF FOUR DWELLINGS (OUTLINE - ACCESS AND LAYOUT ONLY)

Target Date: 24 November 2011

Introduction:-

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

Application Proposal

This is an outline application with all matters reserved, apart from access and layout, for the erection of four dwellings and associated parking on land to the south of St Mary's Mews, Barwell.

Details submitted with the application show four semi-detached dwellings located to the east and south east of the existing parking court. Parking for the proposed dwellings would be located to the rear of the proposed dwellings and accessed by an access road.

Whilst not applying for appearance or scale at this stage details within the application indicate that the proposal will follow the general scale and massing of the existing two storey dwellings to St Mary's Mews.

The Site and Surrounding area

St Mary's Mews is a development of 7 dwellings located to the north and west of a central parking court. The dwellings consist of two storey detached, semi-detached and terrace properties with strong gable features. A garage block is located to the south of the parking court.

The land to which the application relates is located to the south east of the existing private drive. The land is currently overgrown with brambles, self set trees and other shrubs.

The Barwell settlement boundary as defined by the adopted Hinckley and Bosworth Plan transects through the far west side of the site with the result that the majority of the application area is located outside the settlement boundary and within the green wedge.

Technical Documents submitted with application

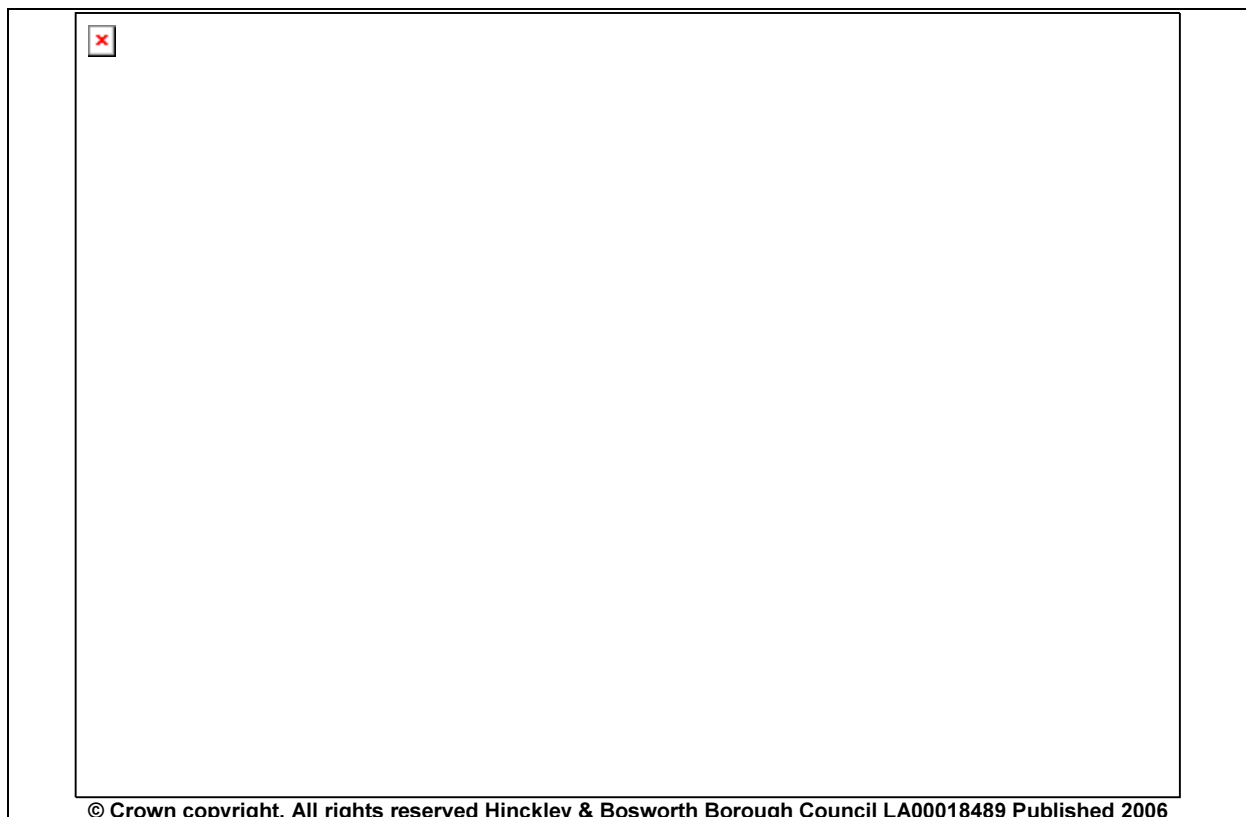
The application is accompanied by a Design and Access statement and ecological report.

The Design and Access Statement considers various legalisation and policy, it defines the site in the context of the wider and immediate surrounding area. The statement assesses the site in terms of the effect on the Green Wedge and assesses it against the Leicester and Leicestershire Green Wedge Review Joint Methodology. It concludes 'any reasonable review of the Settlement and Green Wedge boundary here must reach the clear conclusion that both should be revised in line with the Review Methodology and the logic of using defensible boundaries. The application site, is entirely appropriate for development in the manner applied for now.' The report continues to describes the design principles behind the scheme and states that the proposal would finish off the courtyard development.

The ecological report describes the site and includes surveys for newts and badgers. The report concludes that no Great Crested Newts were found on the site and that the nearby pond was not considered a suitable breeding ground. No other protected species were found on the site and it was concluded that the development would be unlikely to have an effect on biodiversity.

History:-

98/00311/OUT	Erection of one detached dwelling	Refused	24.06.98
97/01083/FUL	Erection of 29 houses with new footpath and fencing	Approved	01.04.98
86/00536/4	Erection of two dwellings outline	Refused	01.07.86



Consultations:-

No objection subject to conditions have been received from:-

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

Barwell Parish Council has objected to the proposal as the application lies within the green wedge. If the application is granted the parish request a contribution towards open space and a new spots pavilion at Dovecote Way Recreational Ground.

Site notice was displayed and neighbours notified.

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

- a) loss of the Green Wedge
- b) limited access to the site
- c) limited parking would exacerbate current parking issues within the Mews
- d) no pavement provided would cause a hazard to pedestrians
- e) single access for traffic from a private road
- f) limited access for emergency traffic
- g) when originally built plans were refused for 9 residential units, if allowed the Mews would have 11 dwellings
- h) potential overlooking
- i) proposal would result in the loss of mature trees
- j) proposal would detrimentally affect road safety of St Mary's Mews and St Mary's Court
- k) proposal results in overdevelopment
- l) proposal is outside settlement boundary.

Policy:-

National Policy

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system, it advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's Housing objectives. Paragraph 16 lists matters to be considered when assessing design quality; this includes scale, design, layout and access. Paragraph 41 states that at least 60% of new housing should be on previously developed land. Paragraph 71 states that where the Local Planning Authority (LPA) cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 to specifically refer to garden land not being Brownfield Land.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's national policies in relation to rural areas and states within Paragraph 1 that new building development outside areas allocated for development in development plans should be strictly controlled as the Government's aim is to protect the countryside so it can be enjoyed by all. It continues within the next point to give priority to the re-use of brownfield sites in preference to greenfield sites.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 2 promotes better design by considering the layout, design and construction including reducing CO² emissions.

Local Development Framework Core Strategy 2009

Policy 3: Development in Barwell, supports the regeneration of Barwell by delivering a minimum of 45 new residential dwellings within the settlement boundary, addressing the deficiencies in the quality of green space and play provision and requiring new development to be of the highest environmental standards.

Policy 6: Hinckley/ Barwell/Earl Shilton/Burbage Green Wedge defines what uses are acceptable within the green wedge and any land use or associated development in the green wedge should retain the function for the green wedge specifically; retain and create green networks between the countryside and the open spaces within the urban areas, retain and enhance the public access to the green wedge, and retain the visual appearance of the area.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24: Sustainable Design and Technology requires new residential development to meet the Code for Sustainable Homes Level 3.

Hinckley and Bosworth Local Plan 2001

Policy IMP1 requires the appropriate financial contributions towards the provision of infrastructure and facilities.

Policy RES5 - Residential Proposals on unallocated sites, allows for residential development not specifically allocated within the local plan provided the site is within the boundaries of an urban area or rural settlement and the siting, design and layout do not conflict with the relevant plan policies.

Policy BE1 - Design and siting of development, seeks to ensure a high standard of design by approving schemes that complement or enhance the character of the surrounding area with regard to scale, density, layout, design, materials, and architectural features; avoid the loss of open spaces that contribute to the quality of the local environment; incorporates design features that reduce energy consumption; and would not adversely affect the occupiers of neighbouring properties.

Policy NE2 - Pollution, states planning permission will not be granted for development which would be unlikely to suffer material harm from either existing or potential sources of air or soil pollution.

Policy T5 - Highway design and vehicle parking standards states that the Local Planning Authority will apply the current edition of Leicestershire County Councils "highway requirements for development" to new development.

Policy REC3: 'New Residential Development - Outdoor Play Space for Children' requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Supplementary Planning Guidance/Documents

The New Residential Development SPG gives further advice and guidance for new residential developments in terms of the siting and design of proposals.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

Other Material Policy Guidance

Leicester and Leicestershire Green Wedge Review Joint Methodology (July 2011) describes the process through a Green Wedge review would be undertaken.

Appraisal:-

The main issues for consideration are the principle of development, the design and layout of the proposal and the effect on the amenities of neighbouring residents.

Principle

The majority of the site is located outside the settlement boundary and is therefore considered to be within the Green Wedge. Policies RES5 of the Hinckley and Bosworth Local Plan, and Core Strategy (CS) Policy 3 support residential development within the settlement boundary. CS Policy 6 does not support residential development within the Green Wedge.

The applicants have sought to justify the incursion beyond the settlement boundary by stating how the Inspector considered the Green Wedge under the recent Leicester Road, Hinckley appeal and have applied the four functional requirements of the Green Wedge as defined by the Leicester and Leicestershire Green Wedge Review Joint Methodology document. In determining the appeal the Inspector considered each function and assessed the site against them in turn. By taking the same approach in this case the applicants have concluded that as the site has strong defensible boundaries and as it is a tiny hidden corner of the green wedge the proposal would not harm its function or purpose.

The Leicester and Leicestershire Green Edge Review Joint Methodology has been updated since the Leicester Road appeal, and the current version dates from July 2011. The applicants have quoted the 2010 document. The 2011 version states that where micro-scale reviews are undertaken sub-areas within a green wedge may not meet all of the four functions and therefore the relationship of the individual sites on the role and function of the green wedge as a whole should be considered.

The planned extension of Barwell to the west with the Sustainable Urban Extension (SUE) will alter the built form of Barwell considerably and therefore it is more important to retain the undeveloped character towards the south of Barwell.

The applicants have argued that the strong mature hedgerows to the south and east boundaries are defensible boundaries to prevent further encroachment in to the Green Wedge. The site is surrounded to the south and east by countryside where at various points there are hedgerows, roads and other features that split the Green Wedge into smaller pockets and are defensible boundaries. It is considered that if planning permission were granted in this instance and the same arguments applied to other sites the cumulative impact of small sites would erode the function of the Green Wedge and extend the built form further into the countryside without special justification. In the case of the Leicester Road appeal the location of the golf club between the appeal site and remaining sections of the Green Wedge split the site from the majority of the Green Wedge. The sites are not comparable.

The site straddles the settlement boundary and therefore extends beyond the settlement boundary and encroaches on the Green Wedge. However the majority of the site is outside the settlement boundary as such the principle of the development is contrary to Policy RES5 of the Local Plan and Policy 6 of the CS.

Layout and siting

The scheme proposes two semi-detached blocks equating to four dwellings with parking located to the rear. Following the request of a condition by the Director of Environment and Transport (Highways) the layout has been amended removing the garages and providing a layby style parking bay to plot 1.

St Mary's Mews presently has built form to three sides of a central parking court. The proposal would provide built form to the fourth side enclosing the central parking court. The parking for the proposed plots 2, 3 and 4 is provided to the rear in tandem arrangement. BE1 of the Local Plan, states that planning permission will be granted where the development compliments the character of the surrounding area including having regard to the layout. Whilst the positioning of the units reflects those already in the Mews by positioning the parking court to the rear of the dwellings it is considered that the applicants have not had regard to the existing layout and the proposal is contrary to Policy BE1.

Five year land supply

Paragraph 71 of PPS3 requires Local Authorities to have a five year supply of deliverable housing sites. The Council currently has a supply of 3 years and 7 months and therefore applications for residential development should be considered more favourably. Paragraph 69 of PPS3 states that in determining planning applications Local Authorities should have regard to a number of points, including the suitability of the site, using land effectively and efficiently and ensuring the proposed development is in line with the spatial vision for the area and does not undermine wider policy objectives.

As identified above the majority of the site lies outside the current settlement boundary and identified as green wedge. The application is contrary to a number of Core Strategy policies.

The impact on the Green Wedge and the shortfall in the five year supply of housing are the key issues relating to this application and need to be balanced against one another. Concern is raised that the approval of this application could lead to incremental erosion of the Green Wedge on the fringes of the urban area which would impact on the strategic designation. Furthermore as the Core Strategy requirement for Barwell has been exceeded it is not necessary to release Green Wedge Land outside the settlement boundary to meet the housing requirements of Barwell.

As discussed above the site would be contrary to countryside and green wedge policies, and would not be in line with the spatial objectives for Barwell as laid out within Policy 6 of the CS. It is considered that on balance the number of dwellings proposed would not significantly alter the housing supply to overcome the other policy objections.

Play and Open Space Contributions

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

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

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

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

Within the Green Space Strategy 2005-2010, Barwell was found to have sufficient equipped play space (0.06) and informal play space (7.24) when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded The Common recreational facility a quality score of 31.0%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 4 dwellings a total figure of £5,003.20 should be sought consisting of £3,271.20 for provision and £1,732.00 for maintenance. The Parish council have indicated that they plan to improve quality on the Common site by building a new sports pavilion.

It is considered that whilst Barwell has sufficient space the poor quality of the provision is preventing the space serving local people. The size of units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

Conclusion

The site straddles the Barwell settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan. The majority of the development would therefore be in the Green Wedge and contrary to policies protecting these areas from unjustified development. It is not necessary for the site to meet all the criteria within the Leicester and Leicestershire Green Edge Review Joint Methodology as this only applies at a Macro level. The impact on the green wedge and the shortfall in the five year supply of housing are the key issues relating to this application and need to be balanced against one another. It is considered that allowing this application would result in incremental erosion of the Green Wedge and the proposal is therefore considered contrary to policy RES5 of the Local Plan and Policy 6 of the Core Strategy.

The layout of the proposal with the parking court to the rear is not reflective of the rest of the scheme and would result in parking removed from the dwellings it is designed to serve. This is contrary to 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 proposed development by virtue of its siting would result in inappropriate development outside of the settlement boundary and within the Green Wedge. It is considered that such unjustified development, would, by virtue of incremental erosion into the Green Wedge, harm its function. It is therefore contrary to policies RES5 of the adopted Hinckley and Bosworth Local Plan and Policy 6 of the Core Strategy.
- 2 In the opinion of the Local Planning Authority the proposed development by virtue of its layout would result in development that does not complement or enhance the character of the surrounding area. It is therefore contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and

Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

Notes to Applicant:-

- 1 List of plans used in the determination of this application:- 11/32/03B; 11/32/04 and 11/32/05.

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 11/00797/FUL

Applicant: Mr & Mrs David Hughes

Location: Land Rear Of 69 Butt Lane Hinckley

Proposal: ERECTION OF DWELLING AND DETACHED GARAGE

Target Date: 28 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is a member of staff at Hinckley and Bosworth Borough Council.

Application Proposal

This application seeks full planning permission for the erection of a new detached dwelling and detached garage with associated parking and access. Full planning permission for one dwelling has previously been approved under delegated powers in 2010 (reference 10/00534/FUL) but has not been implemented. This application seeks to alter the design of the previously approved scheme. The proposed dwelling is a two-bedroom dormer bungalow with low eaves and high pitched roof design, with the ridge height being 7 metres. The design includes a number of features including two dormer windows to the front roof slope, cills and headers to doors and windows and a fully glazed lobby to the front. The detached garage is located to the front of the dwelling, set back from, but parallel to, the private access road. A private amenity area measuring 71 square metres is provided to the rear and 40 square metres to the front, parking for three cars, including the garage, is provided within the curtilage to the front. Access to the site is proposed from Eastwoods Road.

The Site and Surrounding Area

The site comprises a vacant plot of land measuring 348 square metres located within an established residential area of Hinckley and is surrounded by residential gardens to three sides. Whilst the site is located to the rear of 69 Butt Lane, Hinckley it is accessed off a private road (which forms the fourth boundary) linking Eastwoods Road and Trafford Road. The access is approximately 2.5 metres wide and surfaced with tarmac from Eastwoods Road to the application site. The site is enclosed by various boundary treatments including 2 metre high concrete post and close boarded timber panel fencing to the rear

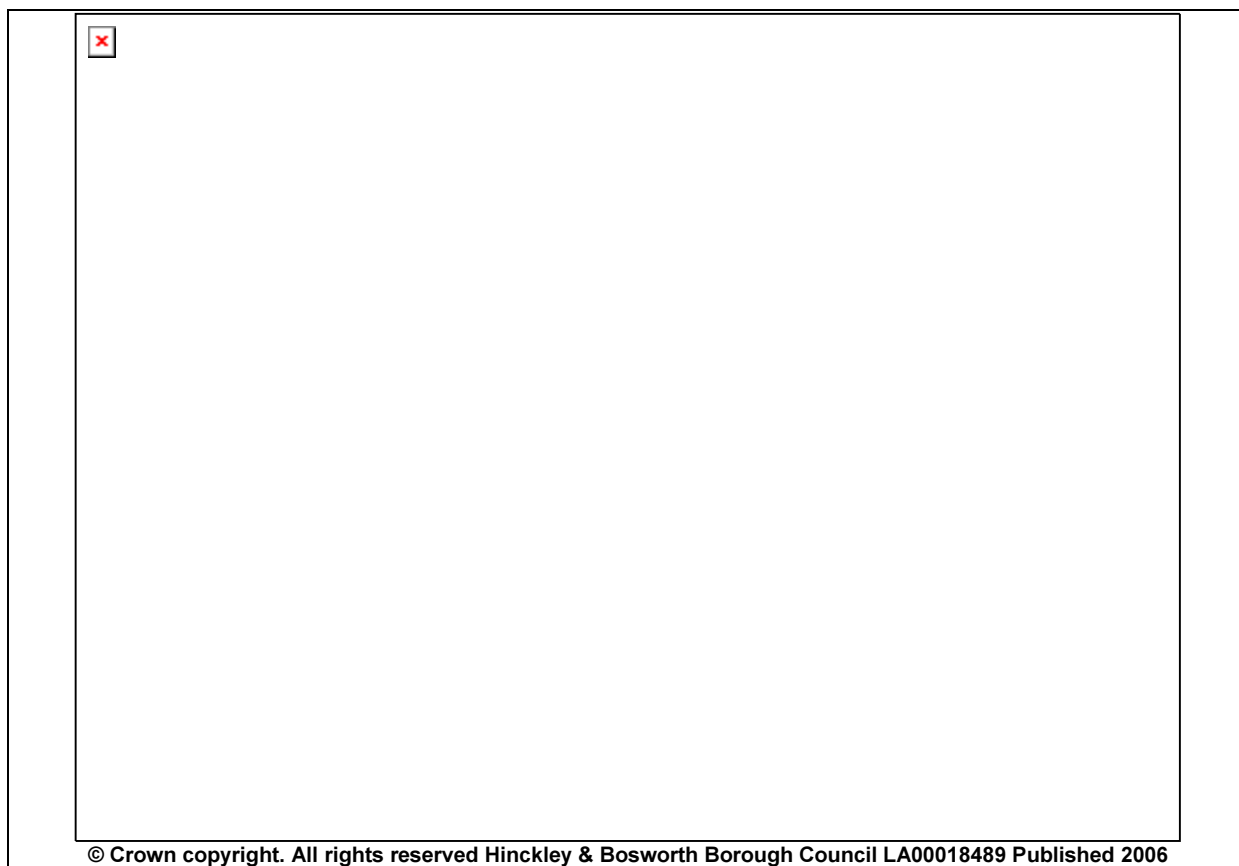
(south east) and left hand (north east) boundaries and a 2 metre high hedgerow to the right hand (south west) boundary. The area is characterised by dwellings of various scale, designs and styles including single storey and two storey dwellings and dormer window and gable roof design features. There are other infill developments in the immediate vicinity.

Technical Document submitted with application

The planning application is accompanied by a design and access statement which sets out the site constraints and states that the parking and access layout has been designed to complement the proposed bungalow and allows parking adjacent to the main entrance to the dwelling with a detached garage providing further parking. The design and access statement includes a number of photographs illustrating the various designs and scales of dwellings within close proximity of the site.

History:-

10/00534/FUL	Erection of one dwelling and detached garage with associated parking and access	Approved	07.10.10
07/00011/FUL	Erection of one dwelling & detached garage with associated parking & access	Approved	26.02.07
06/01068/FUL	Erection of one dwelling & detached garage with associated parking & access	Withdrawn	03.01.07
03/01432/OUT	Renewal of planning consent 99/00883/OUT for the erection of one dwelling	Approved	11.11.04
99/00883/OUT	Erection of one dwelling	Approved	02.02.00



Consultations:-

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

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

No objection subject to notes to applicant has been received from:-

Head of Community Services (Land Drainage)

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

Site notice and Press notice were displayed and neighbours notified.

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

The consultation period remains open at the time of writing this report and expires on 9 November 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his

consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively towards making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken

currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' sets out the development intentions for Hinckley, which includes the allocation of land for the development of a minimum of 1120 new residential dwellings and to address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley as detailed in the Council's most up to date strategy and the play strategy, particularly in the south west and north east of Hinckley. New green space and play provision will be provided where necessary to meet to meet the standards set out in Policy 19.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provides a mix of types and tenures appropriate to the applicable household type projections. A minimum of 40 dwellings per hectare is required within and adjoining Hinckley.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24: 'Sustainable Design and Technology' seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

The site is situated within the settlement boundary of Hinckley. Policy RES5: 'Residential Proposals on Unallocated Sites' states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1: 'Design and Siting of Development' of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and does not adversely affect the occupiers of neighbouring properties.

Policy REC3: 'New Residential Development - Outdoor Play Space for Children' requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: 'Facilities for Cyclists and Pedestrians' encourages walking and cycling including facilities for cycle parking.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policies REC2 and REC3.

Appraisal:-

The main considerations with regards to this application are the principle of development and its impact on the character of the area; design and layout; impact on the amenity of the occupiers of neighbouring properties; highway safety issues; and other issues.

Principle of Development

The principle of residential development of the site for a detached dwelling and detached garage of similar design, layout, footprint and orientation has been established by the previous planning permission issued in 2010. The site is located within the settlement boundary for Hinckley, where there is a presumption in favour of development. PPS3 was revised in June 2010 to exclude private residential gardens from the definition of 'previously developed land'. The previous planning permission issued in October 2010 was granted taking account of these changes to PPS 3 and that the interpretation of this policy change was not to prevent infill development within settlement boundaries but to ensure that new development respects and does not harm the character of the area in which it is located.

In this case there are a number of similar infill developments in the immediate vicinity of the site to the north east, on similar building lines and orientation and with access off the private road. It is therefore considered that the proposed development will not harm the character of the area in this case.

Design and Layout

The area is residential in nature. Previously this part of Hinckley was characterised by detached dwellings set back from the highway with large private gardens to the rear. The

development pattern has subsequently changed over recent years with the construction and approval of a number of detached bungalows and dwellings located either side of the access track that runs between Eastwoods Road and Trafford Road. Therefore the potential introduction of a further dwelling along this access track is not considered to be out of keeping with the pattern of development that has been established over recent years in this area of Hinckley. The proposed design differs from the scheme approved in 2010 but it is still considered to respect the scale and character of existing development in the area and incorporates similar design features such as gabled roof and dormer windows found within the vicinity. A number of architectural features are included within the design including dormer windows set either side of a gable projection, feature cills and headers to doors and windows to add interest, and the inclusion of a fully glazed lobby projection to the front elevation. Whilst the design does not include a feature chimney which is characteristic of older dwellings within the area, the adjacent infill plot and the bungalow opposite do not have such features and neither did the previously approved design, as such, whilst desirable, this is not considered to be critical in this case, particularly given its less than prominent location.

The existing street scene along this unadopted section of Eastwoods Road is characterised by large detached modern dwellings set back from the edge of the highway with garage blocks and parking located to the front and sizeable rear gardens. These properties are of differing scales, designs and heights thereby creating a mixed style of housing within the street scene. Therefore the introduction of a modern detached dwelling set back from the unadopted highway with a rear garden of 71 square metres and parking and a detached garage to the front is considered to be characteristic of the layout of residential development along this section of Eastwoods Road.

The setting back of the proposed dwelling allows sufficient space in which to provide a detached garage (providing one off-street parking space), an area of landscaping, a driveway for the parking of 2 vehicles and a front garden of 40 square metres. The provision of 111 square metres of private garden complies with the Supplementary Planning Guidance for New Residential Development for 2-bedroom properties which is set at 60 square metres.

The ridge height of the proposed dormer bungalow will be 7 metres and the height to eaves will be 2.6 metres. The ridge height of the dwelling will be lower than the existing modern dwellings that have been constructed along Eastwoods Road, particularly where the cul-de-sac terminates and the unmade road commences. In terms of its height the proposed development is considered to assimilate with the character and visual amenity of the established vernacular along Eastwoods Road. The ridge height of the proposed dormer bungalow is 0.2 metres higher than the previously approved scheme in 2010 and the height to eaves remains the same.

Overall, the proposed development is considered to have a well proportioned, high quality design and be in keeping with surrounding development in terms of design, scale, height and layout. Policy 24 of the adopted Core Strategy requires new residential units within Hinckley to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No details of the scheme's compliance with this standard have been submitted with the application; therefore, such details will be subject to a condition requiring them to be submitted prior to commencement on site.

Impact on Neighbours

The design and layout of the proposed dwelling and garage have previously been considered to be acceptable in relation to neighbouring properties. Given the scale and siting of the proposed dwelling and the separation distances and orientation to existing dwellings, it is considered that the proposals will not have an adverse effect on neighbouring properties in terms of being overbearing. The setting back of the dwelling 8.4 metres from the edge of the

unadopted access road provides separation distances of 24 metres to both 40 Eastwoods Road to the north west and to the rear elevation of 69 Butt Lane to the south east. The separation distance to these neighbouring properties is 1 metre less than the minimum separation distance of 25 metres stated in the Supplementary Planning Guidance for New Residential Development, however it is only guidance. The presence of boundary treatment between the proposed dwelling and No 69 Butt Lane will mitigate this slightly reduced distance and provide some privacy for both dwellings. No 40 Eastwoods Road is opposite the site across the private access track and has a front boundary wall with railings, it is considered that this existing boundary treatment will provide some privacy to this neighbouring dwelling.

The proposed dwelling has been designed to incorporate 2 dormer windows to the front elevation, each serving a bedroom. The dormer windows position set 0.7metres into the roof slope takes the first floor window further away from No 40 Eastwoods Road resulting in a front to front window distance of 27 metres and 26 metres respectively. This distance across the private access road is considered acceptable to ensure there is no impact of neighbours amenity or privacy. The rear elevation has been designed with 2 velux roof lights serving a bedroom and stairs and a window at first floor level serving an en-suite. The velux rooflights are designed with a cill height of approximately 1.6 metres which is the accepted cill height to minimise overlooking. The distance between the first floor window and windows in 69 Butt Lane is 24 metres, a similar distance to that already accepted in the 2010 application. Whilst below the guidance distance the window is to serve an en-suite and will therefore be obscure glazed thereby protecting neighbouring amenity.

In order to control and prevent any potential overlooking from additional windows within the rear roof slope and wall of the proposed dwelling in the future, a condition removing permitted development rights for such development is recommended in this case. The same condition will also remove permitted development rights for the erection of extensions as the applicant could extend from the rear wall of the proposed dwelling to a maximum depth of 4 metres across the entire width of the dwelling. This would result in a garden measuring only 0.8 metres in depth, thereby resulting in a significant loss of private amenity space.

Highway Issues

The Director of Environment and Transport (Highways) raises no objection to the proposals subject to conditions in respect of the provision of adequate off-street parking to serve the dwelling along with the surfacing of the proposed vehicular access. The detached garage will provide off-street parking for one car and the driveway is of sufficient width and depth to provide an additional two spaces to enable adequate additional parking to be provided within the site. This can be secured by condition to ensure that the spaces remain available at all times to reduce the possibility of the development leading to parking on the private road.

The Director of Environment and Transport also recommended a condition in respect of the hard standing of the first 5 metres of the access and drive. Vehicular access is taken off an unadopted private road, located well in excess of 5 metres from the highway boundary on Eastwoods Road. The recommended condition only requires the first 5 metres from the back edge of highway to be surfaced, however this is already surfaced and therefore such a condition is not required. Whilst no turning provision is available within the curtilage, this situation is no different from that of other infill development plots in the vicinity accessed off the private road and will not form a sustainable reason to refuse the application. There is an existing turning facility available on the unmade road immediately to the west of the proposed vehicular access which could be utilised. In conclusion, given the scale of the development and the nature of the access and its likely level of use, it is considered unlikely that the proposals will have an adverse impact on highway or pedestrian safety.

Other issues

Developer contributions

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

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

As the development relates to a single dwelling, there is no requirement for developer contributions towards infrastructure services other than towards informal public play and open space as required by policy REC3 of the adopted Local Plan. However, in this case the application site is in excess of 400m away from any existing informal public open space and therefore does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of public informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

Ecology

There are no trees or vegetation of any significance within or adjacent to the site and no indication of the presence of any protected species.

Refuse/Recycling Storage

Whilst this is a material consideration in the determination of applications for new dwellings, given that this application proposes a dwelling with substantial residential curtilage there is adequate space within the curtilage for the storage of waste and recycling containers, therefore further control is not considered to be necessary. A note to applicant will advise that the collection of refuse and recycling containers will be from the highway boundary.

Conclusion

The principle of residential development on the site for a single detached dwelling and garage of similar scale, layout, height and orientation has been established by the previous planning permissions in 2007 and 2010 and is supported by current planning policy. The proposed dwelling and garage are considered to be a high quality design in keeping with surrounding development. The current proposals are not considered to harm the character of the area or the amenities of neighbouring properties or highway safety. The application is, therefore, recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 9 November 2011 and to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary of Hinckley, would have a satisfactory design and layout and would not have an adverse effect on the character of the area, the amenities of neighbouring properties or highway safety.

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

Hinckley and Bosworth Local Development Framework Core Strategy (2009):- Policies 1, 19 and 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 11/68 02C, 11/68 03a, 11/68/04 received on 3 October 2011.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Before first occupation of the dwelling hereby approved, two car parking spaces shall be provided within the curtilage of the dwelling. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking unless otherwise agreed in writing by the local planning authority.
- 6 No gates shall be erected to the vehicular access.
- 7 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 2, Classes A, B and C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 8 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

- 9 The en-suite window to be inserted in the rear elevation shall be obscure glazed and retained as such at all times thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development does not have an adverse impact on the visual amenity or character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan
- 5 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 6 In the interests of road and pedestrian safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 9 To safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

- 6 In the interests of road and pedestrian safety all construction traffic should enter and leave the site via Eastwoods Road.
- 7 The applicant is advised that the private track to the front of the site does not form part of the public highway and that the Borough Council's domestic waste and recycling collection service is from the kerbside highway boundary (Eastwoods Road). Further refuse and recycling service information is available on the Council's website.

Contact Officer:- Scott Jackson Ext 5929

Item: 07

Reference: 11/00764/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: 29 November 2011

Introduction:-

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

Application Proposal

This is a full planning application for a mixed use development comprising the conversion of the existing Miners Welfare Institute to form three separate office units and a 1-bedroomed bungalow to the rear and the erection of a detached dwelling with associated car parking and detached garage to the south. Parking is provided within the site, 1 space per office unit 1 space for the bungalow and 2 space including garage for the dwelling.

This planning application is a resubmission of 11/00572/FUL which was withdrawn. This planning application differs from the previous one with there being a reduction in bedrooms in the bungalow, re-siting the dwelling and garage, enlargement of amenity space and parking area and minor design changes.

The proposals also involve the partial demolition of a section of the Miners Welfare Institute which includes the store room and boiler room located between the hall and canteen, the two toilet extensions along the southern elevation and the removal of the stone wall and gates to the western boundary facing onto Main Street. The conversion of the hall will provide three offices with floor areas of 36, 42 and 38 square metres with a communal service area of 12 square metres.

Members are advised that this application is to be read in conjunction with planning application 11/00765/CON for Conservation Area Consent to partially demolish the store/boiler rooms, two toilet blocks and the stone wall and gates to the western boundary, this application is also under consideration on this agenda.

Amended plans were received on 21 October 2011 showing amendments to resite the garage 0.5 metres to the south east and the replacement of the boundary fence with a 1.8 metre high brick wall between the garage and the bungalow.

An additional plan was received on 21 October 2011 showing the swept-path for a large vehicle to demonstrate that turning can be achieved within the site.

An amended landscaping plan was received on 31 October 2011 showing amendments to the boundary wall between the garage and bungalow and the extent of protective fencing to be installed along the root protection area for protected trees

The Site and Surrounding Area

The site area measures 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 Document submitted with application

The application is accompanied by a design and access statement, ecology report, transport statement and heritage statement. The design and access statement sets out each aspect of the application proposals and states that the development is loosely arranged around a courtyard design. This document also states that no arrangements have been made for the provision of a pedestrian link to Millennium Park to the rear of the site on the grounds of security and fears of anti-social behaviour. Finally this document states that the mix of uses will ensure that natural surveillance of the site during day and night time hours will be achieved.

The ecology report states that no evidence of bats or birds were found in the building, primarily due to the draughty conditions of the buildings but acknowledged that the grounds had suitable habitat to support birds. The report concluded that no evidence of protected species was found within the building or the grounds of the site.

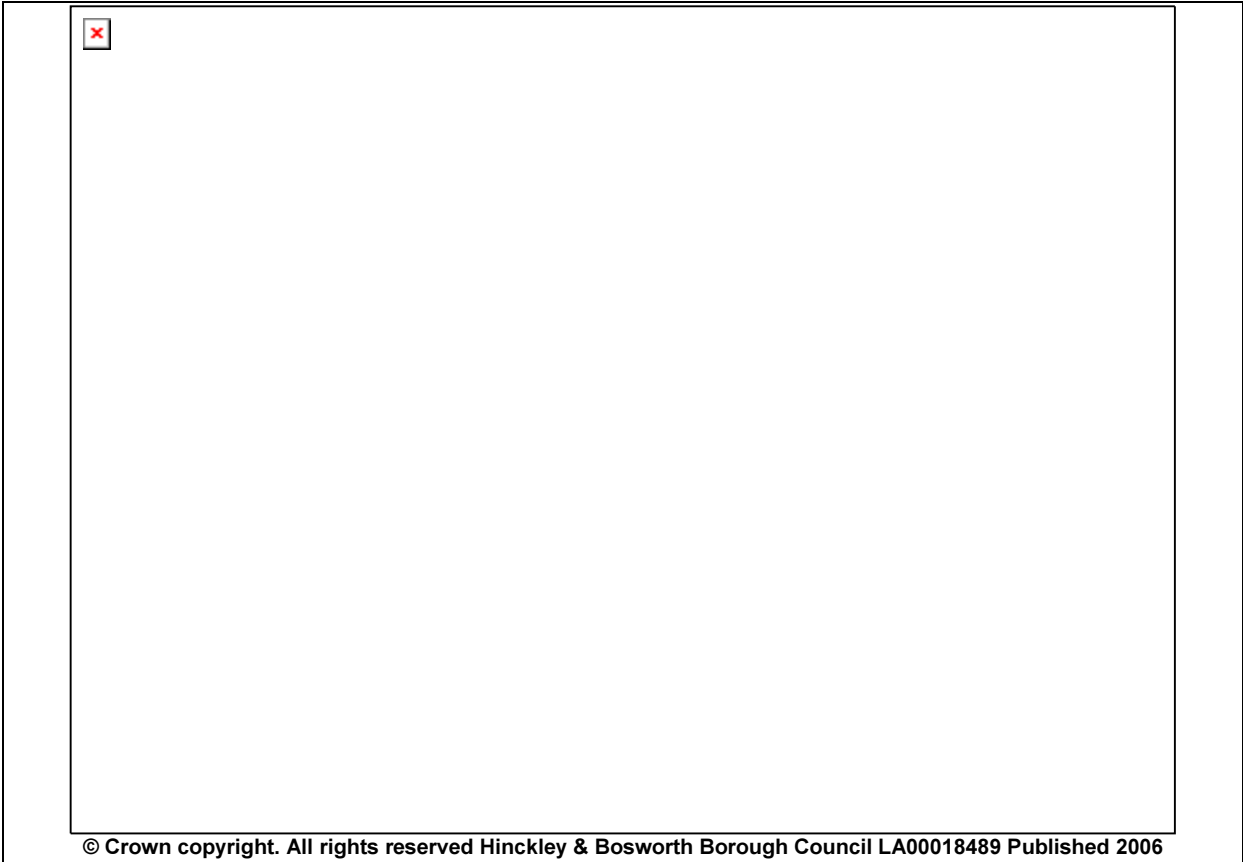
The transport statement states that the existing site has provision for a maximum of 8 cars and it is accessed via an existing gated access located in the south western corner of the site. This document then states that the proposed vehicular access off Main Street and the parking provision for the development has been designed in accordance with the guidance set out in the 6Cs Design Guide for two to five dwellings which is used by the Director of Environment and Transport (Highways) within Leicestershire. This document concludes that the nature of the uses is such that the offices will be used during daytime hours and the houses during the evening and weekends, thereby allowing for a flexible parking arrangement at the site.

The heritage statement provides a descriptive appraisal of each building in turn and a historical overview of the use of the building since it was originally constructed, up until its

closure in 2005. The statement then concludes that the sloped ceiling to the hall and canteen will provide light and airy office and residential accommodation and the remainder of the site will be redeveloped into a sympathetic stone and render clad detached house.

History:-.

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	
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	
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:-

Environment Agency
Head of Community Services (Pollution).

No objection subject to conditions has been received from:-

Severn Trent Water Ltd
Council's Arboricultural Consultant
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Land Drainage).

Following receipt of the amended plans on 21 October 2011 the Director of Environment and Transport (Highways) has raised no objection subject to conditions.

No objection subject to note to applicant has been received from The Directorate of Chief Executive (Ecology).

Following receipt of the amended landscaping plan on 31 October 2011 The Council's Arboricultural Consultant has raised no objections subject to conditions.

Councillor Lay has objected to the proposed development raising the following issues:-

- a) additional traffic generation
- b) insufficient parking provision
- c) there are existing localised parking issues
- d) development detracts from the conservation area
- e) loss of the proposed footpath through to Millennium Gardens to the rear
- f) increase in anti-social behaviour.

Markfield Parish Council object to the proposed development, raising the following issues:-

- a) the development will result in vehicles being parked on the highway
- b) restricted access with poor visibility
- c) inadequate turning provision within the site
- d) may result in vehicles being reversed out into the highway
- e) there are existing localised parking issues in this part of Markfield
- f) loss of footpath through to Millennium Gardens to the rear of the site.

Site notice and Press notice were displayed and neighbours notified.

Five letters of objection have been received raising the following issues:-

- a) overshadowing of windows and gardens to residential properties due to the proximity to trees
- b) the car parks in close proximity to the site are always used to capacity
- c) increase in noise from the movement of additional vehicles
- d) commercial use in a residential area is inappropriate
- e) there are existing localised drainage issues
- f) overbearing impact of detached dwelling
- g) loss of light to objector's property
- h) loss of light to the pedestrian thoroughfare to 120 Main Street
- i) detached dwelling should be re-sited

- j) design and appearance of detached dwelling is out of keeping
- k) loss of light will reduce the thermal capacity of neighbouring dwelling
- l) loss of privacy to neighbouring dwellings
- m) additional security to eastern elevation of bungalow are required
- n) there are existing vandalism issues at the site
- o) the open vehicular access will encourage further vandalism
- p) damage to roots of Horse Chestnut tree
- q) overdevelopment
- r) Markfield needs additional affordable housing
- s) there is no demand for offices
- t) overshadowing/overbearing impact on property to the north
- u) loss of view
- v) loss of on-street parking spaces
- w) no residents only parking available.

At the time of writing this report no comments have been received from The Directorate of Chief Executive (Archaeology).

Markfield Parish Council responded on 4 November 2011 to confirm what plans and improvements have been identified for existing open space within Markfield.

The consultation period remains open at the time of writing this report and expires on 9 November 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting guidance in PPS1 states that good design should contribute positively towards making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 5 - Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking

in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices’.

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Planning Policy Guidance 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector’s report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS’s proposal to abolish regional strategies. The Court confirmed that the Government’s proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

The East Midlands Regional Plan provides a broad development strategy for the east Midlands. The following relevant policies apply to this proposal:

Policy 1 outlines the regional core objectives, including to protect and enhance the environment and improve employment opportunities.

Policy 2 promotes better design, including seeking design that reduces CO2 emissions.

Local Development Framework Core Strategy 2009

Policy 7 seeks to ensure that there is a range of employment opportunities within the Key Rural Centres and supports housing development within settlement boundaries that provides a mix of housing types and tenures.

Policy 8 supports additional employment provision to meet local needs. It also requires new development to respect the character and appearance of the Markfield Conservation Area and to incorporate locally distinctive features of the conservation area into the development.

Policy 15 sets out the affordable housing targets for development according to a hierarchy of settlements. In rural areas such as Markfield development of 4 dwellings or 0.13 hectares or more requires that 40% of affordable housing be provided on site.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 21 states that all development within the National Forest should be appropriately sited and scaled according to its setting within the forest.

Policy 24 states that residential development within Key Rural Centres such as Markfield will be expected to meet the sustainability targets as set out in Building a Greener Future

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 Design and Siting of Development states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

Policy BE7 requires new development to preserve or enhance the character and appearance of the conservation area and to be in sympathy with the merits of neighbouring development.

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

Policy EMP4 states that small-scale employment uses within settlement boundaries will be permitted provided that the use is not detrimental to residential amenity, the development doesn't detract from the character and appearance of the environment and that vehicular traffic, parking and design do not result in loss of residential amenity or impair road safety.

Policy REC3: New Residential Development - Outdoor Play Space for Children requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy RES5: Residential Proposals on Unallocated Sites states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy T5: Highway Design and Vehicle Parking Standards refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Other Guidance

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Green Space Strategy 2005-2010.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

The Markfield Conservation Area Appraisal 2010 states that the modern development along Main Street detracts from the prevailing scale, form and grain of the conservation area and that the average height of buildings along the street is relatively low and that garden walls are principally constructed of stone. The photographic survey that supports the Conservation Area Appraisal states that any redevelopment of the Miners Welfare Hall site should respect traditional design element of the village and materials.

The 6C Design Guide deals with highways and transportation infrastructure for new development in areas for which Leicestershire County Council are the highway authority. Part 3 of this document sets out the guidance for designing layouts that provide for the safe and free movement of all road users and covers parking for cars, service vehicles, cycles and motorbikes.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact on neighbour amenity, overbearing impact, preservation or enhancement of the conservation area, highway issues, developer contributions and other matters.

Principle of Development

The site consists of the former Miners Welfare Hall and Canteen located to the rear. The proposals are to convert parts of these existing buildings for a mix of residential and office use. The site in question also consists of an overgrown area of car parking to the south of the buildings. The building has been vacant since 2005 and is identified as being a site for potential redevelopment within the Markfield Conservation Area Appraisal. The proposed development will ensure that this existing building within the conservation area is retained and converted and that the remainder of the site is redeveloped for residential purposes. The development proposes residential and commercial development on a brownfield site within the settlement boundary for Markfield; therefore there is a presumption in favour of development. PPS1 and PPS3 encourage the development of vacant sites within existing settlements that are close to facilities, particularly the re-use of previously developed or under utilised land. It is, therefore, considered that the principle of development of the site is acceptable in this case.

Impact on Neighbour Amenity

The proposed detached dwelling is sited approximately 1.5 metres from the front boundary of the site, this has been altered from the previous scheme in order to bring the dwelling closer to the road and more within the streetscene. No 116-118 Main Street to the south sits on the back edge of the footpath. As the dwelling is set further back from the frontage it extends 8.5 metres beyond the rear elevation of No 116-118. This projection is considerable and will run

alongside the entire depth of the neighbour's garden. However there is a 2 - 2.5 metre wide access between the site and neighbouring property and the site sites to the north of the neighbouring property. The separation distance and orientation of the site in relation to the neighbouring property will sufficiently reduce the impact on residents of the neighbouring property with regards to overshadowing and loss of light. Neither the existing property (No 116-118) or the proposed property have side elevation windows as such it is considered that the existing residents will not be impacted upon by virtue of loss of light to principal windows or overlooking.

120 Main Street is located to the rear of No 116-118, its north elevation is 14 metres from the southern boundary of the site. The proposed detached dwelling does not project far enough into the site to sit alongside the boundary with No 120. Whilst there are windows proposed in the rear elevation of the proposed dwelling due to the 90 degree angle of the proposed property 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 which would reduce its thermal capacity.

It is accepted that siting of the proposed detached dwelling with a depth of 10 metres will create a sense of enclosure to the private pedestrian access to 120 Main Street sited to the south of the site. However the dwelling is sited directly to the north and this is not a public right of way to access Millennium Garden to the rear. As such it is not considered that this would result in a reason for refusal of planning permission.

No windows are proposed in the north elevation of the canteen or hall which 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. There are two windows positioned in the southern elevation of 132 Main Street which serve a bathroom and bedroom. The separation distance between the bedroom window proposed in the northern elevation of the detached dwelling and the bedroom window of 132 Main Street is 25 metres. This separation distance complies with the guidance set out in the SPG for New Residential Development which requires development to achieve a minimum separation distance of 25 metres between habitable room windows. The distance between the proposed dwelling and No 132 along with the existing building between would ensure there is no overbearing impact on residents of No 132 through overshadowing or loss of light.

The garden to the south of the proposed 1-bed bungalow will be enclosed by a 1.8 metre high close boarded fence along its southern and eastern boundaries, by a 1.8m brick wall to its western boundary and by the southern elevation of the bungalow itself to the north. The main issue for consideration is the potential loss of amenity to the future occupiers of the proposed 1-bed bungalow through overlooking of its rear garden from the proposed detached dwelling and 120 Main Street to the south. A large bedroom window is proposed in the first floor rear elevation of the detached dwelling. The proposed garage with ridge height of 4 metres will be located between the detached dwelling and the bungalows garden. This will afford some privacy to the bungalows garden.

The southern boundary of the garden to serve the bungalow will be sited 21 metres from the principal elevation of 120 Main Street. There is a shed and a brick outbuilding with a ridge height of 2.5 metres sited along the northern boundary of the garden belonging to 120 Main Street. Taking into account these existing structures sited adjacent to the northern boundary with the application site and the separation distance it is considered that the potential for the overlooking of the rear garden from 120 Main Street to the bungalow is negligible in this case.

There is the potential for loss of residential amenity to the occupants of the proposed 1-bed bungalow to the rear, arising from the retention of three windows along its eastern elevation

which will face onto an informal open space known as Millennium Gardens. Whilst it is accepted that these are existing windows to the canteen building, the change of use for residential purposes will result in the requirement for potential loss of residential amenity to be accounted for. It should be noted the part of Millennium Gardens which adjoins the site boundary is the furthest point from the entrance on Lillingstone Close at a distance of 105 metres and there is no link through to Main Street. In light of the separation distance to the entrance to Millennium Gardens to the east and the absence of a pedestrian link through to Main Street 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 and vandalism. 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 land slopes away from the site to the east towards Millennium Gardens, resulting in these three windows being sited at head-height level when viewed from the public open space. The positioning of these windows at a higher level will reduce the potential for overlooking into the bedroom and lounge from Millennium Gardens to the east. The remaining window will serve a bathroom and will be obscure glazed. Measures can be taken to the design and construction of the windows such as double glazing, top opening windows and safety glass which will reduce noise, provide security and allow ventilation into the habitable rooms within the bungalow.

There is a grouping of semi-mature trees located approximately 3 metres to the east of the proposed 1-bed bungalow and its two habitable room windows. These trees are planted at regular intervals in the Millennium Gardens open space and not in a continuous line which would create permanent shade. Taking into account the spacing and age of these trees they are not considered to result in overshadowing to the windows in the eastern elevation of the 1-bed bungalow. There is a grouping of mature trees consisting of two Sycamores and a Horse Chestnut which has TPO (Tree Preservation Order) status located to the south east. The canopy to the nearest of these trees (Sycamore) is sited 8 metres from the rear elevation of the detached dwelling and the Horse Chestnut is sited 11.5 metres from the rear elevation of the 1-bed bungalow. The canopies of the remaining trees are sited marginally further away from the rear elevations of the two dwellings. Taking into account these separation distances these existing trees are not considered to give rise to a detrimental loss of residential amenity through the overshadowing of the rear gardens and windows to the two proposed dwellings.

Following receipt of the amended plans on 21 October 2011 showing the setting in of a section of the wall along the western boundary the proposed 1-bedroom bungalow will have a rear garden of 47.5 square metres. There is no minimum amount of private garden space set out for 1-bedroom dwellings within the Supplementary Planning Guidance for New Residential Development. The provision of a rear garden of 47.5 square metres is considered to be proportionate to the scale of the proposed bungalow and therefore is acceptable in this case. The amended plans received on 21 October 2011 show that the proposed 3-bedroom detached house will have a rear garden of 100 square metres, this provision complies with the 80 square metre minimum requirement set out for 3-bedroom dwellings in the guidance for New Residential Development.

The proposed detached dwelling would be located 15 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. Furthermore the inclusion of front facing

habitable room windows within the proposed detached dwelling respects the existing arrangement of windows to adjacent properties, including 116 and 118 Main Street.

There is sufficient space within the site for the parking of five vehicles plus a detached garage, a vehicle turning area, for two private gardens which comply with the minimum space requirements set out in the SPG for New Residential Development, for the erection of a 3 bed detached dwelling and for an adequately sized vehicular access and driveway to be provided. Therefore the proposed scheme is not considered to constitute overdevelopment of the site.

The mix of uses will ensure that there is natural surveillance at the site at all times of the day. The office units will ensure that the site is supervised during daylight hours and the two dwellings will ensure surveillance is maintained through the evening and into the following morning. Therefore the creation of natural surveillance will reduce the potential for either anti-social behaviour and/or vandalism to occur.

Overbearing Impact

In order to consider overbearing impact it is necessary to demonstrate the impact the approved scheme will have on the neighbouring amenity in comparison to that now proposed.

Approved scheme - 09/00945/FUL (Extant Planning Permission)

This development consists of a row of three terraced properties with a car port providing vehicular access to the rear of the site where the car parking spaces are sited. These proposals include the demolition of the former Miners Welfare Institute. The row of dwellings are orientated at an angle which corresponds with the existing dwellings located to the south. The angled siting of the end property adjacent No 118 is reflected in its differing separation distances from the southern boundary. The distance to the boundary being 2.4m at the front and 0.8m at the rear. The front elevation is set back 5.8m from the western boundary resulting in the front of the dwelling being slightly behind the rear elevation of No 118. The depth of the dwelling is 8.5m which results in built form extending the full length of No 118s rear garden. The height of the property is 9.3m to the ridge with the chimney extending a further 0.9m above the ridge. The design of the property is such that the side elevation is a gable end.

Proposed scheme - 11/00764/FUL (Application under consideration)

The detached dwelling is angled to reflect the southern boundary and sits on the adjoining boundary with No 118. The front elevation is set back 4 metres from the western boundary nearest to No 116-118. The depth of the dwelling is 10m which results in built form extending the full length of No 118s rear garden. The height of the property to the ridge is 7.2 metres. Due to the configuration of the dwelling the first 4.8m forms a gable end on the boundary with the rest being solid wall to eaves which is 5m in height.

Conclusion - Overbearing Impact

Although the properties approved and now proposed are different in depth due to the different relationship each scheme has to the front boundary, both schemes result in built form for the entire length of the rear garden to No 116-118. The approved scheme is higher to the ridge than that now proposed by 2.1m however the approved scheme is sited away from the boundary rather than on the boundary as now proposed. As such it is considered that the proposed scheme whilst lower, due to its siting on the boundary and proximity to the rear garden of No 118 would have an overbearing impact on the occupants of No 116-118.

In order to reduce both the overbearing impact to this neighbouring property a request for amended plans has been made to the applicant to alter the roof to the rear of the detached dwelling from a gable to a hip design, to re-site the dwelling further towards Main Street (to the west) and away from the southern boundary. At the time of writing the report the amendments have not been received as such they will be reported and appraised as a late item.

Preservation or Enhancement of the Conservation Area

The proposed development has been considered by the council's conservation officer and agreed as being acceptable in principle. No objections have been raised by the conservation officer in relation to the design and scale of the proposed detached dwelling or to the conversion of the former Miners Welfare Hall for office and residential use. 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. The proposals are to remove the concrete roof tiles to the hall and replace them with a profiled metal roof, the stonework to the hall will be retained, and the render to the upper part of the front elevation facing Main Street, including the rendered quoin detailing to the front doors and walls will be replaced. 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. It is considered that the replacement and upgrading of the materials to both the hall and canteen buildings will reinstate this established frontage within the Conservation Area and the introduction of materials such as timber cladding and slate roof tiles will enhance the character and appearance of the Markfield Conservation Area.

The dilapidated boiler/store room that links the canteen will be demolished. The two flat roof toilet blocks that are visually prominent from the existing site access and from Main Street will also be demolished. It is considered that the removal of these buildings will enhance the character and appearance of the Conservation Area as they have no architectural merit.

Turning to the proposed detached dwelling this will be constructed from brick and stone with a slate roof. The front elevation is proposed to be constructed from stone in order to reflect the existing stone façade to the 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 the semi-detached properties located opposite the site (111-113 Main Street) and the modern properties that have recently been constructed along Main Street opposite the former George Inn. 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. 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 main issue for consideration in this case is the siting and height of the proposed detached dwelling. The height of the proposed dwelling to ridge will be 7.2 metres and the height to eaves level will be 5 metres. When compared to the ridge heights of adjacent houses, the proposed detached dwelling will be 1.5 and 0.6m higher than the staggered ridge levels of 11 6-118 Main Street to the south, at the same height as 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. Therefore this part of the Conservation Area is defined by dwellings and public buildings with staggered ridge heights.

The setting back of the detached dwelling from the highway footpath to allow a small area of front garden to be provided is consistent with the Markfield Conservation Area Appraisal which states that Main Street is defined by properties located up to the back edge of the pavement or behind short front gardens. The setting back of the dwelling is also consistent with the siting of the dwellings located opposite the site (No's 115 and 117) and the dwellings immediately to the north (132-136 Main Street). By virtue of its siting, set back from the highway footpath the proposed detached dwelling is considered to preserve the character and appearance of the Markfield Conservation Area.

The proposed detached garage to be located to the rear of the detached dwelling will be visible from the vehicular access. An amended plan was received on 21 October 2011 showing the replacement of the boundary fence along the western boundary of the proposed bungalow with a 1.8m high wall. The amended plan provides a street scene illustration that is centered on the position of the re-sited vehicular access. This street scene plan shows that the detached garage, together with the wall along the garden boundary to the bungalow will provide some continuity of built development across the site, particularly in the gap between the proposed detached dwelling and the converted Miners Welfare Hall where there is a noticeable decrease in ridge heights. The proposed garage will be set back 17.6 metres from the edge of the highway footpath and will have a ridge height of 4 metres. This will result in its ridge height being level with the window cill serving the first floor of the detached dwelling. Taking into account its set back position and that it will provide continuity to the street scene it is considered that the proposed detached garage, by virtue of its siting will preserve the character and appearance of the Conservation Area.

It is considered prudent in this case to remove permitted development rights for extensions and roof alterations from both of the residential properties. If permitted development rights were not removed for the detached dwelling then the roof could be converted and dormer windows added and a single storey extension to a depth of 4 metres and a width of 5.6 metres erected to the rear. This would result in roof alterations that would be at odds with the character and appearance of the Conservation Area, would allow overlooking of the garden to the 1-bed bungalow to the rear and an extension which would significantly reduce the amount of private amenity space available to the occupants to an extent that is below the minimum level of 80 square metres set for 3-bedroom dwellings in the New Residential Development SPG.

If permitted development rights were not removed from the 1-bed bungalow then roof alterations could be made that would be at odds with the character and appearance of the conservation area and an extension to the front of the property could be erected which would conflict with the vehicle parking arrangements. Likewise the permitted development rights to erect a porch on the 1-bed bungalow will be removed to ensure that there is no conflict with the vehicle parking and turning arrangements.

Highway Issues

The development proposes a total of 6 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 three 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 three offices with floor

areas of 36, 42 and 38 square metres with a communal service area of 12 square metres. Although one of the proposed offices has a floor space (42 square metres) that is 2 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 two public car parks located within 60 metres of the site and on-street parking spaces available opposite the vehicle access on Main Street.

Following receipt of the amended plans on 21 and 31 October 2011 which show the setting back of the detached garage 0.5 metres to the south east and to a section of the boundary wall between the garage and 1-bed bungalow the Director of Environment and Transport (Highways) has raised no objections to the proposed development in terms of parking, access, turning and visibility. The setting in of the garage and a section of the boundary allows sufficient turning space for a vehicle to exit the site in a forward direction. This is demonstrated by the swept-path plan received on 21 October 2011 which shows that a large car can safely undertake a turning manoeuvre within the site without it being to the detriment of pedestrian or highway safety.

No evidence has been provided to demonstrate that there are existing localised parking issues in this part of Markfield or that the public car parks are always at full capacity. The parking spaces available on Main Street are for use by the public. As a result of these proposals these spaces will remain for use by the public. The Director of Environment and Transport (Highways) has raised no objections as the scheme meets the parking requirements.

There will be a marginal increase in traffic movements however not sufficient to warrant an objection on highway grounds.

The introduction of residents only parking along Main Street is not a material planning consideration and therefore not relevant to this case.

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 to 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.

Core Strategy Policy 19 and 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). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

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

In terms of open space and play policies, Policy REC3 of the Local Plan suggests that direct or indirect (financial) contributions will be expected for open space provision (REC3) on developments of less than 20 dwellings.

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 responded on 04 November 2011 and identified 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.

Other issues

Pedestrian link to Millennium Gardens

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.

Impact on trees

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. The only works proposed within the canopy of the tree are the grassing of the rear gardens and the erection of a 1.8 metre high fence along the eastern boundary. It is considered that the proposed landscaping works will not damage the root system or canopy spread of this protected Horse Chestnut Tree. The Council's Arboricultural Consultant has requested a plan showing the extent and method of tree protection within the root protection area for the trees and that the post holes for the boundary fences within the root protection area are excavated by hand. The Council's Arboricultural Consultant has also confirmed their support

for the removal of the Sycamore tree within the site as it is sited too close to existing structures and boundary treatments.

An amended landscaping plan was received on 31 October 2011 showing 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 will 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 amended landscaping plan.

Ecology

The proposals involve the demolition of the boiler/store room and toilet blocks. The ecology report submitted with the planning application stated that no protected species were found within the existing buildings or within the site. The Directorate of Chief Executive (Ecology) has raised no objections in relation to the proposed development upon local ecology. However a watching brief note to applicant is suggested to ensure that development ceases in the event that any protected species are discovered during the demolition and construction process.

Refuse Storage

An area has been allocated between the 1-bed bungalow and the offices for bin storage to serve the 3 office units. There is sufficient space to the rear of both the residential properties for the storage of bins. The Head of Business Development and Street Scene Services (Waste Minimisation) has raised concerns about the siting of the refuse storage area to the rear of the site and the potential for the bins to become obstructed by vehicles. This refuse storage area is designated for use by the three office units. Therefore it will be the responsibility of the end users of the offices to ensure that the bins/recycling are made available for collection by the highway.

Demand for offices

The siting of offices within this residential area is considered to comply with policy EMP4 as the proposed offices will not be detrimental to residential amenity, they do not detract from the character and appearance of the area and will not generate traffic which will be detrimental to neighbouring properties or to the capacity of the highway network.

The siting of office units within a residential area is considered acceptable as offices do not generate amenity issues such as excessive noise or disturbance and will only be in operation during normal working hours. Furthermore the offices will provide natural surveillance of the immediate and surrounding residential properties.

Localised Drainage Issues

Issues have been raised about potential localised drainage problems. It is proposed to connect to the existing main sewer for both foul and surface water disposal. Given the location of the site within the centre of Markfield there are no issues with connecting to the mains sewerage system. The Head of Community Services (Land Drainage) and Severn Trent Water have raised no objection to the proposal but have both asked for a condition in respect of drainage details to be submitted. Severn Trent Water hasn't advised whether there are any existing drainage issues in this part of Markfield. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has

been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Demolition and Construction

Noise and dust generated from the demolition phases of development will be restricted to social hours of the day and will only take place for the duration of the works. Therefore noise will be expected during this time and will cease once development on the site is completed. Noise 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 car park area to the south of the Miners Welfare Hall. There are other statutory controls which exist that control statutory noise, disturbance and pollution. The imposition of conditions relating to demolition/construction timetables, phasing of works and for demolition/construction 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.

Impact on view

Loss of view is not a material planning consideration and therefore not relevant to this case.

Sustainability

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

Conclusion

By virtue of its scale, height, massing, siting and use of materials the proposed development is considered to preserve 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 ensures the retention and re-use of a building within the conservation area and the removal of extensions to the former Miners Welfare Hall which 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 9 November 2011 the Deputy Chief Executive (Community Direction) be granted delegated powers to granted planning permission subject to the conditions below. Failure to complete the said agreement by 29 November 2011 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, 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 its scale, height, massing, siting and use of materials the proposed development is considered to enhance the character and appearance of the Markfield Conservation Area and is not considered to result in loss of residential amenity to neighbouring properties or result in highway safety issues. The proposed development ensures the retention and re-use of a building within the conservation area and the removal of extensions to the former Miners Welfare Hall. These works are considered to both preserve and enhance the character and appearance of the Markfield Conservation Area.

Hinckley and Bosworth Local Plan (2001) :- Policies BE1, BE7, BE8, EMP4, REC3, RES5, T5, T9, NE2 and IMP1.

Hinckley and Bosworth Local Development Framework Core Strategy (2009) :- Policies 7, 8, 21 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:-

020.PD.01, 020.PD.02A, 020.PD.03A, 020.PD.04A 020.PD.05A ,020.PD.15A, 020.PD.18A, 020.PD.19A, 020.PD.20A received on 20 September 2011, 020.PD.21, 020.PD.22, 020.PD.23, 020.PD.24 received on 04 October 2011, 451, 020.PD.10E, 020.PD.12F, 020.PD.13D, 020.PD.14D received on 21 October 2011 and 020.PD.11E received on 31 October 2011.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and the colour finish to the roof of the offices 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 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 8 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.
- 9 No gates shall be erected to the vehicular access at any time.
- 10 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.
- 11 Any windows or doors at ground floor level on the western elevation of the office building shall be of a type other than outward opening and shall thereafter be retained.
- 12 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.
- 13 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.
- 14 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.
- 15 Demolition and Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 16 Before any development is commenced on the site, including demolition, each of the trees (indicated on Landscaping Plan 020.PD.11E) shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837.2005 Figure 2 erected along the edge of the root protection area identified on Landscaping Plan 020.PD.11E. 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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 4 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policies BE1 and BE7 of the adopted Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 6 To safeguard the character and appearance of the Markfield Conservation Area and in the interests of highway safety and residential amenity in accordance with the requirements of Policies BE1, BE7 and T5 of the Adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 9 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 Local Plan.
- 10 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.
- 11 In the interests of pedestrian safety in accordance with policy BE1 of the adopted Local Plan.
- 12 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 13 To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

- 16 To ensure the protection of these important conservation area and protected trees in accordance with the requirements of Policy BE7 of the Adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 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:- Scott Jackson Ext 5929

Item: 08
Reference: 11/00765/CON
Applicant: Mr Sean Lyall
Location: 128 Main Street Markfield
Proposal: PARTIAL DEMOLITION OF MEETING HALL TO FACILITATE DEVELOPMENT
Target Date: 29 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it accompanies an application for full permission which has received objections from more than five addresses.

Application Proposal

This application is for conservation area consent to demolish the existing boiler/store room and two external toilet blocks attached to the former Miners Welfare Institute in Markfield. The proposed works also involve the removal of the stone wall and gates sited along the western boundary of the site.

This application is a resubmission of a previous application which was withdrawn. Members are advised that this application is to be read in conjunction with planning application 11/00764/FUL for the conversion of the Miners Welfare Hall to form offices and a 1-bed bungalow, the erection of a detached dwelling and garage and re-sited vehicular access. This application is also under consideration on this agenda.

The Site and Surrounding Area

The site area measures 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.

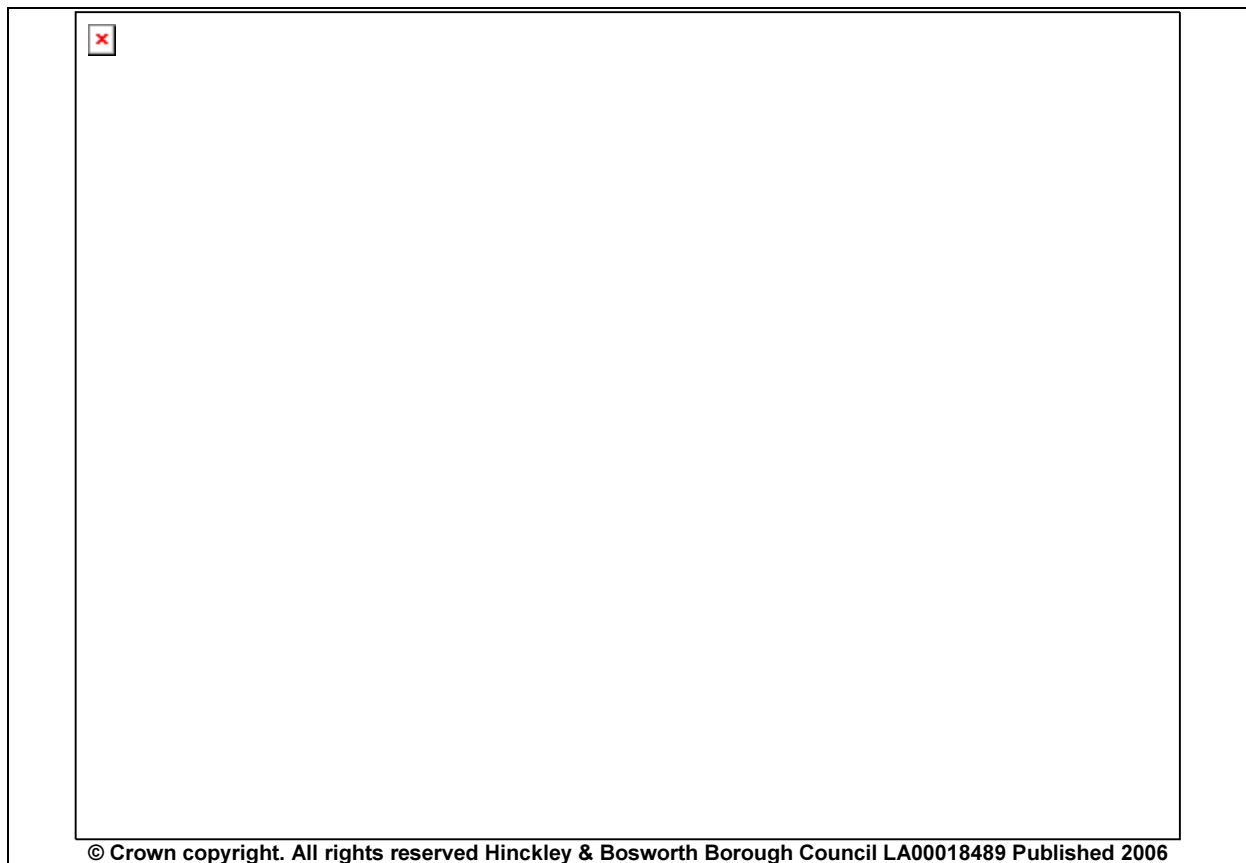
Technical Document submitted with application

The design and access statement states that the substantial rear extensions, including the store and boiler room were added in the late 1920's and the toilet extensions shortly after. This statement goes on to say that the building began to fall in disrepair in the 1980's and was closed in 2005.

The planning application is also accompanied by an existing site plan which clearly shows the sections of the site which are proposed to be demolished.

History:-

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	
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	
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 note to applicant has been received from The Directorate of Chief Executive (Ecology).

Markfield Parish Council object to the proposed development on the following grounds:-

- a) inadequate parking provision
- b) the development will result in vehicles being parked on the highway
- c) there is an existing issue with localised parking in Markfield
- d) restricted access with poor visibility
- e) inadequate turning provision within the site
- f) may result in vehicles being reversed out into the highway
- g) loss of the proposed footpath through to Millennium Gardens to the rear

Site notice and Press notice were displayed and neighbours notified.

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

- a) overdevelopment
- b) existing trees in Millennium Gardens are too close to the windows of the proposed bungalow
- c) the horse chestnut tree will cast shade into the gardens of the proposed dwellings.

The consultation remains open at the time of writing this report and expires on 9 November 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midland Regional Plan 2009

No relevant.

Local Policy

Local Development Framework Core Strategy 2009

No relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 states that planning permission will be granted for development which does not adversely affect the occupiers of neighbouring properties.

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

Other Material Policy Guidance

The Markfield Conservation Area Appraisal 2010 states that Main Street is now densely built up and is a mixture of traditional 19th century cottages, stone boundary walls and modern infill development. It seeks to ensure the consistent application of positive, sensitive and detailed development control over proposals to develop the Miners Welfare building site.

Appraisal:-

The main considerations with regards to this application are the principle of demolition, impact of demolition upon the character of the conservation area and the impact of demolition on neighbour amenity.

Principle of demolition

The proposed development involves the demolition of part of a building (Miners Welfare Hall) within the conservation area that is identified in the Photographic Survey of the Markfield Conservation Area Appraisal as being a site where there are proposals to demolish the building and that redevelopment of the site should respect traditional design elements of the village and materials. The proposal to demolish these buildings and boundary treatments is considered acceptable in principle as the development ties in with planning application 11/00764/FUL for a replacement scheme that proposes to develop the site.

Impact on the Conservation Area

The re-development scheme also under consideration that has been assessed under planning application 11/00764/FUL is considered to enhance the character and appearance of the Markfield Conservation Area. 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. 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 have become dilapidated in their appearance, they are of no architectural merit and detract from the character and appearance of the conservation area. The removal of these buildings to facilitate the conversion of the canteen to form a 1-bed bungalow is considered to be acceptable as the proposed development scheme in its place will enhance the character and appearance of the conservation area.

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 will detract from the character and appearance of the conservation area it is considered that the proposed reinstatement of a 6 metre wide 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 inclusion of this 6 metre section of stone wall is considered to preserve the character and appearance of the Markfield Conservation Area.

Due to the siting of the development within the conservation area two conditions are proposed to be imposed to protect the character and appearance of the conservation area. These conditions request a contract for demolition and construction works to be entered into with the relevant development contractor and an agreed phasing management plan to be agreed with the Local Planning Authority prior to any development commencing, this includes demolition. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy state nor with a large undeveloped gap within the Conservation Area.

Impact on neighbours

Noise and dust generated from the demolition phases of development will be restricted to social hours of the day and will only take place for the duration of the works. Therefore noise will be expected during this time and will cease once development on the site is completed. Noise 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 car park area to the south of the Miners Welfare Hall. There are other statutory controls which exist that control statutory noise, disturbance and pollution. The imposition of conditions relating to demolition/construction timetables and 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.

Ecology

The Directorate of Chief Executive (Ecology) has raised no objections in relation to the proposed development upon local ecology. However a watching brief note to applicant will be provided to ensure that development ceases should any protected species be discovered during the demolition or construction process.

Other Issues

The issues raised in the letters of objection from Markfield Parish Council and the neighbour are not relevant to this application which only seeks to determine whether the demolition of the buildings is acceptable. These objections have been assessed in the separate report under consideration on this agenda, reference 11/00764/FUL.

Conclusion

The proposed demolition involves the removal of buildings that are considered to be detrimental to the character and appearance of the Markfield conservation area. There is a development scheme under consideration that is considered to enhance the character and appearance of the conservation area. The impact of demolition upon the conservation area and the potential for construction to follow within a reasonable timeframe can be controlled by condition to ensure that the cleared site doesn't blight the conservation area for a long period of time. Furthermore the noise and disturbance from the demolition and construction are temporary in nature and doesn't warrant the refusal of planning permission, as such the application is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 9 November 2011 and to the following conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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, it is considered that the demolition of the building would not be detrimental to the character and appearance of the Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

Hinckley and Bosworth Borough Council Local Plan (2001) :- Policies BE1 and BE8.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 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.
- 3 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.
- 4 For the period of the demolition hereby permitted, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan.
- 5 Demolition hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan
- 3 To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 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 demolition and construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

Notes to Applicant:-

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

Contact Officer:- Scott Jackson Ext 5929

Item: 09
Reference: 11/00788/DEEM
Applicant: Mr Alan Davies
Location: 20 - 30 High Street Barwell
Proposal: ALTERATIONS TO SHOP FRONTS
Target Date: 7 December 2011

Introduction:-

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

Application Proposal

This application seeks full planning permission for replacement shop fronts extending across 30 metres of the ground floor frontage of four shops known as 20, 22, 24, 28 and 30 High Street Barwell. The proposals involve the installation of traditional timber shop fronts to all of the shop units with the exception of 20 High Street which will retain its existing window frames constructed from UPVC. The remainder of the shop units will have new glazing installed which will be set within timber frames. It is also proposed to re-site the entrance door to 22 High Street to its most northerly point on the shop-front.

The Site and Surrounding Area

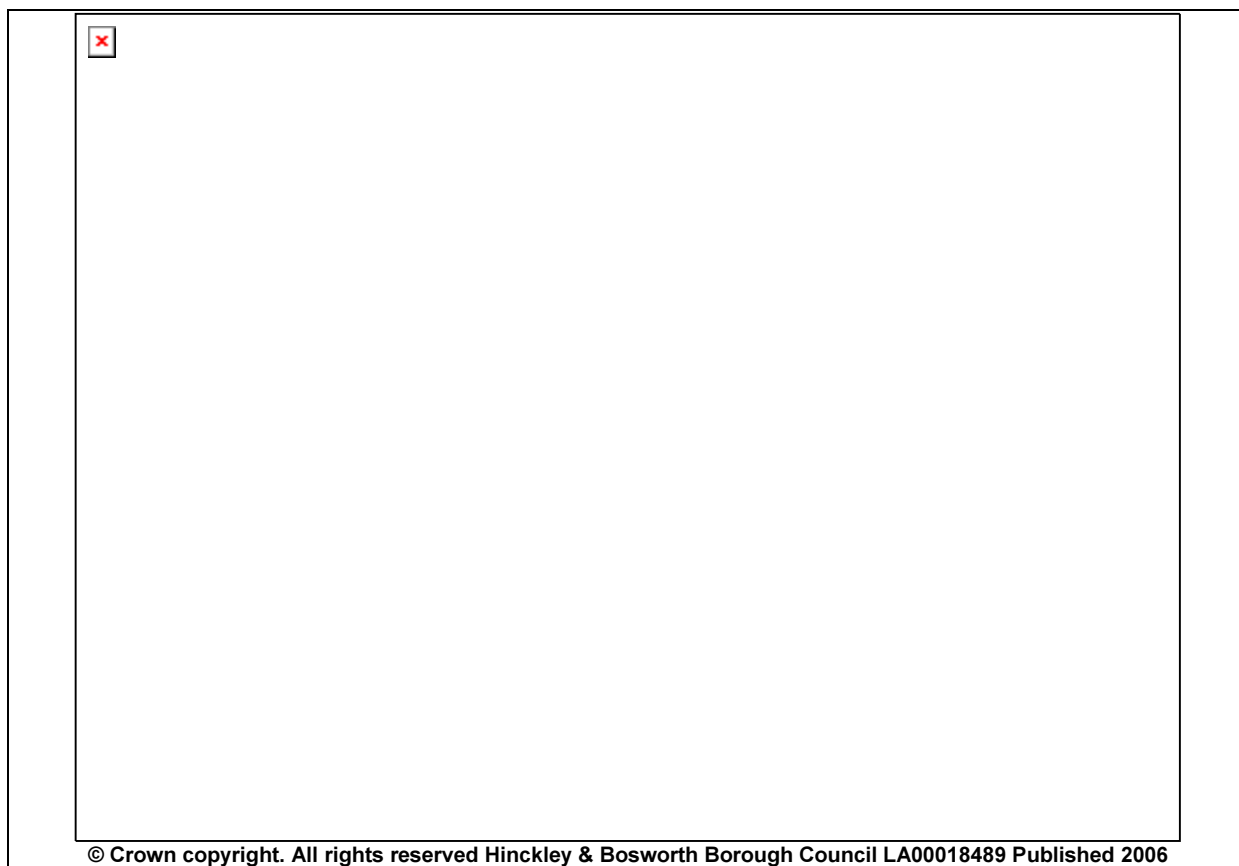
The four shop units are located in prominent position close to the centre of the settlement within the defined Barwell Local Shopping Centre and the Conservation Area. The shop units consist of a hairdressing salon (No 20), household goods shop (No 22), a newsagents/cycle shop (Nos 24 and 28) and a vacant unit (30 High Street). These premises are arranged in a terrace of two storey buildings with cream rendered upper floors and concrete roof tiles to 20 and 22 High Street with the remainder (24-30 High Street) being slate. The upper floor to 22 High Street has a protruding bay window and still retains some of its original terracotta detailing. The ridge height of 22 High Street is 0.5m higher than the adjacent roofs along the same terrace. The roof to 30 High Street has a projecting canopy gable which is finished in timber with a slate roof. All of the shop units front immediately onto the back edge of the highway footpath.

Technical Document submitted with application

A design and access statement has been submitted which states that the project to improve the shop units is a joint venture between a number of parties to improve the image of the High Street in Barwell. The statement sets out a short policy appraisal and states that the proposal is part of a comprehensive development to replace these poor quality shop frontages with shop fronts of traditional appearance and materials.

History:-

82/00635/4	Extension to existing hairdressing salon and formation of a self-contained flat over	Approved	21.09.82
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Consultations:-

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

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

- a) the shop owners cannot afford these alterations to the shop fronts
- b) the costs associated with the shop front changes may result in shop closures
- c) the money should be spent on alternative initiatives such as policing or anti-social behaviour
- d) there are other ways of increasing footfall in Barwell.

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

Directorate of Chief Executive (Archaeology)
Barwell Parish Council.

The consultation period remains open at the time of writing this report and expires on 11 November 2011. Any representations received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 5 - Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

The East Midlands Regional Plan provides a broad development strategy for the east Midlands. The following relevant policies apply to this proposal:

Policy 1 outlines the regional core objectives, including protecting and enhancing the environment and improving employment opportunities.

Policy 2 promotes better design, including seeking design that reduces CO2 emissions.

Local Development Framework Core Strategy 2009

Policy 3 requires new development to respect the character and appearance of the Barwell Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Hinckley and Bosworth Local Plan 2001

Policy BE1 Design and Siting of Development states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high

standard; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

Policy BE7 requires new development to preserve or enhance the character and appearance of the conservation area and to be in sympathy with the merits of neighbouring development.

Policy BE9 states that shop fronts within conservation areas that are attractive, of historic importance or contribute to the general character of the area should be retained. Where replacement is unavoidable only authentic and carefully detailed traditionally styled shop fronts will be permitted.

Policy RET6 states that planning permission for refurbished shop fronts will be granted where the shop front respects the local style, materials and the scale and proportion of the building and its neighbours and the fascia reflects the scale of the shop front and is not over dominant.

Supplementary Planning Guidance/Documents

The Shopping and Shop Fronts SPD provides an analysis of good shop front design and states that where replacement shop fronts are considered necessary, their design and detailing should enhance the building itself and the street scene in general. The document provides illustrative examples of good shop front designs.

The Barwell Conservation Area Appraisal identifies this row of shops as being significant local buildings and states that it is clear that some insensitive and low quality modern facades have been introduced and the detailing on the buildings is progressively being lost.

Appraisal:-

The main considerations with regards to this application are the design and appearance of the replacement shop fronts and enhancement or preservation of the Barwell Conservation Area.

Design and Appearance

The replacement shop fronts are of traditional design, appearance and materials with stallrisers, pilasters, transoms and fascia boards constructed from timber frames with well proportioned display windows set within timber mullions. The introduction of glazed display windows set within timber mullions ensures that all of the shop fronts have a uniform appearance. The height of the fascia boards to 24 and 30 High Street have been marginally increased by 0.1 metres and 0.2 metres, whilst the height of the fascia board to 22 High Street has been reduced by 0.6 metres and its width by 1.45 metres. It is considered that each of the fascia boards is proportionate to the scale of the shop-fronts and does not appear over-dominant. The design and appearance of the shop-fronts incorporates a number of the components of traditional shop fronts illustrated in the Shopping and Shop Fronts SPD, these are considered to be key features of good shop-front design.

Enhancement or preservation of the Barwell Conservation Area

The proposed development has been considered by the council's conservation officer and agreed as being acceptable in principle. No objections have been raised by the conservation officer in relation to the design and scale of the proposed replacement shop fronts or to the materials of construction.

The existing shop fronts are constructed from a variety of materials with fascia boards of differing heights and are generally of a poor quality design and appearance. The height changes to the existing shop fascias are visually illustrated by the section of High Street between numbers 20, 22 and 24. The fascia to the hairdressing salon (20 High Street) is 0.4 metres in height and extends across the width of the unit, the fascia to the household goods shop (22 High Street) then increases to 1.1 metres bringing it level with the bottom of the first floor bay window. The top of the fascia board to the Newsagents (24 High Street) is then set below the bottom of the fascia to 22 High Street, thereby giving a varied appearance which is considered to be detrimental in visual terms to the character and appearance of the street scene and Conservation Area.

The proposed replacement shop-fronts will ensure that uniformity is provided to the street scene and to the conservation area with well proportioned display windows set within timber frames and timber stall risers. The introduction of smaller height timber fascia boards represents a departure from the large, non-traditional fascias that have progressively been added to premises along High Street within the Conservation Area, to the detriment of its character and appearance. The fascia boards proposed to each of the shop units are in proportion to the scale of the shop fronts and are not considered to appear over dominant to either the shop units or to the character and appearance of the Barwell Conservation Area.

The top of the fascia boards to each shop unit will be located at a similar height from ground level. This means that the wider street scene along this section of High Street has been considered and each fascia board will be carefully aligned with the next, this is considered important in this case as the development is for a terrace of shop units.

Although the proposed shop fronts extend across the frontage of High Street for a distance of 30 metres it is important to note that careful consideration has been placed on the vertical division between each of the shop units as they appear within the street scene and more specifically to the design and appearance of the shop fronts themselves. This approach is mirrored in each of the shop units where the display windows are proposed to be set between timber mullions, thereby placing greater emphasis on the positive contribution that the inclusion of vertical divisional elements can have on the design of a shop front. This is demonstrated by the design and appearance of 24-28 High Street where it occupies two shop fronts and where its design is consistent with the guidance contained within the Shopping and Shop Fronts SPD which states that where a unit occupies more than one building, the vertical division should be retained in the shop front.

With regard to 20 High Street (hairdressing salon) it should be noted that the existing windows are set within a UPVC frame. Whilst the use of UPVC is not considered to be an acceptable design approach within a Conservation Area the proposals are to retain the existing glazing and plastic frames, thereby meaning that the glazed sections of the shop-front will remain unaltered. The insertion of a new timber door which will retain its recessed position and timber shop front will help to frame the remainder of the shop-front; it will enhance the character and appearance of the Barwell Conservation Area and will help to soften the visual impact of the UPVC window frames upon the street scene. On balance it is considered that the retention of these plain casement UPVC windows set within a timber frame doesn't warrant refusal of this planning application and that the wider context of shop-front improvements being proposed along High Street needs to be taken into account.

A condition will be imposed requesting details of the colour finish of the shop fronts to be provided. This will ensure that the development doesn't result in a terrace of shop fronts that all appear the same within the street scene and that the shop fronts are not finished in a colour which neither preserves or enhances the character and appearance of the Barwell Conservation Area.

Other issues

Neighbour Amenity

The proposed development is for replacement shop fronts and is not considered to give rise to loss of residential amenity to adjacent properties.

Alternative uses of funding/cost of works

The issues raised in relation to the costs of undertaking the shop front alterations, alternative uses of funding, alternative ways of increasing footfall into Barwell and the cost implications for shop owners are not material planning considerations and are not relevant to this case.

Conclusion

It is considered that the proposed replacement shop-fronts, by virtue of their design, siting and materials of construction will enhance the character and appearance of the defined Barwell Local Shopping Centre and Conservation Area. The key components proposed within the timber shop-fronts comply with the guidance for good shop design set out in the Shopping and Shop Fronts SPD and will re-introduce traditional shop fronts into the Barwell Conservation Area, thereby creating a more visually attractive shopping environment. The retention of the plain casement UPVC windows to 20 High Street are reflective of the design of the display windows to adjacent shop-fronts, thereby preserving the character and appearance of the Barwell Conservation Area.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 11 November 2011 and to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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 their design, siting, scale and materials of construction will enhance the character and appearance of the Barwell Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

Hinckley and Bosworth Local Plan (2001) :- Policies BE1, BE7, BE9 and RET6.

Hinckley and Bosworth Local Development Framework Core Strategy (2009) :- Policy 3.

- 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: Existing and Proposed Frontage Plans for 20-30 High Street, Barwell, Scale 1:50 (4 Plans), Typical Sections Plan, Scale 1:50 and Site Location Plan received on 12 October 2011.
- 3 Before any development commences, details of the colour finish to be used on the external elevations of all the shop fronts hereby approved shall be submitted to and

approved in writing by the Local Planning Authority and the scheme shall be implemented in accordance with the approved details.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policies BE1, BE7, BE9 and RET6 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Scott Jackson Ext 5929

Item: 10

Reference: 11/00638/FUL

Applicant: Mr G Ingram

Location: Gnarley Farm Ashby Road Osbaston

Proposal: CHANGE OF USE OF EXISTING LAKES TO COMMERCIAL FISHING LAKES, CHANGE OF USE OF AGRICULTURAL LAND TO PLAYING FIELDS, ERECTION OF CHANGING ROOM AND FORMATION OF ASSOCIATED ACCESS

Target Date: 8 December 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a new development for recreation and leisure use.

Application Proposal

This application seeks planning permission for the change of use of existing lakes to commercial fishing lakes, change of use of agricultural land to playing fields, the erection of a modular building to house changing rooms, the creation of a new access from Barton Road and the construction of a car park.

The proposed access involves the removal of an existing section of hedge. The access track will meander northwards through the adjacent field for 290m. At this point it will join an existing farm track.

The car park will be roughly 378 square metres in area and the portable building has a footprint measuring 7 metres x 3 metres, with a maximum height of 2.5 metres. These will be situated on an existing area of hardstanding.

This application is a resubmission following refusal of 10/00254/FUL and withdrawal of 11/00252/FUL. These schemes were identical to the current submission aside from the fact that the fishing lakes were not included within the former proposals. Application 10/00254/FUL was refused by members at the planning committee meeting on 28 September 2010. The application was refused on sustainability grounds and impact on the countryside.

The Site and Surrounding Area

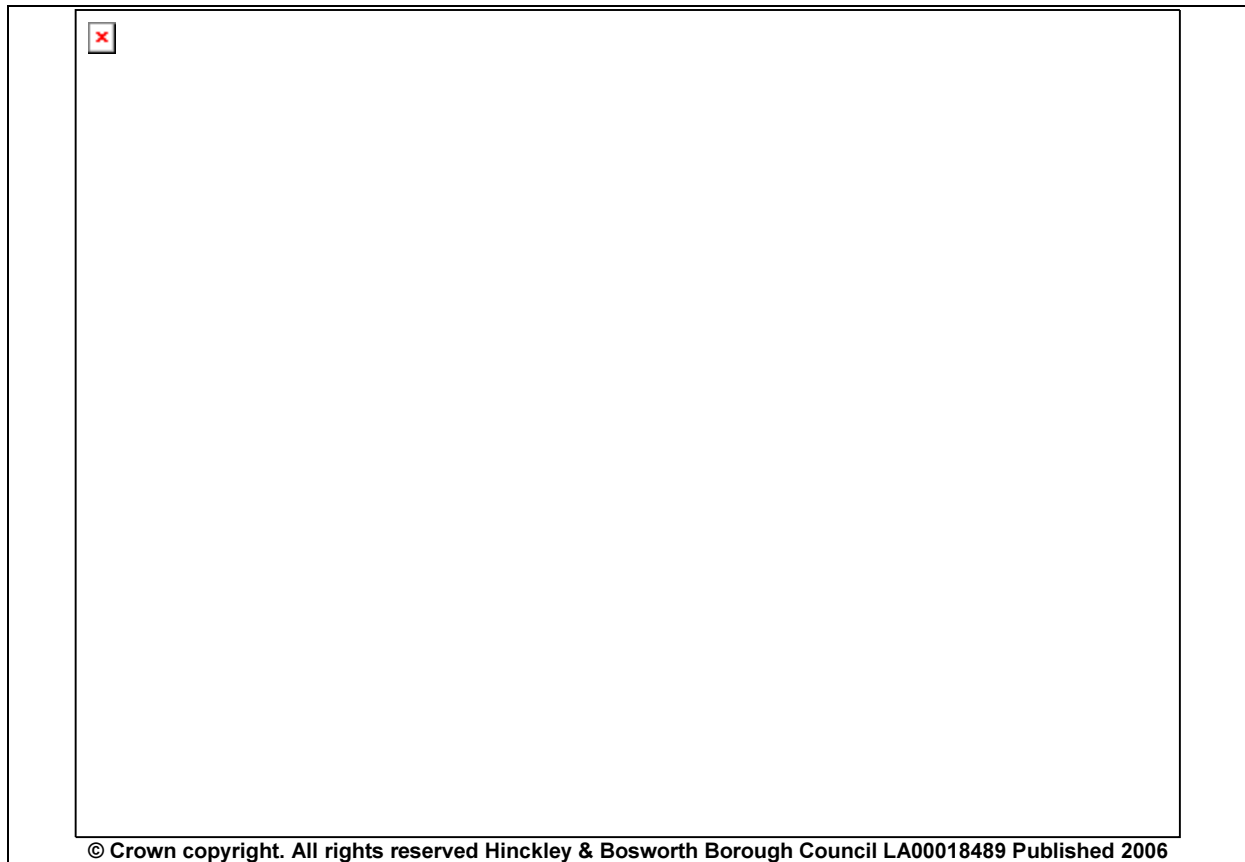
The proposed site of the playing fields is located to the north west of Barlestone village and to the northeast of Osbaston Tollgate in an elevated position within the countryside. The site comprises agricultural grazing land. The proposed playing field measures 1.69 hectares in area and is 370m to the north of Barton Road and 154m to the east of the A447 (Ashby Road). The fishing lakes are situated north of the playing fields, at Osbaston Hollow, off Ashby Road. The lakes measure 0.5 hectares each. The land on which they are sited slopes down towards the north. The site is well screened by mature vegetation and is bound by open fields to each elevation. The site is located in a remote position from the villages of Barlestone, Nailstone and Osbaston Tollgate. The nearest residential properties comprise a row of terraced houses located on Ashby Road and Gnarley Farm. These are situated in the western side of Ashby Road, and are in excess of 200 meters from the application site. 'The Gate' public house is a similar distance from the application site, to the north west.

Technical Document submitted with application

The application is accompanied by a Design and Access Statement. This provides a site analysis, stating that the play field will be situated on a flat, well drained field, and discusses the proposed access in more detail. It suggests that the proposed point of access has been chosen as it minimises the amount of hedgerow that needs to be removed to provide the required visibility splays. It goes on that the access road will be constructed from tarmac for 8 meters back from the highway and will then be finished in hardcore.

History:-

10/00254/FUL	Change of use from agricultural land to playing fields including the erection of changing rooms and associated car parking and access	Refused	01.10.10
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**Consultations:-**

No objection subject to conditions have been received from:-

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

The Director of Environment and Transport (Highways) has objected to the proposed development on the grounds that the site is located within the open countryside and the applicant has failed to demonstrate that the proposal will be in a location that is easily accessible by different modes of travel and is therefore considered to be unsustainable.

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

Sport England
Directorate of Chief Executive (Archaeology)
Head of Community Services (Land Drainage)
Head of Corporate and Scrutiny Services (Green Spaces)
Osbaston Parish Council
Nailstone Parish Council
Barlestone Parish Council.

Site notice displayed and neighbours notified.

At the time of writing the report no comments have not been received from Neighbours.

Policy:-

National Policy Guidance

PPS 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' seeks to ensure that development in the countryside is sustainable, and that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Guidance 17 (PPG17): 'Planning for Open Space, Sport and Recreation' sets out the Government's commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate rural locations.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional

strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 14 Rural Areas: Transport, provides a broad policy approach to developing the rural transport network in a sustainable and responsive manner.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Hinckley and Bosworth Local Plan 2001

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy NE5: states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

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, sustainability, impacts of the countryside, highways, residential amenity and other issues.

Principle of Development

Both PPS7 and Policy NE5 are generally supportive of recreational development within the countryside providing the development does not result in any material harm to the existing character of the landscape. In this case the proposed change of use of land for the playing fields (as presented) is not likely to give rise to any material harm as the site will remain grassed similar to many fields in the surrounding landscape. Further, in respect of the use of the fishing lakes for commercial activity, there are no external changes proposed. Therefore, at the most basic level there is no objection in principle to the uses proposed.

The accompanying operational development associated with the playing fields, does however pose a greater range of problems that would indicate that the development is not acceptable in other respects. These matters will be appraised in more detail below.

Sustainability

The site is located at least 360 metres (straight line distance) from the proposed access from Barton Road and the access drive, by virtue of its route amounts to a total distance of 410 metres from the access. The proposed car park and changing room location is an additional 210 metres from the access (total distance of 620 metres from the access). Accordingly, the site is considered to be located in a position remote from its access and from the villages of Barlestone and Osbaston Tollgate.

The accompanying information submitted with the application fails to demonstrate who the principal users of the facility will be and whether such users would have either have to walk to the site or be brought by car. The application does not provide any information about where the proposed users of the site will live and therefore the site must be considered as being available to all, rather than just local children.

The remote location of the site, not only from Barlestone Road, but from the residential areas of the nearest settlements and the usability of the site by people from villages and towns further afield would suggest that access to the site is only likely to be via car. Whilst there may be opportunities for users who live nearby to walk or cycle to the site, the overall distance of 620 metres from Barton Road is considered to be a significant distance to discourage frequent trips to be made to the site on foot. Therefore, it is reasonable to conclude that this development will be solely accessed by car.

The application further confirms the assumption that car travel will prevail because of the scheme's indicative provision of a car park as part of the development.

The dependence of the development on car travel is not considered sustainable and is contrary to the guidance contained within PPS1, PPS7, PPG13 and PPG17.

PPS1 makes a number of references to the need to develop land sustainably and to reduce the dependency on travel by private car.

PPS7 states clearly that “accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres”. In this case the development cannot be termed as being adjacent given its position, length of the access track and the distance from the nearest villages.

A key objective of PPG13 is to reduce the need to travel by car.

PPG17 at paragraph 25 seeks to ensure that all recreational development is accessible by walking, cycling and public transport as alternatives to the use of the car.

In light of the nature of the proposal and the planning policy background, the proposed development of the site for recreational purposes is considered to represent an ill-conceived, opportunistic form of development that would be highly unsustainable resulting in increased journeys by car and therefore contrary to national and local policy.

Highways

The Director of Environment and Transport (Highways) has objected to the proposed development on sustainability grounds as the application site is located in a relatively isolated location and the applicant has failed to demonstrate that the facility will be easily accessible by various methods of transport. The creation of the access will require the removal of approximately 60 metres of roadside hedgerow to facilitate the necessary highway visibility splays. Local Transport Plan 3 seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in PPS1, PPS7 and PPG13. Therefore the proposal is contrary to the above policy objectives.

Character of the Countryside

Whilst the use of the land as a playing field and the commercial use of the existing fishing lakes does not have any material impact on the character and appearance of the countryside, the associated operational development, including the construction of the access, drive/track that leads to the site and the siting of the portable changing room building is considered to have an impact.

The removal of 60 metres of roadside hedgerow to facilitate highway visibility splays would significantly alter the character of this rural stretch of road along Barton Road. The roadside hedgerows are attractive features in the locality and have a degree of biodiversity value. The removal of hedgerows needs to be carefully balanced against the merits that the proposed development may bring, which in this case are considered to be very minimal given the other harm and deficiencies related to the proposal.

The access track is proposed to run from Barton Road in a northerly direction to meet up with an existing access track that runs in an east-west direction from an existing access from Hinckley Road (A447) to then abut the proposed playing field. A further access track is then proposed to the north side of the playing field to the car park and changing room location.

Whilst the site has been chosen for its level characteristics that would lend it to be used as a playing field, little consideration has been given to the route of the access to the site and the impact this would have on the landscape. Whilst PPS7 and Policy NE5 take an encouraging view over recreational development in the countryside there is no suggestion that all other elements of the proposal are acceptable in principle.

The proposed access track will take a course straight across an existing field with the sole objective of providing access to the site. Limited details have been provided in respect of its construction or mitigation that could be proposed. The track would be clearly visible from Barton Road and is considered to be visually incongruous and a wholly unexpected and inappropriate form of development in the countryside, to which no overriding justification is provided. This harm is not outweighed by the nature of the use.

The proposed portable building to be used as a changing room would represent an unexpected and incongruous structure within what is predominantly an undeveloped rural landscape. The accompanying design and access statement identifies the sites expansive views from the north which would enable the unacceptable form of the proposed portable building to be easily seen from numerous vantage points to the north.

Impact on Neighbours

The nearest residential property is no.100 Barton Road which is located approximately 60 metres from the access track. In addition there are a number of dwellings located on the south side of Barton Road in close proximity to the proposed access to the site. The use of the access track for the proposed facility would be to the detriment of the amenities currently experienced by the occupiers of 100 Barton Road and would be difficult to mitigate against. It is worth noting that should this development proceed, 100 Barton Road would be bound on three sides by roads or access tracks.

Conclusion

The proposed use is considered to be located in a position remote from any settlement in a location that would inevitably result in users accessing the site by car. Furthermore the use of the site for playing fields and as a commercial fishing lake, will encourage car borne journeys to access the site. A key objective of national and local planning policy is to encourage sustainable forms of development and discourage unsustainable developments particularly those that are car dependent.

The nearest settlement of Barlestone already benefits from football pitches and sports grounds and the application does not seek to demonstrate that the proposal is required in connection with local recreational needs.

Notwithstanding the issues of the proposed use, the operational development relating to the proposed playing fields will result in significant harm to the character and appearance of the countryside. No justification has been given which would outweigh the level of demonstrable harm to policy and the character and appearance of the landscape.

RECOMMENDATION:-

That the Deputy Chief Executive (Community Direction) be granted authority to refuse planning permission for the development for the reasons set out below subject to no additional significant planning issues being raised before the expiry of the consultation period on 21 November 2011:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 In the opinion of the Local Planning Authority, the playing field would be relocated some distance away from Barton Road and the nearest settlements of Barlestone and

Osbaston Tollgate, and would consequently result in the need for additional journeys to be made by users, spectators and others associated with the use of the site. It is considered that it would not be feasible for most people to walk or cycle to the proposed ground, given the distance and nature of the route from the nearest settlements. In the absence of any convenient means of alternative public transport, those journeys would have to be made by private car. It is therefore considered that the proposed development would not be a sustainable form of development as it would lead to additional use of the motor car and, thereby, be contrary to Central Government advice contained in PPS1, PPG13, PPS7 and PPG17.

- 2 In the opinion of the Local Planning Authority the site is located in an isolated and predominantly undeveloped rural landscape, where the proposed use and the associated works to create the access, drive, hard standing and portable buildings represent inappropriate and incongruous elements of operational development which will result in the unnecessary loss of the countryside and have an adverse effect on the character and appearance of the open surrounding undeveloped rural landscape. The development is therefore contrary to the requirements of PPS1, PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan, which seeks to protect the countryside from inappropriate development for its own sake.

Contact Officer:- Eleanor Shaw Ext 5680

Item: 11

Reference: 11/00793/GDOT

Applicant: Vodaphone UK Ltd And Telefonica UK Ltd

Location: Three Pots Road Burbage

Proposal: PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION

Target Date: 27 November 2011

Introduction:-

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

Application Proposal

This is a prior approval application for the erection of a telecommunications installation at the junction of Three Pots Road, Burbage. The installation comprises a 15m high cornerstone pole dual user telegraph pole with associated equipment cabinet measuring 1.9m by 0.6m by 0.8m.

The application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site comprises of a grassed verge within the elbow of a bend opposite the junction with Wolvey Road. To the west of the site is a footpath and bus stop with shelter. To the south of the site is a small copse of medium height trees and shrubs. Residential properties are located to the north and west of the site. The street scene contains other street furniture including telegraph poles, street lights street signs and a bus stop shelter.

Technical Document submitted with application

The application has been submitted with a range of supporting information. This includes details of existing and proposed coverage areas; technical information including, description of the site, description of the mast and equipment housing, reason why the site is required; and a list of five discounted alternative sites which are:-

- a) Site north of Three Pots Road
- b) Land South of Watling Street
- c) Adjacent to Texaco Garage
- d) Grass verge adjacent to pub (north of Watling Street)
- e) Pylon to South of Watling Street.

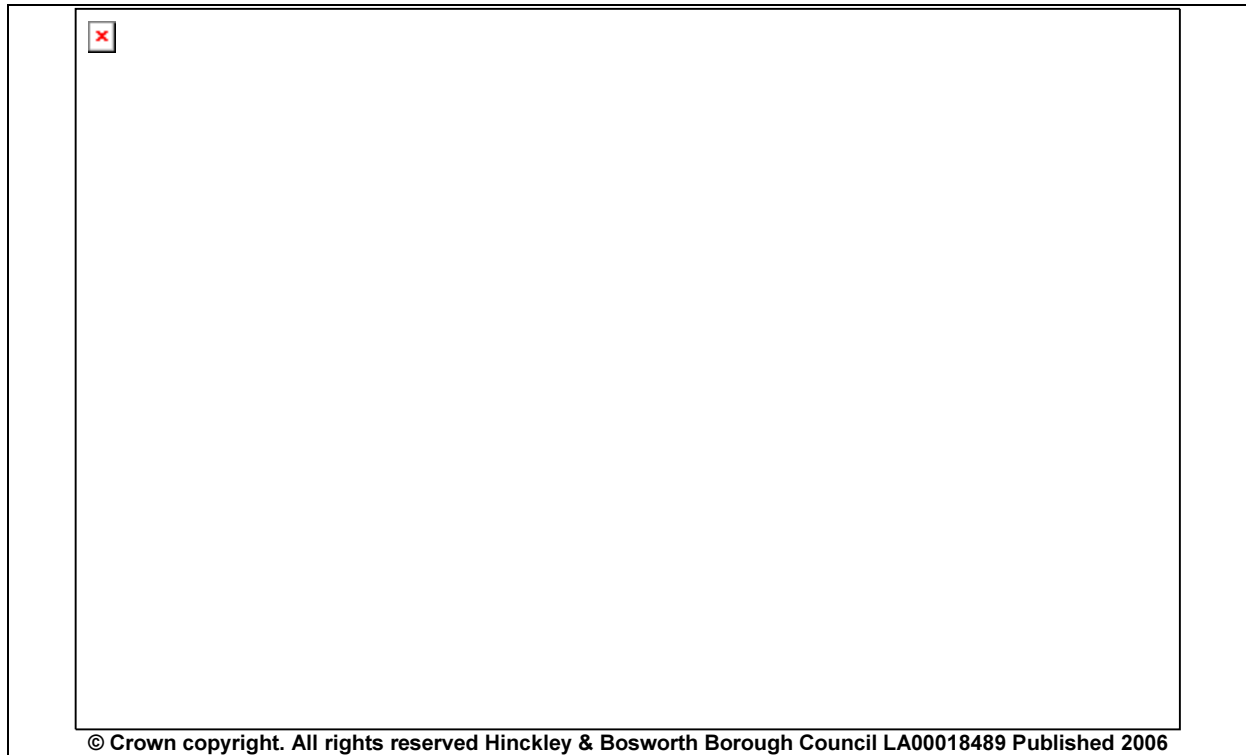
Information submitted on behalf of the applicant confirms that all Vodafone and Telefonía O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

History:-

11/00096/GDOT	Prior notification of proposed development by Telecommunications code systems operators for telecommunications installation	Refused	31.03.11
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The above application was refused for the following reasons:-

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



Consultations:-

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

Burbage Parish Council have objected on the following grounds:-

- a) the siting of the mast would have a significant adverse impact on the streetscene.
- b) the siting of the mast would be detrimental to the visual amenities enjoyed by the occupiers of nearby properties. The mast would be seen as a prominent and intrusive feature, which would fail to integrate with its surroundings.
- c) the applicant has not demonstrated to the Parish Council's satisfaction that mast sharing has been fully investigated
- d) the Parish Council recommends that the applicant investigate a more suitable alternative site away from residential properties.

Site notice was displayed and neighbours notified.

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

- a) would be a hazard to drivers due to location next to tight junction
- b) unsightly and an eyesore
- c) moving the mast and covering with cladding does not address the original objections which still stand
- d) twice the height of streetlights and nearby trees
- e) although there is tree cover to the rear the mast would still be visible from 3 sides
- f) if other sites have been rejected as prominent then why has this site been chosen?
- g) the proposal is contrary to the Burbage Village design Statement
- h) approach of making multiple submissions suggest the applicant is seeking to build more than they can get away with
- i) no explanation has been provided to justify 15m in height

- j) developers incapable of providing information on demand for service as the existing service is acceptable
- k) if providing coverage for the M69/A5 mast should be located next to these roads not in a prime residential location
- l) developers state a 150m search radius but no masts for Orange or T-mobile are in area and coverage from these operators is ok
- m) application ignores several more suitable locations
- n) coverage plots show proposed mast coverage over fields between Burbage and M69, is this therefore the best location for a mast to provide coverage for residential properties
- o) health implications remain unproven
- p) negative impact on value of property
- q) sited on part of highway and therefore will be an obstruction to the public highway
- r) road junction will be even more congested during the construction phase
- s) at the location chosen the verge is narrow resulting in the equipment being located too close to the kerb
- t) mobile mast and equipment is not considered to be street furniture
- u) two bus stops near site are on tight bend which exacerbates the hazard to road users
- v) less than 800 metres from Sketchley Hill Primary School
- w) approximately 10% of local population is over 60 years of age or under school age
- x) nearest dwellings are only a few metres away.

At the time of writing the report comments have not been received from The Police Architectural Liaison Officer.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8- 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considered the siting of development with regard to the character and features of the area and amenities of local residents.

Supplementary Planning Documents

Burbage Village Design Statement- defines the different characteristics of Burbage and provides guidance for new development. The statement describes most development in the area as taking place between the 1920's and late 1950's and telegraph poles are a feature of the streetscene. Guidance Note 3 the Street Scene (3.13) states that 'Wherever possible, an improvement in the quality and a reduction in the quantity of street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Planning Guidance

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

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

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

Appraisal:-

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

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the GPDO. The legislation states that the radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 99 cubic metres (A.1.(I) ii of part 24 of the Order).

In this case the proposal consists of a 15 metre high telegraph pole with the antennas contained within the shroud. The equipment housing would have a volume of 2.3 cubic metres and it is therefore considered that both the proposed monopole and equipment cabinet meet the criteria within Part 24.

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

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. An application for a 17.5m high dual user street pole with antennas contained within the GPR shroud was refused under planning permission reference 11/00096/GDOT. The first reason for refusal found the proposal unacceptable in terms of the height, insufficient screening and design resulting in an unacceptable prominent scheme within the streetscene. The design of the proposal has been amended reducing the height and amending the design to look like a telegraph pole, with the antennas enclosed within the diameter of the pole.

The Burbage Village Design Statement state that within the context of the Three Pots Estate 'Telegraph Poles are a feature of the street scene'. The appearance of a mast designed as a telegraph pole is considered in keeping with the character of the area and whilst the height of the mast would be greater than that of a standard pole, this in itself, is not considered a reason for refusal. There are other items of street furniture within the vicinity of the site and the siting of the mast and equipment cabin would not obstruct pedestrians or traffic.

Objections have been received stating that the erection of a mast would distract drivers on a busy road junction. No objection has been received from the Director of Environment and

Transport (Highways) and therefore it is not considered that an objection can be substantiated on these grounds.

Siting

The siting of the mast has been revised and the proposal now for consideration is sited on the opposite side of the road. This side of the road backs onto countryside and a belt of trees separates a paddock from the highway. The mast would be seen against a backdrop of trees and shrubs. It is considered that the siting is in a less prominent location than the refused scheme and is considered acceptable.

Alternative sites

The second reason for refusal on application 11/00096/GDOT refused the scheme on the basis that the applicant has failed to demonstrate that alternative sites have been satisfactorily investigated. The applicant has included a list of five alternative sites they have considered each having a brief sentence explaining the reason why the site was discounted. The list expands the sites considered and discounted under the previous application by two, these being the site north of Three Pots Road, and Pylon to the south of Watling Street discounted for being refused previously and being out side the cell search area respectively.

The applicant has submitted information stating that the mast is required to upgrade and provide 3G coverage. They state that the search area is so small (circa 150 metre radius) due to the high frequency bands the masts operate on.

The applicant has confirmed that the small search areas are to provide a robust level of coverage not only for existing technologies but also looking towards the future and the fourth generation which will be introduced over the next few years. These technologies operate at higher frequencies and the higher the frequency the shorter the reach of the signals.

The Code of Best Practice on mobile Phone Network Development (the code) was jointly developed by representatives of Central and National Government and seeks to provide clear guidance and advice on the delivery of significantly better and more effective communication. Paragraph 27 of the code states that all potential sites within a search area have been considered 'The operator should produce a report detailing all viable site options with recommendations on the relative merits of each'... This should include a rating of each of these sites in line with the operators 'Traffic Light Model for Public Consultation'.

Whilst the traffic light model guides the scale of public consultation undertaken prior to an application being submitted, it provides a useful guide on the sensitivity of the location.

The applicant has considered 5 sites in total however the information submitted does not contain information on the relative merits of each nor any rating in line with the Traffic light model. This information has been requested and will be reported to committee as a late item. It should be noted however that this site is considered to be acceptable.

Health

Local residents have raised concerns regarding health matters. PPG8 refers to this issue and states that 'health consideration and public concern can in principle be a material consideration in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is

ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposure guidelines for public exposure guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application meets the required guidelines for public exposure and should not need to be considered further unless special justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on non-ionising Radiation (AGNIR) reported on 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research Programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Members will need to consider carefully the weight given to public concerns on the health issues. However, bearing in mind the recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Other issues

Local residents have raised concerns that property values in the area will decline. This is not a material planning consideration when determining planning applications.

Conclusion

It is considered that the design, reduction in height of the mast and re-siting of the proposal from the previously refused scheme overcomes the reasons for refusal. Some additional justification has been submitted to demonstrate why alternative sites have been discounted, however this is not in accordance with what the code states operators should do. Further information has been requested and subject to this being acceptable it is recommended that the application should be approved.

Permit subject to further information being submitted that satisfactorily demonstrates that alternative sites have been considered.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 The erection of the Telecommunications mast by virtue of its siting, appearance, use and dimensions would fall within the permitted development limits as defined by Part 24, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and would therefore be acceptable to the Local Planning Authority.

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 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).
- 3 List of plans used in the determination of this application:- 100, 200, 300 received 3 October 2011.

Contact Officer:- Sarah Fryer Ext 5682

Item: 12

Reference: 11/00794/GDOT

Applicant: Vodaphone UK Ltd And Telefonica UK Ltd

Location: Rugby Road Burbage

Proposal: PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION

Target Date: 27 November 2011

Introduction:-

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

Application Proposal

This is a prior approval application for the erection of a telecommunications installation opposite 322 and 324 Rugby Road, Burbage. The installation comprises a 15 metre high cornerstone pole dual user telegraph pole with associated equipment cabinet measuring 1.8m by 0.7m and 1.6m high.

The application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site comprises a grassed strip of land where the service road and main Rugby Road run parallel, within the settlement boundary of Burbage. This part of Rugby Road is straight and has a gentle slope down towards Hinckley; it is a main route into Burbage and Hinckley from the A5 and M69. There are a number of semi-mature trees on the grassed verge which the applicant has surveyed at being between 8m and 10m high. Residential properties flank the road; on the east side set back behind lawns and driveways and to the west behind a dense screen of mature trees.

Technical documents submitted with the application

The application has been submitted with a range of supporting information. This includes details of existing and proposed coverage areas; technical information including, description of the site, description of the mast and equipment housing, reason why the site is required; and a list of five discounted alternative sites which are:-

- a) Sketchley Lane/Rugby Road, roundabout
- b) Rugby Road (between lampposts 52 and 53)
- c) Rugby Road, west end of Cowper Road
- d) Former industrial units of Rugby Road
- e) Sketchley House Hotel.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonía O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

History:-

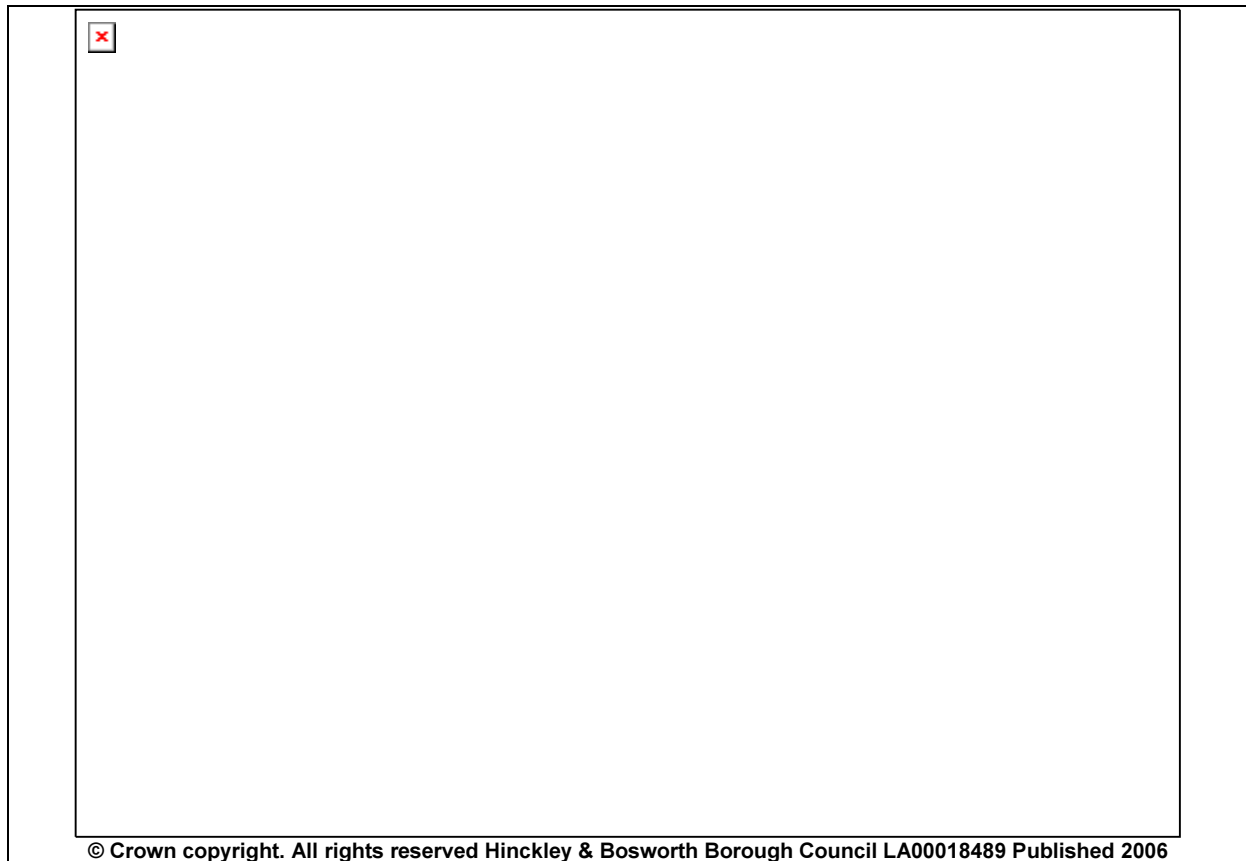
11/00095/GDOT	Prior notification of proposed development by Telecommunications code systems operators for telecommunications installation	Refused	31.03.11
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The above application was refused for the following reasons:-

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

The following relate to other locations on Rugby Road

05/00489/GDOT	Erection of telecommunications Mast	Refused	17.06.05
04/01253/GDOT	(Land Adj. Cowper Road and Rugby Road Erection of Telecommunications Monopole)	Withdrawn	09.11.04



Consultations:-

No objection has been received from:-

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

Burbage Parish Council has objected on the following grounds:-

- a) siting of the mast would have a significant adverse impact on the streetscene
- b) siting of the mast would be detrimental to the visual amenities enjoyed by the occupiers of nearby properties. The mast would be seen as a prominent and intrusive feature, which would fail to integrate with its surroundings
- c) applicant has not demonstrated to the Parish Council's satisfaction that mast sharing has been fully investigated
- d) applicant should demonstrate that a more suitable alternative site has been investigated
- e) parish council recommends that the applicant investigates a more suitable alternative site away from residential properties
- f) more information is needed in regard to the potential risk to the trees.

Site notice displayed and neighbours notified.

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

- a) plans are inaccurate as they show different lamp post and speed limits shown are inaccurate
- b) changing the mast design makes no difference. The impact remains detrimental on streetscene
- c) no evidence that alternative locations have been considered
- d) the application is incomplete- does not show diameter of the proposed mast
- e) there is no demand for the service within the target area
- f) the applicant has failed to notify the local school
- g) height of the mast is overbearing and visually prominent
- h) cabinet would crowd a prominent open space
- i) failed to consider other sites i.e. on Sketchley Meadows Industrial Estate
- j) detrimental impact on health especially given proximity to local school and location within residential area
- k) eyesore for local residents
- l) contrary to the principles laid out in the Burbage Village Design statement.
- m) no evidence of potential demand
- n) unnecessary visual distraction for traffic
- o) no information has been provided on the impact on the trees
- p) detrimental impact on property value
- q) detrimental effect on the root system of nearby established trees
- r) no local consultation has been undertaken.

The consultation period remains open at the time of writing and closes on 7 November 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from The Police Architectural Liaison Officer.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8- 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considered the siting of development with regard to the character and features of the area and amenities of local residents.

Supplementary Planning Documents

Burbage Village Design Statement- defines the different characteristics of Burbage and provides guidance for new development. The statement describes the Rugby Road area as one of the main arteries into Burbage and Hinckley and is extremely busy. It describes the part of Rugby Road close to the proposal as follows 'Further in towards Brookside traffic lights, there are mature trees and hedges to the executive properties on the left hand side with a narrow pavement. All have large front and rear gardens. On the right hand side is a large grassed verge with maturing trees planted at regular intervals and access to the service road running parallel to Rugby Road to a small number of 1970s detached bungalows and houses'. Guidance Note 3 the Street Scene (3.13) states that 'Wherever possible, an improvement in the quality and a reduction in the quantity of the street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Planning Guidance

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

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

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

Appraisal:-

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

Criteria

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

In this case the proposal consists of a 15 metre high telegraph pole with the antennas contained within the shroud. The equipment housing cabinet would have a volume of 2.3 cubic metres and it is therefore considered that both the proposed monopole and equipment cabinet meet the criteria within Part 24.

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

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. An application for a 10.3 metre high galvanised steel monopole with antennas resulting in a maximum height of 14.8 metres with an associated equipment cabin was refused in March. The first reason for refusal found the proposal unacceptable in terms of the height, insufficient screening and design resulting in

unacceptable prominent scheme within the streetscene. The design of the proposal has been amended to look like a telegraph pole, with the antennas enclosed within the diameter of the pole.

It is considered that the proposed changes have resulted in a less utilitarian and functional appearance designed to integrate more into the streetscene.

Siting

The location of the proposal has not been revised under this application. The site is located to the south western edge of a strip of grass which is located between the service road and the main Rugby Road. Rugby Road is a main route into Hinckley and is therefore a busy thoroughfare. The area at this point is predominantly residential, with the dwellings typically having ridge heights of 7 metres. These are set back from the highway with the result that this section of the Rugby Road has an open feel. The strip of grass contains a line of semi-mature trees that would provide some screening particularly during the summer months. However this is only partial and there would be a clear view of the mast from neighbouring properties, and several points along the Rugby Road.

It is considered that whilst the design and appearance has been amended to assimilate the monopole into the streetscene the proposal due to its height and siting would still result in an incongruous feature within the streetscene.

Consideration of other sites

The second reason for refusal on application 11/00095/GDOT refused the scheme on the basis that the applicant has failed to demonstrate that alternative sites have been satisfactorily investigated. The applicant has included a list of five alternative sites they have considered each having a brief sentence explaining the reason why the site was discounted. The list expands the sites considered and discounted under the previous application by two, these being the site at Former Industrial Units off Rugby Road, and Sketchley House Hotel discounted for being at a lower ground level than target area and too far from target area respectively. No further information is provided to clarify why the previous sites were discounted to address this reason for refusal.

The applicant has confirmed that the small search areas are to provide a robust level of coverage not only for existing technologies but also looking towards the future and the fourth generation which will be introduced over the next few years. These technologies operate at higher frequencies and the higher the frequency the shorter the reach of the signals.

The Code of Best Practice on mobile Phone Network Development (the code) was jointly developed by representatives of Central and National Government and seeks to provide clear guidance and advice on the delivery of significantly better and more effective communication. Paragraph 27 of the code states that all potential sites within a search area have been considered 'The operator should produce a report detailing all viable site options with recommendations on the relative merits of each'... This should include a rating of each of these sites in line with the operators 'Traffic Light Model for Public Consultation'.

Whilst the traffic light model guides the scale of public consultation undertaken prior to an application being submitted, it provides a useful guide on the sensitivity of the location.

The applicant has considered 5 sites in total however the information submitted does not contain information on the relative merits of each nor any rating in line with the Traffic light model. This information has been requested and will be reported to committee as a late item.

Health

Local residents have raised concerns regarding health matters. PPG8 refers to this issue and states that 'health consideration and public concern can in principle be a material consideration in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposure guidelines for public exposure guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application meets the required guidelines for public exposure and should not need to be considered further unless special justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on non-ionising Radiation (AGNIR) reported on 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research Programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Members will need to consider carefully the weight given to public concerns on the health issues. However, bearing in mind the recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Other issues

Objections have been received referring to the proposal causing a distraction and resulting in a hazard to users of the highway. No objection has been received by the Director of Environment and Transport (Highways) and it is not considered that an additional pole and equipment cabin would distract drivers to the extent that the proposal would result in a danger to users of the highway.

Conclusion

Whilst the design and appearance of the mast has been altered in an attempt to assimilate the mast and antenna into the streetscene, it is still considered that this change does not overcome the reasons for refusal on the previous application. It is still considered that the

siting and height of the mast would result in a prominent location within the streetscene within a predominantly residential area contrary to the objectives of adopted Policy BE1.

Although further alternative sites have been considered the depth of information submitted is not considered sufficient to overcome the previous reasons for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 13

Reference: 11/00795/GDOT

Applicant: Vodaphone UK Ltd And Telefonica UK Ltd

Location: Hinckley Road Burbage

Proposal: PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION

Target Date: 27 November 2011

Introduction:-

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

Application Proposal

This is a prior application for the erection of a telecommunications installation on land to the west side of Hinckley Road on the highway verge opposite the junction between Stocking Leys and Hinckley Road. The installation comprises a 15 metre cornerstone dual user telegraph pole with associated equipment cabinet measuring 1.8 metres by 0.8 metres and a height of 1.6 metres.

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

The Site and Surrounding Area

The site comprises a grassed strip of land on the western side of Hinckley Road adjacent to the Hastings High School playing field. The site is separated from the playing field by a mature hedge and semi mature trees. Along Hinckley Road to the south is a gas pumping station and bus shelter. On the opposite side of Hinckley Road are residential properties. Hinckley Road is one of the main routes into Burbage village but this part is mainly residential in character.

Technical Document submitted with application

The application has been submitted with a range of supporting information. This includes details of existing and proposed coverage areas; technical information including, description of the site, description of the mast and equipment housing, reason why the site is required; and a list of five discounted alternative sites which are:-

- a) Multi Industrial Doors, Sapcote Road Industrial Estate
- b) Junction of Sapcote Road, Burbage Road and Hinckley Road
- c) Opposite 154 Hinckley Road
- d) ASP Electro, Sapcote Road
- e) Field off Sapcote Road.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonica O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

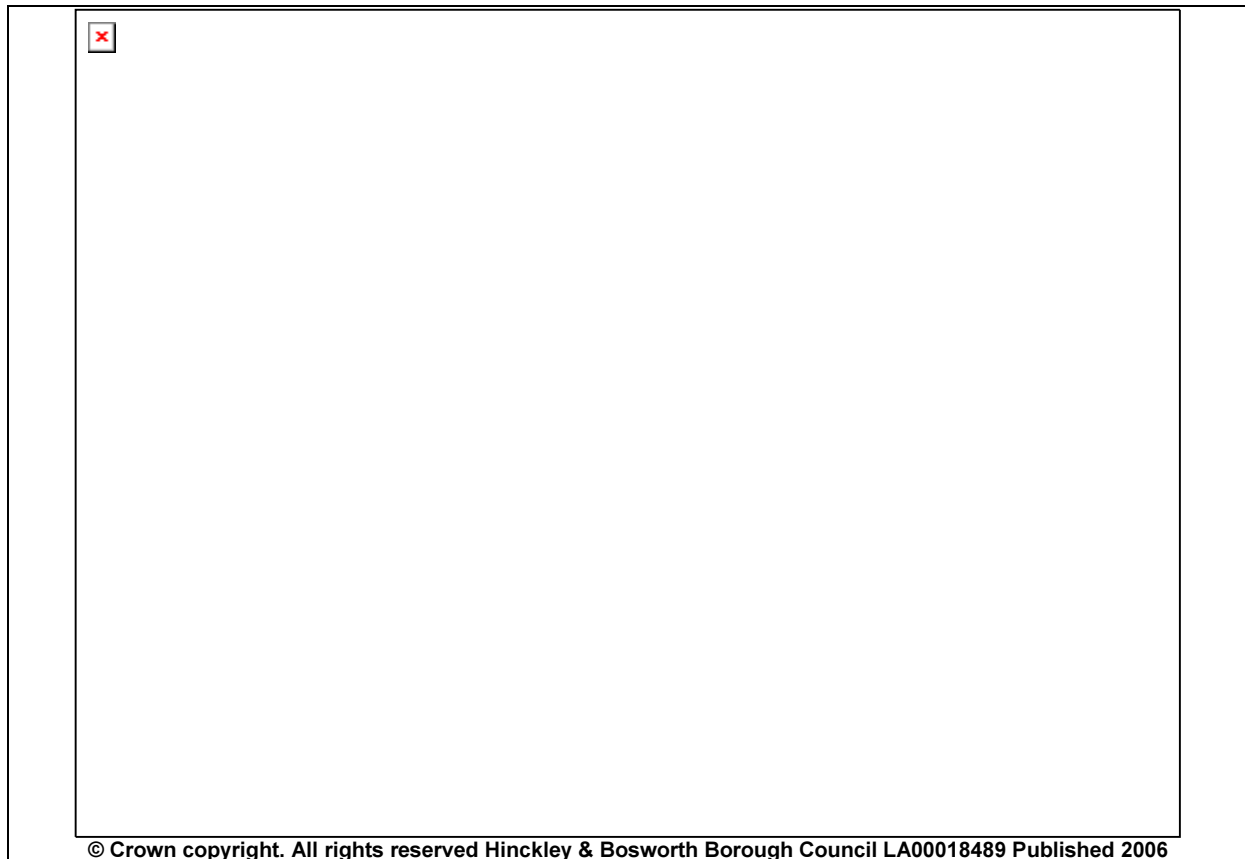
History:-

11/00190/GDOT	Streetworks monopole supporting antennas to provide 3G radio service for vodaphone and telefonica O2, also ground based equipment housing	Refused	28.04.11
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The above application was refused for the following reasons:-

- a) The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- b) Due to the lack of detail relating alternative sites and site sharing options, the applicant has failed to adequately demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.
- c) In the opinion of the Local Planning Authority, the applicant has failed to demonstrate how the siting of the mast would not detrimentally harm the health of the trees which are considered to significantly contribute to the character and appearance of this section of the Hinckley Road contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Guidance Note 8 on Telecommunications.



Consultations:-

No objection has been received from:-

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

Burbage Parish Council have objected to the proposal on the following grounds:-

- a) close to the school playing field
- b) the proposal is in a residential area
- c) the proposal is out of keeping and would affect the streetscene
- d) members question the size of the trees as shown on the plan and authenticity in relation to the size of the mast.

Site notice was displayed and neighbours notified.

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

- a) considerable eyesore to residents and not in keeping
- b) the trees will not screen the mast from residential properties and Hinckley Road
- c) other sites have not been fully considered
- d) would not compliment or enhance the surrounding area
- e) would adversely affect occupiers of the neighbourhood
- f) alternative sites are within 50m of each other
- g) do not have a problem getting a signal and people use broadband from home for internet so does not believe mast is required
- h) it is against the law to drive whilst on a mobile phone
- i) contrary to Burbage Village Design Statement
- j) would be a blight on the residential area and a daily reminder of health risks local residents are facing
- k) mast would extend above the height of the trees and during the autumn months when the leaves fall off the trees the mast would be more visually prominent
- l) agent has failed to demonstrate detailed knowledge of the area
- m) agent has failed to demonstrate that there is a operational need for the mast
- n) would create a road hazard as it is shown that an increase in street furniture confuses drivers
- o) mast is visible from main habitable rooms resulting in a visual intrusion.

The consultation period remains open at the time of writing and closes on 7 November 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from the Police Architectural Liaison Officer.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8- 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

The draft National Planning Policy Framework was published for consultation on 25 July 2011. The inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change. This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector's report. Officers will continue to advise on the progress of this consultation and update members on that progress.

Local Policy

Local Development Framework Core Strategy 2009

No relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considered the siting of development with regard to the character and features of the area and amenities of local residents.

Supplementary Planning Documents

Burbage Village Design Statement- defines the different characteristics of Burbage and provides guidance for new development. The statement describes the Hinckley Road as the main route to the centre of Burbage from Hinckley. The statement continues 'the left side of the road is fully developed but on the right, between the houses, there is the open space of Hastings School Field'. Guidance Note 3 the Street Scene (3.13) states that 'Wherever possible an improvement in the quality and a reduction in the quantity of the street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Planning Guidance

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

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

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

Appraisal:-

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

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the GPDO. The legislation states that the radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 99 cubic metres (A.1.(I) ii of part 24 of the Order).

In this case the proposal consists of a 15 metre high telegraph pole with the antennas contained within the shroud. The equipment housing would have a volume of 2.3 cubic metres and it is therefore considered that both the proposed monopole and equipment cabinet meet the criteria within Part 24.

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

Appearance

The matters to consider concern the appearance of the mast and ancillary equipment including materials, colour and design. An application for a 10.3 metre high galvanised steel monopole with antennas resulting in a maximum height of 14.8 metres with an associated equipment cabin was refused in March. The first reason for refusal found the proposal unacceptable in terms of the height, insufficient screening and design resulting in unacceptable prominent scheme within the streetscene. The design of the proposal has been amended to look like a telegraph pole, with the antennas enclosed within the diameter of the pole.

It is considered that the proposed changes have resulted in a less utilitarian and functional appearance designed to integrate more into the streetscene.

Siting

The location of the proposal has not been revised under this application. The previous application was refused on the harm caused by the mast to the amenities of neighbouring residents and impact on the nearby trees, caused in part by the siting of the proposed mast. As the location of the mast has not been altered, the reasons for refusal has not been overcome.

Consideration of other sites

The second reason for refusal on application 11/000190/GDOT refused the scheme on the basis that the applicant has failed to demonstrate that alternative sites have been satisfactorily investigated. The applicant has included a list of five alternative sites they have considered and a brief sentence giving the reason why the site was discounted. The list expands the sites considered and discounted under the previous application by two these being the site at ASP Electro, Sapcote Road, and Field off Sapcote Road discounted as the site is due for redevelopment and the site is significantly lower and therefore technically unsuitable respectively. No further information is provided to clarify why the previous sites were discounted to try and address this reason for refusal.

The applicant has confirmed that the small search areas are to provide a robust level of coverage not only for existing technologies but also looking towards the future and the fourth generation which will be introduced over the next few years. These technologies operate at higher frequencies and the higher the frequency the shorter the reach of the signals.

The Code of Best Practice on mobile Phone Network Development (the code) was jointly developed by representatives of Central and National Government and seeks to provide clear guidance and advice on the delivery of significantly better and more effective communication. Paragraph 27 of the code states that all potential sites within a search area have been considered 'The operator should produce a report detailing all viable site options with recommendations on the relative merits of each'... This should include a rating of each of these sites in line with the operators 'Traffic Light Model for Public Consultation'.

Whilst the traffic light model guides the scale of public consultation undertaken prior to an application being submitted, it provides a useful guide on the sensitivity of the location.

The applicant has considered 5 sites in total however the information submitted does not contain information on the relative merits of each nor any rating in line with the Traffic light model. This information has been requested and will be reported to committee as a late item.

Trees

The third reason for refusal on application 11/00190/GDOT concerns the possible impact of the proposed mast on nearby trees and the lack of information demonstrating that the proposal would not detrimentally harm the trees. This followed comments by the Councils Arboriculture Consultant that the siting of the mast would extend through the canopy of the trees possibly affecting the mast operation and therefore it was recommended that a tree survey and report should be undertaken and a management strategy demonstrating how clearance around the mast would be maintained.

No information has been submitted with this application demonstrating that the mast would not harm the trees adjacent to the proposed installation and overcoming this reason for refusal. It is therefore considered that the comments of the Councils Arboriculture Consultant and reason for refusal from the previous application still stand.

Health

Local residents have raised concerns regarding health matters. PPG8 refers to this issue and states that 'health consideration and public concern can in principle be a material consideration in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposure guidelines for public exposure guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application meets the required guidelines for public exposure and should not need to be considered further unless special justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on non-ionising Radiation (AGNIR) reported on 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research Programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Members will need to consider carefully the weight given to public concerns on the health issues. However, bearing in mind the recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Other issues

Objections have been received referring to the proposal causing a distraction and resulting in a hazard to users of the highway. No objection has been received by the Director of Environment and Transport (Highways) and it is not considered that an additional pole and equipment cabin would distract drivers to the extent that the proposal would result in a danger to users of the highway.

Conclusion

Whilst the design and appearance of the mast has been altered in an attempt to assimilate the mast and antenna into the streetscene, it is still considered that this change does not overcome the reasons for refusal on the previous application. It is still considered that the siting and height of the mast would result in a prominent location within the streetscene within a predominantly residential area contrary to the objectives of adopted Policy BE1.

Although further alternative sites have been considered the information submitted does not overcome the previous reason for refusal. The application was not accompanied by any tree report or management strategy that addressed reason for refusal 3 attached to Planning reference 11/00190/GDOT.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 The proposal would, by reason of its height and insufficient screening result in the proposed installation being unacceptably prominent within the street scene and, on the skyline resulting in an unsatisfactory visual impact detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 Due to the lack of detail relating to suitable alternative sites and site sharing options, the applicant has failed to demonstrate that he has adequately undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.
- 3 In the opinion of the Local Planning Authority, the application has failed to demonstrate how the siting of the mast would not detrimentally harm the health of the trees which are considered to significantly contribute to the character and appearance of this section of the Hinckley Road contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan and Planning Policy guidance Note 8 on Telecommunications.

Notes to Applicant:-

- 1 List of plans used in the determination of this application:- 100, 200, 300 received 3 October 2011.

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