

PLANNING COMMITTEE

23 July 2013

RECOMMENDATIONS OF DEVELOPMENT CONTROL MANAGER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

PLANNING COMMITTEE AGENDA - 23 July 2013 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
13/00170/CONDIT	Mr Patrick Reilly And Others	Good Friday Caravan Site Bagworth Road Barlestone	01	02
13/00273/ADV	Hinckley And Bosworth Borough Council	The Hinckley Hub Rugby Road Hinckley	02	13
13/00223/FUL	Mr David Wilson	24 Station Road Ratby	03	17
13/00056/FUL	Mr Michael Gisborne	71 Park Road Ratby	04	35
13/00147/FUL	Bellway Homes Limited	Land Workhouse Lane Burbage	05	51
13/00450/HOU	Mr Lee Cannings	62 Lychgate Lane Burbage	06	69

Item: 01
Reference: 13/00170/CONDIT
Applicant: Mr Patrick Reilly And Others
Location: Good Friday Caravan Site Bagworth Road Barlestone
Proposal: Variation of Condition No 1 to planning appeal decision APP/K2420/C/09/2105369 to make the use permanent
Target Date: 24 April 2013

Introduction:-

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

Application Proposal

This application seeks to vary condition 1 of the inspectorate appeal decision dated 19 March 2010 ref: App/K2420/C/09/2105369, to change the use of the land from a temporary use as a residential caravan site to a permanent use of the land for a caravan site to house families that fall under the definition of gypsies and travellers as defined in Annex 1: Glossary to the 'Planning Policy for Travellers Sites'.

Site and Surrounding Area

The application site covers approximately 0.82 hectares and is accessed via an existing field access from Bagworth Road. Modifications have taken place during the occupation of the encampment site to an existing access to allow a wider access with an area of hard standing, allowing vehicles to enter/exit the site clear of the highway. The site has a mature hedgerow running parallel to Bagworth Road to the south and a number of mature trees to the northeast. There has been some very sparse planting during the gypsy and traveller occupation.

The site currently provides accommodation for 10 families. Submitted with the application is a supporting statement highlighting the needs of the elderly and unwell residents on the site along with the needs of the resident children, stating that this is a primary consideration when determining the application.

Prior to the occupation of gypsy travellers in 2009 the site previously accommodated a timber stable building which was subsequently burnt down some time ago and as such the use of the site for the stabling of horses had ceased.

Technical Documents Submitted with the Application

Supporting Statement
BSP Consulting - Proposed Highway Improvements

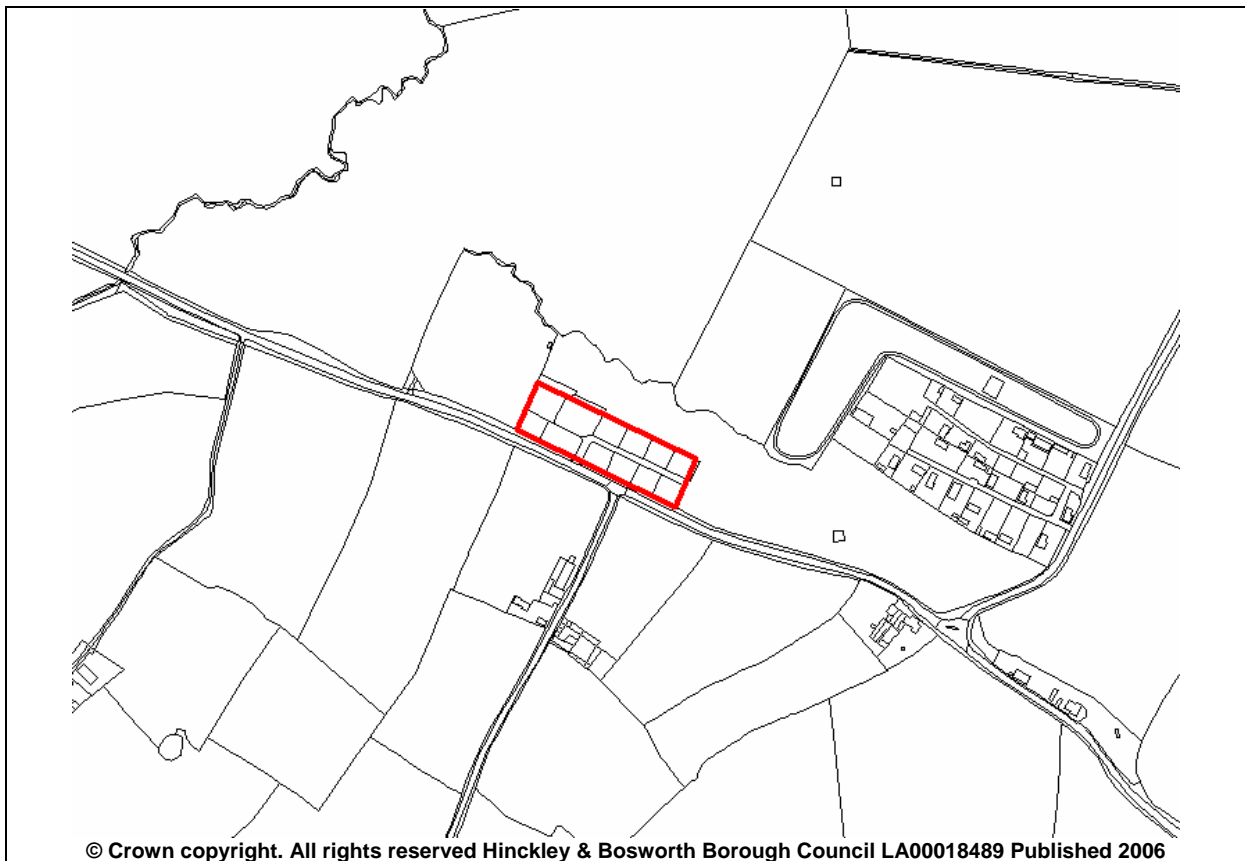
Relevant Planning History:-

09/00280/COU	Change of use of land from keeping of horses to keeping of horses and residential caravan site for 10 gypsy families with two caravans and amenity block including access improvements.	Refused	15.05.09
--------------	---	---------	----------

09/00159/UNBLD (Enforcement Case)	Planning Breach – Unauthorised use of land for Gypsy/ Traveller Site	Enforcement Notice Issued	08.05.09
--------------------------------------	--	---------------------------	----------

Appeal against Enforcement Notice ref: APP/K2420/C/09/2105369 Notice quashed on appeal allowing a temporary planning permission for 3 years from the date of the Inspectorate decision letter dated 19 March 2010.

07/00604/FUL	Erection of six stables and tack room	Approved	30.07.07
--------------	---------------------------------------	----------	----------



Consultations:-

No objection has been received from:-

Environment Agency
Directorate of Chief Executive (Ecology)
National Forest
Severn Trent Water Limited
Head of Community Services (Pollution)
Head of Community Services (Drainage)

The Leicestershire County Council, Travellers Sites and Liaison Officer, has submitted a letter of support that outlines the need and benefit of the provision of traveller sites in the area and support for such sites in national guidance and good practice documents.

The Director of Environment and Transport (Highways) recommends refusal of the application. Reference is made to the Highway Authorities previous objections to the application in 2009, whereby they stated that if the proposal was permitted this would result in a large scale intensification in vehicular use of an existing field access taken from an unlit section of Class II road in a location remote from main development where traffic speeds are generally high. Furthermore any increase in turning traffic onto or off the B585 at this location would not be in the best interests of highway safety and is contrary to the Highway Authority's access to road network and development control policies. Since their comments in 2009, the Highway Authority add that within 12 months of the Inspectorates decision to approve a temporary use a fatal accident occurred at the site access which stemmed from a vehicle making an unexpected right turn onto the Good Friday site. Two young girls were killed in the accident and therefore in their view the tragic incident completely vindicates the approach of the Highway Authority to the original application and subsequent appeal.

The Highway Authority add that In addition to the above, there have been three further incidents on Bagworth Road within 500 metres of the site, however it is believed that none of these were a direct result of the Good Friday site but testimony to the high vehicular speeds experienced in the locality.

Further comments were sought from the Highway Authority following the late submission of BSP Consulting on behalf of the applicants proposing various highway improvement measures at the site access.

In response the Highway Authority advise that BSP Consulting concentrate primarily on the planning history, and that the fatal accident in 2011 is a material consideration and should not be dismissed as a driver error as BSP suggest. With regard to the suggested potential improvements, the Highway Authority consider none of the proposals put forward by BSP satisfactorily address the core concern which is that of the speed of traffic and the conflict between vehicles turning in/out of the access on Bagworth Road.

In conclusion the Highway Authority state that the continued use of the site as a gypsy and traveller encampment would severely undermine highway safety on Bagworth Road and would be contrary to the Council's highway safety policies namely IN5. Furthermore given the changes in local and national planning policy since 2009, the application should be refused on sustainability grounds as the site is remote from services and local centres, lacks access to public transport and walking is not a viable option due to the nature of the surrounding road network and thus fails to comply with Policies IN6 of the 6C's Design Guide as well as advice contained in the NPPF and the DCLG circular 'Planning Policy for Traveller Sites'.

Objections to the application have been received from Nailstone, Barlestone, Bagworth and Thornton Parish Council's.

Nailstone Parish Council

Objects on the following grounds:-

- a) The Parish Council have objected to this application on a previous occasion and the comments still stand today
- b) visual impact on both the countryside and highway
- c) fatal accident shows the severity of the highway problem
- d) ditches in front of the site are blocked leading to flooding of the highway.

Barlestone Parish Council

Objects on the following grounds:-

- a) the non-compliance of the inspectorates planning conditions as set out in decision letter dated 19 March 2010.
- b) site is an increased eyesore in the open countryside
- c) unsafe access, very fast HGV route, proven by the fatalities in 2011
- d) site causes flooding of the Highway, blocked drains
- e) many pitches not occupied at all
- f) original owners have moved away, and other families have moved in which proves that original occupiers were not desperate for a permanent site
- g) no sewerage digesters installed. Electric and water services illegally connected.

The Bagworth and Thornton Parish Council

Objects on the following grounds:-

- a) there is not an appropriate highways approved access to the site. The use increases the number of vehicle movements to the site
- b) the Coroner concluded that the unsafe access to the site was a contributory factor to the tragic deaths of two women following the fatal accident in 2011.
- c) the site and road are liable to flooding
- d) absence of foul/surface water drainage
- e) site is in a National Forest, the extent of hard surfacing, bleak appearance of caravans and residential paraphernalia results in a hard negative impact in the development of the character and appearance of the countryside. Additionally the site is outside the settlement boundary
- f) site adds light pollution in the countryside
- g) area has already experienced problems with unauthorised gypsy and traveller camps which is not helpful to community cohesion
- h) complete disregard of planning laws
- i) application should be refused to prevent the risk of further deaths by the site.

Councillor Ivan Ould - Leicestershire County Councillor objects to the application on behalf of Nailstone and Barlestone residents, on the following grounds:-

- a) the unacceptable visual impact of the use in the area
- b) the site cannot be assimilated into its surroundings as set out in Para 44 of the Inspectors decision, which is still the case today
- c) none of the 2010 conditions have been discharged
- d) poor sanitation on site

- e) that the County Council's Planning Officer (Highways) is unequivocal in giving reasons for refusing permanent permission
- f) critical of HBBC's failure to achieve site allocations for Travellers and Gypsy despite immediate need for sites

Furthermore the Councillor is fully supportive of the Barlestone Parish Council's reasons for opposing the application.

David Tredinnick MP is fully supportive of his constituents' objections to the application

Two hundred and twenty neighbour objections to the application received. The objections in summary are:-

- a) anti-social behaviour experienced from the residents of the Good Friday site
- b) abundance of gypsy and traveller sites in close proximity of the application site
- c) approval would encourage other travellers to set up unauthorised sites
- d) location not suitable in the open countryside, use results in a detrimental visual impact, incapable of assimilation
- e) use not environmentally friendly, sewers and drains not adequate, absence of proper drainage system
- f) site and roadway prone to flooding
- g) site outside of settlement boundary
- h) light pollution
- i) traffic hazard, danger to highway safety - use was the cause of two deaths in 2011 as a result of vehicles using the Good Friday access, and thus contrary to policy T5
- j) increase in crime and litter issues

Additionally the Council have received a petition with 274 signatures opposing the application

Four letters of support for the application from neighbours on the following grounds:-

- a) A number of residents of the Good Friday site are in bad health, and need somewhere secure to live
- b) the residents of the site are settled there and their children attend the local school and have integrated well
- c) considerable propaganda against the gypsy and traveller site posted in resident letterboxes over the years which is not acceptable.
- d) residents of the Good Friday site have nowhere to go and should not be forced to the roadside

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Planning Policy for Traveller Sites (PPTS) March 2012, paragraphs 22, 23, and 25.

Local Plan 2006-2026: Core Strategy 2009

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

Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy T5: Highway Design and Vehicle Parking Standards.

Other Material Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016

Appraisal:-

The proposed development is for the variation of condition 1 of the appeal decision dated 19 March 2010 to make the site permanent for ten pitches for Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a letter supporting the application, confirming that the site is used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The officer also verifies the applicant's details, occupancy and needs of each of the ten pitch holders. In summary the pitches are owned in the main by each pitch occupant, 5 of the 10 pitches have been occupied by the same residents since its formation in 2009, the remainder less than two years. The site is dominated by the elderly and single parents with their young children. The elderly are predominantly in ill-health and undergoing medical attention, which is supported by letters from health advisors. Most of the children of school age attend the Barlestone School. The Liaison officer states that the Good Friday site has significantly improved occupants access to services such as health and education for the families and provided a more stable environment for their children's development, and that there are a number of families living on the site that have grown up children who would like to start their own families but have nowhere to move to.

Therefore the main issues for consideration in respect of the application is the principle of a permanent or even further temporary use of the site for ten pitches for Gypsy and Traveller families; whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its continued impact on the surrounding countryside, neighbours and specifically highway safety.

Planning Policy for Traveller's Sites (March 2012)

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

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

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

Since the Accommodation Needs Assessment was adopted in April 2007, a total of five sites have received permanent planning permission within the Borough, a total of eight pitches at Winter Oaks (formerly The Paddock), Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley one pitch at Heath Road, Bagworth (allowed on appeal) and 10 pitches at Dalebrook Farm Earl Shilton. Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 19 permanent pitches. The ten temporary pitches, the subject of this

application are not included in these calculations and their use in any case expired on the 18 March 2013.

As there is a deficit of 19 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site having regard to the requirement within the Core Strategy. Should approval be forthcoming on this application, the 10 pitches would go towards meeting the current shortfall in pitches.

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

The Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full and the Gypsy Traveller and Liaison Officer advises that there is an extensive waiting list. In addition, there are a number of families living on site that have grown up children who would like to start their own families with nowhere to move to.

c) other personal circumstances of the applicants

The County Council Traveller Sites and Liaison Officer have submitted a letter of support. The letter confirms the proposed site is privately owned by each pitch occupant. Furthermore submitted with the letter of support is evidence from local health services of the ill health of some of the existing occupants of the site, and their need to have somewhere secure and permanent to live.

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

The locally specific criteria in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show people, and the application is assessed against this policy further below in this report.

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

The original origins of the occupants of the site are unknown; however half the pitches have been occupied since its unlawful inception in April 2009, the remainder pitches have been occupied by the same occupants for approximately 2 years.

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

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

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

The application site previously benefited from permission for stables and a tack room, the stables burnt down some years ago. The site does not offer an opportunity for a natural extension to an existing site, the other encampments although close by are not located next to the site. The site has a dominant hard landscape and minimal measures have been put in place to create any soft landscaping to complement the surrounding soft landscape. As set out in the inspector's decision letter of 19 March 2010, it is questionable whether the site is capable of being assimilated into its surroundings, the Inspector in 2010 shared the reservations of the Council's Planning witness in that the existing and any future planting is unlikely to establish with any success given the material imported onto the site. The Inspector states 'In these circumstances and notwithstanding that the site is an area described as being resilient to change in the landscape character assessment for the area, I am not satisfied that the site could be satisfactorily assimilated into its surroundings or that my concerns could be overcome by the imposition of a condition requiring further landscaping to be carried out. I find conflict with CS Policy 18 in this respect'.

In summary it is considered that the proposal is not in conformity with the overarching principles of Planning Policy for Traveller Sites in respect of assimilation with its surroundings and visual effects on the countryside. However in the light of the level of unmet need in the Borough the 'need' remains a significant consideration.

Local Plan 2006-2026: Core Strategy Policy 18

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

Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is located on Bagworth Road, remote from services and local centres, and public transport access. Due to the distance of local settlements from the site it is likely that a majority of journeys will be made by car. However, no problems have been clearly identified in respect of accessing local services; it is questionable whether occupants of the site would raise this as an issue in any case.

Sympathetic Assimilation into the Countryside and National Forest.

Policy 18 indicates that gypsy and traveller sites should be capable of sympathetic assimilation to their surroundings. This issue has been discussed elsewhere in the report and

concluded that it is doubtful as to whether such assimilation could ever be successful given the nature of the site and its surroundings. Therefore on balance, the proposals are considered unlikely to meet the requirements of Policy 18 of the adopted Core Strategy and Policies 21 of the adopted Core Strategy in respect of the National Forest.

Scale

Policy 18 requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 10 permanent pitches, there are no immediate services or facilities to serve the development however on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment for Residents

Policy 18 requires proposed sites to provide a safe and healthy environment for residents in line with the design guidelines detailed in the National Guidance (Designing Gypsy and Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near hazardous places as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The application site is not exposed and in a relatively quiet, isolated location. The Head of Community Services (Pollution) does not object to the application. However consideration should be given to the hazardous nature of Bagworth Road and implications on the safety of occupants in particular children and the elderly in terms of highway and pedestrian safety.

The Good Practice Guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. The site does not benefit from suitable basic facilities of mains water and electricity; it is unclear as to whether there is a septic tank. The current application does not include proposals for connection to nearby existing public mains foul sewer system; however the Environment Agency has made no objection to the application.

Overall, the site is considered to comply with policy 18 in respect of providing a safe and healthy environment for occupants of the site with the exception of issues around highway safety.

Design and Layout

This is a private site, however Policy 18 states applications for new sites and refurbishment of existing sites must meet the design guidelines detailed in National Guidance (Designing Gypsy and Traveller Sites, Good Practice Guide) General guidance suggests that permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle. The existing pitches are spacious and able to accommodate on the whole such facilities.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. The site is some distance away from the nearest residential property at Lodge Farm and therefore on site activity and vehicle movements do not affect nearby residential amenity although neighbours have objected on the basis of light pollution. It is considered unlikely that the site adversely affects any neighbours' amenity.

Highway Safety

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

The site is accessed from the B585, Bagworth Road with a speed limit of 60mph and is a typical unlit, single carriageway rural lane. Whilst gypsy sites are found in rural areas and some commonly accessed via unlit roads, matters of highway safety are paramount and must be considered on a site by site basis. The Highway Authority is strongly opposed to the application and has not changed their position since the application and appeal in 2009. On the contrary, regrettably the fatal collision in 2011 which was as a direct result of a vehicle waiting to turn into the site has added weight to their objections and shown that their concerns were justified. Prior to this event, the inspector in her decision concluded that the use of the access to serve 10 pitches was not unduly prejudicial to the free flow of traffic or compromise highway safety and found no conflict with policy T5 of the adopted Hinckley and Bosworth Local Plan or CS Policy 18 in this regard. This statement precedes the fatal incident in 2011. Had the incident taken place before the Appeal hearing in 2009 it is not unreasonable to assume that the Inspector may have reached a different conclusion. The incident is considered material in determining this application and significant weight must be attached in the light of this incident in concluding whether or not to allow the use to continue.

The Gypsy Traveller and Liaison Officer confirms that the residents of the Good Friday site are willing to make a financial contribution towards any recommended highways improvements that would improve road safety in the vicinity of the site. To this end the residents of the Good Friday site instructed BSP Consulting who have subsequently submitted suggested highway improvements on Bagworth Road to overcome highway safety concerns.

The Highway Authority has advised that it is unlikely that significant improvements could be made to reduce the existing highway hazard of the access in this location and that none of the suggested improvements satisfactorily address the core concern of traffic speed on Bagworth Road..

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

Conclusion

Each case must be considered on its own merits. There is no dispute in the shortfall in pitches in the Borough and need for the site which is entirely justified. This is further confirmed by the County Councils Travellers Sites and Liaison Officer and the requirement to provide Gypsy and Traveller Sites as identified within Policy 18 of the Core Strategy, Planning Policy for Traveller Sites (March 2012).

The need for the pitches both generally and for the individuals concerned is a material consideration which should be afforded significant weight. The failure by the Council to identify new gypsy and traveller sites in the borough is material and although the development of this site is contrary to the countryside aspect of Policy 18 of the Core Strategy, both the Government's Planning Policy for Traveller Sites and the Core Strategy identify that a countryside location does not automatically mean that a site is unacceptable, subject to a number of other considerations. A key consideration should therefore be whether an appropriate landscaping scheme could make this impact acceptable. In the absence of any such scheme and the comments of the Inspector in the 2010 appeal decision it is questionable whether a landscaping scheme would override the concerns of assimilation.

The Director of Environment and Transport (Highways) recommends that given the speed of traffic on Bagworth Road, which has resulted so far in 3 recorded accidents on Bagworth Road within 500 metres of the site one of which was classed serious, but not related to the site, and a fatal accident in 2011 resulting in two fatalities, which was a result of the site, that the application be refused. Furthermore they consider none of the suggested proposed improvements by the applicants override their core concerns. The grounds of refusal include the unlawful creation of a new access onto an unlit section of a Class II road in a location remote from main development where traffic speeds are generally high. Any increase in turning traffic in such a location would not be in the best interests of highway safety.

To this end, the highway safety considerations carry significant weight; the comments of the Highway Authority are considered justifiable given the fatal accident in 2011 and as such outweigh the considerations afforded to the shortfall and slow progress regarding the allocation of new gypsy and traveller sites in the borough.

Consideration has been given to the possibility of granting a further temporary planning permission for this site pending the delivery of the Gypsy and Traveller Allocations DPD in 2016; however it is considered that the unmet and immediate need for additional pitches does not outweigh the permanent harm and continuing erosion of the countryside, and the significant harm in terms of highway safety as evidenced by the fatal accident in 2011, outweighs any justification for granting a temporary permission , and conclude that the application should therefore be refused.

RECOMMENDATION: - REFUSE, for the following reasons and serve an enforcement notice requiring site clearance and vacation within 9 months of the notice taking effect.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposal would result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of highway safety and is therefore contrary to paragraph 32 of the National Planning Policy Framework, Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan and Policy 18 of the adopted Local Plan 2006-2026: Core Strategy.
- 2 The site is located in a prominent and elevated position in a predominantly undeveloped rural landscape. The development has an adverse effect on the appearance of the countryside contrary to the requirements of Policies 18 and 21 of the Adopted Core Strategy and therefore results in an un-justified harm to the intrinsic

character and beauty of the countryside contrary to the requirements of paragraph 17 of the National Planning Policy Framework 2012.

Contact Officer: - Christine Zacharia Ext 5620

Item: 02

Reference: 13/00273/ADV

Applicant: Hinckley And Bosworth Borough Council

Location: The Hinckley Hub Rugby Road Hinckley

Proposal: Erection of externally illuminated signage (Retrospective)

Target Date: 31 July 2013

Introduction:-

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

Application Proposal

This application seeks retrospective advertisement consent for the erection of a wall mounted, internally illuminated sign measuring approximately 12.9 metres in height x 1 metre in width and 0.11 metres in depth. The sign has been constructed from a grey aluminium back tray with white mounted lettering at a height of approximately 70 cm per letter. The letters of the advertisement state 'Hinckley Hub' and is back lit behind the lettering onto the grey aluminium tray at 40 lumens per LED lamp to a total luminance of 12.733 candelas per square metre cd/m.

The sign is located on the wall of the west elevation of the building facing Rugby Road.

The illumination is operated by an automatic photocell dusk/dawn sensor.

The Site and Surrounding Area

The application site is part of the recently constructed Hinckley Hub and offices of Hinckley and Bosworth Borough Council and partners, located on the corner of Ruby Road and Hawley Road. Directly opposite the west elevation of the building and location of the sign is a pair of semi-detached dwellings. To the south of the site is the Lidl supermarket and car park.

Technical Documents Submitted with the Application

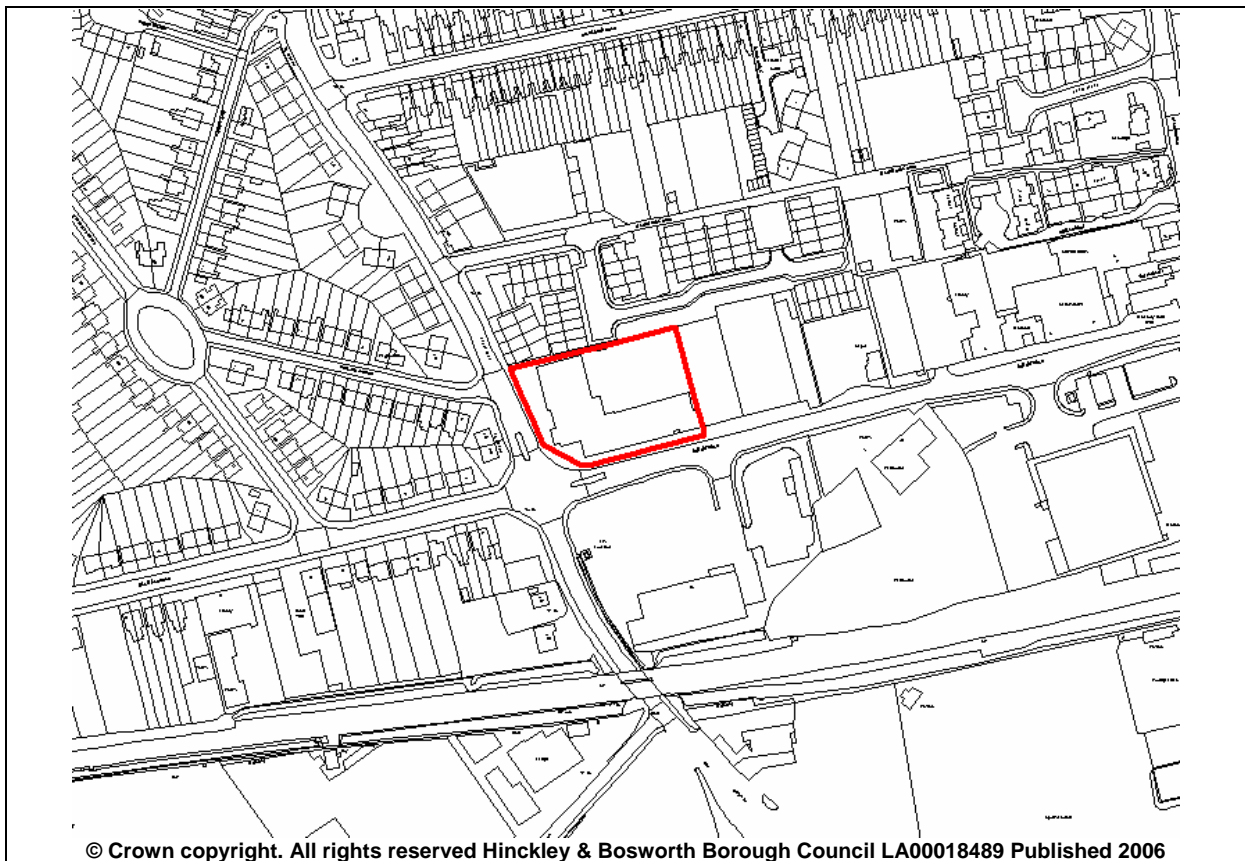
The application is accompanied by a lighting assessment

Relevant Planning History:-

09/00810/FUL	Mixed Use Development Including Retention, Refurbishment and Extension to Existing Buildings	Approved	06.04 10.
--------------	--	----------	-----------

and Demolition of Factory Buildings to Create 50 Dwellings and 6 Apartments with Associated Parking.

10/00847/FUL	Mixed Use Development Including Retention, Refurbishment and Extension to Existing Buildings and Demolition of Factory Buildings to Create 48 Dwellings and 6 Apartments with Associated Parking.	Approved	25.01.11
11/00100/CONDIT	Variation of Condition 2 of Planning Permission 10.00847/FUL.	Approved	17.05.11
12/00882/CONDIT	Variation of Condition 2 of Planning Permission 10/00847/FUL to Include Minor Changes to Approved Plans and Elevations.	Approved	03.12.12



Consultations:-

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

A site notice was displayed and neighbours notified. No representations have been received.

Policy:-

Applications for advertisement consent are considered against the statutory requirements of S.220 of the Town and Country Planning Act 1990 (as amended). The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 confirms that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

National Policy Guidance

The National Planning Policy Framework March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

Paragraph 67 of the National Planning Policy Framework (NPPF) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment and should only be subject to control in respect of amenity and public safety, taking into account of cumulative impacts.

Visual Amenity

Policy BE1 (criterion a) requires development to complement or enhance the character or appearance of the area. Policy BE26 allows for the incorporation of lighting schemes subject to there being no nuisance to nearby residents or road users in terms of glare, no light spillage or unnecessarily high levels of light and there being no adverse impact on the character or appearance of the area.

Whilst the sign is large in terms of its scale, at 12 metres in height by 1 metre in width, it is considered that the vertical emphasis of the sign reflects the design of the building and the scale of the elevation of the building where it is situated. As such it does not appear overly prominent when viewed against the context of the building from within the street scene of this key junction at the corner of Ruby Road and Hawley Road. It is therefore not considered that the sign has a detrimental impact in terms of visual amenity from within the street scene. The modern design and appearance of the sign reflects the modern design of the building and fits in with the overall context of the immediate surrounding area.

The internal illumination of the is to be automatically controlled with sensors to turn on only during the hours of darkness and the sign will back lit which avoids visual impact from light spill.

As a result of the siting, scale, design, appearance and level of illumination the sign does not have any adverse impact on visual amenity and is therefore in accordance with Policies BE1 (criterion a) and BE26 (criteria a, b and c) of the adopted Local Plan.

Impact on Public Safety

The proposed advertisement is located on the wall of the building and as such does not encroach on the pedestrian footway or public highway or impede visibility for road users in an existing well lit urban area. The illumination is to be static, back lit and of a level that will not result in any unnecessarily high levels of light, light spillage or glare that would have any adverse impact on road users or cause detriment to the amenity of the two dwellings immediately opposite the sign. The Director of Environment and Transport (Highways) has raised no objection in respect of highway safety. As such the proposal is therefore in accordance with Policy T5 of the adopted Local Plan.

Conclusion

The advertisement does not have any adverse impact on visual amenity or highway or pedestrian safety or result in any unacceptable light pollution. The proposal is therefore in accordance with Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the advertisement would not be harmful to visual amenity or public safety.

Within the context of the statutory requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5.

- 1 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: Site Location Plan at 1:1250 scale and Dwg No. 2018(21)100S received by the Local Planning Authority on 26 March 2013.
- 2 The maximum luminance of the light source shall not exceed 12.733 candelas per square metre.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To protect drivers from light glare in the interests of highway safety to accord with Policies BE26 (criterion a) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Simon Atha Ext 5919

Item: 03

Reference: 13/00223/FUL

Applicant: Mr David Wilson

Location: 24 Station Road Ratby Leicester

Proposal: Erection of 5,000 sq ft retail unit and 13 new dwellings with associated landscaping and servicing

Target Date: 9 July 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a 5000sq ft, retail store (use class A1), erection of 10 dwellings and conversion of an existing dwelling and bakery into one dwelling and two, 1 bedroomed flats with associated parking and access.

The existing red-brick buildings to the front of the site are proposed to be retained; however a covered pedestrian walkway providing access to the retail store behind will be created. The existing buildings would be renovated to contain 1, four bedroom dwelling and 2, one bedroom flats. As proposed, there is one off street parking space for each of the flats and one space will be allocated for the dwelling.

The retail store would be located to the south of the retained frontage buildings and consist of a pitched roof building with brick and glazed exterior on a north south axis. The building would measure 34m by 16.5m with a height to the eaves of 4.4m and 8.2 m to the ridge. A

parking area containing 19 parking spaces and designated cycle parking would be provided immediately to the east of the proposed store with additional parking comprising 4 spaces across the access road. The store would have a designated service yard and loading area.

To the south of the proposed store a small residential development consisting of 8 detached dwellings and 2 semi-detached dwellings are proposed. These consist of 7 three bedroomed dwellings, 2 four bedroomed dwellings and 1 five bedroomed dwelling, all with off street parking and private garden areas.

Access to the site would be via a proposed new vehicular access located to the west of no 38 Station Road. The car park for the retail store, service yard and dwellings would be from this access road.

Site and Surrounding Area

The application site is located to the south of Station Road, Ratby, and is the site of the former Geary's bakery. The Bakery was a prominent local company in the area and at its height had national recognition. Whilst, due to changing economics the business has moved away from Ratby the remaining buildings are a heritage asset to the village, although are not formally protected. The site is a protected employment site.

The site currently consists of the original bakery and dwelling to the north of the site and an area behind where the modern bakery buildings, constructed in the 1960's, once stood. These have been demolished to slab level and over grown. To the east of the former bakery building along the frontage is a mature hedgerow. The site falls gradually to the south towards a watercourse. To the east and north of the site are residential dwellings. The properties to the east consist of a small modern housing estate separated from the application site by an undeveloped piece of land that has permission for 6 dwellings (10/00453/FUL). The properties to the north, on the opposite side of Station Road are traditional red brick two storey dwellings dating from the late 19th Century. The Methodist Hall located on the corner of the junction with Chapel Lane is the first building within the Ratby Conservation Area, the conservation area then extends west and north away from the application site. Beyond Chapel Lane are commercial properties and the designated Ratby Local Shopping Area starts. These also extend to the west away from the application site.

To the south the site abuts the Desford Recreation Ground (privately owned) and the application site is separated from this by a watercourse. This continues along the western boundary of the site until the rear of properties facing Station Road. No 22 Station Road is located immediately to the west of the site, which is a detached two storey dwelling with a garden which would be surrounded on two sides by the proposed development.

Amended plans have been received altering the car parking layout to increase the number of parking spaces, and substitution of one of the dwellings and alteration to the position. An additional consultation has been undertaken, which expires on 15 July 2013.

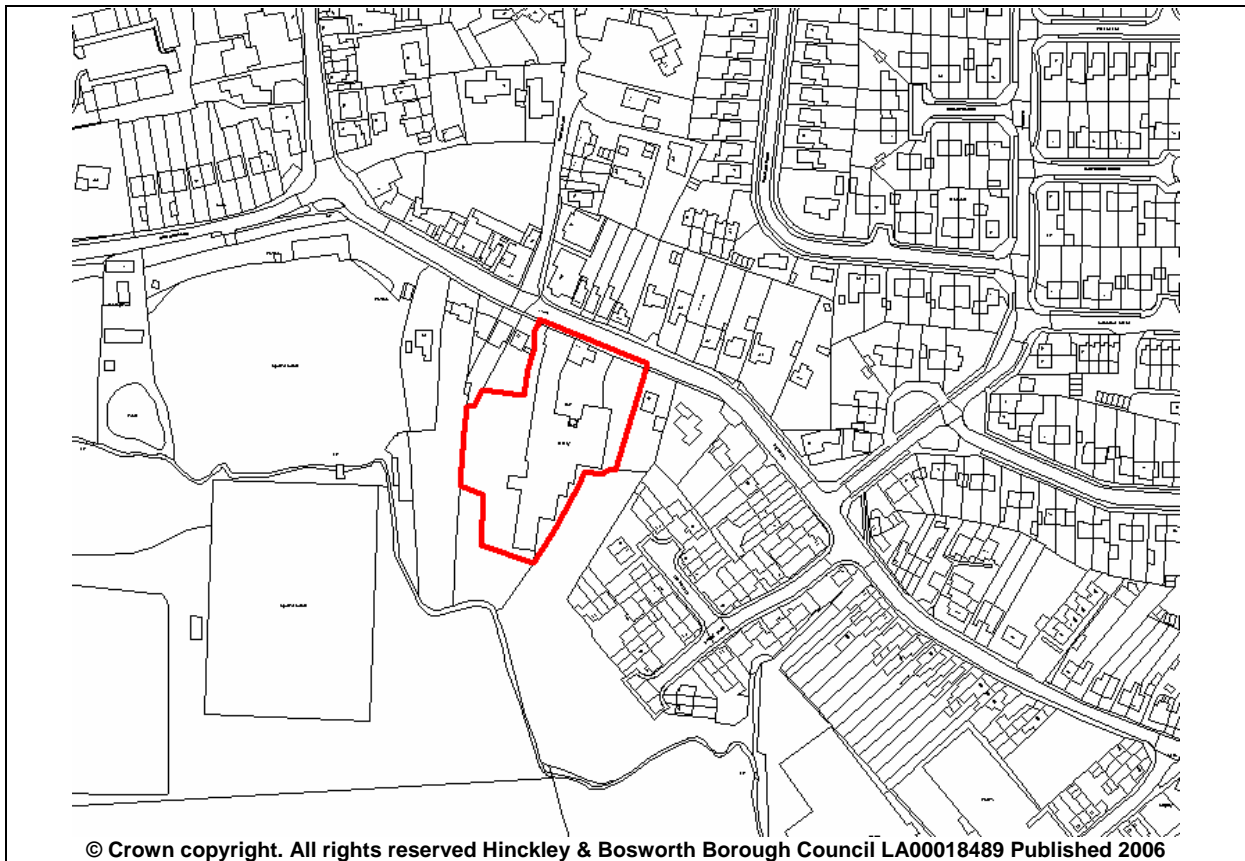
Technical Document Submitted with the Application

The following documents have been submitted in support of the application;-

- Design and Access Statement
- Flood Risk Assessment
- Heritage Impact Assessment
- Archaeological Desk Based Assessment
- Ecological Survey
- Planning Statement
- Transport Assessment
- Arboriculture Report

Relevant Planning History:-

02/01220/FUL	Erection of loading bay canopy	Approved	31.12.02
01/01044/FUL	Retention of replacement silo	Approved	06.12.01



Consultations:-

No objection has been received from:-

Environment Agency
Leicestershire Fire and Rescue

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

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

- a) Directorate of Chief Executive (Ecology) - No request made
- b) Director of Children and young Peoples Services (Education) - has requested £31,941.39 towards creating additional primary school places at Ratby Primary School; No contribution is requested towards High School as there are places available to accommodate the associated increase in demand; £20,190.68 towards Upper school at Groby Community College to accommodate the increase in demand on the service by the development
- c) Director of Environment and Transport (Civic Amenity) - No request made
- d) Director of Adults and Communities (Libraries) - requests £750 towards providing additional materials to account for additional use as a result of the development at Ratby Library.

Site notice and Press notice were displayed and neighbours notified.

Three representations have been received raising the following comments:-

The following comments have been raised in support of the scheme

- a) Support the redevelopment of the site
- b) Village will benefit from a larger co-op

The following comments have been raised concerns regarding the scheme.

- a) parking is inadequate especially as parking would not be visible from the highway and therefore this will encourage people will park on the road rather than gamble on a space being available
- b) there is insufficient on street parking space for residents and this will be exacerbated by the scheme
- c) insufficient manoeuvring areas on site
- d) layout design is compromised by the retention of the building to the front
- e) noise assessment should be submitted
- f) objects to the number of flats as there is insufficient parking
- g) objection to the large sign at the entrance.

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

The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer
Ratby Parish Council

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 7: Key Rural Centres
Policy 8: Key Rural Centres relating to Leicester
Policy 15: Affordable Housing

Policy 16: Housing Density and mix
Policy 19: Green Space and Play provision

Hinckley and Bosworth Local Plan 2001

IMP1: Contributions towards the provision of infrastructure and facilities
RES5: Residential proposals on unallocated sites
EMP1: Existing Employment sites
BE1: Design and siting of Development
NE2: Pollution
NE5: Development in the Countryside
NE12: Landscaping scheme
NE13: The effect of development on natural watercourses
NE14: Protection of surface waters and ground water quality
T5: Highway Design and Parking Standards
RETAIL 1: General Retail Strategy
RETAIL 7: Local Shopping Centres
REC3: Outdoor play space for children

Supplementary Planning Guidance/Documents

Ratby Village Design Statement
New Residential Development (SPG)

Other Material Policy Guidance

The Employment Land and Premises Study (2010)

Appraisal:-

The main considerations with regards to this application are the principle of development including loss of an employment site; layout, design and scale; parking and impact on the highway; impact upon neighbours and developer contributions and viability.

Principle of Development

The National Planning Policy Framework (NPPF) was published in March 2012 and provides a presumption in favour of sustainable development. However, paragraph 12 of the document states that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

The Local Plan 2006-2026: Core Strategy was adopted in 2009 and can be considered to be up to date in respect of the NPPF. As at October 2012 the Borough Council could demonstrate a five year supply of housing land (5.37 years) including a 5% buffer in accordance with paragraph 47 of the NPPF and therefore all policies relevant to the supply of housing are up to date.

Policy 8 of the Core Strategy seeks to allocate land in Ratby for a minimum of 75 dwellings. At present Ratby has a residual of 6, which this application would meet and exceed by 7.

The site is located to the south side of Station Road and straddles the settlement boundary, with the result that the south and south-western parts of the site are within the countryside. The proposal is on part of a previously developed site that formally housed Geary's bakery.

Whilst the traditional buildings fronting Station Road have been retained, the modern, purpose built, bakery buildings to the rear have been demolished to slab level. The proposed application site, comprises the extent of the previous built form of the factory including the hard surfaced area that provided parking and turning area to the site. The site includes a grassed area abutting Station Road and located between the existing buildings and No. 38 Station Road. Notwithstanding this the majority of the site is considered to be previously developed.

Policy RES5 supports applications on unallocated sites which are within the settlement boundary. Policy NE5, controls development within the countryside and provides a list of appropriate developments (criteria a-c), within which residential development is not included.

The NPPF has a presumption in favour of sustainable development and considers development within the countryside in accordance with this criteria rather than the restrictive wording of Policy NE5. The first part of Policy NE5 (criteria a-c) is not therefore considered to be fully compliant with the NPPF.

The site is located close to the centre of Ratby, as defined by the conservation area and local shopping area which contain the library, school and shops community centres and a destination for public transport routes. The proposal would result in the development of a previously developed site, and therefore is considered to be an effective use of land. The proposal would meet and exceed the Local Plan allocation for Ratby however this is a minimal figure and the additional 7 dwellings is not considered to be so significant as to disrupt the spatial aims of the core strategy. The proposal is therefore considered to be sustainable development, located close to existing services, providing jobs and utilising a derelict site that was previously developed. It is therefore considered that the principle of development is consistent with the principles of the NPPF.

Loss of an employment site

The site is designated as an employment site within under Policy EMP1 of the Hinckley Local Plan. This categorises the site under category b which states that on these sites proposals for employment activities or alternative uses will be considered on their own merits. The policy also states that the sites are generally considered to be acceptable employment locations. An additional and a more recent study of the use and site is contained within the Employment Land and Premises Study (2010). This re-categorises the site as 'C' where alternative uses of the site are encouraged. The study was carried out prior to the demolition of the units and comments that the quality of the buildings are poor and the site suffers from poor servicing and parking.

The site was vacated whilst the study was being finalised and the industrial buildings demolished shortly after. Since then the site has been marketed and has suffered from vandalism.

It is considered that the application conforms with Policy EMP1 (b), given the more recent evidence based documents, the history and constraints of the site, that the proposal will provide a facility in an improved store for the village it is considered that the loss of the employment site is acceptable in principle.

New Retail store outside the Local retail area

The proposal would result in a new retail store outside the designated local retail area of Ratby. Policy Retail 1 and Retail 7 both direct new retail provision to within the existing retail areas, and this application is located outside of the defined Ratby Local Shopping Area, and

therefore consideration should be had to the effect of the proposal on the vitality of the retail area.

The existing co-op store in Ratby is constrained and deliveries have to be taken from the layby to the front. The store has also outgrown the current floorspace. It is important for Ratby to retain a store to ensure that it remains a sustainable settlement. There are no sites within the existing defined retail area of an appropriate size. The proposed store would be within 50m of the edge of the retail area and on the site of a former bakery shop. It is considered that this is as close to the retail centre as practically possible. Due to the close proximity of the application site to the local retail area, it is not considered that the proposal would detrimentally harm the vitality of the retail centre and is therefore deemed acceptable.

Layout, Design and Scale

The proposal consists of two elements which will be considered in turn.

Policy BE1 seeks a high standard of design through supporting development which complements or enhances the character of the surrounding area by having regard to the scale, mass, layout, design and materials. This is supported by paragraph 17 of the NPPF that within the Core Planning Principles seeks to secure a high quality design.

Retail store and bakery buildings.

The proposal seeks to convert the existing two storey brick built buildings on Station Road. These were originally the dwelling house to the bakery, the bakery, and the shop selling goods to the public. It is proposed to create a pedestrian walkway through the building to the proposed store located behind.

The proposal seeks the conversion of the original dwelling into a family dwelling with four bedrooms and two one bed roomed flats in the old bakery and store areas of the building. The pedestrian walkway would be located in the place of the existing shop front, which was an existing large glazed opening. The original position of windows and doors have been maintained and are proposed to be re-used retaining the architectural integrity of the building. As this is a conversion, the layout and scale of this element of the proposal remains the same. It is considered that the proposed alterations to the bakery respect its historical integrity and this element of the proposal is considered to comply with Policy BE1, criterion a, of the adopted Hinckley and Bosworth Local Plan.

The proposal seeks consent for a pitched roof retail store with 2 full height feature glazed window sections and a recessed glazed entrance. The elevations would be broken into equal sections by projecting brick columns with arched brick detail between providing interest and some relief to the elevations. A purpose built loading bay with a flat roof is located to the rear of the building.

The design of the proposed store takes the form of a basic rectangle. Brick columns linked by arches over have been included to break up the long elevations and introduce a vertical emphasis. The indicative materials reflect that of the bakery building and other traditional properties in the area and are considered to be acceptable, subject to specific samples being acceptable. The building would be located to the rear of the former bakery building and will only be visible from the access road and through other gaps in development.

The footprint of the building is out of character with the footprint of other properties in the area, however historically there has been a large building on the site. The proposed ridge height of the proposed building would be below that of the existing bakery, the scale of the building is considered acceptable in this instance.

Residential development

The residential element of the proposal seeks consent for the erection of 10 dwellings located to the south of the retail store and bakery buildings. The dwellings consist of 8 detached and 2 semi-detached properties, ranging from 3 to 5 bedrooms, all with private amenity areas. The dwellings are mainly 2 storeys in height with height to ridge ranging from 7.7m to 8.4m. However, one 2 ½ storey is proposed with a height to ridge of 9.4m resulting in variation and interest to the ridge height and the wider streetscene. This scale of properties is in keeping with other developments in the vicinity of the site and therefore is considered acceptable.

The dwellings incorporate features such as bay windows and arched headers above openings, as well as stone details. The fenestration has a vertical emphasis, which with the details results in a traditional design and appearance that compliments the character of the area.

The layout is dictated by the shape of the site. A pair of semi-detached dwellings would be sited opposite the entrance to the site with a detached dwelling to the west of these and the other detached dwellings backing on to the boundary of the site. The siting of the two dwellings to the south of the site has been amended to provide a visual end stop, and reduce overlooking of other properties. The layout is considered to make the best use of the site given the site constraints and provides active ends. It is considered that the layout is acceptable.

It is considered that the layout, scale and design of the scheme complements surrounding development. The conversion of the bakery buildings respects original openings and therefore the character of the building is maintained. The design and appearance of the residential properties is varied and considered to complement the existing area. The layout, scale and appearance of the proposal are therefore acceptable.

Parking and impact on Highway

The application includes the provision of 18 off street car parking spaces, immediately to the front of the retail store with an additional 4 located across the access road resulting in a total of 23 spaces for the retail store. It is anticipated that one of the spaces (space 19) will be designated for the dwelling within the bakery.

Leicestershire County Council's 6 C's Design guidance states that for a food retail store an off street parking space should be provided for every 14 sq.m of gross floor space. The proposed store would have a gross internal area of 464 sq m., which equates to a requirement of 33 spaces. The proposed parking would provide 23 spaces a shortfall of 10.

The Director of Environment and Transportation (highways) has no objection to the proposal as amended details sufficiently address the concerns raised. As a result the following conditions have been requested; garages remain available for parking; 6m control radii provided on both sides of the access; width of access and provision of access drive before any dwelling is occupied; and any windows at ground floor on the road frontage shall not open outwards.

The garages remaining available for parking condition is to ensure that adequate off street parking is provided for the site. This condition is not considered necessary where there is adequate off street parking provided within the curtilage, for examples plots A, F and E. However, the condition is relevant to plots D, C and G. The other conditions are considered to be valid conditions.

Objections have been received regarding the location of the parking, behind the retained buildings and the limited parking resulting in on street parking to the front of the store on Station Road. The standards are guidelines only and relate to all stores irrespective of their location. This is proposed to be a community facility serving local residents and therefore it is expected that a higher proportion of residents would access the store on foot than a store on the edge of a larger settlement.

With regard to the residential element of the proposal, one space per flat has been provided and 1 space for the dwelling within the bakery conversion. The historical significance apportioned to the building has led to its retention and ultimate conversion. Whilst this is below the current standards, given the desire to retain the building this is considered acceptable in this instance.

The individual dwellings are provided with at least 2 off street parking spaces per dwelling, and for the large dwellings three off street spaces are provided. This is considered to meet the current requirements and considered acceptable.

Subject to no objections from the Director of Environment and Transport (Highways) being received then the proposal would not detrimentally affect highway safety and therefore complies with Policy T5.

Impact on neighbours

Policy BE1, criterion i seeks to support development that does not adversely affect the occupiers of neighbouring properties.

Located adjacent to the western boundary of the site, No. 22 Station Road is a detached two storey residential property with a conservatory to the rear. The property is separated from the application site by a 1.8m timber fence and to the rear a conifer hedge and has a ground floor glazed door on the east elevation.

The proposed retail store would be sited 3m from the boundary with no. 22, and would extend along the whole length of the garden. The proposed store would be located to the east of the garden and rear elevation of the property. The height of the ridge would vary from 8.2m to 9.4m due to the fall away of the site towards the watercourse to the south of the site.

It is considered that the 3m separation distance from the boundary is an adequate distance for the proposal not to be overbearing on this property. Whilst the proposal may block some natural sunlight as the sun rises it is not considered that the height would be sufficient to block enough sunlight for a long enough period to significantly overshadow the garden.

The cooling and ventilation systems to the retail unit are shown to be located on this side of the building. Details of this equipment have been submitted. The Head of Community Services (Pollution) considers that the information submitted does not raise significant concerns to recommend a reason for refusal. However, further details will be required once all the detail of the scheme has been finalised and therefore a condition is recommended seeking a scheme to protect neighbours from any noise or disturbance from the proposal.

No. 38 Station Road is a detached two storey dwelling sited 9.4 m back from the highway boundary and 3.6 m from the boundary with the application site. The proposed access would be located adjacent to this boundary introducing vehicular traffic noise. The Head of Community Services (Pollution) has no objections to the principle of the scheme. The noise protection scheme referred to above would address concerns regarding increased noise on No. 38 as a result of an increase in comings and goings. It is not considered that the proposal would detrimentally affect the occupiers of No. 38.

The building structures are located at sufficient distance from No. 38 for there to be no effect from overbearing or loss of light.

The proposed converted bakery dwelling would have windows facing on to the entrance of the retail store and car park. New residents are expected to be able to enjoy privacy within their own home. It is therefore considered that an area be sectioned off round the dwelling, to keep public away from the windows. Details of this will be requested by way of a condition.

Impact on new residents

Plots A and J, of the new dwellings are the dwellings located closest to the proposed retail store. Plot A is a detached two storey dwelling with an integral garage. The garage would be sited on the side of the dwelling closest to the retail store, resulting in the main living accommodation being located away from the store. At first floor whilst there are two bedrooms on this elevation, there are no windows facing the retail store. The Head of Community Services (Pollution) has raised no objection to the proposal, subject to a condition requiring a scheme to protect neighbours from noise from the site.

Plot J is located to the south of the service yard. There are no windows proposed on the northern elevations apart from a bathroom window. The scheme requested from the Head of Community Services (Pollution), will ensure that the amenities of the occupiers of this property will be protected.

Amended plans have been submitted altering the siting of plot F to angle the front elevation away from the rear elevations of plots H and I. The distance between plots F and H and I, is 14m, and the distance between plots F and G, is 18m. The SPG on New Residential Development recommends that 25m should be provided between habitable windows. Whilst the proposed layout falls short of this, none of the dwellings are located directly facing one another. Future occupiers will be aware of the situation prior to purchasing a property and this along with the offset relationship between the properties; it is considered that the layout would not severely affect the amenities of future occupiers.

Developer Contributions and Viability

Developer contributions

The application proposes 13 residential units which attracts infrastructure contributions. The general approach to developer contributions must be considered alongside the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable housing

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

The threshold for the provision of affordable housing in rural areas is 4 dwellings and above. As this scheme is in a rural area, Policy 15 indicates that 40% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure. The provision of affordable housing for this site would equate to 6 dwellings; 5 for social rent and 1 for intermediate tenure.

The latest housing register for Ratby indicates that there are 593 applicants seeking affordable housing, of which 258 were seeking 1 bedroomed dwellings; 215 two bedroomed dwellings; 92 three bedroomed dwellings and; 28 four bedroomed dwellings. There is therefore a high demand for properties within the Ratby area.

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

Play and Open Space

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 Spaces Strategy 2005-2010 and 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 and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

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

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

The site is located within 400 metres of the Burroughs Road equipped site.

Within the Green Space Strategy Ratby had a deficiency of -0.22 ha per population of equipped play space and -0.06 ha per population of casual informal space. Since this survey was undertaken the Boroughs informal play space has been designated and equipped with equipment for young children. Within Open Space, Sport and Recreation Facilities Study the Boroughs Road Site was given a score of 35.2% it is envisaged that this development will result in increased use of this facility due to the family sized dwellings being proposed.

There is a deficiency of informal play space within Ratby when compared with the National Playing Fields standard. The development is of a type that would result in additional use of open space which would be directly related to the development. The Parish Council have informally indicated that they would like monies towards replacing vandalised equipment; the request is fairly and reasonable justified and would meet the requirements of CIL regulations.

As such the contribution sought totals £15,635.00 consists of the following elements:-

- £10,222.50 for provision of Children's equipped play space off site
- £5,412.50 towards maintenance of the off-site provision

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy 19 of the Core Strategy, Policy REC3 and IMP1 of the adopted Local

Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

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

- a) Director of Children and Young Peoples Services (Education) requests £52,132.06
- b) Director of Adults and Communities (Libraries) requests £750.00

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

- a) Affordable housing (6 units)
- b) Play and Open Space (£15,635.00)
- c) Director of Children and Young Peoples Services (Education) (£52,132.06)

The contribution sought by the Director of Adults and Communities (Libraries), is not considered to comply with the CIL regulations. These require, amongst other things for the contribution to be necessary to make the development acceptable.

The proposal would result in an increase of 3.9% in users of Ratby library, and given the number of users, it is considered that the impact of the proposed development would be minimal and therefore it would not be possible to demonstrate that the contribution would be necessary.

Viability

Government guidance suggests that local authorities should be reasonable and flexible and have regard to a scheme's viability when considering developers requests to reduce section 106 obligations (including affordable housing).

The application is accompanied by a viability assessment which states that the scheme is not able to provide any developer contributions. This has been assessed and verified by the Borough Council's viability consultant. The submitted appraisal indicates that the scheme would make a significant loss and is therefore unviable, and this has been questioned by the consultants because a loss of such an extent would suggest that the scheme would not be financially sound to deliver in the current market place.

The developer has commented that since the site was purchased the market has fallen and as a consequence the land values and house prices have also fallen. The developer has taken the view to cut losses of the land now rather than to do nothing with the land that would result in a bigger loss. The retail unit will be leased to the Co-op and it is the costs involved in providing this commercial element and the conversion element that results in their being no profits from the scheme. The developer is taking a longer than normal view of this development and as such the developer can afford to deliver the development now and recover reasonable costs and profit over a much longer period. Whilst officers are aware that this scenario "bucks the trend" of only developing where risk is minimal, the financial risk lies solely with the developer in this instance.

In conclusion, the scheme is financially unviable when presented at its own build costs and overheads, all of which are demonstrated to be reasonable. Accordingly, further burden would be brought to the scheme by insisting on affordable housing and mainstream CIL compliant developer contributions. This viability position, whilst being a reality, may indicate that the development is unsustainable because it cannot provide for the arising impacts it will

create. However, this must be balanced alongside the benefits that the scheme provides. It does provide an improved retail store and would retain historic buildings important to the local community. The proposal would also see the redevelopment of a site that has been derelict for sometime and recently targeted by vandals. The improved retail store will ensure that Ratby is a more sustainable settlement, which accords with the objectives of the NPPF, in-particular paragraph 28. The re-development will contribute to Ratby economically. On balance the development cannot deliver everything and the scheme as presented delivers two key attributes that Ratby has been keen to deliver for some time and on this basis is supported by officers. The deficiency in affordable housing and developer contributions is significant and a matter of fact but in this instance is outweighed by the benefits of the comprehensive redevelopment of the site.

Whilst the position concerning viability is accepted by officers, there are concerns that the residential element could be brought forward without the retail or conversion elements being implemented. To guard against this, a condition is recommended to prevent this occurring. The viability appraisal represents a snapshot in time and the market is subject to change. If the development was subject to the normal 3 year implementation condition, the market has the potential to change over this period which would influence the viability appraisal. Accordingly it is proposed to substitute the 3 year commencement condition for one which requires commencement in one year to ensure that if the development is not brought forward in that time, the viability situation can be reassessed.

Other issues

Flooding- The site is located adjacent to flood zone 2, however whilst the blue line includes the flood plain the area of development, defined by the red line is outside the defined flood zones. The Environment Agency were consulted but have declined to comment as the size, scale and location of the proposal is unlikely to cause flooding or pollution of the water environment.

Advertisement- The indicative computer generated streetscenes show a proposed sign to the front of the site, and an objection has been received on the prominence of this sign. Signage would require a separate consent under the advertisement regulations, and is not being considered as part of this application.

Pollution- The Head of Community Services (Pollution) has requested conditions to ensure that any contamination within the site is adequately treated so future occupiers are not harmed by any pollution left by the previous uses. Given the commercial previous use, the condition is considered necessary. A condition requesting details of the lighting has also been requested to ensure that external lighting from the store does not detrimentally affect the amenities of neighbouring residents. This is considered to be a valid condition. Other conditions relating to hours of occupation, deliveries and waste collection are also recommended to protect the amenities of neighbouring occupiers. These are considered to be valid conditions.

Landscaping- A condition is recommended requiring details of the landscaping to be submitted to ensure a satisfactory appearance is maintained.

Conclusion

The scheme seeks to develop a derelict site at the centre of Ratby, close to services and facilities. The scheme respects the historical character of Ratby by converting a heritage asset, although one that is not statutorily protected. The scheme would provide an improved retail store for the village, improving existing facilities, whilst providing new homes in a suitable location. The proposal is considered to comply with Policies BE1, criteria a and i,

EMP1, and T5 of the Local Development Plan. The proposal whilst complying with Policy 8 of the Core Strategy it does not comply with Policy 15 or provide contributions in off setting the impact of the development on nearby services. It is considered that in this basis, and subject to the further viability information being considered acceptable, the improved and larger retail store is considered to outweigh the requirement for contributions and therefore in this instance the proposal is acceptable.

RECOMMENDATION:-

That the Developer Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 15 July 2013 permit subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the layout the proposal retains buildings of local historical importance, whilst not detrimentally affecting the character or appearance of the area. The layout and scale of the development would not detrimentally affect the amenities of neighbouring residents nor would detrimentally affect highway safety. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- IMP1, RES5, EMP1 (b).BE1, NE2, NE5, NE12, NE13, NE14, T5, RETAIL 1, RETAIL 7, REC3

Local Plan 2006-2026: Core Strategy (2009):- Policy 8, Policy 15, Policy 16, Policy 19.

Supplementary Planning Guidance/Documents

New Residential Development. (SPG)

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of one year 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:
A001a (site location plan, scale 1:1250), A002a, A003a, A004a, P002a, P003a, P005, P006b, P007b, P008a, P009a, P010a, P011b, P012b, P013a, P014a received 05.04.13,

P001h (site plan 2) received 05.07.13.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed retail store and dwellings shall be deposited with and approved in writing by the Local Planning

Authority, and the scheme shall be implemented in accordance with those approved materials.

- 4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 5 Prior to the commencement of development a scheme to protect nearby occupiers from noise from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the boundary treatments and shall then be implemented in accordance with the approved details.
- 6 Prior to the commencement of development details of any external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with a beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aim of angles and luminance profile). The lighting shall be installed, maintained and operated in accordance with the approved details.
- 7 Development shall not begin until drainage details for the dispersal of surface and foul water, incorporating sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, 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 first occupation.
- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - proposed finished levels or contours
 - means of enclosure
 - other vehicle and pedestrian access and circulation areas.
 - hard surfacing materials
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - planting plans
 - written specifications
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - implementation programme.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 10 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.

- 11 Prior to the retail store being first brought into use, the car parking spaces labelled 1-24 inclusive shall be hard surfaced and laid out in accordance with drawing P001g and made available for use
- 12 Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of how the parking space, labelled 19 on plan P001h shall be retained and reserved for the sole use of the occupiers of the dwelling within the bakery buildings. The approved scheme shall be implemented prior to the occupation of the bakery dwelling shown on plan P001h .
- 13 The retail store hereby approved shall not be open to the public outside the hours of 07:00 to 21:00 Monday to Friday, 08:00 to 21:00 Saturdays and 09:00 to 19:00 Sundays and Public Holidays.
- 14 No development shall take place until a scheme for ventilation of any cooking processes on the premises, which shall include ventilation method; maintenance and management have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme is implemented in accordance with the agreed details before the premises are first brought into use and maintained in accordance with the approved scheme thereafter.
- 15 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site being first occupied.
- 16 No dwelling hereby approved shall be occupied until the retail unit has been first brought into use.
- 17 The garages to plots B, C and D as shown on drawing P001h , once provided, shall thereafter permanently remain available for car parking
- 18 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 19 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- 20 Any windows or doors at ground floor level within the converted bakery building located to the north of the site, on the Station Road frontage shall be of a type other than outward opening and shall be so maintained in perpetuity.
- 21 Waste collection shall only take place between 09:00 hrs and 17:00 hrs Monday to Saturday

- 22 Deliveries shall only take place between the hours of 07:00 and 18:00 Monday to Friday, 08:00 and 18:00 Saturdays and 09:00 and 12:00 Sundays and bank holidays

Reasons:-

- 1 This comprehensive redevelopment is presented with a viability appraisal that demonstrates that infrastructure contributions towards play and open space, education and affordable housing cannot be delivered because of the overriding costs of delivering the retail unit and conversion of the former Bakery House. Whilst this position is acknowledged by the LPA, the viability is dependant on market factors which could change in the course of a year. To ensure the development remains a sustainable development and that the should the development not come forward in a timely manner, the viability can be assessed again. To ensure that the requirements of Saved Policy IMP1 of the Adopted Hinckley and Bosworth Local Plan 2001, Policy 15 of the Core Strategy and the overarching guidance contained within NPPF is maintained and not compromised and to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect future occupiers of the site from any potential contamination remaining as a result of the previous use in accordance with Policy NE 2 of Hinckley and Bosworth Local Plan.
- 5 & 6 To protect the amenities of neighbouring occupiers in accordance with Policy BE1 (i) of the Hinckley and Bosworth Local Plan.
- 7 To ensure that the development is provided with a satisfactory, means of drainage to reduce the risk of creating or exacerbating a flooding problem in accordance with Paragraph 103 of the National Planning Policy Framework.
- 8 To ensure that the scheme has a satisfactory appearance in accordance with Policy NE12 of the Hinckley and Bosworth Local Plan.
- 9 To ensure that the landscaping scheme is maintained in an appropriate manner, in accordance with Policy NE12 of the Hinckley and Bosworth Local Plan.
- 10 To ensure that the floor levels are in keeping with the surroundings and do not harm the amenities of neighbouring residents, in accordance with Policy BE1 (a and i) of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that adequate off street parking is available in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that there is adequate off street parking for the proposed dwellings in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To protect the amenities of neighbouring occupiers in accordance with Policy BE1 (i) of the Hinckley and Bosworth Local Plan.
- 14 In the interest of protecting neighbouring occupiers from noise or odours from the development in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.

- 15 To protect future occupiers of the site from any potential contamination remaining as a result of the previous use in accordance with Policy NE 2 of Hinckley and Bosworth Local Plan.
- 16 This comprehensive redevelopment is presented with a viability appraisal that demonstrates that infrastructure contributions towards play and open space, education and affordable housing cannot be delivered because of the overriding costs of delivering the retail unit and conversion of the former Bakery House. Whilst this position is acknowledged by the LPA, the delivery of the dwellings cannot be allowed to proceed in advance of the delivery of the retail element in this instance. To ensure the development remains a sustainable development and that the viability remains uncompromised should the retail unit not be delivered. To ensure that the requirements of Saved Policy IMP1 of the Adopted Hinckley and Bosworth Local Plan 2001, Policy 15 of the Core Strategy and the overarching guidance contained within NPPF is maintained and not compromised.
- 17 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 19 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.
- 20 In the interests of the safety of users of the highway immediately adjacent to the front wall of the building in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 21&22 To protect the amenities of neighbouring occupiers in accordance with Policy BE1 (i) of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

bosworth.gov.uk/contaminatedsite which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Contact Officer: - Sarah Fryer Ext 5682

Item: 04

Reference: 13/00056/FUL

Applicant: Mr Michael Gisborne

Location: 71 Park Road Ratby Leicester

Proposal: Erection of 29 residential units

Target Date: 9 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application consisting of 10 or more dwellings.

Application Proposal

This application seeks full planning permission for the erection of 29 residential dwellings on land to the south-west of Station Road and north-west of Park Road, Ratby. The proposal includes 5 dwellings accessed off Station Road which comprise a terrace of 3 dwellings and a pair of semi-detached dwellings. Parking is provided to the front of each property with direct access onto Station Road. The remaining 24 dwellings are accessed off Park Road, with 7 (4 semi-detached dwellings and 3 terraced dwellings) facing Park Road, and the remaining 17 dwellings located around and accessed off a small cul-de-sac from Park Road.

The proposal consists of 4 x one bedroomed flats, 16 x two-bedroomed dwellings and 9 x three-bedroomed dwellings. All of the properties are two storeys with off street parking and private gardens or access to amenity space. The properties facing Station Road have been designed with a traditional appearance incorporating chimneys; arched brick headers and pitched canopies above the entrance doorways.

Amended plans have been received changing some details of the dwellings, to result in a more coherent development and moving plots 7 and 8 to the south west. Further consultation has taken place which expires on 12 July 2013.

Site and Surrounding Area

The site currently comprises former industrial buildings no longer required for economic purposes with associated car parking and measures 5,087 square metres. It is located to the south-west of Station Road and north-west of Park Road, Ratby. The buildings comprise single storey and two storey brick built elements fronting Park Road with a larger more modern steel portal building behind. The site level falls away to the south west, and currently there is a change in levels within the site between the factory units of approximately 0.5m.

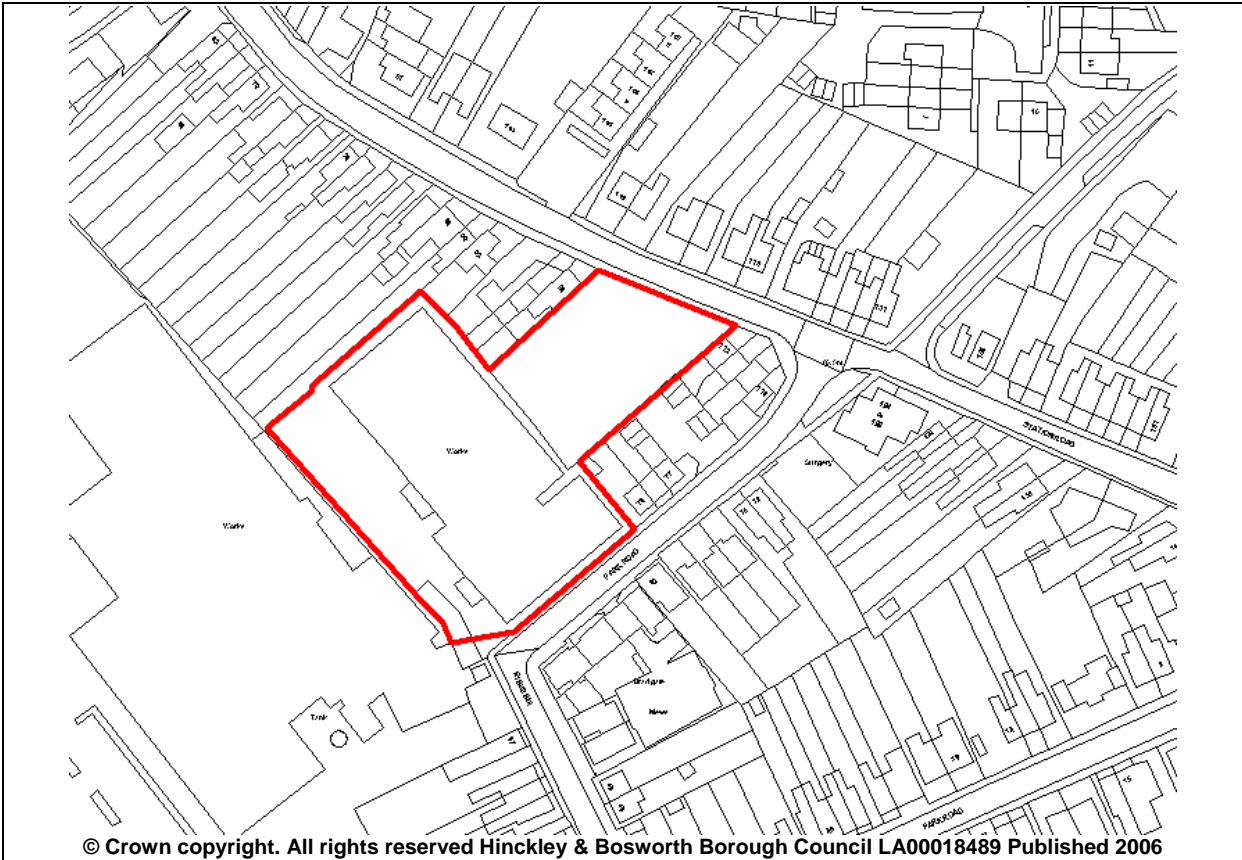
The application site is located within a predominantly residential area with some commercial uses interspersed, for example a local paper shop and doctor's surgery, as well as the existing industrial premises on the site. The dwellings located on the western side of Station Road, to the north of the site, are traditional Victorian terrace properties, with 1920/30's semi detached dwellings opposite. To the south of the site before the junction with Park Road, there is a small development of 1970's properties. Park Road contains a mix of properties including a pair of semi-detached Victorian Villas, three 1980's dwellings and a two storey block of flats.

Technical Documents Submitted with the Application

- Transport Statement
- Affordable Housing Statement accompanied by Affordable Housing Needs document
- Noise Impact Assessment
- Design and Access Statement
- Heads of Terms

Relevant Planning History:-

None relevant



Consultations:-

No objection subject to conditions have been received from:-

- Environment Agency
- Severn Trent Water Limited
- Director of Environment and Transport (Highways)

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

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

- a) Directorate of Chief Executive (Ecology) no request made
- b) Director of Children and Young Peoples Services (Education) has requested £72,594.06 towards extensions at Ratby Primary School to accommodate the additional demand created by the residential development
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,446.00 towards mitigating the increased use of the civic amenity site associated with the new development at Coalville and Wheatstone Civic amenity sites
- d) Director of Adults and Communities (Libraries) has requested a contribution of £1,550 towards Ratby Library, to off set the impact of the development on the library facility
- e) Director of Environment and Transport (Highways) has requested a travel pack to be provided for each dwelling (LCC can supply these at a cost of £52.85 per pack) and two 6 month buss passes per dwelling at a cost of £325.00 per pass).

The Primary Care Trust has requested £2,492.38 towards the cost of an additional clinic room at the Ratby Practice.

Ratby Parish Council have no objection to the proposal and consider the provision of 40% affordable housing good for Ratby, however would like to see bungalows and apartments for older residents who wish to own their own homes.

Site notice and Press notice were displayed and neighbours notified.

Three letters of objection and one letter of support have been received raising the following concerns:-

- a) restricts rear access to neighbouring properties, effecting bin collection and storage of motorcycle for which their deeds allow
- b) loss of privacy and overlooking
- c) additional traffic resulting in congestion and parking problems
- d) Error in transport statement that states 'on street parking is generally created by passing trade to local shops'. This is incorrect as most on street parking is created by residents. Visitors to the proposal will increase on street parking within the area.
- e) prevent off street parking to the front of the neighbouring property
- f) loss of light to a second floor window.

In support of the application the following comments have been received:-

- a) the existing factory is an eye sore and hazardous
- b) proposal is well designed.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 7: Key rural centres
Policy 8: Key rural centres relating to Leicester.
Policy 15: Affordable Housing
Policy 16: Housing Density Mix and Design

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of infrastructure and facilities.
Policy RES5: Residential proposals on unallocated sites
Policy EMP1: Existing employment sites
Policy BE1: Design and siting of development
Policy NE2: Pollution
Policy T5: Highway design and vehicle parking standards
Policy REC2: New residential development - outdoor open space provision for formal recreation
Policy REC3: New residential development - outdoor play space for children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Other Material Policy Guidance

Ratby Village Design Statement
Employment Land and Premises Study 2010.

Appraisal:-

The main considerations with regards to this application are the principle of development, including the loss of employment land and contribution to housing supply; layout, design and appearance of the proposal; impact on the amenities of existing and future residents; highway safety and developer contributions.

Principle of development

The National Planning Policy Framework (NPPF) was published in March 2012 and provides a presumption in favour of sustainable development. However, paragraph 12 of the document states that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

The Local Plan 2006-2026: Core Strategy was adopted in 2009 and can be considered to be up to date in respect of the NPPF. As at October 2012 the Borough Council could demonstrate a five year supply of housing land (5.37 years) including a 5% buffer in accordance with paragraph 47 of the NPPF and therefore all policies relevant to the supply of housing are up to date.

The site is located within the defined settlement boundary of Ratby and is located close to services, public transport routes and community facilities and represents the development of previously developed land. The location is considered to be sustainable and in accordance with the objectives of the NPPF.

Employment

The site is a designated employment site under Policy EMP1 (b), this identifies sites where proposals for other employment activities or alternative uses should be considered on their merits. The Employment Land and Premises Study supports this classification, and notes that the site consists of outdated buildings in a rural location with limited commercial demand, and suggests redevelopment for other employment activities or alternative uses as appropriate within a mixed use scheme. The study suggests that between 50% and 75% of employment land should be retained.

The application site comprises approximately one third of the total employment site identified within the policy and therefore retains more of the employment site than the minimal recommended for retention. The applicant has indicated that the portion of the wider employment site that forms the application area is now surplus to requirements and the industrial process will be focused within the buildings to the south.

It is considered that the proposed loss of part of the existing employment site is in accordance with Policy EMP1 supported by the Employment Land and Premises Study (2010).

Housing Supply

Policy 8 of the Core Strategy seeks to allocate land within Ratby for a minimum of 75 new homes. To date 69 dwellings have been completed or granted planning permission within the plan period resulting in Ratby having a residual of 6.

The housing requirement for Hinckley and Bosworth of 450 dwellings per annum is specified by the Core Strategy over the plan period 2006 to 2026. Past performance is assessed against this requirement as the starting point for identifying the number of dwellings required over the next five years.

The Council has employed a positive methodology in calculating the five-year housing land supply position, following good practice based on the advice provided by DCLG, the Planning Inspectorate (PINS), and the Planning Advisory Service (PAS). An appropriate evidence base (the Strategic Housing Land Availability Assessment (SHLAA)), recent case law, recent discussions with other local authorities, and correspondence with developers and landowners in regards to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods that can be used to determine the Council's five-year housing supply. The Liverpool (residual) method, which spreads the shortfall from previous years under provision over the remainder of the Plan period and the Sedgefield method which places the shortfall into the next five years supply.

This Authority uses the Liverpool method and having regard to that method the housing supply figure as of October 2012 was 5.37 years including a 5% buffer.

The Liverpool method was endorsed by the Inspector at the Ratby appeal and Shilton Road, Barwell appeal, which post-dates the Stanton under Bardon appeal where the Inspector concluded there was not a five year housing supply and that the Sedgefield method would be most appropriate.

It should be noted that the Ratby and the Shilton Road, Barwell decisions are currently being challenged through the Judicial Review process though that does not change the current

position which is to utilise the Liverpool method as accepted by the Inspector at those inquiries. Using that method the authority has a 5 year housing supply.

The proposal would exceed the allocation within the Core Strategy for Ratby by 23, a 30% over provision; however, the site is located within the defined settlement boundary on previously developed land, close to facilities and transport routes and therefore considered to be sustainable development in accordance with the NPPF. On this basis it is considered that the principle of the development is acceptable.

Layout

The layout of the proposal seeks to reflect and complement the surrounding development. Five dwellings are proposed facing onto Station Road. The three terraced properties are sited in line with 98 Station Road, the immediate dwelling to the north west. The pair of semi-detached properties step forward, resulting in the front wall of the dwellings being sited 1m behind the rear elevation of the adjacent dwelling No. 112.

This element of the scheme is considered to respect the existing staggered development along Station Road, and whilst the side elevation of plot 4 would be visible due to this stagger, there are other examples within the street where this occurs (for example 86, 88, 94 and 112 Station Road). This is considered to be part of the character of this section of Station Road and therefore the proposed stagger is considered acceptable.

The majority of the proposed dwellings are accessed off Park Road. Seven dwellings face on to Park Road. Park Road contains a mix of dwellings from a wide range of periods. Numbers 70 and 72 are Victorian Villas, located close to the back edge of the highway, whilst opposite (Numbers 73, 75 and 77 Park Road) are part of a 1980's development with shallower pitched roofs, and off street parking in the form of garages to the rear. At the corner of Park Road, there is a two storey development comprising apartment blocks, built up to the back edge of the highway, with parking to the rear via an undercroft. Properties within this section of Park Road face onto the highway but vary in their distance from it. The proposed dwellings facing Park Road are considered to reflect this character. with parking being provided to the front and rear. The remaining dwellings accessed from a central estate road replicate this character with the proposed distance from the highway being staggered and a variety of parking solutions. The layout is considered to reflect the dimensions and shape of the site and character of the surrounding layout. The layout of the proposal is considered to be acceptable.

Design and appearance

The proposed dwellings are all two storey in scale. The proposed dwellings facing Station Road incorporate chimneys with arched brickwork details and dual pitched porches above the doors. The dwellings accessed from Park Road have a plainer, more modern design with stone effect lintels rather than arched brickwork details with some rendered elevations to break up the brickwork.

It is considered that the design and appearance of the dwellings reflects the characters of the areas in which they are located. The properties facing Station Road have a more traditional treatment, whilst the properties with access from Park Road are a more modern design.

Amended plans have been received that seek to ensure that the elevations are coherent and have sufficient interest to result in an attractive development. It is considered that there is sufficient visual interest, that results in a coherent scheme and accordingly the proposal is considered to be in accordance with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

Amenities

Existing residents

The nearest residents to the proposal are 98 and 112 Station Road, and 73, 75, 77 Park Road.

98 Station Road is located northwest of plot 1. Plot 1 would be sited level with the side elevation of no 98 and there are no windows proposed in the side elevation that would result in overlooking of the proposal. No 98 has a second floor window in the side elevation facing the development; however the occupier of the property has confirmed that this serves a landing to a loft conversion and is not therefore a habitable room. Whilst the proposal would reduce light to this second floor window it is not considered that this would be so detrimental to as to constitute a reason for refusal of planning permission.

The rear windows to plot 1 would overlook part of the rear amenity space of number 98; however this would be at an angle and would not overlook the area closest to the rear elevation that is considered to be most private. This relationship is considered to be acceptable and similar to the relationship between any neighbouring dwellings.

112 Station Road is located to the south east of the site and comprises a two storey end terraced dwelling dating from the 1980's. There are no windows on the north-western side elevation of this dwelling facing the proposal and there is a 2m high wall along the boundary between No. 112 Station Road and the application site. The nearest proposed dwelling to no. 112 Station Road would be plot 5. This is a semi-detached dwelling, with a first and ground floor window to the side elevation, serving a bathroom and kitchen respectively. Due to the siting of the proposed dwellings, the first floor side window would overlook the rear garden of No 112 Station Road, however this window serves a bathroom and therefore it is considered appropriate and reasonable to impose a condition stating that the window shall be obscurely glazed and top opening only. Views from the ground floor window would be interrupted by the existing brick wall.

The proposed dwelling on Plot 5 would be orientated to the north-west of 112 Station Road, and is set in off the boundary by 2.4m. It is therefore not considered that the proposal would result in a detrimental loss of amenity to the occupiers of 112 Station Road.

The gardens of 75 and 77 Park Road, back on to the side of the rear garden of plot 6, as plot 6 sits at right angles to these 2 properties it is not considered that the proposal would result in any loss of amenity to these properties.

No 73 Park Road is located to the east of plot 11. Plot 11 is a two storey end terrace property with two windows in the end elevation, one at ground floor and one at first floor. Number 73 is at a higher land level than the application site. There is currently a 1.8m close boarded fence between 73 and the application site. This would block any views of the rear garden of 73 from the ground floor window. The first floor window serves a bathroom and in this circumstance it would be appropriate and necessary to impose a condition requiring this to be obscurely glazed and top opening only.

Future occupiers

The relationship between Plot 7 and 8 results in Plot 7 projecting 4 metres beyond the rear of Plot 8 which has a kitchen and dining area across the rear with patio doors. Whilst not ideal, there is a 1 metre footpath between the 2 plots and the future occupiers will be aware of the situation before moving in. The developer does not consider that the relationship will render Plot 8 un-sellable and it is considered that it would not justify refusal of the application. A

similar situation occurs between plots 15 and 16, again this is not considered to justify refusal of the application.

Within the development only plots 1-5 inclusive and 6-10 inclusive back onto each other. The layout achieves a distance of 24 m between habitable windows on plots 4, 5 and 6, 7 which reduces to 20 m between plots 1-3 and 8-10. SPG on New Residential Development suggests that to preserve amenity a minimal distance of 25m between habitable windows should be achieved. Whilst these distances fall below the guidance this has to be balanced against other factors including making the best use of land. Policy 16 requires a density of at least 30 dwellings per hectare (dph) and the proposal represents a density of 57 dph and therefore represents a dense scheme. This is not considered to be out of character with the surrounding area, and such a density is considered acceptable. At such a high density, it would be difficult for the development to comply with distance proposals and the proposed distances between dwellings are not considered so detrimental to amenity bad to sustain a refusal of planning permission.

Impact on the Highway and Parking

The site would result in a new access being created off Park Road, whilst the properties facing Station Road and Park Road would have off street parking spaces accessed from individual vehicle crossovers. The Director of Environment and Transport (Highways) has no objection to the scheme stating that the traffic generated would be similar to that generated by the previous use of the site. The Director of Environment and Transport (Highways) suggests the following conditions: no gates be erected across any accesses from Station Road; and visibility is maintained and appropriate surfacing of accesses. The Director of Environment and Transport (Highways) has also requested that a scheme be submitted and approved providing details of how all redundant accesses are to be closed. This condition is not considered necessary as the proposed layout ensures existing accesses are closed.

Objections have been received over the accuracy of the Transport Assessment in respect of statements regarding on street parking. Local residents have commented that on street parking is generated by residents and not visitors to the local shops as cited within the Transport Assessment. There are no parking restrictions along Station Road and a lot of the properties do not benefit from off street parking, resulting in a high proportion of on street parking. The proposed scheme provides two off street parking spaces for each property and therefore meets parking requirements contained within the County Councils 6C's guidance. . No one has the right to reserve a space on the public highway and providing there are sufficient off street parking spaces provided, it would not be possible to demonstrate that the proposal would increase on street parking and detrimentally harm highway safety. The proposal is considered to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Developer Contributions

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

Affordable Housing

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

at a national level, Policy 15 is considered to remain relevant to the consideration of this application as it is in general conformity with the NPPF.

The threshold for the provision of affordable housing in rural areas is 4 dwellings and above. As this scheme is in a rural area, Policy 15 indicates that 40% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure.

The latest housing register for Ratby indicate that there are 593 applicants seeking affordable housing of which 258 were seeking 1 bedroomed dwellings; 215 two bedroomed dwellings; 92 three bedroomed dwellings and; 28 four bedroomed dwellings. There is therefore a high demand for properties within the Ratby area.

The scheme proposes 19 units out of the 29 as affordable, resulting in 65% affordable provision. This is above the minimum policy requirement. Ratby has a large waiting list demonstrating there is a high demand for affordable dwellings and the over provision is considered to be acceptable.

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

Play and Open Space

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

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

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

No informal open space is located within 400m of the application site, however formal provision at Ferndale Drive is located within 1km of the site. Under the terms of the Council Policy an off-site contribution can be made towards the formal provision at Ferndale Drive site, however as the site falls outside the catchments for informal provision no request can be justified towards informal provision in this instance.

Within the Green Space Strategy Ratby has a sufficiency of 1.90 ha per population of outdoor sports space. Within the Audits of Provision Ferndale Drive scored 31.5% which within the 2007 update rose to 55.6%.

Whilst there is a sufficiency of outdoor sports space within Ratby, its poor score prevents residents using it to its full potential. The development is of a type that would result in additional use of open space which would be directly related to the development. It is considered that a request towards provision of off site play space is therefore fairly and reasonably justified to meet the requirements of the CIL regulations.

Ratby Parish Council have confirmed that any contribution would go towards improving the existing facilities at Ferndale Park, specifically the provision of changing rooms.

As such the contribution sought equates to £16,430.40 consisting of the following elements:-

- £9,038.40 for provision of formal recreation off site.
- £7,392.00 towards maintenance of the off-site recreation provision

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy REC2 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

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

- a) Director of Children and young Peoples Services (Education) has requested £72,594.06 towards extensions at Ratby Primary School to accommodate the additional demand created by the residential development
- b) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,446.00 towards mitigating the increased use of the civic amenity site associated with the new development at Coalville and Whetstone Civic amenity sites
- c) Director of Adults and Communities (Libraries) has requested a contribution towards Ratby Library, to off set the impact of the development on the library facility
- d) Director of Environment and Transport (Highways) has requested a travel pack to be provided for each dwelling (LCC can supply these at a cost of £52.85 per pack) and two 6 month buss passes per dwelling at a cost of £325.00 per pass)
- e) The Primary Care Trust has requested £2,492.38 towards the cost of an additional clinic room at the Ratby Practice.

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

- Affordable housing (65% provision across the site)
- Play and Open Space (£16,430.40)
- Director of Children and Young Peoples Services (Education) (£72,594.06)
- Director of Environment and Transport (Highways) travel packs at (£52.85 per dwelling) and 6 month bus passes at (£325.00 per pass, 2 offered per dwelling)

The contributions sought by the Director of Adults and Communities (Libraries), by the Director of Environment and Transport (Civic Amenity) and the PCT are not considered to comply with the CIL regulations. These require, amongst other things for the contribution to be necessary to make the development acceptable.

The proposal would result in an increase of 3.9% in users of Ratby library, and given the number of users, it is considered that the impact of the proposed development would be

minimal and therefore it is considered that it would not be possible to demonstrate that the contribution would be necessary.

With regards to the contribution sought by Director of Environment and Transport (Civic Amenity). The development would result in an increase of 0.12% to the local Civic Amenity Site at Whetstone, and accordingly and for the same reasons as the library contribution above this is not considered that it is possible to demonstrate that the contribution would be necessary to make the proposal acceptable.

The PCT state that to accommodate the additional population generated by the proposal an additional 0.063 of a clinical room is required. Again given the scale of the additional need it is not considered to be of such an increase as to make it necessary to make the proposal acceptable.

Viability

Government guidance suggests that local authorities should be reasonable and flexible and have regard to a scheme's viability when considering developers requests to reduce section 106 obligations (including affordable housing). The application is accompanied by a viability assessment which states that the scheme is not able to provide any developer contributions. The submitted information indicates that the scheme is being funded through a grant from a Registered Social Landlord (RSL), a condition of which is that the developer provides the proposed number of affordable units. The grant covers the costs of the affordable units, and the market houses only return a small profit of 5%. This is significantly below the 15-20% that most developers seek and is recognised as being an acceptable profit margin. The report has been checked by an independent consultant who has questioned some of the figures presented. Clarifications of these are being sought from the developer and the conclusions will be reported as a late item.

Notwithstanding this, the independent consultant has indicated that with the possible savings, these would not be sufficient to meet all the S106 requests, however depending on what savings can be made; it may be possible to secure some contribution. This will be dependant on the further information sought and will be reported as a late item. Due to the nature of the way the scheme is being funded the scheme would not proceed if some of the affordable houses were substituted for other S106 contributions. Whilst the scheme, does not meet all the contribution requests, the proposal would significantly contribute to providing affordable housing, a need for which has been demonstrated. It is through the specific way in which the scheme is being funded that allows the developer to provide the affordable housing, however as a result the developer is not making what would be considered to be a reasonable profit. Subject to the additional information requested confirming this position, in this instance the lack of developer contributions is acceptable. The affordable housing will be secured through a S106 agreement.

Other Issues

Noise and pollution

The site was formally industrial premises and therefore the land may be contaminated. A condition is requested that requires a Land Contamination report to be submitted to the Local Planning Authority.

To the south west the site borders an industrial unit, the remaining Benlow Factory which has extraction units that when operational result in some noise and disturbance to neighbouring residents. The Head of Community Services (Pollution) has commented that noise complaints from surrounding residents have not been significant. The submitted noise report

recommends acoustic fences and acoustic trickle vents to mitigate the effect of the development however the Head of Community Services (Pollution) considered that more will be required, i.e. Fan assisted ventilation. A condition is therefore recommended that seeks these details on the plots closest to Benlow.

Refuse collection

A condition requesting the details of waste collection areas has been requested from Head of Business Development and Street Scene Services. It is intended that the internal cul-de-sac be adopted by the Highways Authority and is provided with a suitable turning head. All the plots are shown with access to the rear gardens where most waste receptacles are stored. Given the layout it is not considered that this condition is justified in this instance.

Rear access to neighbouring properties

An objection was made due to the proposal removing access to a rear garden gate in an adjoining dwelling. The developers were made aware of the complaint and have amended the design slightly to ensure that access will be maintained to the neighbours in question. This is however a private matter and not one that is material to the planning process.

Conclusion

The scheme is for residential development on a previously developed site within the settlement boundary of Ratby. The location close to services and the redevelopment of a brownfield site result in it being a sustainable form of development, consistent with the objectives of the NPPF and policies RES5 of the Local Plan and Policies 7 and 8 of the Core Strategy that seek to support residential development within the settlement boundaries. Whilst the site results in the loss of an employment site, the proportion of loss is consistent with the recommendations within the Employment Land and Premises Study, and Policy EMP1.

The layout and appearance of the proposal is not considered to be detrimental to the character or appearance of the area and accords with Policy BE1 criterion a. Subject to conditions ensuring obscure glazing is inserted where necessary, and a scheme to protect future occupiers from noise from the remaining industrial plant the scheme would not detrimentally affect the amenities of neighbouring occupiers, nor would the presence of the continuing employment activities have a detrimental affect on the amenities of future occupiers.

Whilst the scheme would not result in contributions towards play and open space, education and travel packs the development provides a greater provision of affordable housing due to the unique way in which the development is being funded. Subject to the additional information addressing queries within the initial appraisal, being acceptable, the sustainable nature of the site and affordable housing provision is considered to outweigh the lack of other 106 contributions and therefore, subject to the S106 being signed, is considered to be in accordance with the adopted Hinckley and Bosworth Local Plan.

RECOMMENDATION:-

That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing the Development Control Manager shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the layout and siting of the dwellings the proposed residential scheme is considered to complement the character and appearance of the surrounding area; the scheme would not detrimentally affect the amenities or existing residents, and the proposal is considered to provide sufficient amenity for future residents; the proposal is considered not to result in additional traffic to result in a significant highway safety danger and the proposal provides sufficient off street parking. Furthermore the proposal provides affordable housing to address the recognised need in the parish. Accordingly the proposal is considered to comply with adopted policy.

Hinckley and Bosworth Local Plan (2001):- Policies 7, 8, 15 and 16

Local Plan 2006-2026: Core Strategy (2009):- Policies IMP1, RES5, EMP1, BE1, NE2, NE12, T5, REC2, REC3.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 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:
3359/WD/12/001 Rev A (Local plan scale 1:1250), 3359/WD/12/024 (site sections), 3359/WD/13/011, 3359/WD/12/002 (topographical survey), 3359/WD/13/013, Received 07.February.2013

3359/WD/13/010 Rev B, 3359/WD/13/021 Rev B, received 08.April 2013

3359/WD/13/020 Rev C, 3359/WD/13/12 Rev A 3359/WD/13/022 Rev B, 3359/WD/13/023 Rev C, 3359/WD/13/024 Rev B, 3359/WD/13/025 C, 3359/WD/13/015 Rev A, 3359/WD/13/014 Rev A, received 22.May.2013

3359/WD/13/026 Rev B, 3359/WD/13/017 Rev B, 3359/WD/13/019 Rev D, 3359/WD/12/003 Rev L, 3359/WD/12/004 Rev F, 3359/WD/13/029 Rev E, 3359/WD/13/016 Rev A, 3359/WD/13/028 Rev C, 3359/WD/13/027 Rev C, 3359/WD/13/018 Rev B, Received 01.July.2013
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - proposed finished levels or contours

- means of enclosure
 - car parking layouts
 - other vehicle and pedestrian access and circulation areas.
 - hard surfacing materials
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - planting plans
 - written specifications
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular accesses from Station Road.
- 7 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
- 8 Before first occupation of any dwelling, its access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 9 The window to be inserted in the first floor of the south eastern elevation of plot 5 and north eastern elevation of plot 11 shall be obscure glazed and top opening only and retained as such at all times thereafter.
- 10 No development shall commence until a scheme that includes the following components to deal with the risks associated with the contamination of the site shall be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:-
 - All previous uses
 - Potential contaminants associated with these uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 2. A site investigations scheme based on (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) an, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) and complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

- 11 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 12 No development shall commence until details of acoustic ventilation to be installed in all habitable rooms of plots 11-26 (inclusive), all habitable rooms on the south west elevations of plots 6-10 (inclusive) and south east elevations of plots 27-29 (inclusive) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
- 13 No development shall commence until details of the acoustic fence to the south-western boundary separating the site from the adjoining industrial premises shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary shall be implemented in accordance with the approved details prior to the first occupation of the site.
- 14 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate landscaping is carried out in the interest of the visual amenity of the site in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 7 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To prevent overlooking of neighbouring residents in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 10&11 To ensure that the previous uses of the site do not result in material harm to future occupiers through air or soil pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan supported by paragraph 121 of the NPPF.
- 12&13 To protect the amenities of future occupiers of the site from noise of the neighbouring industrial premises in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 14 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 NE2 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 In relation to condition 11 advices from Health and Environment Services can be viewed via the following web address: - <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Contact Officer: - Sarah Fryer Ext 5682

Item: 05
Reference: 13/00147/FUL
Applicant: Bellway Homes Limited
Location: Land Workhouse Lane Burbage
Proposal: Demolition of residential dwelling and erection of 35 dwellings with associated highway and engineering operations
Target Date: 7 June 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the demolition of a single dwelling and the erection of 35 dwellings with associated highway and engineering operations. The proposed dwellings consist of 21 x four bed, 9 x three bed and 5 x two bed properties of which 29 will be developed at 2 storey and 6 developed at 2.5 storey proportions. The majority of these properties will have private garages. The submitted scheme includes 7 affordable housing units dispersed in two areas within the development.

Access to the majority of the site (33 plots) will be via Workhouse Lane that is situated on the eastern side of the development. A small private drive exists at the northern edge of the development. This drive will serve 2 of the proposed new houses.

During the course of the application and following concerns raised by the planning officer the applicant has submitted an amended layout plan that has seen the removal of one of the 3 dwellings that was to be served by the private drive off Britannia Road. The loss of this dwelling has been offset by an additional dwelling being added to the terrace of 3 dwellings at the southern edge of the site (creating a terrace of 4). These amendments have improved the relationship between the new development and the existing dwellings by ensuring that any resulting visual intrusion is at an acceptable level. Some of the house types have also been altered during the life of the application. Further consultation with all parties has taken place in light of these changes.

Site and Surrounding Area

The application site extends to over 1.36 hectares in size and is situated on the southern edge of the settlement of Burbage. A row of residential dwellings separate the northern edge of the application site from Britannia Road that lies further to the north. To the east lies Workhouse Lane which is a single track lane that serves a small number of dwellings. Open fields are located to the south of the application site. Adjacent to the west of the site is an area of open field land.

The application site falls gently away from north to south with a small number of mature and semi-mature trees both within the site and along its boundary. A small pond also exists on the southern boundary of the application site.

The majority of the application site is defined as being outside the settlement limits of Burbage and appears to be a previously undeveloped site. Only the northernmost part, which consists of the dwelling to be demolished and its garden area, is within the settlement limits of Burbage.

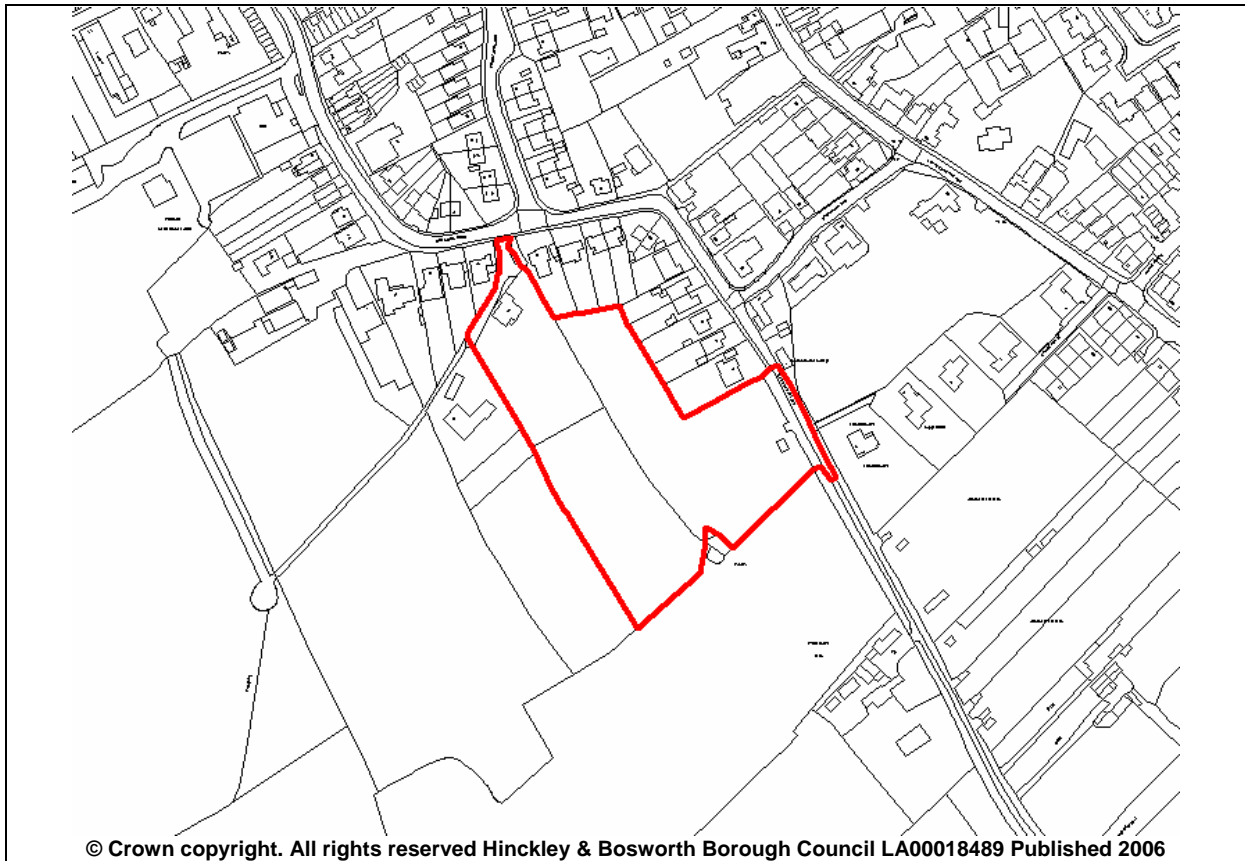
Technical Documents Submitted with the Application

Archaeological Report
 Ecological Report
 Transport Statement
 Tree Survey Report
 Flood Risk Assessment
 Planning Statement
 Design and Access Statement
 Statement of Community Involvement
 Protected Species Survey
 Great Crested Newt Survey
 Hedgerow Appraisal

The application is also accompanied by a Planning Performance Agreement and Drafts Heads of Terms S106 Agreement.

Relevant Planning History:-

00/00397/OUT	Residential Development for 4 Dwellings	Refused	24.06.99
00/00394/OUT	Residential Development for 2 Dwellings	Refused	21.06.00
89/00438/4	2 Acre Lake on existing agricultural land for fish farming	Withdrawn	17.08.89
81/01165/4	Erection of 1 dwelling and improvement works to Workhouse Lane including private drive access	Approved	22.12.81
77/01506/4	Erection of two stables Outline Planning	Approved	20.12.77



Consultations:-

No objection has been received from National Grid

No objections subject to conditions have been received from:-

Severn Trent Water Limited
Head of Community Services (Pollution)
Director of Environment and Transport (Highways)
Environment Agency
Director of Chief Executive (Archaeology)
Head of Business Development and Street Scene Services (Waste Minimisation)
Directorate of Chief Executive, LCC (Ecology)

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00 towards mitigating the impacts arising from the increased use of Barwell Civic Amenity site as a result of the new development
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,120.00 towards providing additional capacity for Burbage library, Church Street, Burbage
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College and £74, 529, 90 for the Primary School sector for Burbage Church of England Infant and Burbage Junior schools. This equates to £136,937.45.

The Primary Care Trust request a contribution of £27,713.40 towards enlarging and improving facilities at Burbage surgery located on Tilton Road, Burbage.

Burbage Parish Council objects on the following grounds:-

- a) the site being a Greenfield site located outside of the settlement boundary
- b) the site is not allocated
- c) the site is located in open countryside
- d) the recreational and leisure needs of the community has gradually been reduced through a sprawl of development activity
- e) the individual character of the village should be maintained
- f) the rural vista should be protected to meet the leisure and recreational needs of the community
- g) the settlement boundary should be maintained and the open fields retained
- h) development will harm the current social and environmental benefits enjoyed from the site
- i) unsustainable form of development
- j) extension of the settlement boundary towards M69 corridor leading to a loss of open space impinging on the separate buffer and green lung that helps reduce noise and air pollution from the A5 and M69
- k) adverse impact on the character of Burbage
- l) the scale and character of the development does not conform to the surrounding development
- m) development has no regard for the local vernacular
- n) proposal is much higher density than neighbouring development
- o) lane is too narrow to cope with the development
- p) proposal will cause serious congestion
- q) impact on highway safety
- r) increased parking on Britannia Road resulting in parking congestion
- s) impact on highway safety
- t) noise and disturbance from the construction
- u) drainage problems likely increasing the risk of flooding
- v) affordable housing should be split/peppered through the site
- w) loss of trees within the site
- x) impact on archaeological importance of the site
- y) pathways need to be of sufficient width for the safety of pedestrians
- z) developers should be responsible for maintaining planting areas, boundary hedges and trees for 20 plus years

Mr David Tredinnick MP objects on the following grounds:-

- a) development of a Greenfield site
- b) overdevelopment within Burbage
- c) outside the settlement boundary
- d) unsustainable development
- e) over provision of housing
- f) increased pressure on Infrastructure
- g) increased congestion and impact on highway safety
- h) inconvenience and nuisance to nearby residents
- i) does not protect or preserve land to the east of the village
- j) erosion of the buffer between the village and the M69
- k) poor design, size, scale and high roofline of the proposed houses
- l) increased risk of flooding on the area
- m) impact on the character of the area

A site notice has been displayed and neighbours notified. As a result of the publicity 53 letters of objection have been received raising the following concerns:-

- a) unjustified development leading to encroachment into countryside beyond development limits
- b) impact on village's amenities
- c) adverse visual impact and out of keeping with neighbouring properties
- d) overdevelopment
- e) does not follow the building line of houses along Britannia Road
- f) adverse impact to neighbour's private amenity
- g) further highway congestion
- h) application does not address surface water drainage
- i) increased risk of flooding
- j) insufficient visibility splay for access
- k) access of insufficient width to allow two cars to pass each other safely
- l) existing highway infrastructure is insufficient to cope with the development
- m) impact on the road and pavement surfaces which are already in a poor state
- n) impact on the health and safety to young children, the disabled and the elderly
- o) loss of identity of Burbage village due to the recent developments
- p) Britannia Road will become a rat run for vehicles
- q) impact on highway safety increased with the negotiation of the blind bends on Britannia Road
- r) construction traffic will not be able to access the site safely
- s) further impact on surface water and foul water drainage that cannot cope with the existing houses in the vicinity
- t) impact on schools and doctors in the area
- u) the Council already have in excess of 5 years worth of housing land supply
- v) the application site is not the preferred area for housing development
- w) Burbage has already exceeded its housing allocation for the plan period
- x) loss of green land on edge of village
- y) site is of recognised archaeological importance
- z) impact on local schools and after school clubs
- aa) loss of enjoyment of the countryside
- bb) impact on local healthcare
- cc) A previous refusal for 4 dwellings on this site should be taken into account
- dd) impact to the landscape character of the area
- ee) proposal will breach the separation corridor between Burbage and the M69
- ff) the area is already overpopulated and there is no requirement for more housing
- gg) noise and disturbance from future residents of the proposed dwellings
- hh) loss of natural parks and habitats
- ii) lack of parking for the size of houses proposed
- jj) the 2.5 storey houses are not compatible with the surrounding development
- kk) noise pollution
- ll) erosion of the character of the village
- mm) development will be an eyesore and a blot on the landscape
- nn) not enough footpaths and cycle routes exist for carbon-free movement
- oo) new development should respect the character and appearance of the Conservation Area
- pp) new housing has little regard for the elderly or people in need of affordable housing
- qq) creeping urbanisation of Burbage village

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

Police Architectural Liaison Officer
Head of Community Services (Land Drainage)
CTC

Legal
Head of Corporate and Scrutiny Services (Tree Officer)

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigating and Recording
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T3: New Development and Public Transport
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

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

Other Material Guidance

Burbage Village Design Statement

Appraisal:-

This application seeks full planning permission for the demolition of an existing detached dwelling and the erection of 35 dwellings on a predominantly Greenfield site and within the open countryside. The main considerations for the proposal are the principle of development, the layout, scale and appearance of the development, highway safety, ecological and archaeological impacts, the impact on neighbour's private amenity, drainage and flood risk and other matters.

Principle of Development

National Planning Policy Framework March 2012

The NPPF introduces the 'presumption in favour of sustainable development'; paragraph 12 states that the NPPF 'does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise'. The NPPF constitutes guidance as a material consideration in determining applications.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so significantly and demonstrably outweigh the benefits.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. The NPPF goes further than PPS3 by stating that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%.

Core Strategy

Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The policy identifies that the primary focus for new development is to the north of the settlement and permissions have been granted to enable these to be progressed. Paragraph 4.5 of the Core Strategy acknowledges that to identify land to meet the Core Strategy requirements the authority will identify brownfield / greenfield sites within settlement boundaries followed by land adjacent to settlement boundaries where there is a need to do so.

Policy 4 of the Core Strategy notes the need to protect and preserve the open landscape to the east of Burbage and to seek to enhance the landscape structure which separates the village from the M69 corridor which was informed by the Council's Landscape Character Assessment (July 2006). This matter was discussed at the inquiry into the development of the 52 units off Britannia Road (Ref: 09/00915/OUT). The inspectors report into this development notes the landscape considerations of Policy 4 and the Burbage Village Design Statement, however, he concluded "the degree of harm to the landscape would be limited and from longer distance views it would be largely seen against the background of existing development or man-made interventions in the landscape. As such development of the site for housing would not cause any significant harm to the setting of the village." Although the policy concerns are acknowledged by the Inspector and raised further here, if approved, this development would not extend the village closer to the M69 than the Britannia Road scheme and therefore little weight could be given in terms of considering it as a reason for refusal.

Policy 15 of the Core Strategy sets out the Council's requirements for Affordable Housing in new development. The policy sets a starting target of 20% affordable units on developments of 15 dwellings or 0.5ha and over in urban areas. The applicant has indicated that the full 20% requirement will be delivered.

Housing Supply

In their planning statement the applicant concludes that the Council has a maximum supply of housing of 4.39 years, potentially reducing to 3.78 years. The Council does not accept this

position and maintains that as of October 2012 the housing supply equates to 5.37 years, which includes a 5% buffer taken from later in the plan period.

Even with a five year supply of housing, decision takers should consider housing applications in the context of the presumption in favour of sustainable development (para 14; NPPF). The current housing supply needs to be considered in the context of making provision for a residual housing requirement of 116 dwellings to be delivered in Burbage to meet the requirements of the Core Strategy. At this moment in time the entire residual housing requirement for Burbage could not be allocated on previously developed land and therefore suitable Greenfield sites which conform with Policy 4 will need to be identified to allocate the necessary provision.

It is acknowledged that Policy 4 also encourages the protection and preservation of land to the east of Burbage; however, given the Inspector's comments on the Britannia Road appeal (Ref: 09/00915/OUT), and the fact that new housing within Burbage cannot be wholly accommodated on previously developed sites it is considered that, on balance, the proposal would be generally in accordance with the aforementioned policies and would contribute to the required 5 year housing land supply in the settlement of Burbage. Therefore, subject to all other matters being acceptable, the principle of development on this site is considered to be acceptable

Highway Safety

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent and therefore carries little weight in the determination of this application.

The Director of Environment and Transport (Highways) states that at its busiest (PM peak hour) the proposed development will generate approximately 21-28 vehicle movements, which equates to one movement every 2-3 minutes. As the applicant's submitted Transport Statement rightly points out, this level of generation is immaterial compared to existing traffic on the network.

In order to mitigate the impact of development on Workhouse Lane, a number of minor improvements are proposed including a small build-out adjacent to No. 4 Workhouse Lane and the introduction of a priority working scheme. These works will need to be secured through an s278 agreement with the Highway Authority however the works are considered acceptable in principle at this stage.

Internally the road layout is considered suitable for adoption and parking has been provided to the required standard. Considering the above, there are no grounds to refuse the application on highway grounds subject to conditions being attached and the completion of an s278 agreement.

The conditions put forward by the Director of Environment and Transport (Highways) are that there should be no obstruction above 0.6m in height above the level of the adjacent carriageway, a condition requiring a clean site during construction, the proposed garages to permanently remain available for car parking and a minimum width of 4.25m for private drives. The suggested conditions are considered appropriate and therefore should be attached to any forthcoming approval.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions and the completion of an s278 agreement. Accordingly, subject to the imposition of planning conditions the scheme is considered to be

in accordance with Policies BE1 (criterion g), T5, T9 of the adopted Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the NPPF.

Density

The application proposes the demolition of a single dwelling and the erection of 35 residential units (net 34 dwellings) on a 1.36 hectare site equating to a net density of 25 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 40 dwellings per hectares within and adjoining Hinckley, Burbage, Barwell and Earl Shilton and states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. This site is situated on the edge of Burbage and is predominantly outside the settlement boundary. Immediately adjacent to the northern edge of the site are a number of properties on larger plots with higher density development closer to the centre of Burbage village. The proposed density of 25 dph would appear to generally reflect the immediate character of the area and be consistent with the recent development to the west that was allowed on appeal. A further appeal is pending regarding a decision for the erection of 9 dwellings on land immediately adjacent to the west of the application site and consideration has also been given to ensure the relationship between the two developments is acceptable (this is subject to the appeal being allowed). Taking into account these factors it is considered that, on balance, the density is appropriate for this site.

Layout

The layout identifies a single access road with the majority of the dwellings having a frontage to this road. Two small private drives also serve some of the proposed dwellings. 21 of the dwellings are detached, 10 are semi-detached and 4 are terraced properties. The terraced dwellings (4) and 3 semi-detached dwellings have been identified as affordable housing. An area has also been identified on the southern edge of the site as a balancing area that is also to be used as an area of public open space.

Scale

The scale of the dwellings are of typical domestic proportions and will have ridge heights of between 8m and 9.6m. The proposed dwellings will be two-storey with 6 of the 35 dwellings being two and a half storey buildings; the latter of which will all have dormer windows to their primary frontages. The two and a half storey dwellings predominantly face the access road for the estate; however, it is considered that these dwellings would complement rather than dominate the street scene.

Layout

In terms of the appearance of the properties, the dwellings will all have dual pitched roofs with a small number having chimneys. A variety of house types have been used within the development and these have been dispersed across the site to provide an improved visual mix for the street scene. The boundary treatments are typically 2m high screen fencing or high screen walls for the rear garden boundaries.

No details have been submitted in respect of the external finishes of the dwellings. A condition is therefore recommended requesting samples of materials to be made available for inspection on site for local planning authority approval.

In conclusion it is considered that the density, layout, design and scale of the dwellings are acceptable and in accordance with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

Impact on Residential Amenity

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

The application site is a Greenfield site that is situated to the south of dwellings that front Britannia Road. The existing dwellings consist of bungalows and two storey properties on substantial plots. The rear gardens of these dwellings have rear garden depths of 21m-25m. The proposed dwellings that are positioned closest to the existing properties have a minimum garden depth of 10m and therefore a separation distance between habitable room windows of over 31m can be achieved. It is acknowledged that the new dwellings are 2 and 2.5 storeys in height and this contrasts with some of the properties along Britannia Road. However, given the separation distance between the proposed and existing properties, it is considered that the private amenities of residents of nearby properties, in terms of loss of sunlight, overlooking/loss of privacy, dominance and visual intrusion and noise and disturbance is acceptable.

To conclude, based on the location of the site and its relationship with nearby dwellings, and taking into account the substantial separation distance, it is considered that the development would be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The applicants have submitted a flood risk assessment (FRA) and the scheme has been considered by the Environment Agency and Severn Trent Water. A response has not yet been received from the Head of Community Services (Land Drainage). Both the Environment Agency and Severn Trent Water raise no objections subject to the imposition of planning conditions relating to drainage plans for the disposal of surface water and foul sewage and a condition for drainage details which incorporate sustainable drainage principles. It is considered that in the absence of full details and in the interests of drainage and flood risk that such conditions be imposed.

In summary, the Environment Agency and Severn Trent Water have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed scheme will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Ecology

The Directorate of Chief Executive (Ecology) originally raised concerns regarding the proposal in relation to the lack of a Bat Survey, a Great Crested Newt Survey, a map of the Phase 1 Habitat Survey and a Hedgerow Survey. Following negotiations with the applicant these missing surveys have now been submitted and further consultation has taken place.

The Directorate of Chief Executive (Ecology) has now confirmed that the Great Crested Newt Survey is satisfactory and, subject to a further site visit by the ecologist, the Hedgerow Survey appears acceptable. The Bat Survey indicated that a bat roost within the existing

house was a transient roost. However, as no replacement is proposed provision should be made within the roof space of some of the new dwellings.

A pre-demolition bat check is requested by the ecologist and they recommend a condition for an updated check. The ecologist also recommends a pre-felling check on the poplar trees that are to be felled as a result of the development. A repeat survey is also requested if the development does not take place before 3 bat seasons have elapsed.

In summary, subject to the imposition of a suitable worded planning condition in respect of a bat check, the scheme is unlikely to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest, which is confirmed in the submitted archaeological desk-based assessment. Prehistoric, Roman and Anglo Saxon finds and features have been recorded. The Directorate of Chief Executive (Archaeology) has recommended that conditions be attached to secure a programme of archaeological works, commencing with evaluation trenching.

In accordance with paragraph 141 of the NPPF, developers are required to record and advance understanding of the significance of any heritage assets that may be lost (wholly or in part) in a manner proportionate to their importance and the impact of the development. In the context it is recommended that conditions be attached to any forthcoming approval for a programme of archaeological mitigation, including necessary intrusive investigation and recording.

Developer Contributions and Affordable Housing Provision

The application proposes 35 residential units (a net gain of 34 units) which attract infrastructure contributions.

Developer contribution requests must be considered against the statutory tests contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs, particularly for affordable housing. The NPPF states that Local Planning Authorities should, where they have identified that affordable housing is needed, set policies for meeting this need on site. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

This application is for the provision of 34 dwellings in Burbage. Affordable housing policy, as set out in policy 15 of the Core Strategy requires 20% provision to be for affordable housing; 75% for social rented and 25% for intermediate tenure.

This application offers the policy requirement of 20% affordable housing. Tenure follows the guidance and offers 75% social rented and 25% intermediate tenure. The affordable housing offered is 5 x 2 bedroom houses for rent, and 2 x 3 bedroom houses for intermediate tenure.

Burbage is an area of high demand in the Borough, and there are currently the following numbers on the Councils Housing Register for Burbage:

1 bed properties	503
2 bed properties	354
3 bed properties	112
4 or more bed properties	27

As this scheme consists of family houses the mix and tenure offered for affordable housing on the site is acceptable. Due to the low number of affordable houses it is not considered unreasonable for them to be provided in a small group, making it easier to be managed, as such pepper potting in this instance is considered inappropriate.

Since this development is in the urban area, it is requested that any local connection criteria included in the section 106 agreement is to the Borough of Hinckley and Bosworth.

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

The provision of affordable housing is to be secured through a S106 agreement and has been identified by the applicant within the submitted heads of terms. Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to mitigate the impact of additional residential dwellings on the use of such facilities and to comply with policies IMP1, REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Burbage was found to be relatively well served by formal outdoor sports facilities with good access to equipped children's play areas and informal amenity green space, however, the quality of the facilities provided in all cases was found to be poor and reducing in its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at

£350,000 for equipped children's play areas and £150,000 for amenity green space within Burbage. In the Audits of Provision 2007, Britannia Road Recreation Ground was given a quality score of 37.5%.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use this facility due to its close proximity and linked relationship to the application site; the site falls within the catchment area of 1km of a formal recreation area of play and within 400m of an area of informal play space, both of which are situated at the Britannia Road recreation ground. The contribution being secured will help to mitigate the impact from the future occupiers of the development upon the existing facilities by providing additional facilities and maintaining them. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and can be used to enhance and maintain both formal and informal play and open space facilities at the recreation ground at Britannia Road.

In this case the total contribution required will be £62,940.80 (£1,851.20 per dwelling). This equates to a capital sum of £35,638.80 (£10,975.20 for formal open space and £24,633.60 for children's equipped play space equating to £1,048.20 per dwelling). The maintenance contribution equates to £27,302.00 (£8,976.00 for formal open space, £12,019.00 for children's equipped play space and £6,307.00 for informal children's play space equating to £803.00 per dwelling)

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00 towards mitigating the impacts arising from the increased use of Barwell Civic Amenity site as a result of the new development.
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,120.00 towards providing additional capacity for Burbage library, Church Street Burbage.
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College and £74, 529, 90 for the Primary School sector for Burbage Church of England Infant and Burbage Junior schools. This equates to £136,937.45.

The Primary Care Trust request a contribution of £27,713.40 towards improving and enlarging the current GP surgery on Tilton Road Burbage. The exercise carried out by the PCT examined all existing GP premises in their control and the Burbage surgery was rated 'Red' meaning that it falls within the greatest need for improvement and enlargement to meet the needs of the community.

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

- Education (£136,937.45)

- Health (£27,713.40)

In terms of the request from the Director of Environment and Transport (Civic Amenity) for a contribution of £1,600.00, the development is estimated to produce an additional 9 tonnes per annum on an existing tonnage of 8,200 at 11/12 figures. This equates to an increase of 0.1% and it is difficult to see that test (i) of Regulation 122 is met and that the contribution is necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

In terms of the request from the Director of Adults and Communities (Libraries) for a contribution of £2,120.00, the library affected by the development has an active borrower base of 1,143 but serves a population of 14,650. The development is estimated to produce an additional 57 users. However, it is unlikely that these users will all use the library services and therefore it is unlikely that the borrower base for the library will greatly increase. It is therefore concluded that test (i) of Regulation 122 has not been met and that the contribution is not necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that all residential developments within Hinckley will be required to comply with Code Level 4 of the Code for Sustainable Homes from 2013 - 2016. A condition to this effect is recommended.

Letters of Representation

A total of 53 letters of representation have been received raising a number of concerns with the proposal. These concerns have been taken into account and are discussed above; however, it is considered that, on balance, these concerns do not outweigh the merits of the proposal and the proposal is generally considered to be in conformity with the policies referred to.

Conclusion

In conclusion, the adopted Core Strategy Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026 and this development would make a significant contribution to this requirement. The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, and mitigate the impact of the development in regards to public play and open space facilities, health and education. It is recommended that full planning permission be granted, subject to the imposition of planning conditions and a S106 agreement.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, health and education the Development Control Manager be granted powers to issue full planning consent, subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the aim of the core strategy providing 34 new homes in Burbage, be of an acceptable design, would not have an adverse impact upon neighbour's private amenity, flooding, ecology and archaeology and provides affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies, RES5, IMP1, BE1, BE16, REC2, REC3, RES5, NE5, NE14, T3, T5, T9 and T11.

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

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall not be carried out otherwise than in complete accordance with the following details received on 03.June.2013:-

Layout Plan drawing no. BH/WLB/01F
House type drawing no. BH/HT_DIS/01B
House type drawing no. BH/HT_DIS/02A
House type drawing no. BH/HT_LAU/01
House type drawing no. BH/HT_LAU/02
House type drawing no. BH/HT_TWY/01
House type drawing no. BH/HT_TWY/02
House type drawing no. BH/HT_LAW/01
House type drawing no. BH/HT_LAW/02

and plans received on 19.02.2013:-

House type drawing no. BH/HT_TIL/01
House type drawing no. BH/HT_TIL/02
House type drawing no. BH/HT_GLE/01
House type drawing no. BH/HT_GLE/02
House type drawing no. BH/HT_ROT/01
House type drawing no. BH/HT_ROT/02
House type drawing no. BH/HT_SOM/01

House type drawing no. BH/HT_SOM/02
Screen Details drawing no. BH/HT_SD/01
Pump Station elevations drawing no. BH/PS/01
Location Plan drawing no. BH/HLB/P/103
Soft landscaping details drawing no. JBA 12/362-01

and plans received on 06.03.2013:-

Garages drawing no. BH/HT_GAR/01A
Pump station detail drawing no. STD1015 Rev 01
Pump station detail drawing no. STD1018 Rev 02

- 3 Prior to commencement development, design details of the relevant off site highways works shown on drawing EL12-09 01 Rev A shall be submitted to and approved in writing by the Local Planning Authority. All agreed works shall be completed prior to first occupation of any dwelling.
- 4 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
- 5 For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the Local Planning Authority.
- 6 The garages, once provided, shall thereafter permanently remain available for car parking.
- 7 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation, commencing with an initial phase of trial trenching, has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording investigation, including a timetable
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation, including a timetable
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 8 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.
- 9 The site investigation and post investigation assessment and the provision made for analysis, publication and dissemination of results and archive deposition shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 10 No development shall commence until a surface water drainage scheme, based on sustainable drainage principles, two treatment trains and an assessment of the

hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 11 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 12 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 4 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the dwellings hereby approved, a final certificate demonstrating that the dwellings have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 In the interests of highway safety and to accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan
- 4 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 and to accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan
- 5 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan
- 7 - 9 To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 10 To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

- 12 In the interests of sustainable development to accord with policy 24 of the adopted Core Strategy.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 6 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.
- 7 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 8 To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.

Contact Officer: - John Taylor Ext 5680

Item: 06
Reference: 13/00450/HOU
Applicant: Mr Lee Cannings
Location: 62 Lychgate Lane Burbage Hinckley
Proposal: Extensions and alterations to dwelling
Target Date: 24 July 2013

Introduction:-

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

Application Proposal

The application seeks full planning permission for a single storey rear extension at No. 62 Lychgate Lane, Burbage.

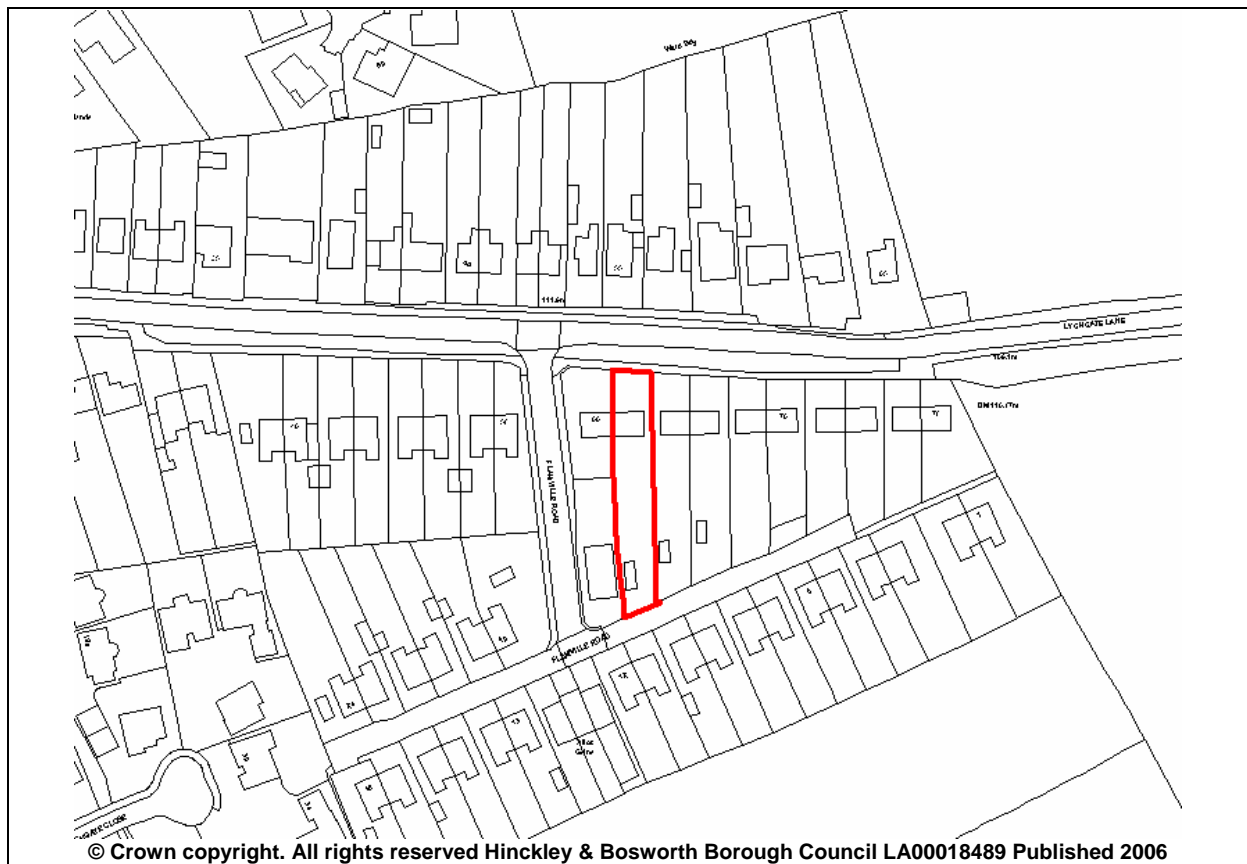
A lean-to rear extension, which spans the width of the property, is proposed. This will have a maximum height of 3.5 metres, with the roof sloping to 2.4 metres at the eaves. The extension will project 3 metres along the western boundary and 4 metres adjacent to the eastern boundary (the south western corner of the extension will be angled away from the boundary with 60 Lychgate lane). The extension is 1.5 metres off the adjoining boundary with No. 64 Lychgate Lane. Three roof lights, patio doors and a window are proposed in the rear elevation. No openings are proposed in either side elevation. The proposal is to be finished in render.

Site and Surrounding Area

The application property comprises a two storey semi-detached house with gabled roof (eaves facing the road) white rendered walls and patterned brickwork. The adjacent properties are also semi-detached houses that are of a uniform design situated on a common building line. There is parking and amenity space to the front of the property. The dwelling is situated on an extensive, relatively narrow plot, which bounds Flamville Road to the rear. There is a detached brick garage situated towards the southern end of the plot, which gains access from Flamville Road. The rear garden is enclosed by both vegetation and a close board fence.

Planning History:-

10/00867/FUL	Extensions and Alterations to Dwelling	Refused Appeal Dismissed	23.12.10 23.03.11
02/01188/FUL	Erection of detached garage	Approved	12.12.02



Consultations:-

No objection has been received from:-

Head of Community Services (Land Drainage)
Burbage Parish Council

No comments received from:-
Neighbours

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

House Extensions (SPG)

Other Material Policy Guidance

Burbage Village Design Statement

Appraisal:-

The main considerations with regard to this application are the principle of development, siting and design and impacts upon the residential amenity on adjacent properties and other matters.

Principle of Development

The application proposes extensions and alterations to an existing dwelling within the settlement boundary of Burbage. The NPPF is supportive of sustainable development, as this proposal is for extensions and alterations to an existing development it is considered to be sustainable development and the proposal is compliant with the NPPF.

Design and Appearance

As the proposal is to the rear of the property it will not be visible within the street scene and thus will have no adverse impact upon its character or the visual amenity of the area. As the proposal is single storey, and due to the considerable size of the rear garden it will appear both subservient to the main dwelling and will not result in overdevelopment of the plot. The rendered finish of the main dwelling is to be incorporated on the extension, and thus the proposal will appear in keeping with the appearance of the main property.

Neighbours amenities

The dwelling most likely to be impacted upon as a result of the proposal will be 60 Lychgate Lane (to the west). In order to ensure that the proposal is not overbearing and to reduce any impacts of overshadowing its massing along this boundary has been reduced. The proposal has been designed to project for a distance of 3 metres along the common boundary, before turning through 45 degrees away from the boundary. Accordingly by virtue of its design and height, and the fact that the extension will be situated to the east of the adjoining property, the proposal is not considered to have any overbearing impact nor cause any overshadowing that will impact upon the residential amenity of the neighbouring property.

Although the proposal will have a projection of 4 metres adjacent to the common boundary to the east, as it is set off the boundary by 1.5 metres and is single storey there will be no material impacts in terms of overshadowing on this property. The openings proposed are ground floor and to the rear of the proposed extension, accordingly they will predominantly have views over the applicants' rear garden. Due to the position of the windows and the existing boundary treatment, there will be no material impacts in terms of overlooking or on the privacy of the adjacent property.

In order to protect the amenity of surrounding properties, in terms of loss of light, privacy, overshadowing and overbearing impacts, the House Extension Supplementary Planning Guidance (SPG) advises that a single storey extensions should project no further than three metres along the common boundary with an adjoining dwelling. The proposed extension is in conformity with this.

Other Issues

Burbage Village Design Statement

The site falls within Zone 2 identified within the statement. The general description of Lychgate Lane is of an area with a mix of housing types and styles with large rear gardens and fenced front gardens. The application property comprises a dwelling built in the 1920/30's which was formerly Council housing stock. GN2.7: Design Principles states that applications for extensions should use materials and be of a design and scale compatible with the original buildings. The proposal is considered to comply with this guidance.

Conclusion

By virtue of its scale, siting and design, there will be no adverse impacts on the existing dwelling or on the character of the street scene. Furthermore, due to the extent of the projection along the common boundary, there will be no material impacts in terms of loss of light on number 60 Lychgate Lane and the proposal will not be overbearing. As the openings will not overlook adjacent properties, there will be no adverse impacts on the privacy of these. The proposal is therefore compliant with the NPPF and criteria a and i of Policy BE1, and the SPG on House Extensions and is therefore recommended for approval subject to conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant

provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development, will not have any adverse impacts in terms of visual or residential amenity or on the character of the street scene and would complement the scale, character and appearance of the existing dwelling.

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

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

Local Plan 2006-2026: Local Development Framework: Supplementary Planning Guidance (SPG): House Extensions.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos: - M1270/BP, M1270/1b, M1270/ 2b received by the Local Planning Authority on the 29.May.2013

- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity and the character of the area in accordance with criteria a of Policy BE1 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Eleanor Overton Ext 5680