

**PLANNING COMMITTEE**

**15 October 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 - 15 October 2013 - NUMERIC INDEX**

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**Item:** 01

**Reference:** 13/00468/FUL

**Applicant:** MIRA Technology Park Ltd

**Location:** Mira Ltd Watling Street Caldecote

**Proposal:** Erection and installation of an electricity sub - station, creation of a new pedestrian and vehicular access, proposed landscaping, boundary treatments and other associated works

**Target Date:** 10 September 2013

**Introduction:-**

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

Application Proposal

Full planning permission is sought for the erection and installation of an electricity sub station, creation of a new pedestrian and vehicular access, landscaping, boundary treatments and other associated works.

The substation, comprising the switch room and store room, would measure approximately 13.8 metres in length by 4.8 metres in depth, to a height of 3.7 metres. The 2 no. transformers are sited adjacent to the substation building each spanning to a 4.4 metres in height and enclosed by 2.4 metre high steel palisade fencing.

The substation, transformers and turning area would be enclosed by a steel mesh fence measuring 25 metres by 30 metres in area measuring 1.8 metres in height.

A new pedestrian and vehicular access is proposed off Wood Lane with an access road and turning area.

A metal gantry is proposed over the dismantles railway cutting to support the electrical cabling.

During the course of the application the applicant has submitted revised drawings showing the relocation of electricity sub station, new pedestrian and vehicular access, landscaping, boundary treatments and other associated works, from that previously submitted. Accordingly there is now no intention to develop a galley bridge/gantry to carry over the cabling.

For the avoidance of doubt the metal gantry is no longer required as the cable is now going underground.

The scheme also includes landscaping and planting proposals.

Following concerns raised by officers during the course of the application additional noise information in respect of the transformers, amended access arrangement and tracking drawings showing manoeuvres of vehicles has been submitted and re-consultation has been

undertaken with neighbours, the parish council, the Director of Environment and Transport (Highways) and Head of Community Services (Pollution) for a period of 10 days.

During the course of the application the applicant has submitted revised drawings showing the relocation of electricity sub station, new pedestrian and vehicular access, landscaping, boundary treatments and other associated works, from that previously submitted. Updated Design and Access Statement and Transport Statement have also been produced. Re-consultation was undertaken with all neighbouring properties and statutory consultees from a period of 10 days.

The Site and Surrounding Area

The site is located off Wood Lane, and adjacent to a dismantled railway line.

The site is located within the countryside, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

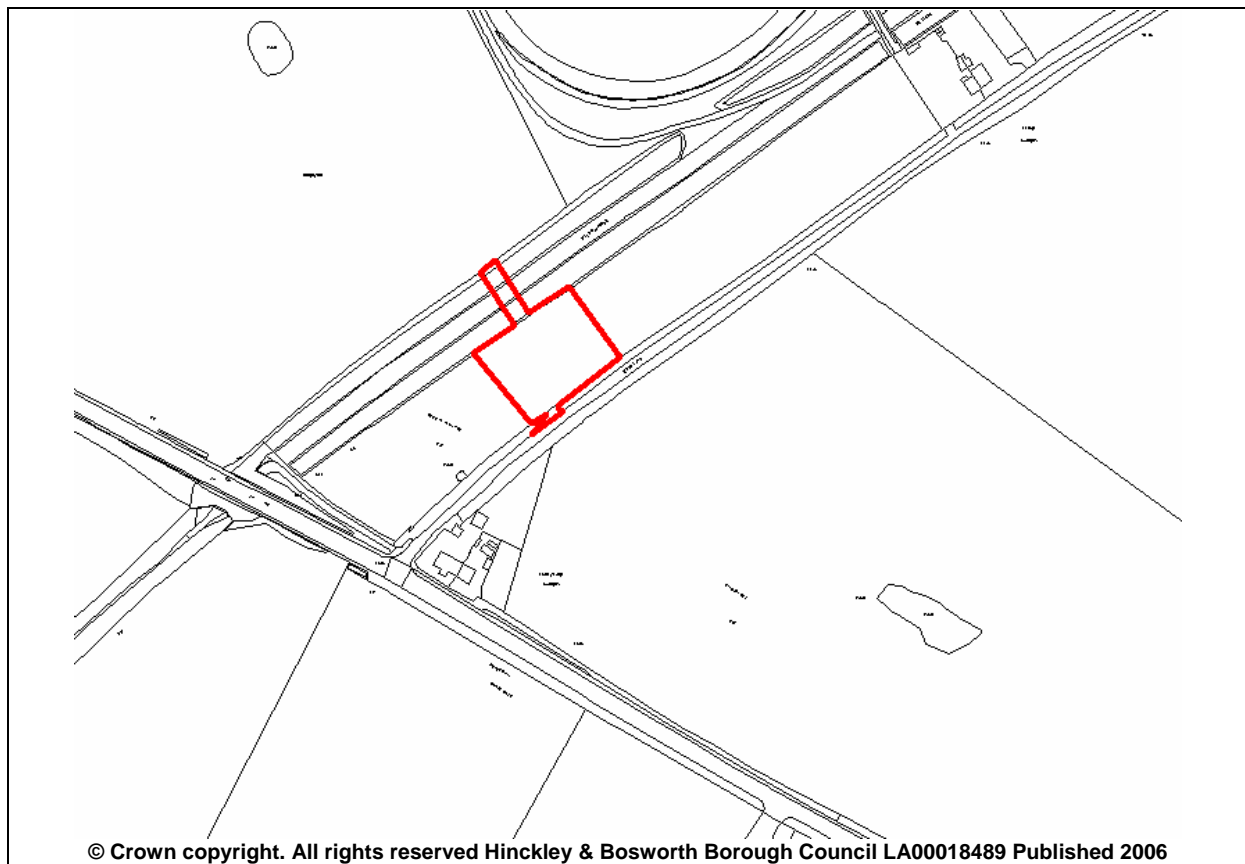
Design and Access Statement  
Transport Statement

**Relevant Planning History:-**

There are numerous planning applications for this site, given MIRA's long and extensive history.

There are currently three applications for consideration by the Authority:-

13/00621/REM	Reserved Matters application for A5 widening works pursuant to planning permission 11/00360/OUT (EIA Development)	Pending Consideration
13/00603/CONDIT	Variation of conditions 5 - 11, 15 - 17, 26 - 32 and 34 of planning permission 11/00360/OUT	Pending Consideration
13/00683/CONDIT	Removal of conditions 24 and 25 of planning permission 11/00360/OUT	Pending Consideration



### **Consultations:-**

No objections have been received from:-

Highways Agency  
Director of Chief Executive (Archaeology)  
Directorate of Chief Executive, LCC (Ecology)  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

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

Site notice and press notice were displayed and neighbours notified.

Six letters of representation (two addresses) have been received raising the following objections:-

- a) substation buildings, fencing and machinery are out of keeping with the setting of Victorian Cottages, hedged farm land and large oak trees
- b) visual intrusion on a rural area; detract from the rural amenity of this old lane; Urbanising of the lane and the open countryside; Diminish the rural views
- c) scale - why does it need to be so large?
- d) devalue the few properties on this lane
- e) outside of the local plan policy EMP5 MIRA
- f) contrary to Policy EMP5 and environmental policies in the local plan
- g) contrary to Policy BE1 criteria a,b and i
- h) contrary to Policy NE5 criteria a,b,i,ii,iii

- i) alternative locations with well established road networks which can be easily adapted
- j) temporary moving of the substation should become a permanent one would insure it would not be outside the original plan and not impact upon residents
- k) why not enlarge the existing small substation at the entrance
- l) if permission is granted then it would be essential that screening is in keeping with the rural location and indigenous trees form the bulk of the screening
- m) landscaping will only reduce some of its visibility - could be viewed over the 800 mm planting
- n) planting of trees is long term an would take years to obscure the view of the tallest structures and would shed their leaves in the winter months
- o) no information as to how the existing overhead electricity cables which run parallel with wood lane are to be handled
- p) how high or low the voltage cables will be either above or below ground contrary to Policy BE25
- q) siting next to a trunk gas line does not comply with para 164 of the NPPF;
- r) does not comply with paras 11,17,64,66,71,150,154,155,157,164,196,204 of the NPPF
- s) residential properties will be looking directly out at the substation
- t) access and traffic numbers are already a concern
- u) the land has a HGV restriction signs at its entrance from the A5
- v) narrow lanes at the junction with the A5 is not suitable from HGV's enter of exit easily due to their width; slowing or blocking traffic resulting in incidents
- w) difficult to pass without mounting or damaging the verge.

Higham on the Hill Parish Council is objecting on the following grounds:-

- a) the application is against the Hinckley & Bosworth Local Plan and is inappropriate for a rural area. It is outside the original plans outlined by MIRA and is a large and unsightly development in open countryside
- b) a small sub-station already exists at the entrance to the site, it is suggested that this could be extended. If this is not possible then an alternative location should be found within the current MIRA boundaries so that it is not visible in open countryside.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 1: Strong and Diverse Economy

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy NE10: Local Landscape Improvement Area

Policy NE12: Landscaping Schemes

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

## Other Material Policy Documents

The Employment Land and Premises Study May 2010

### **Appraisal:-**

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

### Principle of Development

MIRA is an established site, created following the closure of RAF Nuneaton in the late 1940s. MIRA is subject to its own planning policies in the adopted Local Plan (2001) and the use of the site is recognised as playing an important role in the Borough's economy, particularly in terms of employment.

The Employment Land and Premises Study identifies MIRA as a key business that wants to improve its buildings to enhance its high-tech business image and recommends that the MIRA site is retained for employment uses.

Saved Policies EMP1 and EMP5 of the Local Plan generally support development within the MIRA site, with Policy EMP5c setting out the potential for additional infill development. Policy EMP1 is considered consistent with the NPPF when considered in the context of the Employment and Land and Premises Study Review (2010).

The site itself sits outside of the defined MIRA area, as defined in the adopted Hinckley & Bosworth adopted Local Plan (2001) proposals map relating to policies EMP5 and EMP6. However, the site does fall within the application boundary of the previous outline consent ref: 11/00360/OUT. The principle of a sub-station has already been approved through the earlier grant of outline planning permission ref: 11/00360/OUT (albeit in a different location). This scheme proposes the facility to be accessed directly from Wood Lane, without the need to pass through the MIRA site, as would be required by the original siting of the sub-station.

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and help achieve economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. It is considered that the proposal is necessary to facilitate the development to be brought forward at the MIRA site. It is considered that this would benefit the economic competitiveness of the site which in turn would benefit the wider economy of the immediate area and the Borough.

The site lies within an area designated as countryside. As such, saved Local Plan Policy NE5 would apply to the determination of this application. Saved Policy NE5 of the adopted Local Plan seeks to protect the countryside for its own sake and states that planning permission will only be granted for development subject to certain criteria. However, the criteria a-c are not considered to be consistent with the intentions of the NPPF, and, as such, this policy affords only limited weight in consideration of the application. However, saved Local Plan Policy NE5 design criteria i-iv remain generally relevant to development within the countryside and are consistent with the NPPF and these criteria are discussed within the 'visual impact' section of this report.

In addition, Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes which is discussed later in this report.

In summary, there is no objection in principle to this development which is supported from an economic sense at a national and local level, as the scheme conforms to the adopted planning policy at this employment site and overarching economic intentions of the NPPF.

Accordingly whilst there is no in-principle objection to the proposals from an economic perspective, this must be carefully balanced against all other planning matters being adequately addressed.

### Visual Impact

As discussed earlier in this report the application site in policy terms lies within an area designated as countryside. As previously discussed, whilst limited weight can be given to saved Policy NE5 following the release of the NPPF due to its presumption in favour of sustainable development, the design criteria i-iv remain generally relevant to development within the countryside and are consistent with the NPPF. It states that development will have to meet the following criteria:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The design criteria (i-iv) within Saved Policy NE5, together with Saved Policies NE10 and NE12 are considered to have limited conflict with the NPPF and as such are considered material in the determination of this application.

In addition Saved Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design and is considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

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

The substation is approximately 3.7 metres in height, with the highest point of the transformers being 4.4 metres. The steel mesh fence and palisade fencing would span to a maximum of 1.8 metres and 2.4 metres in height, respectively. Accordingly only the upper proportions of the substations and transformers would be visible.

The site is immediately joined to the north by the dismantled railway line which screens views from the north and north west of the site. The south of the site is bound by hedgerow and scattered trees along Wood Lane.

Accordingly, the site sits in a pocket of land constrained by the dismantled railway line to the north and Wood Lane highway to the south. It is considered that this site, in context with the railway line development, and Wood Lane to the south does not represent a 'typical' rural countryside location and given these existing constraints would ensure that the development does not encroach upon the surrounding countryside.

Given the proposed boundary treatments and the landscaping proposals it is considered that the scheme would afford the benefit of screening from the surrounding countryside. In order



that the most suitable and desirable planting is secured a planning condition is suggested to secure a comprehensive scheme of works.

As such, by virtue of the scale of the proposal and the existing and proposed screening, the scheme is not considered to be significantly detrimental to the character and appearance of the wider landscape. It is considered that for these reasons it would be difficult to sustain an objection based on the harm upon the character and appearance of the countryside.

Accordingly, subject to the imposition of planting conditions the scheme is considered to be in accordance with Saved Policies NE5 (criteria i-iii) NE10, NE12 and BE1 (criterion a) of the Hinckley and Bosworth Local Plan and overarching intentions of the NPPF.

#### Impact upon Residential Amenity

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

The properties most immediately impacted by the proposal are located on the corner between the A5 and Wood Lane and Grange Cottages located to the east of the site along Wood Lane.

Following the submission of amended plans the closest point from the rear of No's 1 and 2 Lindley Lodge Cottages to the transformer would be in excess of 84 metres with a distance of approximately 225 metres from the east of the transformer and substation to the closest point of Grange Cottages.

The scheme has been considered by the Head of Community Services (Pollution) who requested additional noise information which was subsequently submitted by the applicant. The Head of Community Services (Pollution) has confirmed that upon reviewing the information and owing to the distance to the nearest property that he raises no objection to the application.

Resultant of the scale, siting and noise it is not considered that the scheme would result in any adverse impact upon the occupiers of nearby residential properties. Accordingly, the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan and the overarching intentions of the NPPF.

#### Highway Considerations

Saved Policies T5 and NE5 (criterion d) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

The Highways Agency consider that the development is not expected to have a material impact on the closest strategic route, the A5, and, accordingly, raise no objections, subject to the imposition of a planning condition.

The suggested condition requires that no part of the development hereby permitted shall commence until the works shown in the drawing no. MIRA/A5/JCT-WDLN-R2 have been approved and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency. The condition is to ensure that the junction is upgraded before the commencement of construction of the electricity sub-station so that construction traffic can access the site safely.

The applicant, in response considers that the proposed condition is unduly onerous, unreasonable and unnecessary as the junction improvements are only required at the point in time that the transformers are delivered, and before this time the A5/Wood Lane junction is suitable for general traffic and construction vehicles. In addition, the applicant has confirmed that:-

*"The A5/Wood Lane improvements along with wider highways improvements are being considered by Reserved Matters application at the moment. A S278 is being prepared for these works at present. There is no need to seek an additional S278 solely for the works to the A5/Wood Lane junction as these will be coming forward in any case. Indeed, the projected timescales for these works is likely to tie into the construction of the substation and delivery of transformers as things currently stand. The requirement for additional S278 will delay the construction of the substation unnecessarily. MIRA intends to commence the construction of the substation in Feb/March. It is important that the substation is delivered quickly to make use of the available funds and there is no need to delay this element of works whilst a S278 is agreed and implemented. If a condition has to be implemented, it would only be acceptable (i.e. reasonable) if it enabled the compound to be built but prevented the delivery of the transformers without the highways works first being implemented."*

The request for the condition and the response from the applicant has been carefully considered and the condition assessed against the tests set out in Circular 11/95. It is considered unreasonable to restrict that none of the other works could commence on site, until the improvements to the junction are implemented, as the junction improvements are only necessary for the delivery of the transformers. Accordingly the condition as proposed is unreasonable. However, it is also considered that the works to the junction should be made prior to the delivery of the transformers in the interest of highway safety. Accordingly it is suggested that the condition from the Highways Agency is re-worded so that it does allow for all other works to commence, with the exception of the delivery of the transformers. The Local Planning Authority, however, is not able to dismiss or re-word the suggested condition from the Highways Agency (the Secretary of State for Transport) as they direct that conditions are to be attached to this planning permission under the Town and Country Planning (Development Management Procedure) Order 2010. It is possible, however for the Local Planning Authority to seek to negotiate and further explore possible solutions on this issue. Accordingly at the time of writing negotiations are still under way and the final wording of the condition will be reported on as a late item.

The Director of Environment and Transport (Highways) has considered the amended plans and has recommended the application be approved subject to the imposition of planning conditions which also require that no development shall commence until the access junction and site access have first been provided. It is considered necessary that a condition to this affect is imposed.

The Director of Environment and Transport (Highways) has also requested a condition in respect of a construction management plan and for a routing agreement to be secured through a Section 106 Agreement.

It is considered that the construction management plan that would also secure details of including vehicle parking facilities, wheel cleansing facilities, details of traffic management for vehicles reversing onto the public highway, and a timetable for their provision should be secured.

In response to the request for a routing agreement to be encompassed within a Section 106 Agreement, the Borough Council would not be able to impose this as it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it

would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a condition. Notwithstanding the Council's position, the applicant has confirmed that they are happy to do this through the construction management plan. Again the Authority would not require this be incorporated into the construction management plan condition, but it appears that the applicant is willing to consider this and could negotiate directly with Leicestershire County Council Highway Authority.

Accordingly subject to the imposition of planning conditions it is considered that the scheme would be in accordance with Saved Policies NE5 (criterion d) and T5 of the Hinckley and Bosworth Local Plan.

### Other Matters

#### Ecology

The scheme has been considered by the Directorate of Chief Executive, LCC (Ecology) who consider that the scale of the development, and the minor impact of the access road through the hedge amount to a low risk to species, and therefore feel that to request surveys would be unwarranted. The Directorate of Chief Executive, LCC (Ecology) has requested that a note to applicant be imposed relating to the proximity of the site to habitats.

#### Letters of Representation

Objections raised which have not been addressed within the main body of the report:-

De valuation of property prices is not a material planning consideration. Policy BE25 is not a saved policy and therefore no longer forms part of the local plan.

In response to the letters of objection received the applicant has provided the following additional response:-

#### *Need for the sub station*

*"The details of the outline application included for the provision of an electricity sub-station and the need for the sub-station is well established and understood. The substation is an integral part of the wider development."*

#### *Location of the sub station*

*"The proposed location of the substation is to be located within the boundary of the outline planning permission, with the outline planning permission provides sufficient flexibility to enable the substation to be located as it is now proposed. In addition the mains electricity supply is found in the area of the proposed substation and therefore is the most logical position to site the substation. Providing the substation to the north of the MIRA site as originally proposed new connections across the site would reduce the flexibility of the site for future development."*

*The early phases of the development are to come forward in Zone 3 to the south east of the MIRA site and the proposed substation is required to serve these buildings as and when they are delivered and must therefore be in place ahead of their development."*

### Landscaping

*"The proposals include both fencing and soft landscaping in the form of hedging and semi-mature trees and in response to neighbours' concerns are willing to accept a suitable planning conditions requiring the full details of the landscaping scheme to first be approved in writing by the Authority before the completion of the development."*

### Conclusion

In conclusion, the principle of a sub-station has already been approved through the earlier grant of outline planning permission ref: 11/00360/OUT, albeit in a different location. This scheme proposes the facility to be accessed directly from Wood Lane, without the need to pass through the MIRA site, as would be required by the original siting of the sub-station. It is considered that there is no in-principle objection to the installation of an electricity sub station other associated works to be used in association with the wider development at an established employment site in conformity with the intentions of the NPPF. It is however considered that these positive economic benefits must be carefully balanced against any potential harmful impacts.

The scheme is not considered to result in an unacceptable impact upon the surrounding countryside or highway safety, subject to the imposition of planning conditions and there have been no identified impacts upon residential amenity or protected species and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

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

### **RECOMMENDATION:- Permit subject to the following conditions:-**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered that the scheme would not be detrimental to visual and the character of the countryside, or residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criterion a-d), BE1 (criteria a and i) NE10, NE12 and T5.

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

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 following amended details:- Location Plan Boundary drawing no. 12.020(P) 104 A; Proposed Site Plan drawing no. 12.020(P) C; Proposed Elevations drawing no. 12.020(P)102 D; Proposed Sections drawing no. 12.020(P) 103 A; Site Access Arrangements drawing no. 047/01; Swept Path analysis drawing no. 047/TK/02 Rev B ; Swept Path analysis left turn into Wood Lane drawing no. 047/TK/03; Swept Path analysis left turn into A5 drawing no. 047/TK/04 received by the Local Planning Authority on 16 September 2013.
- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.
- 4 No development shall commence on site until the works shown on Advance Transportation Consulting drawing "MIRA/A5/JCT-WDLN-R2" has first been submitted in writing to and approved in writing with the Local Planning Authority and these works shall be carried out in accordance with the approved details.
- 5 No development shall commence on site until the site access junction as shown on Milestone Transport Planning drawing no. 047/01 has been provided in full and available for use by vehicular traffic. The access shall be surfaced with tarmac, concrete paving or similar hard bound material for a distance of at least 20 metres behind the highway boundary.
- 6 No development shall commence on site until such time as a Construction Management Plan, including vehicle parking facilities, wheel cleansing facilities, details of traffic management for vehicles reversing onto the public highway, and a timetable for their provision, has been submitted in writing to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 7 Notwithstanding the details provided on drawing no. 1238-SUB-GL-101 05 no development shall take place until full details of soft landscape works have first been submitted in writing to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - b) Implementation programme.
- 8 The approved soft landscaping scheme shall be carried out in accordance with the approved details and 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.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

- 4 To provide safe vehicular access to the site, including for construction traffic, in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To provide vehicular access to the site, including for construction traffic, in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, to ensure that the construction traffic associated with the development does not lead to on-street parking problems in the area, and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity, to accord with Policy NE5 (criterion iii) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The access road, parking and turning areas, should ideally be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. If a low-permeability site, surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. Otherwise, surface water from impermeable surfaces (both roads and roofs) should be discharged to a swale or ditch of adequate storage capacity.
- 6 The development site is close to habitats that could harbour badger, great crested newts or other protected species. The applicant is advised to carry out any site clearance with caution, and to stop work immediately and seek advice from Natural England should any protected species be discovered during the course of the works.
- 7 Due to the presence of National Grid apparatus in proximity to the species area, the contractor should contact National Grid before any works are carried out to ensure National Grid's apparatus is not affected by any of the proposed works.

- 8 The highway mitigation works associated with this consent involved works within the public highway, which is land over which you have no control. The Highway Agency therefore requires you to enter into a suitable legal Section 278 Agreement to cover the design check, construction and supervision of the works.
- 9 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or Agreements will be required under the Highways Act 1980 from the Adoptions Team. For further information, including contact details, you are advised to visit the County Council website as follows: Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd).

Please note that because of traffic management requirements at this location, any S184 licence will attract a minimum fee of £2,000.

The Observations of the Highway Authority dated 25 July 2013 requested clarification of the largest size of vehicle that would access the site during either the construction or operational phases. This information has not been provided. However, from the submitted drawings, it is assumed that this is a 16.6m low loader.

The submitted tracking drawings do not demonstrate that a low loader could both access and egress the site in a forward gear. However, it is accepted that the potential for a low loader reversing onto the public highway would only be an issue during the construction phase. This could be dealt with by appropriate traffic management provision.

The Application includes for improvements to the A5/Wood Lane junction to be delivered under existing draft S278/S4 Agreements with the Highways Agency and Leicestershire County Council (LCC). These works must be carried out prior to commencement of development to allow for construction access. However, the LCC highway boundary is approximately 65m north of the give way line at A5/Wood Lane, the extent of the proposed works is approximately 32m from the give way line, meaning that they are wholly within highway land for which the Highways Agency is responsible.

**Contact Officer:-** Ebony Mattley      Ext 5691

**Item:**                    02

**Reference:**            13/00603/CONDIT

**Applicant:**            MIRA Technology Park Ltd

**Location:**            Mira Ltd Watling Street Caldecote

**Proposal:**            Variation of conditions 5 - 11, 15 - 17, 26 - 32 and 34 of planning permission 11/00360/OUT

**Target Date:**        5 November 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it a major development with a site area on excess of 5 hectares.

## Application Proposal

Planning permission is sought to vary conditions 5 - 11, 15 - 17, 26 - 32 and 34 of planning permission 11/00360/OUT.

Planning permission 11/00360/OUT approved the following development:-

Business technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/cafe/restaurant, indoor and outdoor leisure, ancillary energy generation plant/equipment, internal access roads, car parking, landscaping drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with North Warwickshire Borough Council) (departure from the development plan) (EIA Development)

The conditions subject of the current application relate to the following matters:-

Condition 5: Local Employment Initiatives  
Condition 6: Green Travel Plan  
Condition 7: BREEAM assessment  
Condition 8: Noise Mitigation  
Condition 9: External Lighting Details  
Condition 10: External Lighting for Construction Phase  
Condition 11: Ground Condition/Contamination  
Condition 15: Management of Contamination  
Condition 16: Construction Environment Management Plan  
Condition 17: Waste Management Plan  
Condition 26: Badger Survey  
Condition 27: Great Crested Newt Survey  
Condition 28: Surface Water Drainage  
Condition 29: Sewer Drainage  
Condition 30: Soil Handling and Re-use  
Condition 31: Cycle Infrastructure  
Condition 32: Archaeological Assessment  
Condition 34: Bat Survey

The variation proposes to amend the wording of these pre commencement conditions to " No development shall commence on the construction of any building until...."

Following further discussions with the agent and some statutory consultees a further variation to the wording has been proposed. Aside from condition 26, the remaining conditions subject of this variation will read:-

"With the exception of the A5 highways improvements no development shall commence....."

Condition 26 will read:- "no development shall commence, with the exception of the A5 highways improvements until such time as a further survey for badgers within the application site relevant to the phase of development..."

In addition, further justification has been requested (and provided) to support the variations proposed.

The amendments to the wording and additional justification has been subject to a full 10 day re-consultation. The consultation period remains open and any comments received will be reported as a late item.



## The Site and Surrounding Area

The existing MIRA site extends to approximately 334 hectares and consists of 53 miles of test track within what is known as the proving ground.

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

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

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

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

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

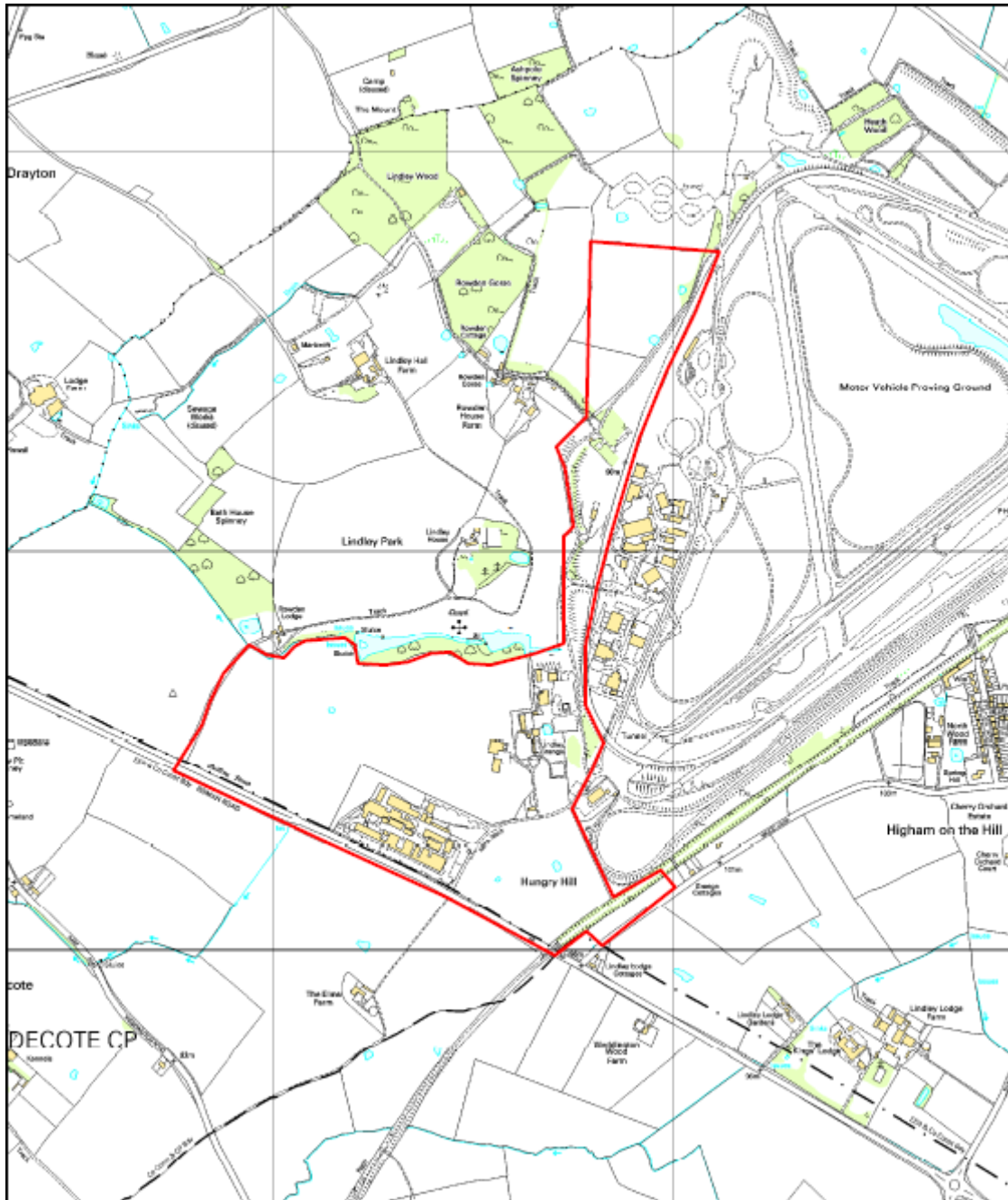
Lindley Park is located 400 metres to the north east within a woodland/rural setting. Within the Park is the Scheduled Ancient Monument of the ruins of Lindley Chapel. This wider complex consists of farm related buildings including Lindley House. Rowden House Farm is located 200 metres to the north and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

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

### **Relevant Planning History:-**

13/00683/CONDIT	Removal of conditions 24 and 25 of planning permission 11/00360/OUT	Pending Consideration
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13/00621/REM	Reserved Matters application for A5 widening works pursuant to planning permission 11/00360/OUT (EIA Development)	Pending Decision	
13/00468/FUL	Erection and installation of an Electricity sub - station, creation of a new pedestrian and vehicular access, proposed landscaping, boundary treatments and other associated works	Pending Decision	
11/00360/OUT	Business technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/ cafe/restaurant, indoor and outdoor leisure, ancillary energy generation plant/equipment, internal access roads, car parking, landscaping drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with North Warwickshire Borough Council) (departure from the Development Plan) (EIA development)	Approved	09.03.12



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**Consultations:-**

No objection has been received from:-

- Environment Agency
- Highways Agency
- Natural England
- Leicestershire County Council Chief Executive (County Planning Authority)
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage)
- North Warwickshire Borough Council (NWBC).

No objection subject to conditions have been received from:-

Severn Trent Water Limited  
Directorate of Chief Executive, LCC (Ecology)  
Director of Chief Executive (Archaeology).

Director of Environment and Transport (Highways) have not objected to the variation of wording in relation to condition 6, but have requested further clarification as to why condition 31 is to be varied. This will be discussed in further detail in the appraisal below.

Site notice and press notice were displayed and neighbours notified. No objections received.

Owing to the nature and scale of the development there has been an extensive amount of consultation with specialist organisations. For the avoidance of doubt those organisations consulted but that haven't responded are:-

Warwickshire County Council  
Director of Environment and Transport (Rights of Way)  
Ramblers Association  
Warwickshire County Council (Highways)  
Higham on the Hill Parish Council  
Witherley Parish Council  
Nuneaton & Bedworth Borough Council  
Leicestershire & Rutland Playing Fields Association  
Leicestershire Badger Group  
National Grid  
Cyclists Touring Club  
Council for British Archaeology.

### **Policy:-**

#### Enterprise Zone Designation

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

#### 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

Spatial Objective 1: Strong and Diverse Economy  
Spatial Objective 12: Climate Change and Resource Efficiency  
Spatial Objective 13: Transport and Need to Travel

#### Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites  
Policy EMP5: MIRA, Built Development for Employment Purposes  
Policy EMP6 Surface Test Facilities and Landscaping to Proving Ground

Policy BE1: Design and Siting of Development  
Policy BE12: Scheduled Ancient Monuments and Nationally Important Archaeological Sites  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE14: Archaeological Field Evaluation of Sites  
Policy BE16: Archaeological Investigation and Recording  
Policy BE17: Historic Battlefields  
Policy BE26: Light Pollution  
Policy NE2: Pollution  
Policy NE5: Development in the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T11: Traffic Impact Assessment  
Policy RETAIL 1: General Retail Strategy  
Policy REC1: Development of Recreation Sites  
Policy REC4: Proposals for Recreational Facilities  
Policy REC9: Access to the Countryside

### Other Material Policy Documents

#### Draft Site Allocations and Generic Development Control Policies DPD 2009

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

### **Appraisal:-**

#### Background

This application has arisen to vary the pre commencement conditions attached to the outline application (covering the whole of the MIRA Technology scheme) to enable the first reserved matters application (13/00621/ REM) (currently under consideration) to be progressed and development be delivered without delay.

The in principle acceptability of the development has already been established through the earlier grant of planning permission (ref11/00360/OUT). As the conditions subject of this section73 application relate to a wide range of issues, each condition along with the specific planning issues raised will be discussed separately. This will be followed by a conclusion as to whether each proposed variation is considered acceptable.

This report should be read in conjunction with that of the earlier application which comprehensively considered the MIRA re-development scheme.

#### Relevant Conditions

Condition 5 reads: No development shall take place until a scheme for targeting local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

As the works to the A5, which is a Trunk Road, is under the control of the Highways Agency and consist of specialist engineering operations, it is unlikely that a local contractor and thus local labour would be used. Accordingly it is considered reasonable to vary the wording of this condition as proposed as this would not exclude or prejudice the local employment base.

Condition 6 reads: Notwithstanding the details submitted, no development shall commence on site until such time as a Green Travel Plan to promote sustainable transport modes of travel to the site from the surrounding area, including Hinckley & Bosworth, North Warwickshire and Nuneaton and Bedworth has been submitted to and approved in writing by the Local Planning Authority. Before the first use of each phase of the development, the Plan shall be implemented in accordance with the relevant approved details.

The travel plan seeks to secure travel and transport objectives of the primary elements of the development as a whole. The primary element of the proposal is the delivery of technology park and employment space. Accordingly, as the rewording will not allow the development of any building without the travel plan being submitted, the Director of Environment and Transport (Highways) has considered this variation and raises no objections.

Condition 7 reads: No development within each phase shall commence until such time as a BREEAM Design Stage Assessment, carried out by a qualified assessor, demonstrating that the development within that phase can be constructed to a minimum of a BREEAM 'Very Good' Standard has been submitted to and approved in writing by the Local Planning Authority. In addition, prior to the first use of that phase of the development, a final certificate demonstrating that the development has been constructed to BREEAM 'Very Good' Standard shall be provided to the Local Planning Authority.

BREEAM relates to sustainable build standards of buildings and thus as the road widening works do not consist of any building work, therefore the variation proposed is considered acceptable.

Condition 8 reads: No development within each phase shall commence until such time as a scheme for protecting residential dwellings from noise from the completed development of that phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of development hereby approved and maintained as approved thereafter.

When considered in relation to the entire scheme, the road widening works constitute a minor element of the wider technology park proposals. Furthermore, due to the distance of the works from any surrounding residential property and the fact that they will be subject to the strict working procedures of the Highways Agency, who has statutory powers to undertake works to the A5, and could implement road works without planning permission the variation of this condition is not considered to result in any further materially adverse noise impacts on the residents of surrounding properties.

Condition 9 reads: No development within each phase shall commence until such time as a scheme for the external lighting of that phase including details of permanent external lighting including layout plan, lighting types, luminaire type, intensity, mounting height, aiming angles and luminaire profiles, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.

This condition relates to the wider MIRA development and specifically the construction and operation of individual buildings and phases. The aim of the condition is not therefore prejudiced by the revised wording. Furthermore when considered in relation to the entire scheme, the external lighting constitutes a minor element of the wider technology park

proposals. In addition, due to the distance of the works from any surrounding residential property (within the A5), the variation of this condition will not result in any further materially adverse impact on the residential amenity of surrounding properties.

Condition 10 reads: No development shall commence until such time as a scheme for the external lighting of each phase of the site during the preparation and construction phase, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.

As this condition requires a lighting scheme to be submitted for the preparation and construction phase of the development, the suggested wording of "prior to the construction of any building" would not have been appropriate. Accordingly, the following wording is proposed, "with the exception of the A5 highways improvements, no development shall commence...." this will ensure that aside from the A5 improvement works, a lighting scheme is submitted for the preparation and construction phase associated with other development on site, which may have not be secured by the suggested 'prior to the construction of any building" phrase. Although this amended wording has not been subject of further consultation, it is not considered that any statutory consultees would be further prejudiced by the amendments and the amended wording provides further controls to the Local Planning Authority over and above those associated with the original wording.

Condition 11: No development shall commence until such time as a Risk Based Land Contamination Assessment (including landfill gas) has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.

A ground investigation has been carried out to provide information for foundation design of the road construction, associated embankments and highway structures. The investigation did not reveal any evidence of contamination, or suggest any risks associated with construction of the proposed works. The variation of the condition to exclude the A5 improvement works will not therefore create any adverse risk. Accordingly it is unlikely that the variation of condition proposed would result in any further harm in respect of potential contamination from the area of land in question. This said, further information has been provided to clarify the situation in respect of contamination, and any comments received from the Head of Community Services (Pollution) will be reported as a late item.

Condition 15 reads: No development approved by this permission shall commence until a scheme for the management of land contamination during the site preparation and construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

The same issues raised as above. Any further comments received from The Head of Community Services (Pollution) will be reported as a late item.

Condition 16 reads: Notwithstanding the detail submitted, no development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.

As discussed above, the scale of the development proposed by the first reserved matters application (which considers the A5 road widening works) will be minor in comparison to the entire scheme and as the Highways Agency could deliver highway improvement works under its statutory powers without the need to agree a Construction Environmental Management Plan, it is not considered that there will be any significant arising impacts from development associated with the variation proposed. Accordingly the variation of this is considered acceptable.

Condition 17 reads: No development shall commence until such time as a waste management plan has been submitted to an agreed in writing by the local planning authority. The plan shall then be implemented as approved through each phase of the development and be maintained as approved thereafter in the completed development.

The proposed road widening works, outside of the highway boundary are minimal and will not result in any built development with an associated waste disposal need, accordingly the variation proposed is acceptable.

Condition 26 reads: In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as a further survey for badgers within the application site and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.

Concerns were raised by the Directorate of Chief Executive, LCC (Ecology) over the proposed re-wording of the condition for it was considered that other development on site, which did not constitute 'the construction of any building' which may have an impact on badgers would not be adequately considered. Accordingly alternative rewording has been suggested which captures all other development aside from the A5 road widening works, the wording is as follows:- "no development shall commence, with the exception of the A5 highways improvements until such time as a further survey for badgers within the application site relevant to the phase of development". Although this amended wording has not been subject of further consultation, it is not considered that any statutory consultees would be further prejudiced by the amendments and the amended wording provides further controls to the Local Planning Authority over and above those associated with the original wording.

Condition 27 reads: In accordance with the requirements of the submitted Environmental Assessment, no development shall commence until such time as method statement detailing measures to prevent harm to Great Crested Newts, provision of new habitat and reinstatement of previous habitat has been submitted to an agreed in writing by the Local Planning Authority. The method statement and any mitigation shall be fully implemented before the commencement of any relevant development phase.

Concerns were raised by the Directorate of Chief Executive, LCC (Ecology) over the proposed re-wording of the condition for it was considered that other development on site, which did not constitute 'the construction of any building' which may have an impact on Great Crested Newts would not be adequately considered. Accordingly alternative rewording has been suggested which captures all other development aside from the A5 road widening works, the wording is as follows:- "with the exception of the A5 highways improvements, no development shall commence...". Although this amended wording has not been subject of further consultation, it is not considered that any statutory consultees would be further prejudiced by the amendments and the amended wording provides further controls to the Local Planning Authority over and above those associated with the original wording.



Condition 28 reads: No development shall commence until such time as a master surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The road widening scheme will be subject to private drainage arrangements in agreement with the Highway Agency design standards, which will require approval from the Highways Agency. The Highways Agency could deliver the works on the highway without the need to provide this information. As such given the scale of the development outside of the existing highway boundary, the arising issues would be very minor and therefore the proposed variation is considered acceptable.

Condition 29 reads: No development shall commence within each phase until such time as drainage plans for the disposal of surface water and foul sewage in accordance with the agreed drainage strategy have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

The road widening scheme will be subject to private drainage arrangements in agreement with the Highway Agency design standards, which will require approval from the Highways Agency. The Highways Agency could deliver the works on the highway without the need to provide this information. As such given the scale of the development outside of the existing highway boundary, the arising issues would be very minor and therefore the proposed variation is considered acceptable.

Condition 30 reads: No development shall commence until a soil handling and reuse strategy has been submitted to and agreed in writing by the local planning authority. All existing site soils should then be managed and reused in accordance with this strategy at all times thereafter.

The soil handling and re-use associated with the road widening works will be minimal, and the reason for the condition was to ensure that the good quality soil lost as a result of the wider proposal was re-used in the most sustainable way as possible, accordingly, the proposed variation is considered acceptable.

Condition 31 reads: No development shall commence until such time as a scheme detailing the improvements as generally described in Section 10.13 - 10.18 and Figure 10.1 - off-sites cycle infrastructure improvements within the Supplementary Transport Assessment Report, August 2011, including a proposed programme of implementation, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No more than 35,524m<sup>2</sup> B1b, 4,290m<sup>2</sup> B1a and 2,100m<sup>2</sup> hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Redgate junction and Wood Lane. No more than 71,048m<sup>2</sup> B1b, 8,580 m<sup>2</sup> B1a and 4,200 hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Wood Lane and the Higham Roundabout.

Cycle provision will be considered and delivered through the highway widening works and the proposed variation will still ensure that details of the remaining cycle infrastructure will be submitted for approval prior to commencement of any building on site. Accordingly the proposed variation is considered acceptable.

Condition 32 reads: No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme(s) of Investigation has been submitted to and approved in writing by the local planning authority. The scheme(s) shall include an assessment of significance and research questions; and:-

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.

Director of Chief Executive (Archaeology) originally objected to the re-wording of the condition as proposed as they were concerned that any other works on the site, which did not constitute the 'construction of a building' such as the laying of internal access roads for example, which may raise archaeological concerns, would not be adequately assessed if the wording was approved as proposed. Accordingly alternative wording was suggested. This allows the road widening works to proceed without the need to discharge a prior to commencement condition, but also provides the Local Planning Authority with further controls over all other works on site which fall outside of 'the construction of any building' phrase. The wording proposed is as follows:- "with the exception of the A5 highways improvements, no development shall commence...." Although this amended wording has not been subject of further consultation, it is not considered that any statutory consultees would be further prejudiced by the amendments and the amended wording provides further controls to the Local Planning Authority over and above those associated with the original wording.

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

The road widening works have no association with Lindley Grange and thus there will be no impacts on any bats which may or may not be present their. Accordingly the proposed variation is considered acceptable.

#### Other Matters

There are 34 conditions in total imposed by the original outline application (11/00360/OUT). The development has not yet commenced and so, apart from the ones the subject of this report, and those relating to time limit restrictions, remain relevant and will be imposed in their original form.

As the original application was subject to a Section 106 agreement, a deed of variation is being completed to take into consideration any changes agreed pursuant to the current application. This permission will be subject to the deed of variation.

## Conclusion

The variation to the wording of the conditions does not materially alter the acceptability of the development (as previously approved) and thus, for the reasons discussed and appraised within application 11/00360/OUT, it is concluded that the proposed MIRA re-development will bring significant economic and employment benefits to the Borough and also to the surrounding area as a whole.

Accordingly it is recommended that planning permission be granted, subject to the signing of the deed of variation and the imposition of previous and updated planning conditions, as discussed.

### **RECOMMENDATION:-**

**a) That subject to no significant material objections being received prior to the expiry of the consultation period on 12 October 2013 the Secretary of State be notified, pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 (the Directions), that the LPA is minded to grant permission subject to the conditions set out in the report, and subject to the receipt of an undertaking pursuant to section 106 TCPA to secure off-site cycle network improvements,**

**b) That if the Secretary of State does not notify the LPA within the time frame set out in the Directions that he intends to issue a direction, then the Development Control Manager be granted authority to approve the application in accordance with (a) above.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan.

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

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

The recommendation to grant outline planning permission has taken into account the Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and the Local Planning Authority is satisfied that the Environmental Statement complies with the above

regulations and that sufficient information has been provided to assess the environmental impacts of the proposal.

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

Local Plan 2006-2026: Core Strategy (2009): - Policy Spatial Objectives 1, 12 and 13.

In dealing with the application, through ongoing negotiation 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 Applications for the approval of all the reserved matters for the first phase of the development referred to herein shall be made within a period of 3 years from the date of permission 11/00360/OUT. Applications for the approval of all remaining reserved matters shall be made within a period of 10 years from the date of this permission.

- a) 3 years from the date of this permission: or
- b) 2 years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- a) Layout
- b) Scale
- c) Appearance
- d) Landscaping

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

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan 1:10,000 received 11 May 2011; Planning Parameters Report (including Parameter Plans PP2-PP5) Revision 2 June 2011 as amended by Plans PP2 and PP3 received 4 October 2011; ATC-10\_014-A\_2A-R2; ATC-10\_014-A\_2B-R1; ATC-10\_014-A\_2C-R2; ATC-10\_014-A\_2D-R1.

4 Notwithstanding provision of the Town and Country Planning (Use Classes Order 1987) as amended, the development hereby permitted shall not be used for any other purposes other than:-

- a) Any use falling within Class B1b of the Town and Country Planning (Use Classes Order 1987) or;
- b) Any use falling within Class B1a or B1c which:-
  - i) Is directly or functionally related to MIRA, transport or automotive research and development sector or other research facilities on the site; or
  - ii) Has a special need to be located close to MIRA or other research facilities on the site that is agreed with the Local Planning Authority.

- 5 With the exception of the A5 highways improvements no development shall commence until a scheme for targeting local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 6 Notwithstanding the details submitted with the exception of the A5 highways improvements no development shall commence until such time as a Green Travel Plan to promote sustainable transport modes of travel to the site from the surrounding area, including Hinckley & Bosworth, North Warwickshire and Nuneaton and Bedworth has been submitted to and approved in writing by the Local Planning Authority. Before the first use of each phase of the development, the Plan shall be implemented in accordance with the relevant approved details.
- 7 With the exception of the A5 highways improvements no development shall commence on the construction of any building within each phase until such time as a BREEAM Design Stage Assessment, carried out by a qualified assessor, demonstrating that the development within that phase can be constructed to a minimum of a BREEAM 'Very Good' Standard has been submitted to and approved in writing by the Local Planning Authority. In addition, prior to the first use of that phase of the development, a final certificate demonstrating that the development has been constructed to BREEAM 'Very Good' Standard shall be provided to the Local Planning Authority.
- 8 With the exception of the A5 highways improvements no development shall commence within each phase until such time as a scheme for protecting residential dwellings from noise from the completed development of that phase has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of development hereby approved and maintained as approved thereafter.
- 9 With the exception of the A5 highways improvements no development shall commence within each phase until such time as a scheme for the external lighting of that phase including details of permanent external lighting including layout plan, lighting types, luminaire type, intensity, mounting height, aiming angles and luminaire profiles, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.
- 10 With the exception of the A5 highways improvements, no development shall commence until such time as a scheme for the external lighting of each phase of the site during the preparation and construction phase, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented as approved for each applicable phase of the development hereby approved and be maintained as approved thereafter.
- 11 With the exception of the A5 highways improvements no development shall commence until such time as a Risk Based Land Contamination Assessment (including landfill gas) has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.
- 12 Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. The assessment shall be fully implemented as approved for each applicable phase of the development hereby approved.

- 13 If, during the course of development, previously unidentified contamination is discovered, development shall cease immediately on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days of its discovery. Prior to the recommencement of development on the affected part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.
- 14 Should any imported fill or cover system be required as part of the Remedial Scheme or site preparation works, prior to installation of the imported fill or cover system, an independent validation of the materials origin and characteristic shall be submitted to and approved in writing by the Local Planning Authority. Only the approved material shall be used on the development site.
- 15 With the exception of the A5 highways improvements no development approved by this permission shall commence until a scheme for the management of land contamination during the site preparation and construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- 16 Notwithstanding the detail submitted, with the exception of the A5 highways improvements no development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.
- 17 With the exception of the A5 highways improvements no development shall commence on the construction of any building until such time as a waste management plan has been submitted to and agreed in writing by the local planning authority. The plan shall then be implemented as approved through each phase of the development and be maintained as approved thereafter in the completed development.
- 18 The development hereby permitted shall comprise no more than the following uses and areas: - Use Class B1(b) Research & Development - 118,413m<sup>2</sup> ; Use Class B1(a) Offices - 14,303m<sup>2</sup> ; Use Class C3 Hotel - 4,500m<sup>2</sup> (100 beds) ; Use Class A1 Local Retail Facilities - 500m<sup>2</sup> ; Use Class A3 Restaurants - 1,000m<sup>2</sup> ; Use Class D2 Leisure - 1,000m<sup>2</sup>.
- 19 No more than 35,524m<sup>2</sup> B1b, 4,290m<sup>2</sup> B1a and 2,100m<sup>2</sup> hotel / service uses shall be occupied on the application site until the Access Junction Improvements shown in ATC drawings ATC-10\_014-A\_2E (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.
- 20 No more than 35,524m<sup>2</sup> B1b, 4,290m<sup>2</sup> B1a and 2,100m<sup>2</sup> hotel / service uses shall be occupied on the application site until the Wood Lane Junction Improvements shown in ATC drawings ATC-MIRA\_A5\_JCT-WDLN-R2 (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.

- 21 No more than 35,524m<sup>2</sup> B1b, 4,290m<sup>2</sup> B1a and 2,100m<sup>2</sup> hotel / service uses shall be occupied on the application site until the A5 Redgate Improvement Scheme shown in ATC drawing ATC-MIRA\_A5\_JCT-RDGT-R3 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 22 No more than 71,048m<sup>2</sup> B1b, 8,580m<sup>2</sup> B1a and 4,200m<sup>2</sup> hotel / services shall be occupied on the application site until the Access Strategy shown in ATC drawings ATC-10\_014-A\_2A-R2, ATC-10\_014-A\_2B-R1, ATC-10\_014-A\_2C-R2, ATC-10\_014-A\_2D-R1 (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.
- 23 No more than 71,048m<sup>2</sup> B1b, 8,580m<sup>2</sup> B1a and 4,200m<sup>2</sup> hotel/services shall be occupied on the application site until the Higham Roundabout Improvement Scheme shown in ATC drawing MIRA/A5/JCT-HGHRDBT-R2 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 24 No more than 71,048m<sup>2</sup> B1b, 8,580m<sup>2</sup> B1a and 4,200m<sup>2</sup> hotel / services shall be occupied on the application site until the Longshoot Roundabout Improvement Scheme shown in ATC drawing MIRA\_A5\_JCT-LNGSH-R3 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 25 No more than 71,048m<sup>2</sup> B1b, 8,580m<sup>2</sup> B1a and 4,200m<sup>2</sup> hotel / services shall be occupied on the application site until the Dodwells Roundabout Improvement Scheme shown in ATC drawing MIRA\_A5\_JCT-DWLRDBT-R2 (or as amended by Road Safety Audit or Detailed Design) is complete and open to traffic.
- 26 In accordance with the requirements of the submitted Environmental Assessment, no development shall commence, with the exception of the A5 highways improvements until such time as a further survey for badgers within the application site relevant to the phase of development and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.
- 27 In accordance with the requirements of the submitted Environmental Assessment, with the exception of the A5 highways improvements, no development shall commence until such time as method statement detailing measures to prevent harm to Great Crested Newts, provision of new habitat and reinstatement of previous habitat has been submitted to an agreed in writing by the Local Planning Authority. The method statement and any mitigation shall be fully implemented before the commencement of any relevant development phase.
- 28 With the exception of the A5 highways improvements no development shall commence until such time as a master surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 29 With the exception of the A5 highways improvements no development shall commence within each phase until such time as drainage plans for the disposal of surface water and foul sewage in accordance with the agreed drainage strategy have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

- 30 With the exception of the A5 highways improvements no development shall commence until a soil handling and reuse strategy has been submitted to and agreed in writing by the local planning authority. All existing site soils should then be managed and reused in accordance with this strategy at all times thereafter.
- 31 With the exception of the A5 highways improvements no development shall commence until such time as a scheme detailing the improvements as generally described in Section 10.13 - 10.18 and Figure 10.1 - off-sites cycle infrastructure improvements within the Supplementary Transport Assessment Report, August 2011, including a proposed programme of implementation, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No more than 35,524m<sup>2</sup> B1b, 4,290m<sup>2</sup> B1a and 2,100m<sup>2</sup> hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Redgate junction and Wood Lane. No more than 71,048m<sup>2</sup> B1b, 8,580 m<sup>2</sup> B1a and 4,200 hotel/service uses shall be occupied until the approved A5 corridor cycle works have been implemented in accordance with the approved implementation programme between Wood Lane and the Higham Roundabout.
- 32 With the exception of the A5 highways improvements, no demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme(s) of Investigation has been submitted to and approved in writing by the local planning authority. The scheme(s) shall include an assessment of significance and research questions; and:-
- The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - No demolition/development shall take place other than in accordance with the approved Written Scheme(s) of Investigation.
- 33 The development in each phase shall not be occupied until the site investigation and post investigation assessment for each phase has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition 32 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 34 In accordance with the requirements of the submitted Environmental Assessment, with the exception of the A5 highways improvements no development shall commence until such time as a further survey for bats within the outbuildings to Lindley Grange and a scheme of any necessary arising mitigation and or compensation has been submitted to an agreed in writing by the Local Planning Authority. The approved details and any mitigation shall be fully implemented before the commencement of any relevant development phase.



**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To define the terms of the reserved matters and for the avoidance of doubt, in the interests of proper planning.
- 4 In the interests of sustainability and to ensure that the development remains controlled and associated with the operations of the Mira. To ensure compliance with Spatial Objectives 12 and 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the benefits of the development to the local area can be maximised to accord with the overarching intentions of the NPPF.
- 6 To reduce the dependency on car travel to and from the site, in the interests of sustainability and highway safety and in accordance with the requirements of Spatial Objective 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 7 It is accepted that the development is not located in a sustainable location; however there are substantial material considerations that support the development. This condition is proposed to ensure that the development achieves its sustainability objectives in line with the overarching intentions of the NPPF and the general principles of Spatial Objective 12 of the Adopted Hinckley and Bosworth Core Strategy.
- 8 To protect the environment in accordance with Policy NE4 of the Hinckley and Bosworth Local Plan.
- 9&10 To safeguard the amenities of nearby occupiers and to ensure that there is no unnecessary light pollution, in accordance with the requirements of Policies BE1 (criterion i) and BE26 of the Hinckley and Bosworth Local Plan.
- 11-13 To protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.
- 14 To ensure that contaminated material is not introduced onto site and to protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.
- 15 To protect the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.
- 16 To safeguard the amenities of nearby occupiers in accordance with the requirements of Policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan.
- 17 To ensure that adequate provision is made for the management of construction and operation of waste arising from the development. To ensure compliance with paragraph 17 and the overarching intentions of the NPPF.

- 18-25 To ensure that the A5 Trunk Road continues to serve its purpose as part of a system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from vehicles accessing the application site and in the interests of road safety.
- 26&27 To conserve, enhance and restore the diversity of England's wildlife in accordance with Paragraphs 109, 117 and 118 of the NPPF to ensure that badgers or their setts are not harmed by the proposals in accordance with the Protection of Badgers Act 1992.
- 28 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with the requirements of Adopted Local Plan Policies NE1 and NE14.
- 29 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. In accordance with the requirements of Adopted Local Plan Policies NE1 and, NE14.
- 30 Good quality soil is a finite resource and given the development will result in the loss of 43ha of Grade 3 agricultural land it is reasonable and necessary that the soils form the site should be used as sustainably as possible. To ensure compliance with Paragraph 109 of the NPPF.
- 31 To ensure useable cycle routes are available to and from the site, to reduce the dependency on car travel, in the interests of sustainability and highway safety and in accordance with the requirements of Spatial Objective 13 of the Adopted Hinckley and Bosworth Core Strategy and Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 32-33 To ensure satisfactory archaeological investigation and recording in accordance with the requirements of Policies BE13, BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and the paragraphs 126 and 128 of the NPPF.
- 34 To conserve, enhance and restore the diversity of England's wildlife in accordance with paragraphs 109, 117 and 118 of the NPPF and to ensure that bats or their roosts are not harmed by the proposals in accordance with the Wildlife and Countryside Act 1981.

#### **Notes to Applicant:-**

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design, construction and supervision of the works.
- 6 The applicant should be made aware that any works undertaken to the Highways Agency network are carried out under the Network Occupancy Management policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The HA's Area 7 Managing Agent Contractor contact details for these matters is area7.roadspace@aone.uk.com. Please contact Mr Alan Darby of the HA's East Midlands Network Delivery and Development Directorate on 07900 535 262 at an early stage to discuss the details of the highway agreement.
- 7 A section S61 agreement under the Control of Pollution Act 1974 should be considered.
- 8 The scheme required by condition 28 shall include:-

ES Section 17. 53 - Limiting surface water run-off from the site to the greenfield run-off rate of 5l/s/ha for all rainfall events up to the 100 year plus 20% for climate change rainfall events.

ES Sections 17. 54 and 17.82 - The use of SUDs systems within the site including filter drains and strips, porous paving to car parking areas, swales and attenuation ponds, and rainwater harvesting, to attenuate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 20% for climate change critical rain storm.

ES Section 17.88 and 17.93 - A minimum freeboard of 300mm above the 100 year plus 20% (for climate change) flood level and the proposed finished floor level of any building.

S Appendix 17.2 - Results from percolation tests undertaken in accordance with BRE Digest 365 (or CIRIA Report 156), to confirm that infiltration drainage is not a viable option, prior to and in support of the detailed drainage design.

Detailed drawings and tabulated information:-

A master drainage plan drawing showing each phase/catchment area, detailing the proposed SUDs system types to be used in each phase/catchment, the attenuation volumes for each SUDs element and discharge rates proposed for individual catchment or plot, based on the proposed impermeable area, and not the overall area of each catchment.

The cumulative discharge rates to be passed forward from each phase when it drains into another, and the final discharge rates from each outfall taking flows off of the site. Simple calculations in support of the above (not detailed drainage design unless it is already available).

The above information in an easily readable table format, including which catchments drain to which outfall.

A phasing plan and table clarifying which downstream drainage elements need constructing in order to provide each upstream catchment/plot, eg. Zone 2 (East) needs elements of Zones 2 (West) and Zone 1 to be in place in order for this catchment to be constructed.

Details of how surface water run-off will be managed during the construction phase, including but not exclusive of eg, SUDs drainage elements to be constructed at the

groundworks phase of the development. As areas cleared of vegetation can increase silt pollution and surface water run-off, leading to increased flood risk.

Details of how the scheme shall be maintained and managed after completion.

A drainage design compliance procedure to monitor the provision of the master surface water drainage scheme, impermeable areas, attenuation volumes, and flow controls, including an auditing process to include checking and certification that each phase of the development complies with the agreed scheme. Each stage of the development will be presented to the Environment Agency as evidence that the agreed scheme has been followed.

Reference to the following CIRIA and other documents within the detailed design of the surface water drainage system:- C689 Culvert design and operation guide; C687 planning for SuDS making it happen; C698 Site handbook for the construction of SuDS;

The GRO Green Roof Guide - As this will highlight buildings where it is possible to use these as part of the development eg security buildings at gated entrances.

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

**Contact Officer:-** Eleanor Overton Ext 5680

**Item:** 03

**Reference:** 13/00621/REM

**Applicant:** Mira Technology Park Ltd

**Location:** Mira Ltd Watling Street Caldecote

**Proposal:** Reserved Matters application for A5 widening works pursuant to planning permission 11/00360/OUT (EIA Development)

**Target Date:** 23 October 2013

#### **Introduction:-**

This application is to be considered at Planning Committee as it comprises a Reserved Matters application to a Major application which was subject to Environmental Impact Assessment.

#### Application Proposal

This is a reserved matters application for A5 widening works pursuant to planning permission 11/00360/OUT.

The application proposes the widening of the northern side of the A5 corridor in both directions, along with improvements to existing junction/roundabouts and the creation of a

roundabout to provide a new access to Mira. In addition a comprehensive landscaping strategy has been provided for the site.

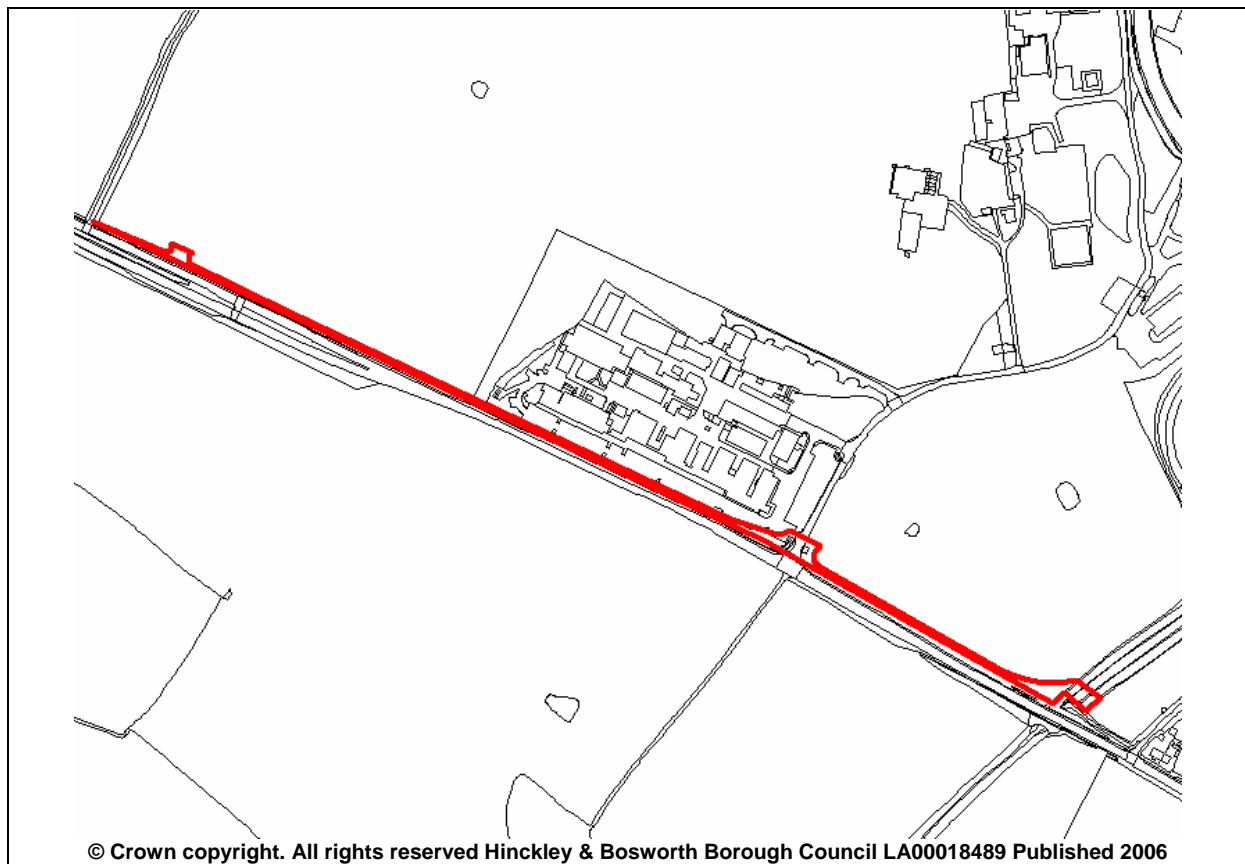
For clarity, the landscaping proposals have been provided for the entire length of the A5 improvements, however as only a small section of these works fall within the Borough of Hinckley and Bosworth, only these are subject of consideration in this scheme, the additional plans are indicative only and have been submitted to provide context.

### Site and Surrounding Area

The application site comprises a narrow strip of land to the north of the A5, including the existing MIRA access. The site extends from land adjacent to the access of Rawden Lodge at the west, to the disused railway line to the east. The site has an area of approximately 1.015 ha. The central section of the site is within the existing MIRA headquarters area, with that either side comprising agricultural land (or its boundaries).

### **Relevant Planning History:-**

13/00603/CONDIT	Variation of conditions 5 - 11, 15 - 17, 26 - 32 and 34 of planning permission 11/00360/OUT	Pending Consideration	
13/00683/CONDIT	Removal of conditions 24 and 25 of planning permission 11/00360/OUT	Pending Consideration	
13/00468/FUL	Erection and installation of a Electricity sub - station, creation of a new pedestrian and vehicular access, proposed landscaping, boundary treatments and other associated works	Pending Consideration	
11/00360/OUT	Business technology campus comprising replacement MIRA headquarters, office, research and manufacturing facilities, hotel and local facilities including retail/ cafe/restaurant, indoor and outdoor leisure, ancillary energy generation plant/equipment, internal access roads, car parking, landscaping drainage and associated works and creation of new improvement access points, widening of A5, associated earth works and landscaping (outline: access only) (cross boundary application with North Warwickshire Borough Council) (departure from the Development Plan) (EIA development)	Approved	09.03.12



### **Consultations:-**

No objection has been received from:-

Director of Environment and Transport (Highways)  
Severn Trent Water Limited  
Environment Agency  
Highways Agency  
Natural England  
Directorate of Chief Executive, LCC (Ecology)  
Leicestershire County Council Chief Executive (County Planning Authority)  
Head of Community Services (Pollution)  
North Warwickshire Borough Council (NWBC).

No objection subject to conditions received from:-

Director of Chief Executive (Archaeology)  
Head of Community Services (Land Drainage).

Site notice and press notice were displayed and neighbours notified.

One letter of neighbour representation received raising the following concerns:-

- a) highway concerns in respect of the junction improvements proposed to Wood Lane. It is considered that these improvements may result in vehicles travelling faster along Wood Lane which is well used by cyclists and may therefore result in additional danger to them
- b) that there were no road names detailed on the plans

c) the proposed improvements to Wood Lane would not be beneficial to the residents of Higham.

Owing to the nature and scale of the development there has been an extensive amount of consultation with specialist organisations, however for the avoidance of doubt those organisations consulted but that haven't responded are:-

Director of Environment and Transport (Rights of Way)  
Ramblers Association  
Warwickshire County Council (Highways)  
Higham on the Hill Parish Council  
Witherley Parish Council  
Nuneaton & Bedworth Borough Council  
Leicestershire & Rutland Playing Fields Association  
Leicestershire Badger Group  
National Grid  
Cyclists Touring Club.

### **Policy:-**

#### Enterprise Zone Designation

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

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

#### Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 1: Strong and Diverse Economy  
Spatial Objective 13: Transport and Need to Travel

#### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE14: Archaeological Field Evaluation of Sites  
Policy BE16: Archaeological Investigation and Recording  
Policy BE17: Historic Battlefields  
Policy BE26: Light Pollution  
Policy NE5: Development in the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T11: Traffic Impact Assessment  
Policy REC9: Access to the Countryside.

#### Other Material Policy Documents

None relevant.

## **Appraisal:-**

As the in principle acceptability of the MIRA redevelopment scheme and the new highway and access proposals were approved at outline stage under reference (11/00360/OUT) the main issues for consideration in this application are those concerning layout, design and appearance, landscaping and other issues.

### Layout

Given the lateral spatial constraints of the A5, in order to facilitate its widening, a thin strip of land to its north, within the ownership of MIRA is proposed to be included. This land predominantly comprises an existing landscaped area including a native hedgerow. The carriageway is to be widened by a minimum width of 2 metres and a maximum width of 4 metres. Within this area, consistent with the Travel Plan (submitted with the outline application), shared cycle and footpath provision will be provided to the formally agreed width (4.0 metres along the frontage of the MIRA Technology Park and between 2.0 metres and 3.0 metres) elsewhere. In addition, improved crossing facilities and signage have been proposed. This layout will encourage the use of alternative, more sustainable modes of transport, and will connect MIRA to the existing footpath/cycle provisions within the vicinity.

The most substantial development within the area is the provision of a new roundabout at the existing MIRA access, the layout of which has been previously approved and agreed by the Highway Agency.

The A5 road follows the course of the Roman Watling Street and recent archaeological evaluation undertaken by University of Leicester Archaeological Services (ULAS report 2011-148) has shown the presence of Roman roadside occupation to the north of Watling Street within the main application area. The archaeological remains included pits, a possible trackway, postholes indicative of former structures, and finds including a rotary quern stone. The detailed excavation of this area is yet to be undertaken and the proposed A5 widening works are likely to impact the archaeological remains present, as well as possibly revealing further evidence for the former Roman road, its construction, or activity associated with it.

Accordingly the Director of Chief Executive (Archaeology) originally requested that further archaeological information was provided:-

Prior to the approval of this application a Written Scheme of Investigation detailing the proposed groundworks involved in the road widening scheme, phasing and the proposed archaeological mitigation associated with different phases is required.

This additional information has been received and the Director of Chief Executive (Archaeology) now raises no objection to the proposed road layout subject to a condition requiring the development to be undertaken in accordance with the approved Written Scheme of Investigation (ULAS 13-695) for a programme of archaeological work.

The residential properties most likely to be impacted upon by this proposal are Lindley Lodge Cottages and The Elms Farm. However by virtue of their distance from the site, the relatively minor nature of the works to be undertaken (in comparison with the entire MIRA redevelopment scheme) and the working restrictions along the A5, the proposed works are not considered to result in a material level of noise and disturbance upon the occupants of these dwellings.

The Head of Community Services drainage has stated that details of the proposed carriageway areas will be required. If there is a ditch on the northern side highway boundary (open/and or culverted), this feature should be recreated on the new boundary. Alternatively,



cross sectional profile permitting, carriageway drainage may be achieved by parallel ballast-filled filter drains. This request has been sent to the agent. Comments have been received that the request is too general and thus it has been that a condition would be most appropriate in this case. Accordingly the drainage details will be requested by way of condition.

Accordingly, based on the above, subject to the suggested conditions, the proposed layout is not considered to result in any materially significant impacts on either the character of the countryside, archaeology, drainage or on the residential amenity of nearby dwellings.

### Appearance

The appearance of the road widening scheme, will largely be a product of its functional requirements. Although the widening works will inevitably result in the loss of some existing landscaping along the A5, where possible/necessary new vegetation and replacement native hedgerow will be planted. In addition, in order to retain the green boundary to the site, the proposed post and wire fencing, which will run along the entire site frontage will be planted with hedgerow to either side. The proposed landscaping will be discussed in further detail below. The appearance of the road widening works will be in keeping with the general characteristics of the area, which is dominated by the A5, however the landscaping will help soften the proposal and assimilate it within its setting and the proposed foot/cycle path will result in a variation of hard-surfacing and will signalise the multifunctional use of the area.

### Landscaping

As briefly discussed above, where necessary/relevant new vegetation and replacement native hedgerow will be planted. This said, the scale of new planting has been kept to a minimum as it is not within the developers commercial interest to completely screen the development. The degree of landscaping proposed will soften the appearance of the development in addition to aiding its assimilation within the surrounding area. Furthermore, the more formalised tree planting along the existing MIRA frontage, along with the ornamental shrubbery proposed either side of the new access and to the centre of the proposed roundabout will add the required element of prestige to the development. Therefore the landscaping proposed is considered acceptable.

### Other Issues

Issues raised within the letters of representation, not previously discussed will be considered below:-

Any highway improvements to the junction of Wood Lane are required to improve highway safety and were previously agreed at the outline stage. As this is a highway safety consideration, it is not for determination with this reserved matters application.

The plans subject of this application met the validation requirements; one of which is the inclusion of a plan indicating road names.

### Conclusion

The proposed road widening works are required to facilitate the delivery of the MIRA redevelopment, as approved in principle at outline stage (11/00360/OUT). The works subject of this application are minor in comparison to the scale of the overall scheme. The design/appearance, layout and landscaping proposed is largely influenced and controlled by the technical and operational requirements of the highway. This said, the scheme aims to retain where possible and upgrade where not, the native hedgerow and proposes a degree

of additional boundary landscaping. Accordingly the existing green boundaries to the site will not be lost through the development and the proposal will be compatible with, and not materially harmful to, the character or appearance of the surrounding countryside. Furthermore, the proposed widening works incorporate the improved facilities for cycling/walking as identified within the Travel Plan.

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the development proposed would not result in any adverse material impacts upon the character of the street scene, the surrounding countryside, highway safety or residential amenity. Therefore the development is considered acceptable.

Hinckley and Bosworth Local Plan ( 2001):- BE1 (criteria a and i), BE13, BE14, BE16, BE17, BE26, NE5, NE12, NE14, T5, T11 and REC9.

Local Plan 2006-2026: Core Strategy (2009):- Policies Spatial Objective 1 and Spatial Objective 13.

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 shall be carried out strictly in accordance with the conditions set out in the outline planning permission 11/00360/OUT except as may be modified herein.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted application details, as follows:- Location Plan Drg Ref 1000; Junctions Section "A" ref 10/014-A/2A-R4; Junctions Section "B" Ref 10/014-A/2B-R3; Junction Section "C" Ref 10/014-A/2C-R3; Junction Section "D" 10/014-A/2D-R3; Landscape Drg Nos.1238-HWY-GL-103-106 received by the Local Planning Authority on 25 July 2013.
- 3 The development hereby permitted shall not commence until drainage plans for the disposal of surface water 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 brought into use.
- 4 The approved landscaping scheme as shown on the Landscape Drg Nos.1238-HWY-GL-103-106 received by the Local Planning Authority on 25 July 2013 shall be carried out within the first planting season following the completion of the A5 road widening works hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 5 No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation (ULAS 13-695) for a programme of archaeological work.

**Reasons:-**

- 1&2 For the avoidance of doubt and in the interests of proper planning
- 3 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 risk of pollution to accord with Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the landscaping scheme is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure satisfactory archaeological investigation and recording in accordance with the requirements of Policies BE13, BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan.

**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](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Eleanor Overton      Ext 5680

**Item:** 04  
**Reference:** 13/00478/EXT  
**Applicant:** Farland Trading Ltd  
**Location:** Land Adjacent 121 Station Road Bagworth  
**Proposal:** Extension of time for extant planning permission 10/00561/EXT for mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access  
**Target Date:** 4 September 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 an extension of time to the three year time limit for the implementation of full planning permission for a mixed use development comprising three retail units (use class A1, A3 and D1) and nine apartments with an associated access.

The proposal was granted at appeal in 2007 (reference APP/K2420/A/07/2040111) and granted an extension of time in 2010 (reference 10/005661/EXT). In 2010 the scheme was subject to a viability appraisal as following the adoption of the Core Strategy, the proposal triggered a requirement for affordable housing under Policy 15. It was found that the proposal was not economically viable if the affordable dwellings were provided.

The proposal consists of one terrace that wraps around the corner of Station Road and Maynard Close, with the three commercial units at ground floor level with flats above. 33 parking spaces are shown to the west of the building with access from the service road to the south of the site.

The Site and Surrounding Area

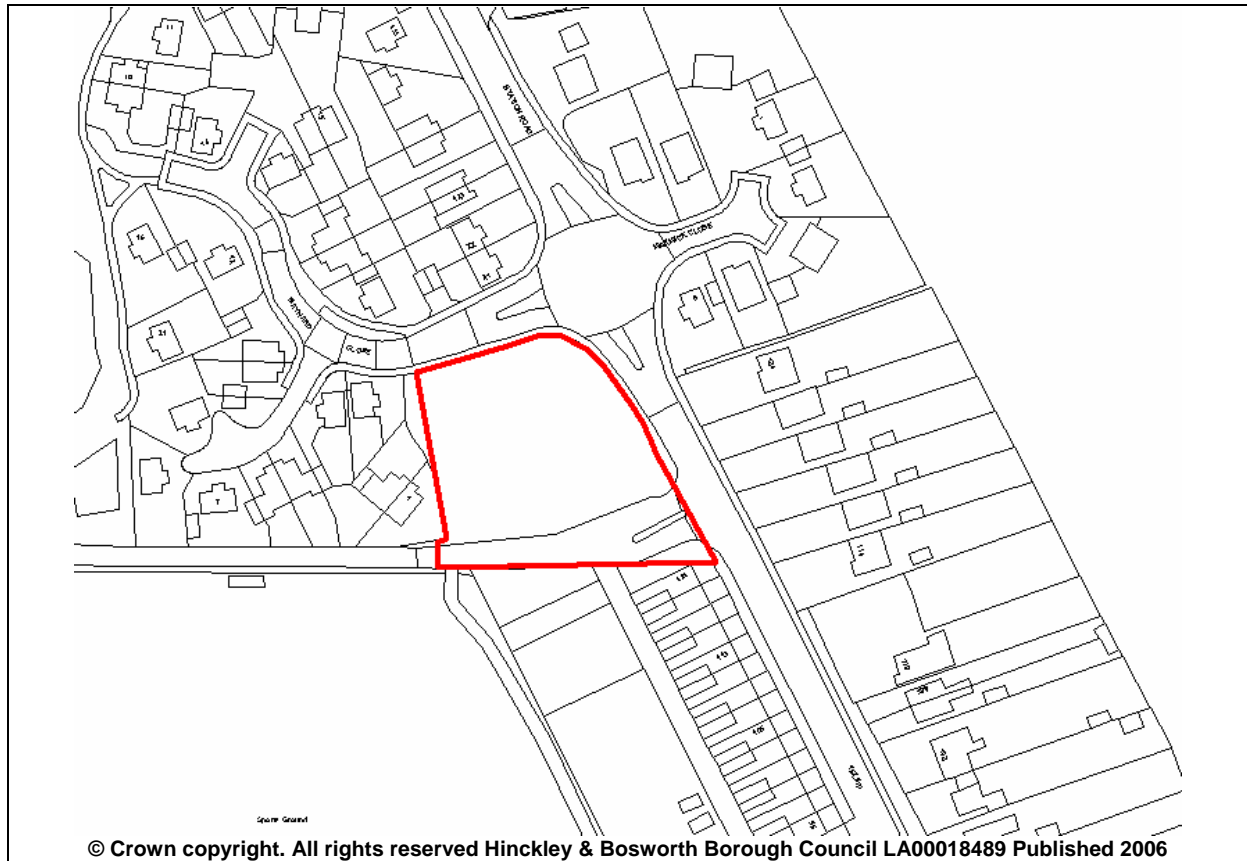
The application relates to a site to the west of Station Road, and south of Maynard Close, Bagworth. The site is currently waste ground with a slight dip in the centre. Residential properties surround the site to the north, east and south east with a sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Drive and Warwick Close.

Technical Documents submitted with application

None relevant.

**Relevant Planning History:-**

10/00510/EXT	Extension of time application for planning permission 10/00557/FUL for mixed use development comprising of a retail unit (use class A1) and eight dwellings with associated parking and access	Pending Consideration	
10/00557/FUL	Mixed use development comprising of a retail unit (use class A1) and eight dwellings with associated parking and access	Approved	01.09.10
10/00561/EXT	Extension of time for extant planning permission 06/01114/FUL for mixed use development comprising three retail units (Use Class A1, A3 And D1) and nine apartments with associated parking and access	Approved	15.09.10
06/01114/FUL	Mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access	Refused (Allowed on Appeal)	09.08.07
02/00374/REM	Erection of 55 dwellings and associated works	Approved	10.10.02
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.02
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of planning permission 99/00820/OUT	Approved	17.04.02
01/01041/REM	External building materials and landscaping	Approved	07.12.01
99/00820/OUT	Residential development and associated open space including village green and play areas and provision of a local retail facility	Approved	01.05.01



**Consultations:-**

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

No objection subject to conditions have been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) no request made
- b) Director of Children and young Peoples Services (Education) no request made
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £640 towards improving the Coalville Civic amenity site to off set the impact of the development upon this facility
- d) Director of Adults and Communities (Libraries) requests a contribution of £490 towards improving facilities at Coalville Library to accommodate the increase in population as a result of this application.

Bagworth Parish Council have not commented on the application however the Clerk has provided information as to what improvements are planned for the Community Centre Recreation Site.

Site notice and press notice were displayed and neighbours notified.

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

- a) building is too big and out of keeping with the surrounding properties
- b) overlooking
- c) loss of light
- d) would exacerbate an already bad parking problem on Maynard Close
- e) three retail units in a residential location is too much
- f) increase in noise and pollution
- g) overdevelopment.

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

The Primary Care Trust  
The Leicestershire Constabulary Crime Reduction Officer  
Director of Environment and Transport (Rights of Way)  
Head of Community Services (Pollution)  
Head of Corporate and Scrutiny Services (Green Spaces).

### **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 7: Key Rural Centres  
Policy 10: Key Rural Centres within the National Forest  
Policy 15: Affordable Housing  
Policy 19: Green Space and Play Provision.

#### Hinckley and Bosworth Local Plan (2001)

Policy IMP1 Contributions towards the provision of infrastructure and facilities  
Policy RES5: Residential proposals on unallocated sites  
Policy BE1: Design and Siting of Development  
Policy T5: Highway design and Vehicle Parking Standards  
RETAIL 9: Proposed Local Shopping Centres  
REC3: New Residential Development  
NE2: Pollution  
NE14: Surface Water Quality.

#### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space guide (SPD)

#### Other Material Policy Guidance

Green Spaces Strategy 2005-2010  
Green Spaces Quality/Accessibility Audit 2005.

## **Appraisal:-**

The main consideration with regard to this application are whether there have been any material changes in planning policy since the previous application, that would affect the determination of the application; if the viability situation has changed and if the originally imposed conditions are still required.

### Policy

Since the 2010 application was considered the only change in planning policy is the coming into force of the National Planning Policy Framework (March 2012). The NPPF is intended to simplify the previous regime of planning policy statements and provides a presumption in favour of sustainable development. It confirms that there are three strands to the definition of sustainable development, those being economic, social and environmental.

The site is located within the defined settlement boundary of Bagworth. The proposal seeks to provide community facilities in accordance with Core Strategy Policy 10 that seeks to provide a local shop and services within Bagworth, and Local Plan Policy Retail 9 that proposes to safeguard the site for a local shopping centre. The proposal would therefore provide local services to a village location that currently does not have any, and is considered to be a form of sustainable development consistent with the objectives of the NPPF.

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions and obligations are still relevant and necessary, and whether additional conditions or obligations should be imposed.

### Developer Contributions

#### 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 informal play and open space in accordance with Policies REC3 supported by the Play and Open Space SPD.

The site is located within 400 metres of the Community Centre, Station Road equipped site.

Within the Green Space Strategy Bagworth had a deficiency of -0.04 ha per population of equipped play space and -0.03 ha per population of casual informal space. Within Open Space, Sport and Recreation Facilities Study the Community Centre Site was given a score



of 26.7%. It is envisaged that this development will result in an increased use of this facility due to the family sized dwellings being proposed.

There is a deficiency of informal play space within Bagworth 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 £10,631.80 consisting of the following elements:-

- a) £6,165.90 for provision of Children's equipped play space off site
- b) £785.40 for provision of informal unequipped play space off-site
- c) £3,004.75 towards maintenance of the off-site provision
- d) £675.75 toward maintenance of informal unequipped play space off-site.

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 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.

#### 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 or more. As this scheme is in the 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 Bagworth indicates that there are 476 applicants seeking affordable housing of which 207 were seeking 1 bedroomed dwellings; 172 two bedroomed dwellings; 72 three bedroomed dwellings and; 25 four bedroomed dwellings. There is therefore a high demand for properties within the Bagworth area.

Policy 15 requires 3 of the proposed 9 units to be affordable.

There is an identified need for affordable units within Bagworth 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.

### Other requests

The following requests for contributions have been received:-

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £640 towards improving the Coalville Civic amenity site to off set the impact of the development upon development upon this facility.
- b) Director of Adults and Communities (Libraries) requests a contribution of £490 towards improving facilities at Coalville Library to accommodate the increase in population as a result of this application.

The contributions are requested in respect of the residential element. Since this only equates to 9 dwellings it is considered to be below the threshold for which contributions can be requested.

### Viability

In 2010 the applicant submitted information relating to the costs of the site and development to demonstrate that the site cannot return both a profit and the affordable housing. This was independently assessed and verified and as such the application was not subject to an agreement under S106.

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 applicants have failed to submit a viability appraisal in relation to this application and therefore without evidence to the contrary it is considered that the applicant be requested to enter into a S106 agreement to secure the affordable housing and play and open space contributions. The applicant has indicated that they are not prepared to enter into an agreement and therefore have failed to comply with Policy 15 of the Core Strategy or Policy IMP1 and REC3 of the Local Plan.

### Conditions

Additional conditions have been requested by Severn Trent Water and Head of Community Services (Land Drainage).

It is considered that in the interests of sustainable drainage, and to prevent flooding that a drainage condition should be added.

### Conclusion

This application seeks consent for an extension of time for an application originally granted in 2007 and extended once in 2010. Having considered the site, policy considerations and any other material changes, there are not considered to be any material changes against the principle of the development. However, the applicant has not submitted a viability report and has refused to enter into a S106 agreement to secure the affordable dwellings and play and open space contributions. The proposal is considered to be contrary to Policy 15 of the Core Strategy and Policy IMP1 and REC3 of the Local Plan and therefore it is recommended that the application be refused.

**RECOMMENDATION:- REFUSE, for the following reasons:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

This application seeks consent for an extension of time for an application originally granted in 2007 and extended once in 2010. Having considered the site, policy considerations and any other material changes, there are not considered to be any material changes against the principle of the development. However the applicant has not submitted a viability report and has refused to enter into a S106 agreement to secure the affordable dwellings and play and open space contributions. The proposal is considered to be contrary to Policy 15 of the Core Strategy and Policy IMP1 and REC3 of the Local Plan and therefore it is recommended to refuse the application.

**Reasons:-**

- 1 In the opinion of the Local Planning Authority, the applicant has failed to provide evidence to satisfy the LPA that the proposal would not be economically viable if the provision of affordable housing in accordance with Policy 15 of the Core Strategy was required and the proposal does not therefore comply with the requirements of Policy 15 of the Core Strategy, Policy IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Affordable Housing.
- 2 In the opinion of the LPA the applicant has failed to provide proposals to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development and as such it would not accord with, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

**Contact Officer:-** Sarah Fryer Ext 5682

**Item:** 05

**Reference:** 13/00510/EXT

**Applicant:** Farland Trading Ltd

**Location:** Land Adjacent 121 Station Road Bagworth

**Proposal:** Extension of time application for planning permission 10/00557/FUL for mixed use development comprising of a retail unit (use class A1) and eight dwelling with associated parking and access

**Target Date:** 31 July 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a simultaneously submitted application on the above site is a major application and the Development Control Manager considers that to ensure consistency the two applications should be considered at the same time.

## Application Proposal

This application seeks an extension of time to the three year time limit for the implementation of full planning permission for a mixed use development comprising a retail unit (use class A1), six houses and two flats with associated parking and access.

The application was originally granted in 2010 (reference 10/00557/EXT). This scheme was subject to a viability appraisal as following the adoption of the Core Strategy, the proposal triggered a requirement for affordable housing under Policy 15. It was found that the proposal was not economically viable if the affordable dwellings were provided.

The retail unit would have a gross floor area of 105 m<sup>2</sup>, and be located on the corner of Station Road, Maynard Close and the access track to the cricket club and recreational space. Four parking spaces are proposed for the unit, one of which is designated for disabled use.

The residential accommodation consists of two, 2-bedroomed residential maisonettes above the retail unit each with its own access. The six dwellings would all be 3- bedroomed, 4 of which are detached with 2 semi-detached. It is proposed that all dwellings would have private amenity areas and two off-street parking spaces.

## The Site and Surrounding Area

The application relates to a site with an area of 0.25ha to the west of Station Road, and south of Maynard Close, Bagworth. The site is currently waste ground with a slight dip in the centre. Residential properties surround the site to the north, east and south east with a sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Drive and Warwick Close.

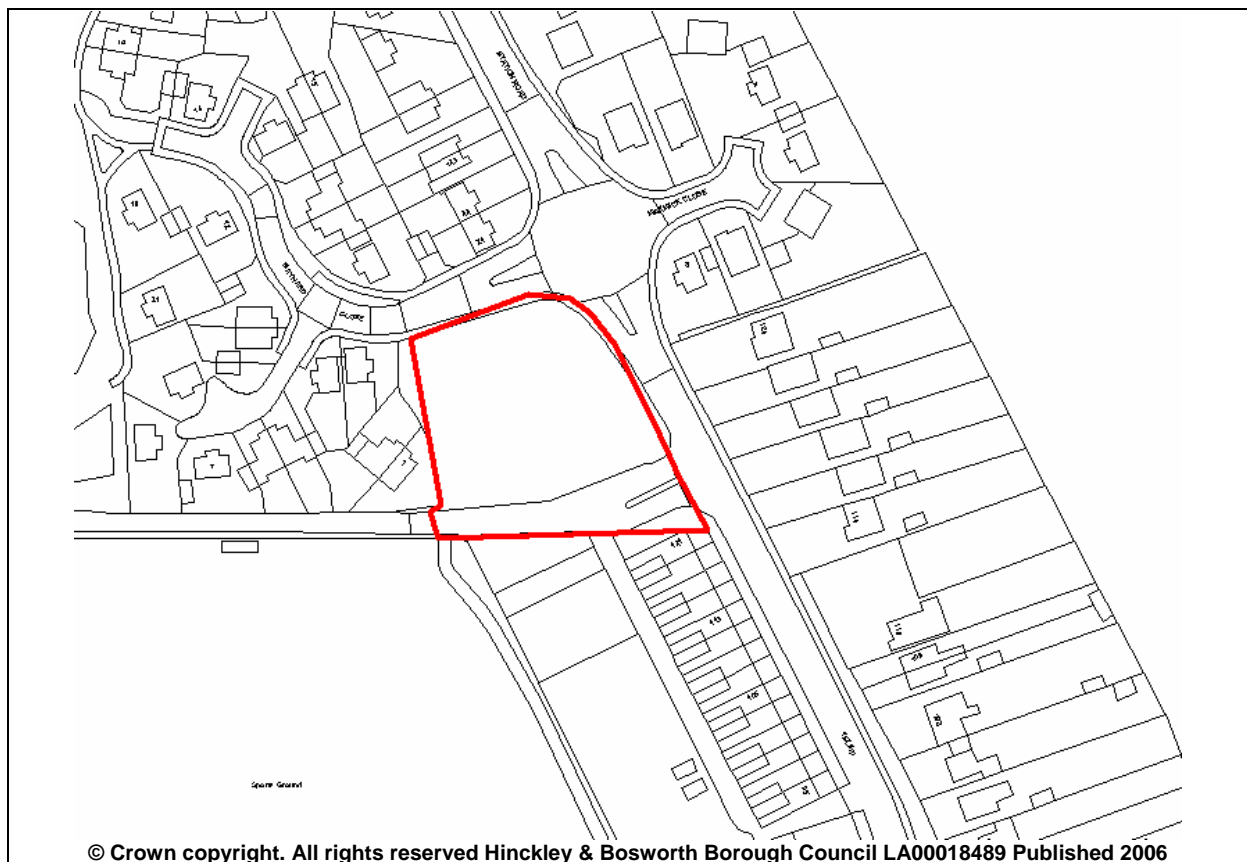
## Technical Documents submitted with application

Viability assessment

### **Relevant Planning History:-**

10/00478/EXT	Extension of time application for planning permission 10/00561/FUL for mixed use development comprising of three retail units (use class A1, A3 and D1) and nine apartments with associated parking and access	Pending Consideration	
10/00557/FUL	Mixed use development comprising of a retail unit (use class A1) and eight dwellings with associated parking and access	Approved	01.09.10
10/00561/EXT	Extension of time for extant planning permission 06/01114/FUL for mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access	Approved	15.09.10

06/01114/FUL	Mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access.	Refused (Allowed on Appeal)	09.08.07
02/00374/REM	Erection of 55 dwellings and associated works	Approved	10.10.02
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.02
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of planning permission 99/00820/OUT	Approved	17.04.02
01/01041/REM	External building materials and landscaping	Approved	07.12.01
99/00820/OUT	Residential development and associated open space including village green and play areas and provision of a local retail facility	Approved	01.05.01



## **Consultations:-**

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

No objection subject to conditions have been received from:-

Severn Trent Water Limited  
Head of Business Development and Street Scene Services  
Head of Community Services (Land Drainage).

Bagworth Parish Council have not commented on the application however the Clerk has provided information as to what improvements are planned for the Community Centre Recreation Site.

Site notice was displayed and neighbours notified.

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

- a) increase in traffic
- b) conflict with access to sports pitches
- c) proposal is too dense in an area suffering from heavy traffic
- d) proposal would result in on street parking in vicinity of the site.

## **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 7: Key Rural Centres  
Policy 10: Key Rural Centres within the National Forest  
Policy 15: Affordable Housing  
Policy 19: Green Space and Play Provision

### Hinckley and Bosworth Local Plan 2001

Policy IMP1 Contributions towards the provision of infrastructure and facilities  
Policy RES5: Residential proposals on unallocated sites  
Policy BE1: Design and Siting of Development  
Policy T5: Highway design and Vehicle Parking Standards  
RETAIL 9: Proposed Local Shopping Centres  
REC3: New Residential Development  
NE2: Pollution  
NE14: Surface Water Quality

### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space Guide (SPD)

## Other Material Policy Guidance

Green Spaces Strategy 2005-2010  
Green Spaces Quality/Accessibility Audit 2005

### **Appraisal:-**

The main consideration with regards to this application are whether there have been any material changes in planning policy since the previous application, that would affect the determination of the application; if the viability situation has changed and if the originally imposed conditions are still required.

### Policy

Since the 2010 application was considered the only changes in planning policy are the arrival of the National Planning Policy Framework (March 2012). The NPPF is intended to simplify the previous regime of planning policy statements and provides a presumption in favour of sustainable development. It confirms that there are three strands to the definition of sustainable development, those being economic, social and environmental.

The site is located within the defined settlement boundary of Bagworth. The proposal seeks to provide community facilities in accordance with Core Strategy Policy 10 that seeks to provide a local shop and services within Bagworth, and Local Plan Policy Retail 9 that proposes to safeguard the site for a local shopping centre. The proposal would therefore provide local services to a village location that currently does not have any, and is considered to be a form of sustainable development consistent with the objectives of the NPPF.

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions and obligations are still relevant and necessary, and whether additional conditions or obligations should be imposed.

### Developer Contributions

#### 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 informal play and open space in accordance with Policies REC3 supported by the Play and Open Space SPD.

The site is located within 400 metres of the Community Centre, Station Road equipped site.

Within the Green Space Strategy Bagworth had a deficiency of -0.04 ha per population of equipped play space and -0.03 hectares per population of casual informal space. Within Open Space, Sport and Recreation Facilities Study the Community Centre Site was given a score of 26.7%. It is envisaged that this development will result in an increased use of this facility due to the family sized dwellings being proposed.

There is a deficiency of informal play space within Bagworth 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 £10,006.40 consists of the following elements:-

- £5,803.20 for provision of Children's equipped play space off site
- £739.20 for provision of informal unequipped play space off-site
- £2,828.00 towards maintenance of the off-site provision
- £636.00 toward maintenance of informal unequipped play space off-site.

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 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.

### 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 or more. As this scheme is in the 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 Bagworth indicates that there are 476 applicants seeking affordable housing of which 207 were seeking 1 bed roomed dwellings; 172 two bed roomed dwellings; 72 three bed roomed dwellings and; 25 four bed roomed dwellings. There is therefore a high demand for properties within the Bagworth area.

Policy 15 requires 2 of the proposed 8 units to be affordable.

There is an identified need for affordable units within Bagworth 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.



## Viability

In 2010 the applicant submitted information relating to the costs of the site and development to demonstrate that the site cannot return both a profit and the affordable housing. This was independently assessed and verified and as such the application was not subject to an agreement under S106.

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 applicants have submitted a viability appraisal which has been independently checked by external consultants. They have concluded that whilst small savings can be made they would not be sufficient to provide a reasonable profit and meet the Policy requirement for affordable housing. It is the consultants opinion however that the savings can meet the play and open space contribution of £10,006.40. This will be sort through an agreement under S106. It is considered that given that in this instance it is not possible to request the affordable housing requirement as required by Policy 15 of the adopted Core Strategy.

## Conditions

Additional conditions have been requested by Severn Trent Water, Head of Business Development and Street Scene Services and Head of Community Services (Land Drainage).

It is considered that in the interests of sustainable drainage, and to prevent flooding that a drainage condition should be added.

The Head of Business Development and Street Scene Services has requested a condition to show waste collection areas at the highway boundary. Four of the dwellings face on to the highway allowing good direct access to the highway and collection area. Two other units (C1 and C2) are more remote, however still face on to the road and there is sufficient space adjacent to the retail unit for bins to be placed without obstructing pedestrians within the highway. Given this space it is not considered that a condition is required.

## Conclusion

This application seeks consent for an extension of time for an application originally granted in 2010. Having considered the site, policy considerations and any other material changes, there are not considered to be any material changes that would result in a different conclusion being reached. The applicant submitted a viability report demonstrating that the proposal would not be able to provide the 2 affordable dwellings required to comply with Policy 15 of the Core Strategy. This appraisal has been independently verified by consultants. Therefore, subject to the additional drainage comment, the proposal is considered to comply with Policies RES5, BE1 and Retail 9.

**RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards off site play and open space, the Head of Planning shall be granted delegated powers to granted planning permission subject to the conditions below. Failure to complete the said agreement by 15 January 2014 may result in the application being refused:**

## Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting, design and appearance and provision of a retail store the proposal is considered to provide a local retail facility, not detrimentally affect the amenities of neighbouring residents, or result in a severe danger to users of the highway. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, T5, RETAIL 9, REC3, NE2 and NE14.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 10, 15 and 19.

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:- L114 (90) 01, (PL) 01, (PL) 04, (PL) 05 attached to file 10/00557/FUL and received on 23 July 2010 (PL) 06, (PL) 07 attached to file 10/00557/FUL received 13 August 2010.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 The development hereby permitted shall not begin until a scheme showing the improvements to the junction of the access road with Station Road have been submitted to and approved in writing by the Local Planning Authority. No development hereby approved shall be occupied until the vehicular access has been improved in accordance with the approved details.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) means of enclosure
  - b) hard surfacing materials
  - c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - d) planting plans
  - e) written specifications
  - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - g) implementation programme.

- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 No dwelling hereby approved shall be occupied until the retail unit is open and trading for business.
- 8 Development shall not begin until drainage details including plans for the disposal of foul and surface water, incorporating sustainable drainage principles and an assessment of the hydroleological context of the development, have been submitted to and approved by the Council, and the scheme subsequently be implemented in accordance with the approved details before the development is completed.

**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 & Bosworth Local Plan.
- 4 To ensure a safe access in the interest of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 (e) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 (e) of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure the retail element of the scheme is provided to comply with policy RET9 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interest of sustainable drainage of the site, to reduce the risk of flooding and minimise the risk of pollution in accordance with Policies NE2 and NE14 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](http://www.planningportal.gov.uk).

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

**Contact Officer:-** Sarah Fryer Ext 5682

**Item:** 06

**Reference:** 13/00529/OUT

**Applicant:** Rainier Properties Ltd

**Location:** Land Surrounding Sketchley House Watling Street Burbage

**Proposal:** Erection of upto 135 Dwellings (Outline - Access Only)

**Target Date:** 7 October 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

The application seeks outline planning permission for residential development with access. All other matters are reserved. The proposed number of dwellings is up to 135 residential units. The demolition of no's 11 and 13 Welbeck Avenue to provide a dedicated vehicular access route into the application site also form part of the proposal.

The site measures some 7.3 hectares and the development would provide a broad mix of housing consisting of two, three and four bedroom properties. The applicants have indicated that 30% of the dwellings would be made affordable (40 units) with the remaining 95 units being open market dwellings.

Whilst not formally seeking approval for layout, the application is accompanied by an indicative layout demonstrating how the proposed dwellings may be dispersed within the application site has been submitted.

During the course of the application the applicant has submitted further information in the form of increasing the percentage of affordable housing from 25% to 30%; providing a geophysical survey and providing information identifying the trees that would need to be removed when forming the access off Welbeck Avenue.

#### The Site and Surrounding Area

The application site consists of land surrounding Sketchley House and includes plots at no's 11 and 13 Welbeck Avenue. The A5 trunk road abuts the site along its south-western boundary with open fields to the north and west. An avenue of mature lime trees runs along the eastern edge of the site with an established residential estate beyond. A vehicular access track to Sketchley House and a public bridleway runs between the avenues of lime trees up to the entrance to Sketchley House; with the bridleway continuing beyond this in a northerly direction.

The 7.3 hectare site is undulating grazing land that appears wholly greenfield in nature. The rural characteristics of the site are enhanced by the Lime tree avenue that divides the residential estate from the application site.

A number of trees exist within or abut the boundary of the application site and hedgerows are present to the north, west and southern boundaries. Apart from the residential plots associated with no.11 and 13 Welbeck Avenue, the whole of the site is subject to a group Tree Preservation Order (TPO) (ref: 75/00002/TPOORD dated 12 March 1975). A small pond also exists in a relatively central position in the site.

The large majority of the application site is defined as being outside the settlement boundary of Burbage and appears to be a previously undeveloped site. Only the easternmost part, which consists of the two dwellings that are to be demolished and their respective garden areas, are within the settlement limits of Burbage.

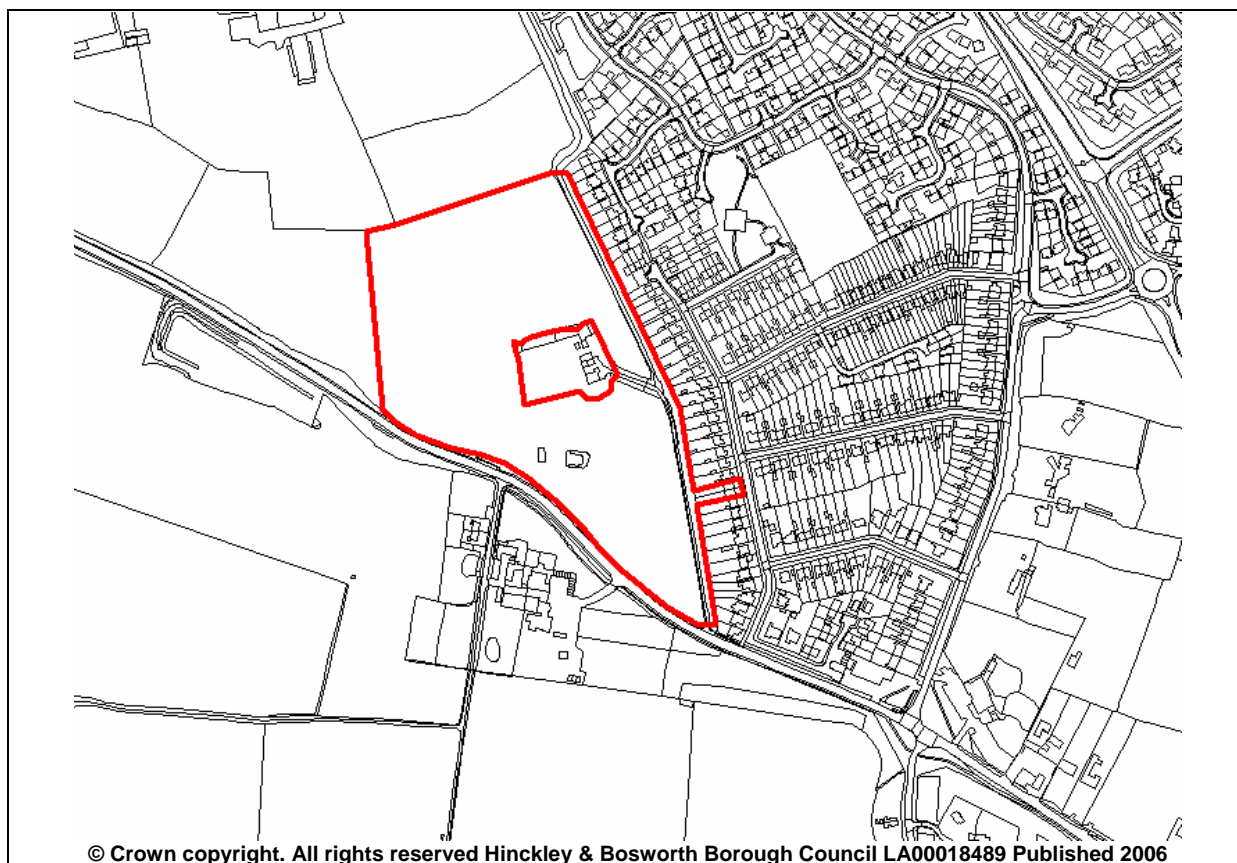
#### Technical Documents submitted with application

Archaeological Report  
Ecological Report  
Transport Assessment  
Travel Plan  
Arboricultural Report  
Flood Risk Assessment  
Planning Statement  
Affordable Housing Statement  
Statement of Community Involvement  
Landscape Visual Impact Assessment  
Noise Assessment  
Geophysical Survey

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

#### **Relevant Planning History:-**

None relevant.



### **Consultations:-**

No objection has been received from:-

Highways Agency  
Director of Environment and Transport (Rights of Way)  
Planning Policy.

No objections subject to conditions have been received from:-

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

The Head of Corporate and Scrutiny Services (Tree Officer) recommends refusal of the application.

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 £6,258.00 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 £8,060.00 towards providing additional capacity for Burbage library, Church Street, Burbage.
- c) Director of Children and Young Peoples Services (Education) request a contribution of £236,781.56 for the Upper School sector for John Cleveland College and £374,585.35 for the Primary School sector for Burbage Church of England Infant and Burbage Junior schools. This equates to £611,366.91.

A request has also been received from Leicestershire Police requesting a financial contribution of £45,035.00 towards operational equipment and the increase in services required as a result of the development.

The Primary Care Trust also request a contribution of £106,615.08 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.

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) contrary to the village design statement
- e) the recreational and leisure needs of the community has gradually been reduced through a sprawl of development activity
- f) the individual character of the village should be maintained
- g) the rural vista should be protected to meet the leisure and recreational needs of the community
- h) the settlement boundary should be maintained and the open fields retained
- i) development will harm the current social and environmental benefits that currently exist
- j) unsustainable form of development
- k) extension of the settlement boundary towards A5 setting a precedent for over development leading to a loss of the 'buffer strip' between the A5 and the existing settlement boundary
- l) it would create a polluted area unfit for habitation impinging on the separation buffer and green lung which helps reduce noise and air pollution
- m) does not promote a low carbon future as residents would use the A5 and M69 to commute away from Hinckley & Bosworth BC
- n) in light of recent appeal decisions the 5 years supply of housing land can now be met
- o) proposal will cause serious congestion
- p) impact on highway safety
- q) roads would not cope with further construction traffic
- r) construction traffic will impact residents in terms of noise and disturbance
- s) impact on the flora and fauna within the area
- t) impact on protected species and the local wildlife
- u) the character and appearance of the landscape would be adversely affected.

A site notice has been displayed and neighbours notified. As a result of the publicity 94 letters of objection have been received raising the following concerns:-

- a) noise and disturbance during construction and the demolition of no's 11 and 13 Welbeck Avenue
- b) increased noise from traffic
- c) further traffic congestion on the highway network
- d) destruction of natural wildlife area

- e) loss of ancient protected trees
- f) impact to local wildlife
- g) loss of valuable green space
- h) loss of ancient hedgerows and grasslands
- i) impact on local amenities
- j) local sewerage system cannot cope with more development
- k) reduction in the quality of life for local residents
- l) impact on the bridleway
- m) roads are not wide enough to cope with increased traffic
- n) loss of a Greenfield site
- o) the area is already overdeveloped
- p) site is outside the settlement boundary of Burbage
- q) the site is on land that is considered an area of separation
- r) proposal does not conform to the Burbage Village Design Statement
- s) increase in litter resulting in increased vermin
- t) proposal will create more 'rat runs' in area
- u) developers putting profit over design with cramped, unpleasant housing
- v) residents parking in new development will overspill onto existing roads
- w) the introduction of a further recreational park would stretch the resources of the parish council
- x) unpleasant area to live due to noise and disturbance from A5 and M69
- y) other brownfield sites in Hinckley should be used first before this Greenfield site
- z) further housing without matching employment will turn the area into a commuter area
- aa) increased traffic and pollution from development
- bb) access for buses and emergency vehicles would be restricted even further
- cc) overdevelopment of Burbage village
- dd) impact on the character of Burbage
- ee) no requirement for further housing in Burbage
- ff) increased traffic that will further endanger pedestrians
- gg) impact on nearby schools, doctors and other local services
- hh) the proposal would link housing and the nearby industrial estate
- ii) impact on the ecology for the site
- jj) loss of the sense of community within the area
- kk) lack of parking within the new development
- ll) loss of agricultural land
- mm) the site has been deemed unsuitable for residential development
- nn) additional greenhouses gasses and atmospheric pollution will occur as a result of the proposal
- oo) proposal will endanger disabled residents when using mobility scooters etc
- pp) impact on local people's standard of living
- qq) the area is covered by an 'Area of Separation' policy
- rr) loss of visual amenity
- ss) future residents would not have access to good public transport links
- tt) proposal would not contribute to the principles of sustainable development
- uu) proposal would not conserve or enhance the natural environment
- vv) impact on the recreational, amenity and tranquillity of the area
- ww) possible archaeological implications
- xx) does not widen the choice of quality homes in the area.

### **Development Plan Policies:-**

#### 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 BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE14: Archaeological Field Evaluation of Sites  
Policy BE15: Preservation of Archaeological Remains in Situ  
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 NE12: Landscaping Schemes  
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 Policy Guidance

Burbage Village Design Statement

### **Appraisal:-**

The application seeks outline planning consent for the provision of up to 135 dwellings on a predominantly greenfield site that is within the countryside. The demolition of two dwellings located at the eastern edge of the application site also form part of the proposal. The main considerations as regards the proposal are the principle of development, highway safety, density, impact on neighbour's amenity, developer's contributions, ecological and archaeological impacts, the loss of trees that are protected within a group Tree Preservation Order and other matters.

## Principle of Development

### National Planning Policy Framework

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 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 development is to the west of the village and would therefore not exacerbate the encroachment towards the M69.

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. It is acknowledged that the applicants intend to exceed this requirement by providing 30% affordable housing on the site.

### Housing Supply

It is the Council's position that as of April 2013 the housing supply equates to 5.58 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 124 dwellings to be delivered in Burbage to meet the requirements of the Core Strategy. At this moment in time there is no evidence to demonstrate that the entire residual housing requirement for Burbage can be delivered on previously developed land within the settlement boundary and therefore suitable greenfield sites which conform with Policy 4 will need to be identified to allocate the necessary provision.

The submission version of the Site Allocations DPD is currently being drafted and is due for consultation later this year. The application site was identified as Alternative Option three for

Burbage and was discounted due to potential access problems. One comment was received during the consultation period advocating the allocation of this site for development.

The SHLAA is currently subject to review and is programmed to be published in summer 2013. The application site is identified as AS116 and was assessed as not being suitable, available or achievable and therefore non-developable. The predominant reason for this was that of access as it would require the demolition of properties off Welbeck Avenue which were not put forward as part of the SHLAA submission. As the submitted proposals include the demolition of properties on Welbeck Avenue to gain access, the reason for the assessment of this site as being non-developable appear to have been overcome.

The policy framework seeks to ensure a balance between meeting the required provision of housing at the right time and in the most appropriate locations. Although the Borough Council can demonstrate an adequate five year housing supply, there is still a requirement for the authority to make provision for at least 124 dwellings in Burbage to 2026.

The identification of housing sites would ideally be done through the development of the Site Allocations and Development Management Policies DPD, however, this is not programmed to be adopted until early 2015 and prematurity is not a reason in itself to refuse planning permission at this stage of plan preparation. As there is currently no evidence to demonstrate that the entire residual housing requirement for Burbage can be delivered on previously developed land, provision will need to be made on some Greenfield sites subject to their deliverability and suitability against Policy 4 of the Core Strategy.

It is therefore concluded that if the access arrangements for this proposal are considered appropriate then the principle of development would appear to be in accordance with the Core Strategy and the intentions of the NPPF.

#### 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.

Access to the application site is proposed to be via Welbeck Avenue. In order to provide a new residential estate road no's 11 and 13 Welbeck Avenue will be demolished and a 5.8m wide carriageway with wide footways will be constructed. According to the submitted information the road will have adequate visibility splays and the level of car parking afforded to the dwellings would reach acceptable standards.

The Director of Environment and Transport (Highways) states that the site occupies a sustainable location and benefits from good access to local shops, services, public transport, employment areas and community facilities and as such, the principle of development in this location appears acceptable.

According to the submitted Transport Statement the development results in 708 vehicle movements over a 12 hour period. Of this total, 106% and 11.7% would be in the AM/PM peak hour. Therefore, at its busiest period, the development will generate one new traffic movement on the local network every 45 seconds. Given the location of the site access between Beechwood Avenue and Brockhurst Avenue it is not unreasonable to assume that the development traffic would be distributed 50/50 between these roads, in which case the impact on these roads and their junctions with Wolvey Road would be one vehicle every 1.5 minutes in the AM/PM peak. It is considered that, based on the level of frequency that

vehicles will use these roads, the increase in traffic levels would not appear unreasonable and beyond the capacity of the road network.

The Director of Environment and Transport (Highways) further states that whilst the Transport Statement confirms that there would be an impact on capacity at the B4109/M69 junction in 2018 (with development scenarios) the impact would be small and the Highway Authority would not be in a position to recommend refusal on this basis.

The applicant has given a commitment to improve bridleway U67 between Watling Street and Sketchley Lane and to provide a pedestrian link to the A5, both of which will help improve permeability through the site and encourage greener modes of transport.

Whilst the Director of Environment and Transport (Highways) recommends approval of the application this is subject to a number of conditions being attached to any forthcoming approval and subject to financial contributions towards travel packs, 6 month bus passes, improvements to the Three Pots Road bus stop (including 2 information display cases, real time information, electronic ticket machines and an information point sign) and a monitoring fee. The level of contribution sought is discussed in more detail later in this report.

The conditions requested by the Director of Environment and Transport (Highways) relate to the closure of the existing vehicular access at its junction with the A5, improvements to the bridleway U67, the provision of car parking at 2 spaces for dwellings up to 3 bedrooms and 3 spaces for dwellings with 4 or more dwellings, garaging to be a minimum of 6m by 3m (internal) if counted as parking spaces and their future retention, appropriate visibility splays and the submitting of a residential travel plan and future compliance with this plan.

It is considered that these conditions are relevant and necessary to the application and should be included in any forthcoming approval.

In summary, based on the above information it is concluded that, in terms of highway safety, congestion and parking, the proposal generally accords with Saved Policies T5, T9 and BE1 (criterion g) and the overarching intentions of the NPPF.

### Density

The application proposes the demolition of a two dwellings in order to form the access road and the erection of up to 135 residential units (net 133 dwellings) on a site that extends to almost 7.3 hectares in size. This equates to a net density of over 18 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 western edge of Burbage and is predominantly outside the settlement boundary. The residential estate to the east of the site is considered to have a much higher density than that proposed for the application site; however, the existing site has a parkland appearance to it and the intention is to retain many of the trees within the site, thereby retaining some of this rural character. Furthermore, the higher density residential development to the west is separated by an avenue of mature Lime trees and therefore viewpoints between the two developments would be limited to glimpses through the access point on Welbeck Avenue. The indicative layout indicates that an area of open space will be retained within the scheme and that a separation distance is to be provided between the dwellings and the A5 trunk road and the western field boundary; the latter of which will provide improved views both into and from the site at its western edge. Taking into account these factors it is considered that, on balance, the density is appropriate for this site.

It should be noted that the layout, design and scale of the dwellings are reserved matters that will be fully assessed in the corresponding application for reserved matters.

#### 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 west of dwellings that front Welbeck Avenue. It should be noted that the layout is yet to be approved within an application for the reserved matters; however, the avenue of mature Lime trees will provide a natural green visual barrier between the two developments (approximately 30m between the existing and proposed dwellings) and therefore it is unlikely that any future relationship between the proposed dwellings and the existing properties would be compromise the private amenities of existing occupiers. It is therefore considered that, subject to future approval of the reserved matters for layout, 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, Severn Trent Water and 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 requested clarification on a number of issues; however, following their site visit it was concluded that, subject to a number of suggested conditions relating to bat and badger surveys, provision of bat and bird boxes, the submitting of a lighting scheme and an open space management plan, that they raise no objection to the proposal.

It is considered that the suggested conditions are reasonable and necessary to allow a decision to be made on the application, and, therefore, subject to the imposing of these conditions it is considered that the proposal is 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, adjacent to the course of the Roman Watling Street. There is likelihood that archaeological remains relating to roadside

activity during the Roman period or earlier are present. The Directorate of Chief Executive (Archaeology) has recommended that conditions be attached to secure a programme of archaeological works, commencing with a trial trench evaluation. Depending on the results of the trial trenching, appropriate mitigation measures should be prepared to the satisfaction of the local planning authority.

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 trial trenching, archaeological mitigation, including necessary intrusive investigation and recording.

### Developer Contributions and Affordable Housing Provision

The application proposes the provision of up to 135 residential units including the demolition of 2 dwellings in order to form the access (a net gain of 34 units), which attracts 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

The affordable housing requirement for this site is set out in policy 15 of the Core Strategy. As it is classed as a site in the urban area, the affordable housing requirement would be for 20% affordable housing. This should ideally be split between 75% social rented and 25% intermediate tenure.

The outline planning application suggests that this site would sustain development of 135 dwellings.

There are currently 1,144 applicants for rented accommodation for Burbage. Of these, 178 people are aged over 60 and would therefore be eligible for a bungalow. There are 730 affordable houses in Burbage to rent, including council and housing association properties. Since 1 April 2012, only 30 properties have been advertised for letting through the council's Choice Based Letting scheme, and only 6 of these lettings were 2 bedroom properties.

In addition, 246 people on the housing register for Burbage indicated that they may be interested in a shared ownership property. As this is not a mandatory field, this shows a healthy interest in shared ownership properties in Burbage.

The applicants are offering 30% affordable housing for this site. This is above the requested 20% that would normally be required for a site such as this. The level of affordable housing provision offered is 4 x 1 bedroom flats, 4 x 2 bedroom bungalows, 12 x 2 bedroom houses and 6 x 3 bedroom houses for affordable rent, and 10 x 2 bedroom houses and 4 x 3 bedroom houses for shared ownership. The properties will be spread in 3 clusters of 8 properties and 1 cluster of 9 properties.

The mix, tenure and clustering of the affordable housing is acceptable to the local authority and welcomed in helping to meet the need of people on the housing register.

As the site is in the urban area of the Borough, the section 106 should require a connection to Hinckley and Bosworth Borough in the first instance.

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 policy requires 20% of the proposed dwellings to be affordable units; however, the developers have offered 30% of the units as affordable homes.

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 & 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 & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. 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 Colts Close, Burbage. 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 £248,076.00 (£1,837.60 per dwelling). This equates to a capital sum of £153,981.00 (£43,578.00 for formal open space, £12,474.00 for informal children's play space and £97,929.00 for children's equipped play space equating to

£1,140.60 per dwelling). The maintenance contribution equates to £94,095.00 (£35,640.00 for formal open space, £47,722.50 for children's equipped play space and £10,732.50 for informal children's play space equating to £697.00 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 £6,258.00 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 £8,060.00 towards providing additional capacity for materials, books, periodicals, newspapers etc. for Burbage library, Church Street Burbage.
- c) Director of Children and Young Peoples Services (Education) request a contribution of £236,781.56 for the Upper School sector for John Cleveland College and £374,585.35 for the Primary School sector for Sketchley Primary school and four other primary sector schools within a two mile walking distance of the application site. This equates to a total of £611,366.91.

The Primary Care Trust request a contribution of £106,615.08 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.

A request has also been received from Leicestershire Police requesting a financial contribution of £45,035.00 towards operational equipment and the increase in services required as a result of the development.

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 (£611,366.91)
- Health (£106,615.08)

In terms of the request from the Director of Environment and Transport (Civic Amenity) for a contribution of £6,258.00, the development is estimated to produce an additional 39 tonnes per annum on an existing tonnage of 8,200 at 11/12 figures. This equates to an increase of under 0.4% 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 £8,060.00, the library affected by the development has an active borrower base of 819 but serves a population of 14,650. The development is estimated to produce an additional 217 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.

### Other Matters

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.

### Trees

The whole of the site is covered by an area Tree Preservation Order (TPO), Ref: 75/00002/TPORD dated 12 March 1975. This order does not identify species within the defined area and therefore it is difficult to assess which areas are considered to be of importance with the application site. However, the avenue of Lime trees that runs north to south within the site is an attractive feature.

The application refers to a number of trees within the site that are to be removed as part of the development, some of which were a number of Lime trees that need to be removed to form the access off Welbeck Avenue.

The Council's Tree Officer objects to the proposal due to the removal and possible damage to a number of Lime trees that may arise when forming the access. Other trees highlighted within the submitted report are also to be removed; some of which are have been identified as being in a poor structural condition.

Following case officer concerns a further site visit was made with the applicants to discuss the concern raised about the removal of the lime trees. Following this visit a revised plan was submitted along with an addendum to the tree report. This addendum identifies that the number of Lime trees that need to be removed to form the access will be two trees only largely due to the width of the access being reduced. Notwithstanding revised information being received from the applicants the Council's Tree Officer still has concerns with the loss of trees, the impact of the access road on root protection areas and how the installation of underground services may be achieved without causing damage to these trees.

The two trees that are to be removed are situated relatively central within an avenue of mature Lime trees that run the full length of the site (north to south). This avenue of trees is a strong natural feature that is visually attractive. However, the proposal to remove two trees from a central position within the avenue is unlikely to result in any visual harm to the overall appearance of this line of trees as views from most public vantage points would still remain virtually unchanged. Only at the proposed vehicular access point and at the junction where the bridleway crosses the proposed access would the loss of these two trees be more noticeable. It is therefore that their removal is unlikely to alter the general character and appearance that this avenue of Lime trees provides. It is therefore concluded that the loss of these two Lime trees would not substantially harm the character and appearance of this feature that is situated on the western boundary of the site.

Furthermore, consideration needs to be given on the significant contribution the proposal would make towards the requirements for housing in Burbage and the provision of affordable housing being offered.

It is acknowledged that paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that locality clearly outweigh the loss.

Notwithstanding the concerns raised by the Council's Tree Officer, it is concluded that, on balance, and subject to the inclusion of suitably worded conditions (which will be presented in the late items paper for this report), the benefits of the proposal (significant contribution towards residual housing numbers in Burbage and the identified need for affordable housing units) outweigh the harm caused by the loss of the trees that have been identified for removal within the updated tree report submitted by the applicants.

Letters of Representation - A total of 94 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 findings, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Whilst this proposal is in outline form with all matters reserved, the indicative access arrangements are considered acceptable and there is unlikely to be substantial material harm to highway safety. The applicant has also submitted an indicative layout that demonstrates that the proposed number of dwellings could be suitably accommodated suitably within the site without having a detrimental impact on neighbour's private amenity. Subject to the imposing of conditions it is also considered that, on balance, there is insufficient harm in terms of the site's ecology, drainage, flooding, archaeological importance and trees that are the subject of a Tree Preservation Order (TPO) that would warrant refusal of the application. 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 outline 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 outline planning consent (with all matters reserved), 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.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, BE1, BE13, BE14, BE15, BE16, REC2, REC3, RES5, NE5, NE12, 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 and further information 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 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-
  - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - ii) The scale of each building proposed in relation to its surroundings.
  - iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 3 The development hereby permitted shall be carried out in accordance with the drawing no. RPL/REDLINE/01- 'site location plan' received on 5 July 2013.
- 4 The existing vehicular access to the A5 that becomes redundant as a result of this proposal shall be closed permanently in accordance with a scheme that shall first have been submitted in writing to and approved in writing by the local planning authority in consultation with the Highway Authority. The approved shall be implemented within one month of the new access of Welbeck Avenue being brought into use.
- 5 Before development commences a scheme for the improvement of bridleway U67 between the A5 and Sketchley Lane shall be submitted to and agreed in writing by the Local Planning Authority. The scheme so approved shall be implemented in full prior to the occupation of any dwelling hereby approved.

- 6 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling up to three bedrooms and 3 spaces for a dwelling with 4 or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
- 7 Any garages must have minimum internal dimensions of 6m x 3m if they are to be counted as a car parking space and once provided, shall thereafter permanently remain available for car parking.
- 8 Before first occupation of any dwelling hereby approved, visibility splays of 2.4m by 43m shall be provided at the junction of the access with Welbeck Avenue. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6m above ground level within the visibility splays.
- 9 Before first occupation of any dwelling hereby approved details of a Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.

The plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

The plan shall specify facilities and measures with measurable output and outcome targets designed to:-

- a) Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the development site.
- b) Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the development site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel.
- c) Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The plan shall also specify:-

- a) The on-site plan implementation and management responsibilities, including the identification of a travel plan coordinator.
- b) The arrangements for regular travel behaviour and impact monitoring surveys and plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever is the longer.
- c) The timescales of phasing programmes for delivery of the plan's proposals and for the achievement of the specified output and outcome targets, and
- d) Additional facilities and measures to be implemented if monitoring shows that the plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the Local Planning Authority and, if revoked, to the implementation of the specified additional measures.

10 The development permitted by this panning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 3 dated 24 June 2013, Ref: AAC5034, undertaken by RSP group and the following mitigation measures detailed within the FRA:

- 1) Limiting the discharge rate and the storing of surface water run-off generated on site by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Sections 4.3 - 4.4, 5.4 and 6.4.
- 2) Finished floor levels are set no lower than 150mm above external finished ground levels. Sections 5.2 - 5.3.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

11 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

12 Prior to the removal of any trees identified in the ecological report prepared by FPCR dated June 2013 a bat survey shall be conducted (with appropriate mitigation measures) and submitted in writing to the satisfaction of the local planning authority.

13 Prior to the commencement of any development a lighting scheme for the site that minimises light intrusion into bat foraging areas, in accordance with the principles set out by the submitted ecological report prepared by FPCR (4.28), shall be submitted in writing to and agreed in writing by the local planning authority.

14 Prior to the commencement of development and the removal of any trees, c20 bat boxes and c20 bird boxes of varying designs are to be provided on the retained trees, in areas not subject to light intrusion/disturbance; details of which shall be submitted in writing to and agreed in writing by the local planning authority. A range of bat boxes shall also be provided that are considered suitable for Leisler's bat.

- 15 Prior to the commencement of any development, an updated badger survey, which shall include appropriate mitigation measures where necessary, shall be submitted in writing to and approved in writing by the local planning authority and the agreed mitigation measures shall be carried out in accordance with the approved details.
- 16 No development shall commence until such time as a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority.
- 17 The approved landscaping mitigation scheme shall be carried out in accordance with the approved details. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 18 No demolition/development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching and subsequent appropriate mitigation, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
- a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - b) The programme for post-investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the local planning authority.
- 19 No demolition/development shall commence other than in accordance with the Written Scheme of Investigation approved under condition 18.
- 20 No dwelling shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 21 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted in writing to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any dwelling on site.
- 22 Notwithstanding the recommendations contained within the noise impact assessment ref: C/30501/R01v2/RM development shall not begin until a scheme for protecting the proposed dwellings from noise from the A5 road has been submitted in writing to and approved in writing by the local planning authority.

- 23 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 dwelling hereby approved, a final certificate demonstrating that the dwelling has 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 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points and in accordance with policies T5 of the Hinckley and Bosworth Local Plan (2001).
- 5 The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians in accordance with Policy 4 of the Local Plan: Core Strategy 2009.
- 6&7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the Hinckley and Bosworth Borough Council.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan (2001).
- 9 To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accordance with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.
- 10 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies NE13 and NE14 of the Hinckley and Bosworth Local Plan (2001).
- 11 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 Hinckley and Bosworth Local Plan (2001).
- 12 To ensure that suitable provision is made for bats within the application site and nearby areas in accordance with paragraphs 109, 117 and 118 of the NPPF 2012.
- 13 To ensure that no undue harm arises to bat habitats from light pollution in accordance with paragraphs 109, 117 and 118 of the NPPF 2012.

- 14 To avoid unnecessary pollution from light to bat and bird habitats in accordance with paragraphs 109, 117 and 118 of the NPPF 2012.
- 15 To ensure that badgers are protected and, if required, suitable mitigation measures are put in place for their future protection in accordance with paragraphs 109, 117 and 118 of the NPPF 2012.
- 16 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the Hinckley and Bosworth Local Plan (2001).
- 17 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.
- 18-20 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the Hinckley and Bosworth Local Plan.
- 21 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 Policies NE13 and NE14 of the Hinckley and Bosworth Local Plan.
- 22 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 23 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: 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](http://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 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 Having regard to the potential increase in use of the bridleway likely to be generated by the proposed development, the section of it within the application site and its continuation through to Sketchley Lane along the western edge of the existing houses should comprise a minimum surfaced width of 3.0 metres, together with grass borders of at least one metre along either side. This surface treatment is in accordance with the County Council's Guidance Notes for Developers, which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide.

Before any works associated with the surfacing of the bridleway are carried out, the County Council's approval should be obtained to the specification for this purpose. The Company should contact the Rights of Way Inspector for the area, who is based at the Southern Area Highways Office, Croft (Telephone No. 0116 305 0001). The Developers will otherwise be responsible for ensuring that the route of bridleway U67 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians, equestrians and pedal cyclists at all times. Care should be taken to ensure that users are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. The bridleway should not be used as a vehicular access to the application site by the Developers or their Contractors, and particular attention should be given to ensuring that no materials are stored on the line of the right of way.

Any damage caused to the surface of the bridleway which is directly attributable to works associated with the development will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.

The Developers should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of bridleway U67 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

**Contact Officer:- John Taylor Ext 5680**

**Item: 07**

**Reference: 13/00654/FUL**

**Applicant: Mrs Katharine Griffiths**

**Location: Allotment Gardens Ratby Road Groby**

**Proposal: Erection of composting toilet (revised proposal)**

**Target Date: 23 October 2013**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the site area exceeds 0.5 hectares.

## Application Proposal

Full planning permission is sought for the erection of a composting toilet. The toilet is proposed to be located within the Ratby Road Allotment Site, Groby for use by members of the Groby Allotment Society.

This is a revised application following the grant of planning permission at Planning Committee in May 2013. This revised proposal seeks to re-position the composting toilet to the south west corner of the site.

The toilet is proposed to be constructed from cedar boarding and would be wheelchair/disabled friendly.

## The Site and Surrounding Area

The site is currently used as allotments and run by the Groby Allotment Society. The site is leased from Groby Parish Council. There are approximately 127 allotments on the site. The site is located within the centre of Groby with access and vehicle parking provided off Ratby Road with pedestrian access to the site from Chapel Hill and Mallard Avenue.

The site currently features a number of structures associated with the use of the site such as sheds and greenhouses.

## Technical Documents submitted with application

Design and Access Statement

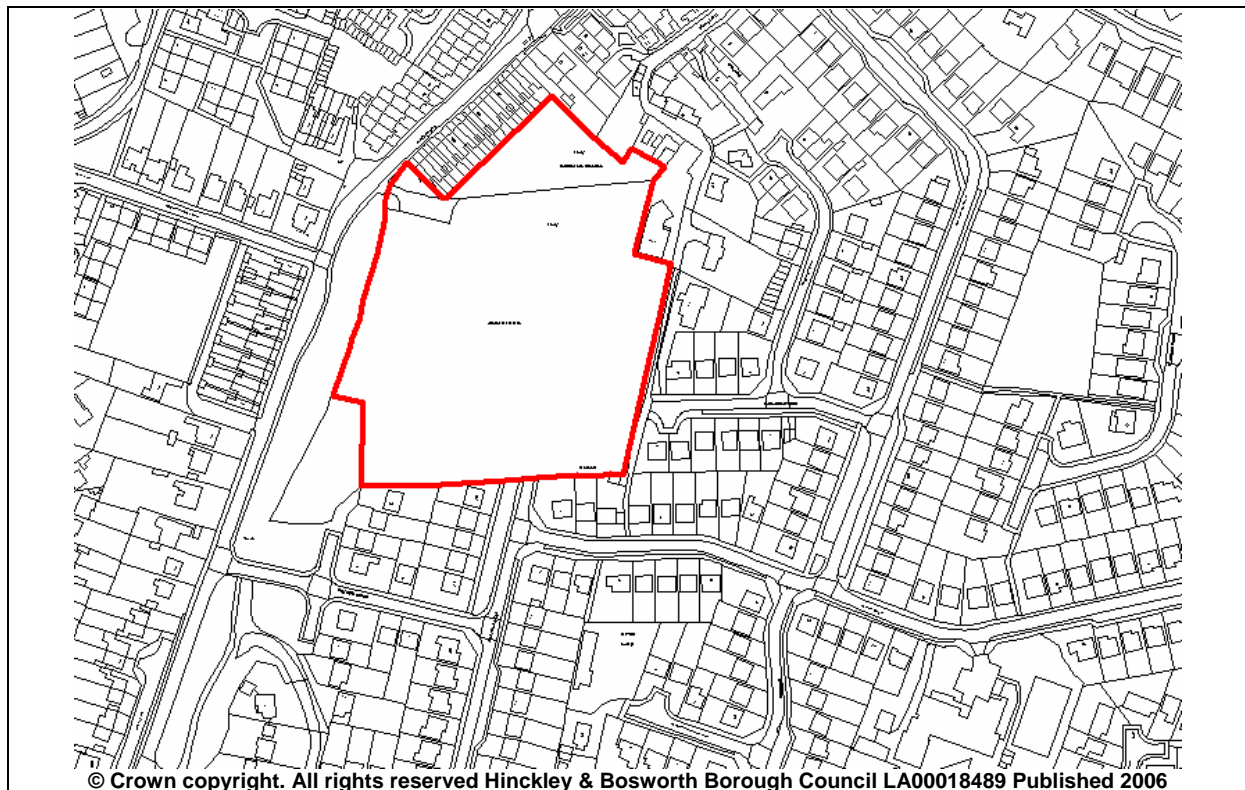
### **Relevant Planning History:-**

13/00138/FUL

Erection of composting toilet

Approved

22.05.13



## **Consultations:-**

No objection has been received from:-

Head of Community Services (Land Drainage)  
Groby Parish Council.

Site notice was displayed and neighbours notified.

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy REC1: Development of Recreation Sites

## **Appraisal:-**

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

### Principle of Development

The site is allocated as a recreation site under Policy REC1 of the Local Plan. This policy states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless certain criteria are met.

In this instance as the proposal seeks to add a facility for the benefit of users of the allotments it is considered that the proposed composting toilet will enhance the recreation provision for the benefit of the community and as such is in accordance with Policy REC1.

### Siting and Design

Policy BE1 of the Local Plan requires a high standard of design and should complement the character of the surrounding area with regard to scale, layout and materials. The revised location of the proposed toilet would be sited to the south west corner of the site on the edge of an existing allotment plot. The toilet would be housed in a cedar clad structure 1.9 metres by 2.46 metres and 2.3 metres in height. It is not considered that the proposed design of the structure would conflict with the character and nature of the allotments and would blend in with the existing structures on site in terms of its visual appearance. The proposal is therefore considered to be in accordance with Policy BE1 of the Local Plan.

### Impact on Residential Amenity

Policy BE1 of the Local Plan requires that development does not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring properties are located over 40 metres from the proposed toilet. The information submitted in support of the application states that the toilet will be vented via a passive vent pipe and should smell less than a traditional W.C. As a result the proposal is

not considered to have an adverse impact on any residential amenity and as such is considered to be in accordance with Policy BE1 of the Local Plan.

#### Drainage and Flood Risk

No objection has been received by the Head of Community Services (Land Drainage) providing arrangements are put in place to manage and periodically empty the facility.

#### Conclusion

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

#### **RECOMMENDATION:- Permit subject to the following conditions:-**

##### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development, would respect the character and appearance of the surrounding area and would not have an adverse impact upon the amenity of any surrounding residential properties.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and REC1.

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 accordance with the submitted applications details, as follows: Site Location Plan 1:1250 received 28 August 2013, Block Plan 1:500 received 28 August 2013 and Floor Plan and Elevations received 28 August 2013.

#### **Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.

#### **Notes to Applicant:-**

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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:** 08

**Reference:** 13/00658/COU

**Applicant:** Mr G Penney

**Location:** Land Adj. The Oaks Stapleton Lane Kirkby Mallory

**Proposal:** Change of use of land to holiday park and siting of 4 static caravans (part retrospective)

**Target Date:** 11 October 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a development with a site area in excess of 0.5 hectares.

Application Proposal

Planning permission is sought for the change of use of residential curtilage to a holiday park along with the siting of 4 static caravans at land adjacent to The Oaks Lodges, Stapleton Lane, Kirkby Mallory (part retrospective).

There is an existing access leading from Stapleton Lane. This joins an internal roadway which runs part way through the site. This provides access to the existing static caravan and three existing slabs of hard surfacing (the locations of the proposed caravans). The road opens up two thirds of the way into the site, into a proposed parking area for roughly 6 cars.

The proposed caravans are of simplistic rectangular form, sited on typical plinths, have a range of openings on both main elevations and a bay-style window at one end. They have a shallow pitched roof and are a maximum height of 3 metres from the ground. The caravans have a footprint of approximately 10.6 metres x 3.6 metres, are two bed and provide all the amenities necessary for independent living.

The site is maturely landscaped and the caravans have been sited sporadically throughout, on either side of the internal access road. Their siting has taken into consideration existing mature trees on the plot. On entrance to the site, to the south west of the internal access road, is an existing biodisc sewage treatment plant is proposed.

## The Site and Surrounding Area

The site comprises an area of 7780 square metres and is within the current residential curtilage of The Oaks. This is a detached house sited to the south west, which is now within separate ownership. The site is situated on the southern side of Stapleton Lane, an un-adopted gravel road. There is a dense coppice, including large pond to the northern section, mature boundaries and individual mature trees scattered throughout the site. A 2 metre high close board fence, incorporating gates encloses the site to the front (southern boundary), and continues around the perimeter. The ground level rises in a north westerly direction.

Further north and east of the site is arable farm land. To the south east is Mallory Park. There are 7 single storey holiday lets (12/00440/FUL), sited in a linear form to the south west of The Oaks. These are within the applicant's ownership. Further south west is a detached residence known as The Cottage. This occupies an extensive, maturely landscaped plot which partly bounds the application site (towards its rear).

The site is situated outside the settlement boundary of Kirkby Mallory and is therefore within the countryside, as defined within the Local Plan.

For information, the siting of the existing static caravan, number 1 on the plan has been subject of ongoing planning enforcement investigations since 2009. There is an outstanding enforcement notice at the site.

This application was withdrawn from the September Planning Committee Agenda in order to allow additional consultations to be undertaken and whilst amended plans and further information were being sought.

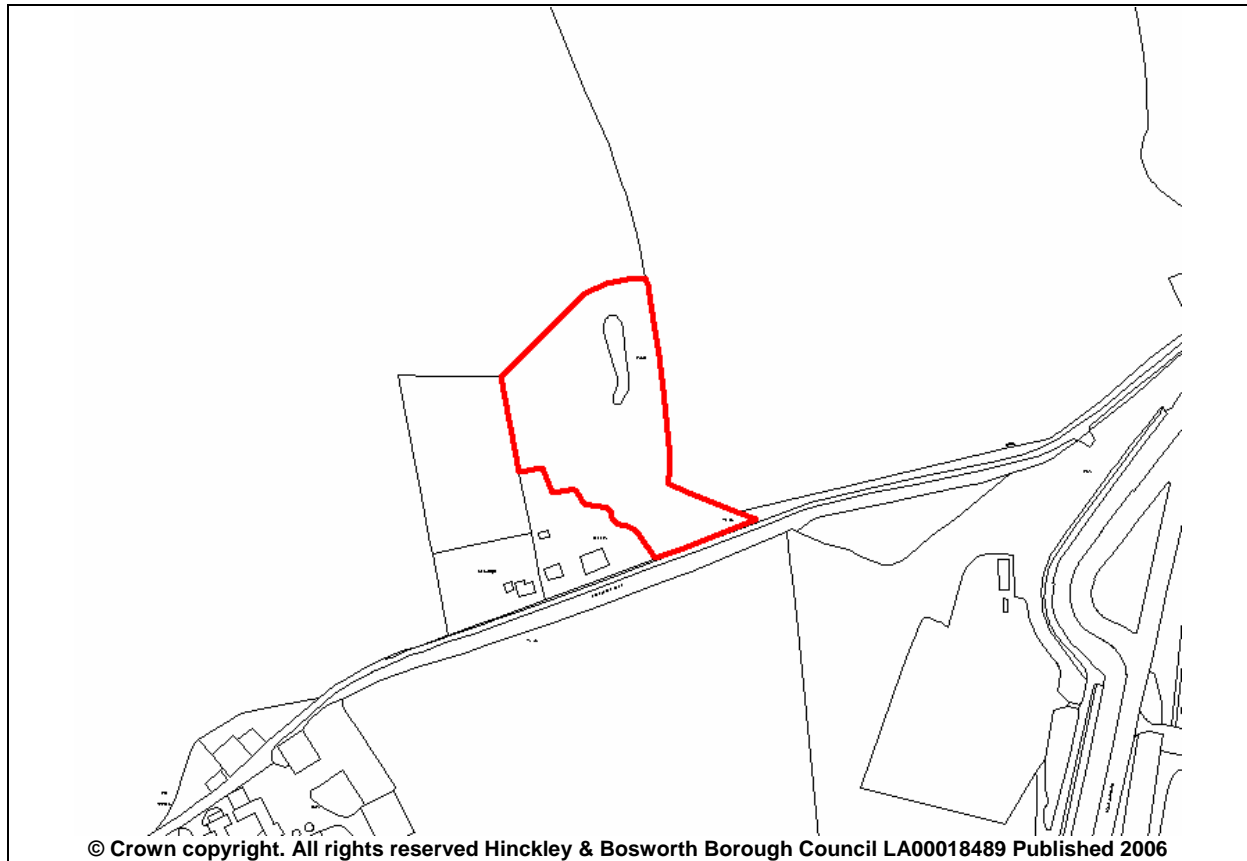
An amended site plans have been received, the layout of the site has now been accurately reflected and the surrounding land within the applicant's ownership has been edged in blue. The amended plans have been subject to a full 10 day re-consultation.

### Technical Documents submitted with application

Design and Access Statement.

#### **Relevant Planning History:-**

13/00119/S215	Untidy Land Query	No Further Action	
12/00440/FUL	Change of use to bed and breakfast accommodation including the erection of chalet accommodation (retrospective)	Approved	17.07.12
09/00218/UNAUTH	Stationing of static caravan	Enforcement Notice	



### **Consultations:-**

No objection has been received from:-

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

The Borough Council's Tree Officer has commented that the Oak trees along the front boundary of the site, may be worthy of a TPO and if any new hard standing is proposed, root protection areas will be required.

Peckleton Parish Council raise the following concerns:-

- a) the resultant increase in traffic
- b) lack of previous planning enforcement relating to historical breaches
- c) if application is approved it should be subject to a maintenance condition to ensure that the overall appearance of the area is enhanced
- d) mature trees should be retained and construction should not harm tree roots , in the interest of ensuring adequate screening
- e) full provision for storm drains should be made
- f) occupation of caravans for short term residence should be a condition.

Three Letters of representation have been received (two from the same address raising different issues) these raise the following issues:-

- a) highways concerns:- unsuitable surfacing as un-adopted road, and what rights will visitors have to use it. There have been three accidents down the Lane and this proposal will result in 5 times more traffic using it. Increased use of unsafe junction where Stapleton Lane Crosses over Newbold Road
- b) inaccuracies on application forms in the following sections:- Section 3: Description of the proposal, Section 6: Pedestrian and vehicle access, Section 11 Foul Sewage, Section 12: Assessment of Flood risk, Section 14: Existing Use, Section 12 : Site Visit
- c) within the Design and Access Statement it is stated that the caravans will respect the character of the countryside and its setting, this is not true
- d) a comprehensive history of activities being undertaken on the site from August 2006 until present has been provided. Within this it is claimed that the applicant does not lawfully operate his current business and that he has 'played the process'.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

#### Local Plan 2006-2026: Core Strategy 2009

Policy 23: Tourism Development

#### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

#### Other Material Policy Guidance

None Relevant.

### **Appraisal:-**

The main considerations in respect of this application are the principle of development, siting and design of the caravans and their impact on the visual amenities of the site and the surrounding countryside, residential amenity, highway safety and other issues.

#### Principle of Development

The overarching principle of the NPPF is a presumption in favour of sustainable development. The delivery of this is through a number of intertwined roles. Of relevance to this application, is the building of a strong, competitive economy (paragraphs 18 - 22) and through supporting a prosperous rural economy (paragraph 28).

The government is committed to ensuring that the planning system is supportive of economic growth and states that the planning system should plan for the expansion of clusters of



business type (paragraph 21). In rural areas the system should support economic growth in order to create jobs and prosperity. Specifically in relation to tourism, the NPPF is supportive of development that benefits business in rural areas, communities and visitors, and which respects the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.

Policy 23 of the Core Strategy supports tourism development for holiday accommodation in suitable locations within the Borough. Such development is encouraged where the proposal can help support existing local community services and facilities, is of a design and scale which is appropriate to minimise the impact on, and would assimilate well within the character of the surrounding area with acceptable landscaping, where the development adds to the Borough's local distinctiveness, complements existing tourism themes and would add to the economic wellbeing of the area.

The site is situated within the countryside and thus Policy NE5 of the adopted Local Plan applies. This said, only limited weight should be attributed to criteria a-c of this policy because of its conflict with the NPPF presumption in favour of sustainable development. Despite this, the design criteria i - iv remain relevant and will be discussed in further detail in later sections of this report.

It is considered that by virtue of the proposal being for tourism purposes, it would enhance the range of visitor accommodation available within the locality which will in turn benefit and increase the competitiveness of the local economy and that of the Borough as a whole and would result in an expansion of, and complement the existing tourism/leisure facilities within the Borough.

Given the historic planning enforcement issues on the site, if approved, a condition is considered necessary restricting the use of the caravans to tourism development only.

The NPPF and Core Strategy support tourism accommodation and economic expansion of this nature in rural areas. As such it is considered that the development is acceptable in principle subject to all other planning matters being appropriately addressed.

#### Siting and Design and impacts upon the Character and Appearance of the Countryside

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development and seek to ensure that development is visually attractive as a result of good architecture and appropriate landscaping.

Policy BE1 of the Local Plan seeks to ensure a high standard of design. More specifically, criterion a is supportive of development which complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and criterion b seeks to avoid the loss of open spaces, important gaps in development, vegetation and features which contribute to the quality of the local environment. This policy is consistent to with the intentions of the NPPF and so will be applied.

The design criteria of Policy NE5 (i-iv) of the Local Plan are in conformity with the NPPF generally. These state that development in the countryside should not have an adverse impact on the character or appearance of the landscape, should be in keeping with the scale and character of existing buildings and general surroundings and be effectively screened by landscaping.

Whilst the design, appearance and form of the static caravans proposed (and that existing) is generic and utilitarian and offers little in the way of architectural detail, they are functional and suitable for their intended purpose. Given the dense and maturely landscaped boundaries of the site, there will be very limited views of the site externally and thus although the individual caravans will have a stark appearance, they will not be visible within the wider context of the landscape and thus they will have no impacts upon it in terms of visual amenity or the character of the area.

Internally, as the site comprises the former residential curtilage of The Oaks, it has already been subject to a degree of development (albeit not all requiring planning permission) including the siting of sheds/greenhouses and the laying out of internal hard surfaced tracks. Although the tracks and areas of hard standing/surfacing will become more formalised as a result of this proposal, as the historical green/un-developed character of the area has already been eroded, the ground works required to facilitate the proposal are not considered to result in any further significant impacts upon the character of the area.

The static caravans have been sited sensitively to avoid the loss of any of the existing mature trees, which will contribute significantly to the visual amenity and appeal of the site. Further, the development does not extend into the undeveloped, densely vegetated northern half of the site, with the proposed parking area providing a buffer between this area and the siting of the caravans.

By virtue of the extensive site area, the siting of 4 caravans is not considered as overdevelopment and will not result in any substantial degradation of the primarily rural character of the plot.

Following a site meeting amended plans were requested, because the position of the caravan plots on site was not accurately reflected on the original plans. In addition clarification was required as to the other land (outside the site) within the applicant's ownership. These plans have been received and a full 10 day re-consultation has been undertaken.

As the existing mature vegetation is considered paramount to the acceptability of the proposal, in terms of both the screening it offers and its wider landscape character impacts, and its loss would be detrimental to the overall character of the surrounding landscape, it was considered necessary to consult the Councils Tree Officer to advise further in respect of any protection required. Concerns were raised that if additional hard-surfacing was required, root protection areas (and similar) would be necessary. The applicant has confirmed that no additional hard-surfacing will be required to facilitate the proposal and thus such a condition would not be necessary.

In addition it has been suggested that the Oak Trees along the front boundary may be worthy of a TPO. This matter is being progressed separately.

Finally concerns were raised in respect of the of potential damage that could be caused to the root systems of the Oak Trees along the front boundary of the site, by virtue of the proximity of the Package Sewage Treatment Plant (biodisc). Further clarification has been sought from the applicant in respect of this plant. It has been confirmed that the sewage treatment plant was installed in 2005, in response to the existing septic tank on site failing. As it was the applicant's intention to further develop his site, a large package sewage treatment plant was installed to capture for the future needs of the site. The applicant has confirmed that drainage has already been provided for the separate caravan pitches, in addition to electric connection. Accordingly there will be no further need for additional ground works to install such services. On this basis there will be no further harm to the trees on site.

For the avoidance of doubt, this application solely relates to the siting of the 4 caravans as identified on plan ref: B13/20/P01A no further caravans are permitted without prior approval being granted by the Local Planning Authority. This will be re-stated as a note to applicant on the decision notice should the application be approved.

Although the caravans will have a simplistic appearance and the change of use proposed will result in additional ancillary development of this site, given the screening offered by the existing mature vegetation, the development is considered acceptable in terms of its design and siting is not considered to result in any further impacts on the character of the surrounding rural landscape.

#### Impact upon Residential Amenity

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

The residential dwellings most immediately impacted upon as a result of the proposal would be The Oaks and The Cottage. These dwellings are located to the south west of the site. The Oaks is approximately 20 metres, and The Cottage is approximately 55 metres from the nearest boundary of the site. Although through the proposal there will be increased activity on site, by virtue of the density of development proposed, combined with its minor scale, the proposal is not considered to give rise to any material impacts in terms of noise and disturbance from future residents or resultant of additional vehicle movements. A separation distance of 55 metres is far in excess of this 14metre standard (as contained within the SPG on Extensions and Alterations) typically applied to conventional residential development.

Further, by virtue of the separation distances and the existing boundary treatment, the proposal is not considered to result in any material impacts on the privacy of surrounding properties.

In summary, the proposal is considered to have no material impacts upon the amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

#### Highway Considerations

Saved Policy T5 is considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

A number of Highway Safety concerns have been raised within the letters of representation. Access to the site is from Stapleton Lane which is a single track part un-adopted lane. Notwithstanding the concerns raised, The Director of Environment and Transport (Highways) has raised no objections to the scheme, on the basis that the amount of traffic generated by the proposal will be minor and it would therefore not be possible to argue that it would result in an unacceptable impact on the operation of Stapleton Lane.

Given the size of the site there is adequate space for the parking and turning of vehicles associated with the proposed use.

Queries have been raised in respect of the use of this un-adopted Lane by visitors, although the lane is un-adopted it can be used by anyone and thus its rights of use is not a material planning consideration.

Based on the above, it is not considered that the proposal will result in any significant impacts upon highway safety. Accordingly the development accords with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

### Other Issues

The Head of Community Services (Drainage) has recommended that permeable paving be used and that the suitability of the ground for a soakaway should be determined. As no further surfacing work is proposed to enable or facilitate the development, and as the bio disc has been installed since 2005, a note to applicant suggesting the above, is not considered necessary. Notwithstanding this, the applicant has been informed that the bio disc would require approval under building regulations, and as there is no record of this on the Building Regulations system, although it is exempt from enforcement action, they should apply.

Issues raised within the letters of representation, not addressed elsewhere in the report, will be considered below:-

It has been suggested that the un-adopted section of Stapleton Lane has poor surfacing. This is a private matter and the maintenance responsibilities rest with the occupiers of properties and landowners who use the lane. This is not a material planning consideration.

Concerns have been raised that there are inaccuracies on the application forms, these issues have been looked into and further clarification has been sought where necessary. Although application forms comprise legal documents and thus should contain correct information, the majority of discrepancies raised are in relation to a disagreement over the choice of words or phrases. None of the issues would result in a different recommendation and therefore do not constitute material planning considerations.

Suggestions have been made that the applicant does not lawfully operate his current business and that he has 'played the process'. In response to the first claim, if a business is allegedly being operated without planning permission, or not within the confines of a permission previously granted, the matter will be referred to the planning enforcement team for further investigation. In respect of the second issues, it is an applicant's right to apply for whatever they wish, at a time convenient to them. The Local Planning Authority has no control over the types of development applied for, or when they are submitted. A Local Planning Authority's responsibility is to determine any application before them in a timely manner in accordance with the provisions of the Development Plan. Accordingly neither of these issues constitutes material planning considerations in this case.

Concern has been raised over the lack of previous planning enforcement relating to historical breaches. This is a separate matter and should have no bearing in the consideration of this planning application which must be considered on its individual merits.

A maintenance condition for the caravans has been requested. Such a condition is not considered reasonable or necessary, due to the dense screening of the site and thus could not be imposed.

The provision of storm drains is not a planning requirement.

### Conclusion

As the application proposes tourism development within the countryside, which will be beneficial to both the local tourism cluster and the local rural economy, in principle the development is considered acceptable and in accordance with the NPPF and Core Strategy Policy 23. By virtue of the siting of the proposal and the existing mature boundary vegetation,

despite the proposed caravans having a stark utilitarian appearance, there will no material adverse impacts in terms of visual amenity, or on the character of the surrounding countryside or landscape. Further, resultant of the minor scale of the development proposed there will be no material impacts on the residential amenity of surrounding dwellings or in terms of highway safety.

The proposal is therefore in accordance with adopted Core Strategy Policy 23, Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a, b and i) and T5 together with the overarching principles of the NPPF. The scheme 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 comprises sustainable development which will result in economic growth in the locality and further development of an existing tourism cluster, would not be detrimental to visual or residential amenity, the character of the surrounding countryside or highway safety.

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

Local Plan 2006-2026: Core Strategy (2009): - Policy 23.

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 following details: DRG Refs: B13/20/P01C received by the Local Planning Authority on 23 September 2013.
- 3 No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
  - a) Planting plans
  - b) Written specifications
  - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - d) Maintenance schedule
  - e) Implementation programme
  - f) Treatment of hard surfaced areas
  - g) Existing and proposed ground levels

- 4 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.
- 5 The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.

**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, to accord with Policies BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criteria a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 5 To prevent the occupation of holiday accommodation on a permanent basis which would be considered unsustainable as per Paragraph 55 of the National Planning Policy Framework.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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 For the avoidance of doubt, this application solely relates to the siting of the 4 caravans as identified on plan ref: B13/20/P01A no further caravans are permitted without prior approval being granted by the Local Planning Authority.
- 6 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

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

**Contact Officer:-** Eleanor Overton      Ext 5680