

**PLANNING COMMITTEE**

**7 January 2014**

**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 - 7 January 2014 - NUMERIC INDEX**

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**Item:** 01  
**Reference:** 13/00548/OUT  
**Applicant:** Mr Jason Leech  
**Location:** 40 High Street Earl Shilton  
**Proposal:** Demolition of existing factory and erection of 15 dwellings (outline - access and layout only)  
**Target Date:** 13 December 2013

**Introduction:-**

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

Application Proposal

This application seeks outline planning permission for the erection of 15 residential units, reduced from 17 following concerns raised by officers.

Access and layout are the only matters for determination at this stage, with all other matters being reserved for approval at a later stage. The scheme also proposes the demolition of the existing factory unit.

The scheme shows three blocks of dwellings, the first block of four units fronting High Street, with a block of five dwellings to the south facing into the site and a block of six dwellings to the north facing into the site. The scheme makes provision for the full 20% affordable units as required by policy.

A shared amenity space is shown to the west of the application site.

Access is taken from High Street and the scheme proposes a central turning area. Each dwelling has two car parking spaces per dwelling, sited to the front, rear and adjacent to the plots.

Following concerns raised by Director of Chief Executive (Archaeology) an archaeological assessment has been submitted and re-consultation undertaken with the Director of Chief Executive (Archaeology).

Following concerns raised by officers during the course of the application the applicant has provided revised plans to show:-

- a) loss of two units overall
- b) re-orientation of plots 1-4 to face High Street
- c) re-location of access point
- d) alterations to car parking layout
- e) provision of two car parking spaces per plot
- f) addition of shared amenity space.

Re-consultation has been undertaken with all statutory consulters and neighbours for a period of 21 days.

### The Site and Surrounding Area

There is currently an existing two storey factory unit on the site which has been subject to various extensions and alterations.

The site is in a mixed use area, situated on the western side of High Street.

A public footpath runs down the west side of the site.

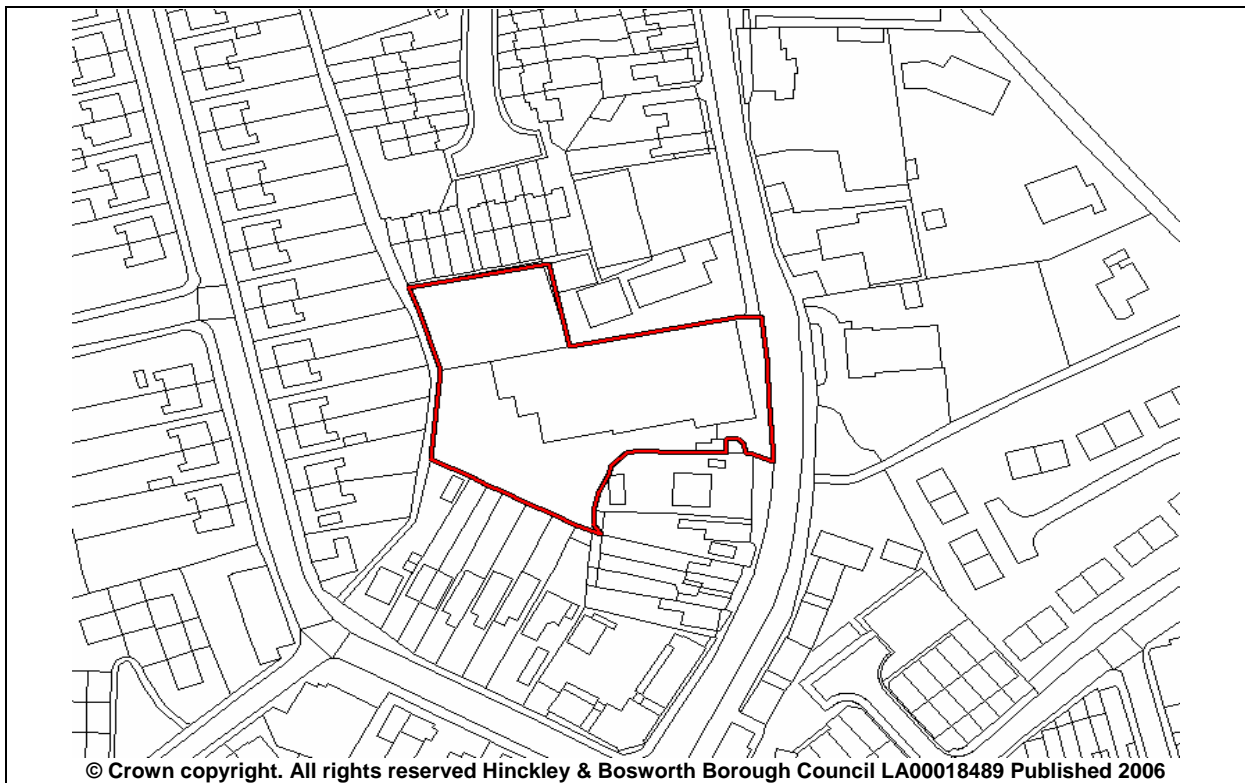
The site falls within the settlement boundary of Earl Shilton and is designated as an employment site, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

### Technical Documents submitted with application

Design and Access Statement  
Draft Heads of Terms

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

11/00708/GDO	Demolition of Fitness Centre and Factory Premises	Prior Approval Required	06.10.11
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### **Consultations:-**

No objection has been received from Earl Shilton Town Council.

No objection subject to conditions have been received from:-

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

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

Site notice and press notice were displayed and neighbours notified.

As a result of the re-consultation the consultation period now expires on 24 December 2013 at the time of writing revised comments have not yet been received from:-

Primary Care Trust  
Director of Environment and Transport (Rights of Way)  
Director of Environment and Transport (Civic Amenity)  
Director of Adults and Communities (Libraries)  
Director of Children and young Peoples Services (Education).

### **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 2: Development in Earl Shilton  
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 RES5: Residential Proposals on Unallocated Sites  
Policy NE12: Landscaping Schemes  
Policy BE1: Design and Siting of Development  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE16: Archaeological Investigation and Recording  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians

#### Supplementary Planning Guidance/Documents

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

#### Other Material Policy Guidance

Employment Land and Premises Study (2010)

Strategic Housing Land Availability Assessment (September 2013)

The Strategic Housing Land Availability Assessment (SHLAA) identifies and assesses sites for their suitability for housing, including an assessment of deliverability. In conformity with the NPPF, Employment sites categorised as 'B' or 'C' in the Employment Land Study were

included for assessment in the SHLAA as alternative development may be possible or part/whole redevelopment may be appropriate. The site, categorised as a 'C' site, was therefore subject to appraisal. The SHLAA states that although the site is suitable and achievable the "Site is unavailable because the site is occupied and the owner of site has not put the site forward for assessment".

### **Appraisal:-**

This is an outline application for access and layout only; therefore appearance, landscaping and scale do not form part of the application and will be considered at the reserved matters stage. As such the main considerations with regards to this application are the principle of development, layout, access and highway considerations and other matters.

#### Principle of Development

#### Five Year Housing Land Supply

The Borough Council has a 5.58 years supply of housing land (as of April 2013) and therefore the Borough Council's housing supply policies can be considered up to date.

Even with a 5 year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to maintain a rolling five year supply of housing, planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

#### National Planning Policy Framework (NPPF) March 2012

In March 2012 the National Planning Policy Framework (NPPF) was published.

Paragraph 15 confirms that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

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'.

Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It also states that land allocations should be updated regularly.

The NPPF is a material consideration in determining applications. Annex 1 states that for 12 months from the day of publication, decision makers may give full weight to relevant policies adopted since 2004, the Core Strategy was adopted in 2009 and therefore full weight can be given. In other cases due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, this is relevant to the Saved Local Plan policies adopted in 2001.

The NPPF states that decision takers should grant planning permission unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the

policies as a whole or if specific policies in the NPPF indicate development should be restricted.

### Loss of Employment Land

The NPPF identifies a number of Core Planning Principles. The most relevant principles to this application are:-

- a) proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.
- b) encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- c) actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In addition to the Core Planning Principle above, paragraph 111 of the NPPF reiterates that planning policies and decisions should make effective use of land by re-using land that has been previously developed.

The 2010 Employment Land and Premises Study identify this site and surrounding land as "Workshop Units, High Street, Earl Shilton". The Study states that 100% can be lost for other uses.

Accordingly it is accepted that the non-employment uses are acceptable on the site, as indicated within the Employment Land and Premises Study 2010.

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

Policy 2 of the Core Strategy states that the Council will support development within the Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings.

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

It is considered that the use of this site for residential development would facilitate the re-use of a previously developed site in a highly sustainable location and is therefore supported by planning policy. Whilst the Authority currently meets its 5 year supply of housing land, the NPPF specifically states that decision-takers should consider housing applications in the context of the presumption in favour of sustainable development. Furthermore, in order to maintain the 5 year supply of housing land it is necessary to continue to approve acceptable

sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

### Layout

Saved Local Plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. Saved Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. Policies RES5 and BE1 are considered to be consistent with the intentions of the NPPF and should therefore carry appropriate weight in the determination of this application.

Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

In addition, Paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Despite changes to the layout and improvements in terms of the orientation of plots 1-4, the Council contends that the remainder of the scheme results in a poorly designed layout for the following reasons.

The surrounding area is characterised by dwellings which form frontage development. The dwellings along High Street and West Street all face the road frontage. The residential cul-de-sac of Keats Close to the North of the site is also orientated in such a way that all dwellings face the road frontage. There are no other examples in this area of dwellings in backland locations. The dominant character of this area, therefore is dwellings which form frontage development.

Whilst there is not an in principle objection to the backland development on this brownfield site, the proposed layout does not complement the surrounding area. It has been designed to fit as many houses on as possible with little regard to the character of the surrounding area or the character of the resultant development. The layout results in a poor relationship between dwellings within the site and the area central to the layout is dominated by car parking. Views from High Street into the site will be of the car parking rather than any built form and once in the site the layout is completely car dominated and unattractive. The development does not take the opportunity to improve the character and quality of the area nor the way it functions as required by the NPPF.

It is considered that the overdevelopment of this site has resulted in this poor layout and over dominance of car parking spaces to the detriment of the character and appearance of the scheme, the streetscene and the surrounding area. Alternative layouts have been discussed with the applicant to re-orientate the plots to the rear to face east, with residential gardens to the west, however this layout would have resulted in the loss of further units. The applicant disagrees with this approach as they want to avoid the loss of additional units.



The footprint of the units is reflective of that of surrounding uses and there is no objection raised in this respect.

In summary, by virtue of the overdevelopment of the site and layout of plots 5-15 the scheme is an incongruous form of development resulting in an over dominance of car parking spaces which is harmful to the character and appearance of the scheme, streetscene and surrounding area contrary to Saved Policies RES5 and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and the scheme fails to improve the character and quality of the area and the way it functions contrary to Paragraph 64 of the NPPF.

### Access and Highway Considerations

Saved Policies T5 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and should be given appropriate weight in the determination of this application.

Access will be taken from High Street to the east of the site. Following concerns raised by the Director of Environment and Transport (Highways) the point of access has moved to the northernmost point of the application site and visibility splays indicated on the plan.

Following the submission of amended plans the Director of Environment and Transport (Highways) has no objection to the scheme, subject to the imposition of planning conditions.

Layout is a consideration at this stage, however bedroom numbers are not secured at this outline stage. It is necessary that 2 no. car parking spaces are provided for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms to accord with parking standards. Each unit proposes 2 no. car parking spaces and therefore should serve a dwelling of up to three bedrooms, and not any larger. Notwithstanding this, the Director of Environment and Transport (Highways) has recommended a condition for 2 no. car parking spaces per dwelling.

It would be considered necessary to impose conditions in respect of visibility and off street car parking. The surfacing of the access drive, turning area and parking areas can be considered at the reserved matters stage.

Accordingly the development accords with Saved Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

### Other Matters

#### Impact upon Residential Amenity

Saved Policy BE1 states that planning permission will be granted where the development

- i) does not adversely affect the occupiers of neighbouring properties
- h) is not adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development.

Policy BE1 is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

In respect of criterion i) scale is not for consideration at this time, accordingly the impacts of scale of the proposed dwellings cannot be fully considered at this stage. As such the full impact on adjacent occupiers particularly in terms of privacy, loss of sunlight and daylight

and overbearing form, would be a primary consideration at the reserved matters stage. Notwithstanding this, the layout of the scheme is for consideration at this time.

The Council's SPD on New Residential Development requires a minimum distance of 25 metres between habitable windows when either at the front or rear of the dwelling and 14 metres between a habitable window where it faces a blank wall in the case of 2 storey dwellings.

The layout of the scheme shows that the closest point from the rear of the proposed plots 5-10 would be located approximately between 25 - 26 metres from the closest point to the rear of neighbouring dwellings on Keats Close. Plots 11-15 would be located approximately between 27.5 and 36.5 metres from the rear of neighbouring dwellings to the south of the site on West Street.

There is a distance of approximately 28.5 metres between the side wall of plot 10 and the rear walls of plots 12 and 14 West Street located to the west of the application site. Plot 11 would be located at a distance of 34 metres from No.8 West Street.

Accordingly the distances are in conformity with the SPD and are acceptable to ensure no significant detrimental impacts.

The only other residential property in close proximity is No. 52 High Street located to the south of plot 4 and east of plot 15. There is a distance of 9 metres between the side wall of No. 52 and the side wall of plot 4 and 17 metres between the rear wall of No. 52 and side wall of plot 15. In both cases it is considered that there is sufficient distance between the dwellings to ensure that there is no significant overshadowing, loss of light or overbearing impacts.

The application is in outline and as such scale, landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy would be a primary consideration at the reserved matters stage, if scale and appearance were presented for approval. It is however considered, having regard to the indicative details submitted that a suitably designed scheme can be achieved on this site that will not detrimentally impact upon surrounding residential dwellings amenity in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

In respect of criterion h) of Saved Policy BE1 and the impacts of activities in the vicinity, the Head of Community Services (Pollution) states that the premises to the north is still used as a 'Use Class B8' use and there is a potential for noise to impinge upon the amenity of the proposed dwellings. Accordingly the Head of Community Services (Pollution) recommends a condition for noise attenuation.

Accordingly, subject to the imposition of a planning condition the scheme is considered to be in accordance with Saved Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.

### Archaeology

Following concerns raised by the Directorate of Chief Executive (Archaeology) the applicant submitted an archaeology survey, in conformity with Saved Policy BE13.

Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

Following the submission the scheme has subsequently been considered by Directorate of Chief Executive (Archaeology) who raises no objection subject to conditions for an appropriate programme of archaeological work, commencing with trial trenching to be undertaken prior to the commencement of development. The condition is considered to meet the relevant tests and as such will be imposed.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policy BE16 and the overarching intentions of the NPPF.

#### Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Environment Agency and Head of Community Services (Land Drainage).

The Environment Agency has recommended a condition for a scheme to dispose of foul water is first submitted to the Local Planning Authority. The Head of Community Services (Land Drainage) requires a condition requiring drainage details, incorporating sustainable drainage principles to be submitted to the Local Planning Authority.

In summary, the Environment Agency and Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

#### Land Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been considered by the Environment Agency and Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed. As such conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

#### Noise

The application has been considered by the Head of Community Services (Pollution) who states that noise and dust from the construction phase has the potential to impact upon the amenity of existing business and residential premises. Accordingly the Head of Community Services (Pollution) recommends a condition for an environmental management plan.

#### Affordable Housing and Infrastructure Improvements

The application now proposes 15 residential units which attracts infrastructure contributions.

The general approach to developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

## Affordable Housing

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

This scheme was originally for 17 dwellings to be built on the site but has now been revised to supply 15 dwellings in total.

This site is in the urban area of the Borough and therefore Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing, which would give 3 units on site for affordable housing. Of these 3 dwellings, 2 (75%) should be for affordable rented/social rented housing and 1 dwelling (25%) should be for intermediate tenure.

There are currently 950 applicants on the Council's housing register for Earl Shilton:-

1 bedroomed properties	466
2 bedroomed properties	332
3 bedroomed properties	117
4 or more bedroomed properties	35

In terms of CIL compliancy 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 Earl Shilton as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

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.

Should the application be approved then the provision of affordable housing would be secured through a S106 agreement.

## Play and Open Space Contributions

Saved Policy REC2 confirms that the requirement for outdoor open space provision for formal recreational applies to developments of 20 dwellings and over and therefore the scheme proposing 17 dwellings does not meet this threshold. Accordingly Policy REC2 is not applicable to this application.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3, supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

### Informal Play Provision

Saved Policy REC3 states that for development of between 1-20 dwellings the level of provision to be made will be determined according to individual circumstances. The Council's SPD on Play and Open Space states "For large developments contributions are more likely to be in the form of direct, on-site provision. However, in other circumstances financial contributions in lieu of direct provision will be sought."

Accordingly the Council's SPD on Play and Open Space states that where the scheme does not propose to provide the play space on site, a contribution in lieu can be taken towards an existing site.

The site is located within 400 metres of open space at Weaver Springs Neighbourhood Equipped Area of Play and Hall Field local open space.

Within the Green Space Strategy 2005-2010, Earl Shilton was found to have a deficiency of equipped play space (-0.60) and deficiency of casual/informal play space (-0.96) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded 'The Hall Field' local open space a quality score of 46.7%.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development.

### Equipped Play Space

No equipped play space is being provided on site and therefore the scheme will provide a contribution in lieu to the site at 'The Hall Field'.

Earl Shilton Town Council have confirmed that they would prefer the off site contribution to be taken to 'The Hall Field' rather than 'Weaver Springs'.

Off site - The scheme of this size results in a financial contribution of £10,881.00 for the provision and £5,302.50 for the maintenance of children's equipped play space over a 10 year maintenance period, to be secured for 'The Hall Field' .

Accordingly the provision equates to £10,881.00 (off site) and the maintenance equates to £5,302.50 (off site).

### Un-equipped Play Space

The scheme seeks to provide 140 square metres of informal un-equipped play space on site. A scheme of this size, proposing 15 units should provided in total 225 square metres of informal un-equipped play space in total and therefore the scheme under provides by 85 square metres.

Earl Shilton have confirmed that they would prefer the off site contribution to be taken to The Hall Field and that they would consider the future adoption of the on site amenity space.

Therefore the scheme will provide 140 square metres on site and the additional 85 square metres a contribution in lieu will be taken towards an existing site, at 'The Hall Field'.

On site:- The scheme proposes 140 square metres on site (and the remaining provision is made up towards an existing site). The maintenance contribution for an un-equipped play space of this size (140 sqm), over a 20 year maintenance period equates to £1,490.63.

Off site:- The scheme falls short by 85 square metres, meaning that a provision contribution of £523.60 is required at 'The Hall Field'. The maintenance contribution for an un-equipped play space of this size (85 sqm), over a 10 year maintenance period equates to £745.31. Accordingly the provision equates to £523.60 (off site) and the maintenance equates to £1,490.62 (on site) and £745.31 (off site).

It is considered that Earl Shilton has both a deficit of both equipped and casual/informal play space and Hall Fields has shown to have a quality deficit relating to facilities. The indicative size of the units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance and therefore meets the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies IMP1 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

#### Other Developer Contributions

The following requests are cil compliant:-

- three affordable units
- £18,943.03 for play and open space contributions and maintenance off site.

Following the reduction in the number of units from 17 to 15, the other developer contributions are still awaited and will be reported on as a late item.

#### Sustainability

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

#### Recycling

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As layout is a matter for consideration and no such details are provided it is considered that a condition can be imposed.

#### Conclusion

In conclusion, It is considered that by virtue of the layout of plots 5-15 the scheme is an incongruous form of development resulting in an over dominance of car parking spaces which is harmful to the character and appearance of the scheme, streetscene and surrounding area contrary to Saved Policies RES5 and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan. The scheme fails to improve the character and quality of the area and the way it functions contrary to Paragraph 64 of the NPPF.

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'.

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 significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Accordingly in this case, the development plan is the starting point for decision making and the scheme is considered contrary to the development plan for the reasons discussed and the adverse impacts are considered significant to outweigh the benefits when assessed against the specific policies in the NPPF

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

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

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matter of layout and car parking remains in conflict with the development plan and the application has been refused.

1. In the opinion of the Local Planning Authority the proposed development by virtue of its overdevelopment and poor layout is an incongruous form of development resulting in a poor layout with an over dominance of car parking spaces and a poor relationship between proposed dwellings which is harmful to the character and appearance of the scheme, streetscene and surrounding area contrary to Saved Policies RES5 and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan. The scheme fails to improve the character and quality of the area and the way it functions contrary to Paragraph 64 of the NPPF.

**Notes to Applicant:-**

- 1 List of plans used in the determination of this application:- Proposed Location Plan drawing no. 2153-06-A3 Rev C received by the Local Planning Authority on 2 December 2013.

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

**Item:** 02  
**Reference:** 13/00898/HOU  
**Applicant:** Mr And Mrs BE Sutton  
**Location:** Sycamore Farm 29 Main Street Barton In The Beans  
**Proposal:** Extensions and alterations to dwelling  
**Target Date:** 24 January 2014

**Introduction:-**

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

Application Proposal

This application seeks full planning permission for the erection of a single storey garden room on the rear elevation of Sycamore Farm, 29 Main Street, Barton in the Beans. The garden room measures approximately 4.3 metres in depth x 5.8 metres in width, with an eaves height of 2.3 metres and a ridge height of 3.4 metres. The proposed garden room is to be constructed of matching materials.

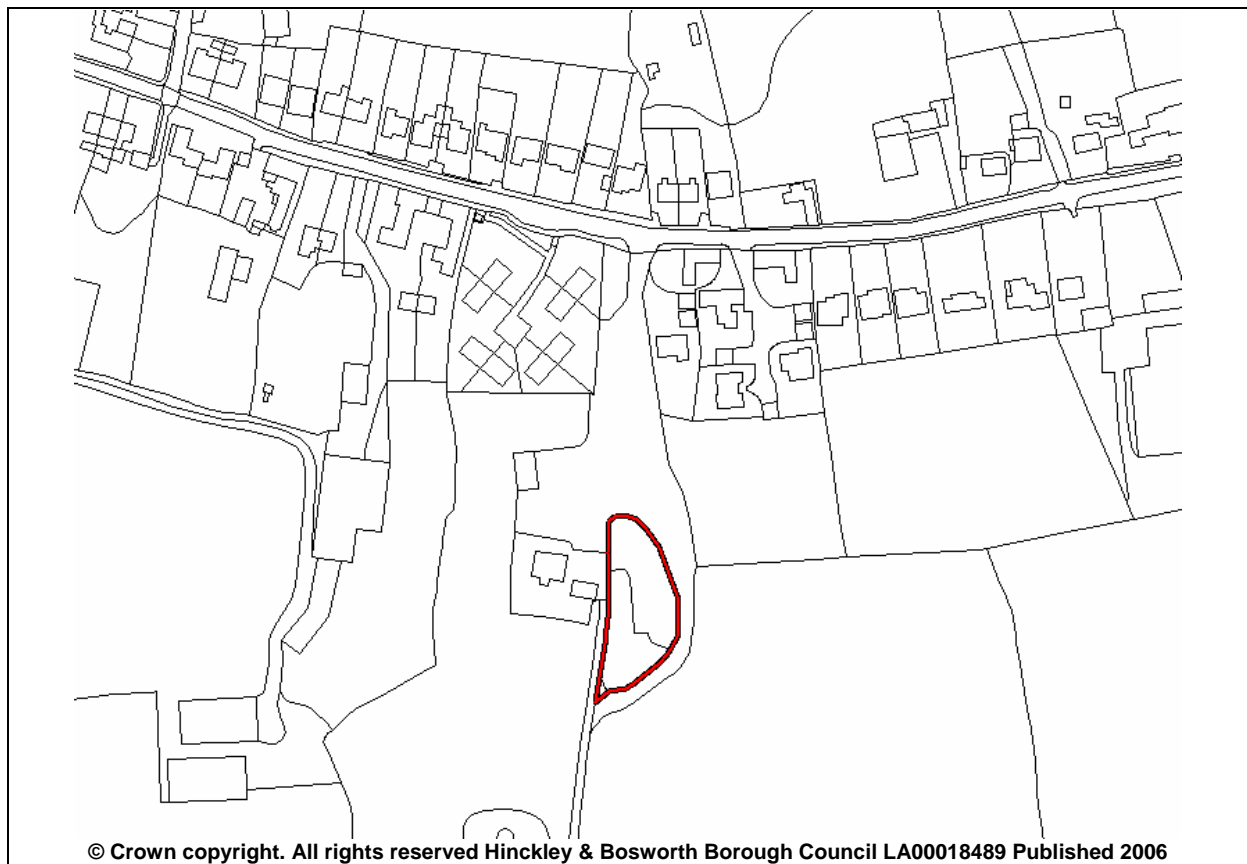
The Site and Surrounding Area

The application property is a detached two storey dwelling with single storey garaging/office/workshop link. It is designed with a traditional gable ended roof form but with a low eaves design to the rear elevation. The dwelling is constructed of red multi facing bricks and plain clay roof tiles. It is located to the south side of Main Street at the end of a private drive and occupies an elevated position in relation to the open countryside to the south.

**Relevant Planning History:-**

13/00150/CONDIT	Non-material amendment to planning permission 11/00818/FUL to include a chimney stack in place of a flue pipe	Approved	20.03.13
11/00818/FUL	Substitution of house type for unit 2 of planning permission 10/00516/FUL	Approved	14.12.11
10/00516/FUL	Demolition of existing farm buildings, erection of three mixed use residential and office units and extensions and alterations to existing dwelling amended scheme.	Approved	02.09.10





### **Consultations:-**

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

Shackerstone Parish Council  
Head of Community Services (Land Drainage)  
Site Notice  
Neighbours.

The consultation period remains open at the time of writing and closes on 31 December 2013. Any further consultation responses received before the closing date will be reported and appraised as a late item.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

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

None relevant.

#### Hinckley and Bosworth Local Plan 2001

The application site is outside the settlement boundary of Barton in the Beans as defined on the Hinckley and Bosworth Local Plan Proposals map.

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Supplementary Planning Guidance/Documents

House Extensions (SPG)

**Appraisal:-**

The main considerations with regard to this application are the principle of development, design and appearance and impact on the character and appearance of the dwelling, the surrounding countryside and the amenities of the occupiers of neighbouring properties.

Principle of Development

The dwelling is located in the countryside however the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. In this case the proposal is for an extension and alterations to an existing dwelling and therefore notwithstanding the countryside location the proposed development is considered sustainable. In addition, Policy NE5 (criterion b) of the adopted Local Plan is supportive of extensions to existing buildings subject to a number of design criteria and the proposal is therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Design and Appearance

Policy NE5 (criteria i and ii) of the adopted Local Plan require that development in the countryside is in keeping with the scale and character of existing buildings and does not have any adverse impact on the appearance or character of the surrounding landscape. Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides additional design guidance.

The application dwelling occupies a relatively elevated, prominent position in relation to the countryside to the south. The proposed garden room is located partly within a recess on the rear (south) elevation and as a result of the single storey scale respects both the scale and character of the existing dwelling. It is to be constructed of matching materials to ensure a unified appearance. As a result of its small scale, design and unified appearance the proposal will be viewed against the existing dwelling, will not be a prominent feature and therefore will not have any adverse impact on the character or appearance of the existing dwelling or the surrounding landscape. The proposal is therefore in accordance with Policies NE5 (criteria i and ii) and BE1 (criterion a) of the adopted Local Plan and the SPG on House Extensions.

Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

Glebe House is a two storey detached dwelling located to the west of the application dwelling. The proposed garden room would be located approximately 37 metres from the side elevation of Glebe House and there is an existing 2 metres high brick wall projecting to the rear of the application dwelling from the west side elevation that would screen the proposal from Glebe House.

There is also an extant planning permission that has not yet been implemented for the erection of another dwelling (Unit 1 of the original permission reference 10/00516/FUL) that would be attached to the west side elevation of the application dwelling. The proposed

garden room would be located approximately 10 metres from the existing 2 metres high boundary wall projecting to the rear of the application dwelling from the west side elevation that would screen the proposal from Unit 1.

As a result of the siting, scale and design of the garden room and the separation distance to neighbouring dwellings, the proposal will not result in any adverse impact on residential amenity. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan. At the time of writing the report, no objections have been received from any neighbouring properties.

### Conclusion

By virtue of its siting, scale, design, appearance the proposal will complement the character of the existing dwelling and will not result in any adverse impacts on the character or appearance of the surrounding landscape or the amenities of the occupiers of neighbouring properties. The proposal is therefore in accordance with Policies NE5 (criteria i and ii) and BE1 (criteria a and i) and the SPG on House Extensions and is therefore recommended for approval subject to conditions.

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

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

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale, Proposed Floor Plan Drawing at 1:50 scale, Proposed Roof Plan Drawing at 1:200 scale and Proposed Elevations Drawing at 1:100 scale received by the local planning authority on 29 November 2013.
- 3 The materials to be used on the external elevations of the extension and alterations hereby permitted shall match the corresponding materials of the existing dwelling.

#### **Reasons:-**

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

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

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](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:-** Richard Wright                      Ext 5894

**Item:**                      **03**

**Reference:**              **13/00965/FUL**

**Applicant:**              **Mr Paul Hilyer**

**Location:**              **Park House Farm Leicester Lane Desford**

**Proposal:**              **Erection of agricultural building**

**Target Date:**        **14 January 2014**

**Introduction:-**

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

Application Proposal

This application seeks full planning permission for the erection of an 80-place pig-farrowing building located within the existing farm complex at Park House Farm.

The existing pig rearing operation at Park House Farm is a "breed-to-finish" unit consisting of 1800 pigs including 180 sows. The pigs are reared to finishing weight being transported to a separate slaughterhouse facility locally. The farm has currently been depopulated to enable construction of the proposed building.

The applicant is seeking to redevelop the pig rearing unit as a supplier of high-health-nucleus breeding stock. The enterprise would therefore change from a finishing unit to a rearing operation and as a result of the building the herd would increase to 300 breeding sows with 450 progeny.

The proposal would involve the demolition of existing timber pig buildings and the replacement with the modern purpose-built pig rearing building. The proposed building would have a gross floor space of approximately 609 square metres and would be approximately 28.3 metres in length by 21.5 metres in width. The height of the building would be 5.2 metres in height with a dual pitched roof. The building would be pre-fabricated and constructed from a laminated, insulated timber framed panel system. The external cladding would be finished in GRP (glass reinforced plastic) and coloured green. The roof would be constructed from fibre cement profiled roof sheeting. The building would be erected over sealed, underground concrete slurry tanks.

### The Site and Surrounding Area

Park House Farm is located approximately 1.8 km to the east of Desford. The site is located within the countryside.

The site is accessed from Leicester Lane via an existing single track concrete and tarmac roadway. A public foot path exists to the north west of the site that runs to the north of the existing farm complex.

The existing farm complex features a number of existing agricultural buildings in various forms and styles. The farm house is located to the south east of the complex approximately 18 metres from the proposed building.

The site is bounded by open countryside comprising agricultural fields within the applicant's holding to the north, east, south and west.

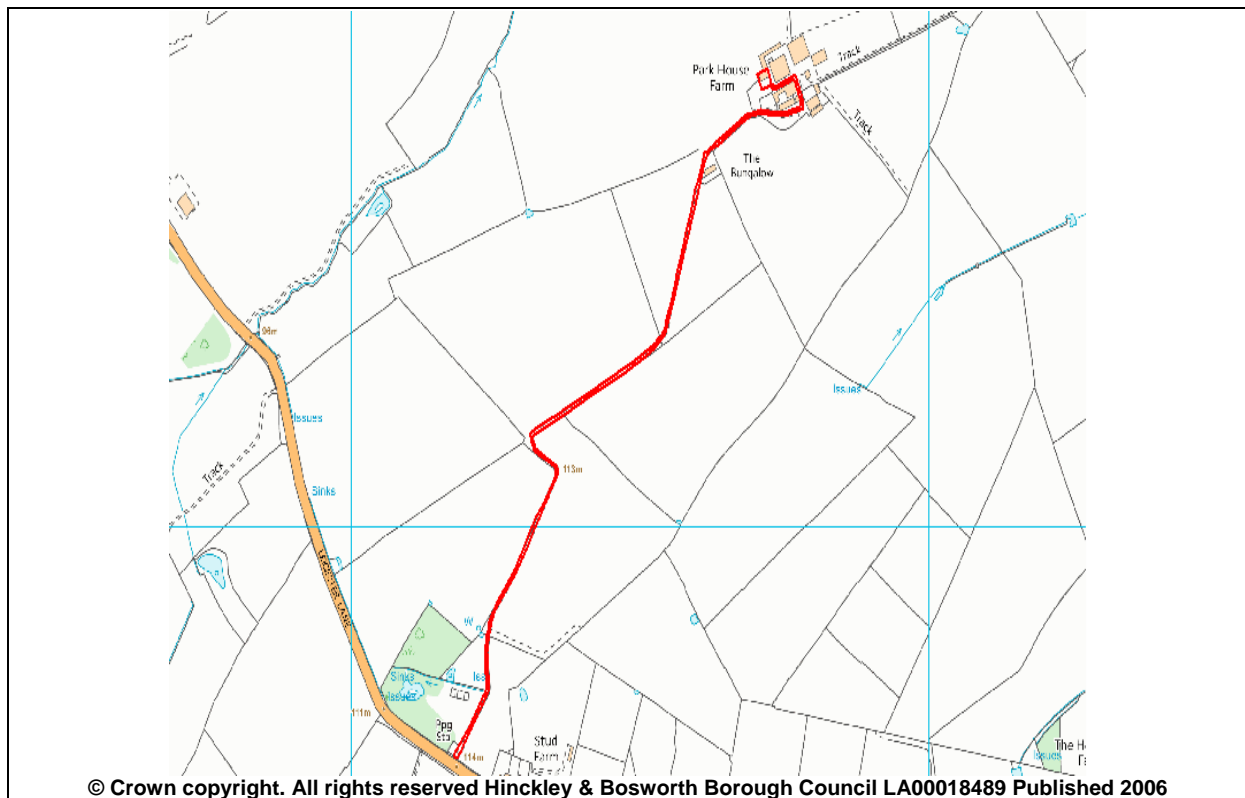
The site is flat and level.

### Technical Documents Submitted with Application

Design and Access Statement

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

None relevant.



**Consultations:-**

No objections have been received from:-

Head of Community Services (Land Drainage)  
 Director of Environment and Transport (Public Rights of Way)  
 Environment Agency.

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 NE5: Development in the Countryside  
 Policy T5: Highway Safety

Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG)

## **Appraisal:-**

The main considerations in respect of this application are the principle of development, the siting and design of the building and the impact on the visual amenities of the site, the surrounding countryside, residential amenity, public rights of way and highway safety.

### Principle of Development

One of the overarching principles of the National Planning Policy Framework (NPPF) is to protect the countryside but to allow sustainable development where it is appropriate. Paragraph 28 of the NPPF supports the development of agricultural businesses in order to promote a strong rural economy. Furthermore, Policy NE5 of the Local Plan supports development in the countryside that is important to the local economy and cannot be provided within or adjacent to existing settlements and for the extension of existing buildings in the countryside subject to a number of design criteria being satisfied.

The function of the proposed pig rearing building is an appropriate and justifiable use as part of the existing agricultural enterprise within the countryside. The proposal and principle of development is therefore considered to be in accordance with the NPPF and Policy NE5 of the Local Plan.

### Siting, Design and Impact on the Surrounding Countryside

Policy BE1 and Policy NE5 of the Local Plan state that development should not have an adverse effect on the appearance or character of the landscape and should be in keeping with the scale and character of existing buildings and its general surroundings. In addition the SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features and within the farm complex itself.

The proposed building will be located on the edge, but within, the existing farm complex, replacing previous timber agricultural buildings that have been present for a number of years. The proposed building has been purpose designed for the rearing of pigs to an appropriate standard with internal layout and pig pens reflective of the operation and agricultural enterprise. The proposed building with a dual pitched roof and finished in green would replicate the form and design of the existing agricultural buildings within the farm complex and is typical of the form and design of modern agricultural buildings. The building would not be seen from the public highway and therefore the street scene will not be adversely affected by the proposed development. The building would be viewed from the adjacent public footpath to the north of the site however given its siting within in relation to the existing farm buildings would not appear unduly prominent or visually harmful. It is therefore considered that the proposal complements the character of existing buildings and its surroundings and is in accordance with Policy NE5 (criterion ii) and BE1 (criterion a) of the adopted Local Plan together with the SPG on the Design of Farm Buildings.

### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential property is the farm house itself and as a result of the existing agricultural uses of the site, together with the separation distance, no adverse impact on residential amenity will result. No other residential properties are located near enough to the site to be affected by the development. The proposal is therefore in accordance with Policy BE1 (criterion i).

### Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is adequate access, parking and manoeuvring within the farm complex to accommodate HGV traffic associated with the proposed pig building. The submitted Design and Access Statement suggests that there would be less HGV vehicle movements than the previous pig finishing operation. There is an existing tarmac/concrete access track from Leicester Lane which is adequate to serve the proposed development. The proposal is therefore considered to be in accordance with Policy NE5 (criterion iv) and T5 of the adopted Local Plan.

### Impact on Public Right of Way

The proposed building would be sited close to footpath S2 which runs to the north of the existing farm complex. The Public Rights of Way Officer has raised no objection to the proposal and as such it is not considered that the proposed development would impact upon the use of the public footpath.

### Other Matters

The Environment Agency has raised no objection to the proposal in respect of flood risk, surface water run off or the storage proposals for the collection and spreading of slurry.

### Conclusion

The NPPF supports the development of agricultural businesses and as such a replacement agricultural building within an existing farm complex is sustainable and acceptable in principle. As a result of the siting, scale and design of the building together with the proposed materials the proposal would not have any adverse impact on the character or appearance of the site or the surrounding countryside. As a result of the existing uses of the site and separation distances there will be no adverse impact on the amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety or the existing public right of way. The proposals are therefore in accordance with adopted Local Plan Policies NE5 and BE1 together with the SPG on Design of Farm Buildings and paragraph 28 of the NPPF.

### **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 principle of development is considered acceptable within the farm setting and by virtue of the siting, scale, design and proposed materials there would not be any adverse impact on the character or appearance of the site or surrounding countryside, residential amenity, public rights of way or highway safety.

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

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



- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg No. P13-HLYR-FA-001 Site Location Plan 1:2500, Dwg No. P13-HLYR-FA-003 Proposed Site Plan 1:500, Dwg No. P13-HLYR-FA-004 Proposed Floor Plans & Elevations 1:100, Dwg No. P13-HLYR-FA-006 Proposed Roof Plan 1:500 and Dwg No. P13-HLYR-FA-005 Site Scene Elevations received by the local planning authority on 05 November 2013.
- 3 The development shall be constructed in accordance with the material details shown on section 9 of the application form.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](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: 04**

**Reference: 13/00982/FUL**

**Applicant: Verdon Sawmills Ltd**

**Location: Portland House 109 Stapleton Lane Barwell**

**Proposal: Change of use from B1 to a mix use development consisting of B1, B8 and A1 including erection of timber storage rack**

**Target Date: 23 January 2014**

**Introduction:-**

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

Application Proposal

The application seeks change of use from B1 to a mixed use development comprising B1, B8 and A1, and an associated structure at Portland House, 109 Stapleton Lane, Barwell. The scheme is to enable a timber manufacturer, timber storage and some limited retail on the site that was formally used as a stone fabrication plant. The site consists of five buildings, a two storey office building and four industrial buildings with either brick or stone plinth with a profile sheeting above.

It is proposed to use the buildings as follows:-

- a) building A/F is a two storey office building and permission is sought to change part of the ground floor to a trade retail counter to sell items associated with the sale of timber buildings on the site
- b) building B is an industrial building consisting of half brick and half metal profile walls with a shallow pitched roof. Consent is sought to enable timber sheds to be manufactured in this building, with a small retail element to allow public to enter and view and place orders for the products
- c) building C is an industrial building with brick cladding to the lower half of the wall with profile sheeting above. This building is to be used by a third party as B8 (storage and distribution)
- d) building D/G has brick to the lower wall and profile sheeting above and to the roof. It is proposed to store wood products in this building
- e) building E is enclosed building clad in profile sheeting. It is proposed for this building to be the main processing building where wood will be cut or shown on site. It is proposed that this will be on an infrequent basis as most materials will come to site pre-cut.

Consent is also sought for the erection of a timber display and storage rack measuring 19.7m by 3m, containing two rows of telegraph shaped poles each with two horizontal ledges, 3.95m tall.

A further 21 day consultation was undertaken which expires 6 January 2014 due to an amended description and additional plans to show the timber storage area.

The application site is a designated employment site.

## The Site and Surrounding Area

The site is located on the west side of Stapleton Lane, within the settlement boundary of Barwell, to the south of the civic amenity site and east of Barwell Park, recreation site. To the south and east the application site abuts residential housing. To the western boundary the site is separated from 40, 42, 44, 46, and 48 Kerry Close by a bund with planting above.

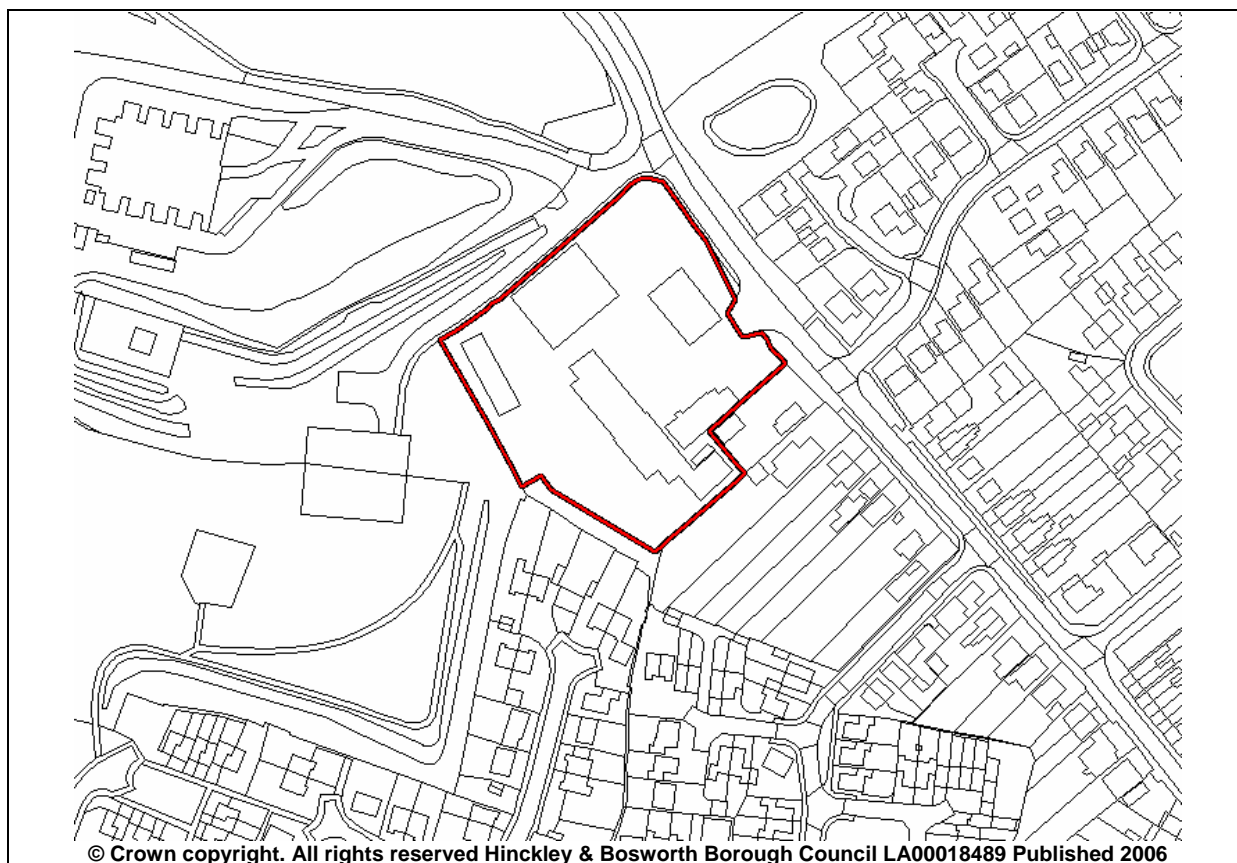
The site has an area of 0.9 ha and contains 5 buildings, mostly 2 storey in scale. The majority of the buildings are located running on a north-south axis through the centre of the site with building B located close to the entrance and building E against the western boundary of the site.

## Technical Document submitted with application

Design and Access Statement

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

05/001345/CONDIT	Variation to condition 7 of the planning permission 95/00126/COU to allow certain operations to commence at 06:00 hours	Approved	03.03.06
04/01410/CONDIT	Variation to condition 7 of planning permission 95/00126/COU to allow certain operations to commence at 0600hrs (personal, time limited)	Approved	27.01.05
00/01215/FUL	Erection of production building for architectural stone manufacture (hours of operation, only around building)	Approved	01.02.01
00/00908/COU	Continued use of site for the production of stonework (personal to JP Naylor- for part of site)	Approved	08.11.00
99/00567/COU	Temporary change of use from haulage depot to manufacture of stonework (temporary permission part of site)	Approved	18.08.99
98/00270/FUL	Erection of open fronted building for external packaging (only to be used for packaging)	Approved	27.05.98
95/00126/COU	Change of use to production of architectural stonework (personal to JP Naylor and hrs restriction- only relates to part of the site)	Approved	05.04.95



### **Consultations:-**

No objections have been received from the Director of Environment and Transport (Highways).

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

Site notice and was displayed and neighbours notified.

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

Head of Business Development and Street Scene Services  
Neighbours  
Barwell Parish Council.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

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

Policy 3: Development in Barwell

#### Hinckley and Bosworth Local Plan 2001

Policy EMP1 : Existing Employment Sites

Policy BE1: Design and appearance of development

Policy T5: Highway design and vehicle parking standard

## Supplementary Planning Guidance/Documents

None relevant.

## Other Material Policy Guidance

The Employment Land and Premises Study (2013)

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the impact on the amenities of neighbouring residents, impact on streetscene and highway safety.

### Principle

The application site is located within the defined settlement boundary and is a designated employment site. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development which it defines as having three strands; environmental, social and economic.

The proposal would utilise a vacant site that is designated as an employment site. Policy EMP1 classifies the site as B where proposals for other employment activities or alternative uses will be considered on their merits. These sites are generally considered to be acceptable employment sites. This policy is supported by the Employment Land and Premises Review that periodically reviews the employment sites within the Borough. This document recommends that the whole site is retained as an employment site, under category B.

The proposal seeks consent for use of the site as light industry and offices not open to the public (B1), storage and distribution (B8) with limited associated retail (A1) use. The uses within class B of the Use Classes Order are in accordance with Policy EMP1 of the Hinckley and Bosworth Local Plan. The A1 element however, would introduce retail onto the site. The classification of the site as B where other uses are assessed on their own merits suggests that some retail use could be considered on the site. The retail element is proposed to complement the timber manufacturing use and supply wholesale allowing products to be sold to the public. A small trade counter is also proposed within part of building A, to provide associated tools and equipment. This would be a limited portion of the total use of the site and to ensure that the proportion of retail space remains subservient to the main employment uses of the site it is recommended that a condition restricting the amount of A1 floor space within the site. This will be based on the applicant's submitted details and will enable the applicants to change areas of use depending on demand.

The proposal is therefore considered to re-use an existing employment site for an alternative employment purpose. The existing buildings on the site would be re-used with internal modifications to make them fit for purpose. The retail element is associated with the uses on site and can be controlled through conditions. The proposal is therefore considered to comply with Policy EMP1 and the overriding intentions of the NPPF. The principle of the scheme is considered acceptable.

### Amenities

There are residential properties located to the south and east of the site. To the east the rear elevation of properties on Howard Close, face Stapleton Lane and the application site. To the south the site shares a boundary with 'Evergreen' Stapleton Lane and the rear of properties 40, 42, 44, 46 and 48 Kerry Close.

The properties on Howard Close are located approximately 40m from the nearest building and sited across Stapleton Lane. 'Evergreen' is separated from the site by 'Twin Gables' a commercial property, but shares a boundary fence with the application site. The building closest to this property, building G is to be used for storage of timber products and has no openings facing the dwelling. The properties in Kerry Close back onto the application site and are separated by a 2m close boarded fence and landscaped bund. There will be outside storage to the rear of these which will entail occasional movements using a forklift truck, but is not considered to generate unacceptable levels of noise.

The noisiest activities will occur within building E which would contain the wood cutting equipment. This is limited to two machines and since the majority of the timber will be cut off site the proposed equipment will not require external extraction equipment. This building is located on the western corner of the site with the nearest residential property (48 Kerry Close) located over 50m away.

The applicants have indicated that they wish to operate the B1 and B8 uses Monday to Friday 07:00 till 18:00 and Saturdays 07:30 till 17:00. For the retail use, the application seeks consent to open between the hours of 07:00 and 18:00 Monday to Friday, 08:00 till 14:00 Saturdays and 10:00 till 14:00 on Sundays.

The Head of Community Services (Pollution), has raised no objections to the application however has suggested various conditions. An alternative start time on Saturday morning which they wish to be put back to 08:00 to which the applicant has agreed. It is therefore recommended that a condition restricting the hours is imposed. To differentiate between the different uses it is proposed that two separate conditions are imposed. It is considered that the retail use would have less of an impact than the B1 and B8 uses on the site on the basis that they involve the manufacture and assembly of products including the use of power tools. Retail use is therefore considered acceptable on a Sunday.

A condition requesting details of the fencing to the southern boundary separating the site from 'Evergreen' the residential property to the south be submitted and approved. It is recommended that this be a close boarded timber fence of 2m in height of a density of at least 10 kg/m<sup>2</sup> so as to prevent some noise transmission and protect the amenities of occupiers of this neighbouring property. It is considered that this condition is necessary and reasonable and therefore it is recommended that a condition be imposed requesting these details to be submitted.

#### Impact on streetscene and character of area

The application also seeks consent for an external rack to be sited in the north east corner to enable timber to be stored and displayed. The rack consists of two parallel rows of crossed steel beams and covers an area of 65.01 sq. m. and has a height of 3.95m.

Whilst the structure would be visible from Stapleton Lane, the rack would be partially screened by the vegetation to the front and seen against the existing buildings on the site. It is therefore not considered that the proposed rack would detrimentally affect the character or appearance of the streetscene. The proposal is considered to comply with Policy BE1, criterion a.

#### Highway Safety

The site benefits from a wide access opening into a wide bell-mouth with good visibility in both directions. There is plenty space for parking within the site. Given the previous use of the previous site and the existing access arrangements, the Director of Environment and Transport (Highways) has no comments on the application.

## Conclusion

The proposal would re-use an existing employment site for an alternative employment use. This is considered to accord with Policy EMP1 of the Hinckley and Bosworth Local Plan, supported by the NPPF. Subject to appropriately worded conditions the proposal would not detrimentally affect the amenities of nearby residents. The access is large and provides adequate visibility in both directions. The proposal is therefore considered to comply with Policies EMP1, BE1 criteria a and i and T5.

**RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 6 January 2014 permit subject to the following conditions:-**

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the previous use of the site and policy designation, the proposed change of use would maintain an employment site, and by virtue of the proposed opening hours would not detrimentally affect the amenities of neighbouring residents. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, BE1 criteria a and i, T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy 3.

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 overall amount of A1 floorspace shall not exceed 1000sq.m. Square metres in total, including mezzanine floors.
- 3 The retail use hereby permitted shall not be open to customers outside the following times 07:00 to 18:00 Monday to Friday, 08:00 to 14:00 Saturdays and 10:00 to 14:00 Sundays and Bank Holidays.
- 4 No machinery shall be operated, no process shall be carried out and no deliveries, in a vehicle no larger than a long wheel based van, shall be taken from the application site outside the following times 07:00 to 18:00 Monday to Friday, 08:00 to 17:00 Saturdays and at no time on Sundays or Bank Holidays.
- 5 No windows or doors on buildings B, D and E as shown on plan 6739K-04d Rev d received 13 December 2013 shall be open between the hours of 18:00 and 08:00.
- 6 Prior to the commencement of development, details, including the height, appearance and density of the replacement fence to the southern elevation shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be implemented in accordance with the approved scheme prior to the use commencing.

- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan 6739K.03c (scale 1:1250), Block Plan 6739K.04C (scale 1:500), 6739K-05A Rev A, Received 28 November 2013 and 6739K-04d Rev D, 6739K-06d Rev d received 13 December 2013.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To protect the employment status of the site to accord with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan.
- 3 To protect the amenities of nearby occupiers in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 4-6 To protect the amenities of neighbouring occupiers in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 7 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).
- 5 In relation to condition 6 the fence should have a density of at least 10 kg/m<sup>2</sup>.

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



**NOTIFICATION OF  
PLANNING COMMITTEE SITE VISITS**

No site visits for items on the 7 January 2014 Planning Committee