

PLANNING COMMITTEE

4 March 2014

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01

Reference: 13/00725/FUL

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Location: St Marys Vicarage St Marys Road Hinckley

Proposal: Demolition of existing building and erection of retirement living housing with associated landscaping and car parking

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 application.

Application Proposal

Full planning permission is sought for the demolition of St Mary's Vicarage, which comprises a two storey buff brick detached building and the erection of a 40 unit retirement housing complex.

In further detail the proposed development consists of a total of 40 units, 24 x 1 bed and 16 x 2 bed apartments with a communal lounge, library, laundry room, battery car charging facilities, internal refuse store, guest suite and private gardens. House manager's accommodation is also proposed along with the provision of 22 car parking spaces and mobility scooter charging facilities.

McCarthy & Stone provide specialised housing accommodation for the elderly, with communal facilities and specific features within the apartments tailored to meet the particular needs of the elderly.

It should be noted that this application follows a previously returned application. During the course of the original application Officers made a number of recommendations to improve the design, reduce the massing and to lessen impacts on surrounding protected trees. Through this submission, the following amendments have been made:-

- delivery of street frontage to Argents Mead
- reduction of mass from 3 & 4 storey to a 2 & 3 storey development
- re-organisation of internal spaces to mitigate developments impact on mature trees on and around the site
- delivery of an architectural approach with greater reference to residential forms within the Victorian suburban areas of Hinckley.

Site and Surrounding Area

The site is an irregular shaped piece of land with an area of approximately 0.4 hectares. The site slopes down to the southeast with a fall of approximately 5 metres from the north-eastern to south-western corners. A two-storey brick house stands in the northern part of the site and is accessed from the east via a driveway which forms the eastern site boundary. A gravel-

surface car parking area is located to the north of the house. To the south of the house is a grassed area that contains some fruit trees as well as some small wooden outhouses and a greenhouse. Trees are present on all of the site boundaries and include a variety of species including limes, maples, yews and holly trees.

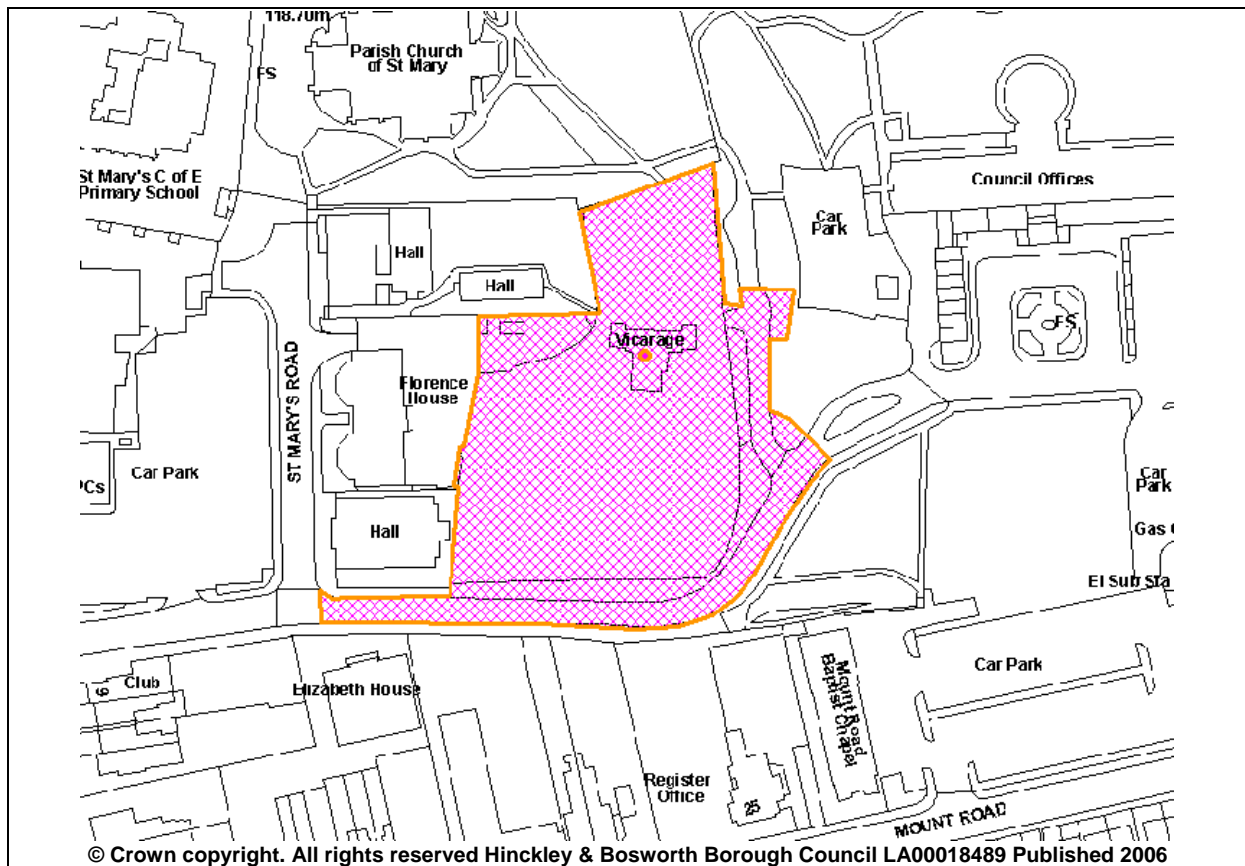
The site is located to the north of Argents Mead, on the south-eastern side of Hinckley town centre, bounded by Argents Mead to the south and the grounds of The Parish Church of St Mary's which is Grade 2* Listed, to the north. To the west are the church hall/ a Masonic Hall and a three-storey block of offices. The Council Offices, currently being demolished were to the east.

Technical Documents submitted with application

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Viability Statement
- Archaeology Assessment
- Ecology Assessment
- Heads of Terms (Draft)
- Transport Assessment

Relevant Planning History:-

12/00342/FUL	Demolition of existing building and erection of retirement housing Returned (40 Units)	Application	25.07.13
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Consultations:-

No objection has been received from:-

Environment Agency
Director of Community Services (Ecology).

No objection subject to conditions has been received from:-

Severn Trent Water Limited
Director of Environment and Transport (Highways)
Director of Chief Executive (Archaeology)
Head of Community Services (Pollution).
Head of Community Services (Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).
Tree Officer.

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

- a) Director of Environment and Transport (Highways) has not made a request
- b) Director of Children and Young Peoples Services (Education) has not made a request
- c) Director of Environment and Transport (Civic Amenity) has requested £1,835 towards the civic amenity site at Barwell
- d) Director of Adults and Communities (Libraries) has requested £1,460 for Hinckley Library
- e) Directorate of Chief Executive (Ecology) has made no request.

No response has been received from:-

The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer.

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

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Hinckley Town Centre Area Action Plan DPD

Policy 1: Development in Hinckley
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

The site is located in the settlement boundary, in the town centre conservation area and the retail area as defined in the adopted Hinckley and Bosworth Local Plan.

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 BE7: Development in Conservation Areas
Policy BE8: Demolition in Conservation Areas
Policy BE5: The Setting of a Listed Building
Policy BE12: Scheduled Ancient Monuments
Policy T5: Highway Design and Vehicle Parking Standards
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE12: Landscaping Schemes
Policy NE14: Protection of surface waters and Groundwater Quality
Policy BE16: Archaeological Investigation and Recording
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

Play and Open Space Supplementary Planning Document
Affordable Housing Supplementary Planning Document
New Residential Development Supplementary Planning Document
Sustainable Design Supplementary Planning Document

Appraisal:-

The main considerations in relation to this development are the principle of development and five year housing land supply, siting and design, impacts on the conservation area, residential amenity, highway safety, viability, developer contributions and other issues.

Principle Of Development

This development would facilitate the re-use of a previously developed site in a highly sustainable location adjacent to the town centre, within the defined settlement boundary for Hinckley. It is therefore supported by planning policy. Whilst the existing dwelling is located within the conservation area it is a building that has no architectural merit or historical significance within the conservation area. The building is a typical 1950's brick built dwelling house and share no particular features with the building surrounding it. Accordingly, there is no objection to its demolition subject to the replacement being acceptable.

Five Year Housing Land Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the 'presumption in favour of sustainable development'.

The Borough Council has a 5.86 year supply of housing land (as of October 2013) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 1 which identifies a minimum of 1120 dwellings to be allocated in Hinckley.

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.

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'.

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.

Hinckley Housing Numbers and Demonstrating Housing Need

The Core Strategy seeks to allocate land for housing in Hinckley. In particular policy 1 seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes as supported by Policy 15 and 16.

Adjustments in housing calculations from the period of adoption, including demolitions and expired permissions results in a residual housing minimum of 1120 homes for Hinckley. However, since the adoption of the Core Strategy a number of dwellings have been permitted leaving a residual housing requirement for Hinckley of 818 dwellings. Based on these figures there is a demonstrated need for housing within Hinckley.

As the scheme proposes 40 residential units, marketed directly towards the ageing population, in accordance with Policy 1, the existing housing stock will be diversified and a need fulfilled. Furthermore, this is a sustainable, brownfield, town centre site which will contribute towards the housing requirements for Hinckley. Therefore the development is in accordance with the NPPF presumption in favour of sustainable development and is considered acceptable in principle.

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.

Whilst the Council has currently met 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.

Design and Impact on the Character of the Conservation Area

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. Saved Policy BE7 requires developments within Conservation areas to preserve or enhance their special character or appearance. These policies are considered to be consistent with the intentions of the NPPF and therefore carry weight in the determination of this application.

The site lies to the south of St Mary's Parish Church which is a Grade II* listed building and due regard must be had to preserving the setting of this listed building. Given the physical distance between the Church and the development, and when taking into account the amount of tree screening that exists within the Churchyard, there is no adverse impact upon the setting of the Church. The development is broadly comparable with the scale of other developments within proximity of the Church and the proposal will not obscure views of the Church spire from distance which must be protected. The scheme there complies with the requirements of Policy BE5.

The site lies to the southwest of the Scheduled Ancient Monument (SAM) of the Former Castle Mound, Hinckley. Again, given the physical separation, distances, the fact that the castle mound sits at a much higher elevation and the nature of development surrounding it, there will be no adverse impact on the setting of the SAM. The scheme there complies with the requirements of Policy BE12.

Within the previous submission, Officers raised concerns in respect of the design of the scheme. The concerns have been addressed within this submission. Furthermore, the use of obscured glass in the central pane of the replica bay windows was not considered acceptable. This solution was proposed due to the internal layout of accommodation. However revised floor plans for the affected apartments have now been received and the window detail has been amended.

The scale of the scheme ranges between two and three stories and has a roughly 'T' shaped footprint, with the principal elevation facing south towards Argents Mead. To this elevation, the scheme proposes a traditional gabled form, broken into three sections, which helps reduce its mass. The design and detail of this elevation incorporates architectural detail which is replicable and respectful of the nearby Victorian properties on Mount Road. Located centrally in the frontage and articulated through the change of material and fenestration pattern, a dedicated pedestrian entrance is proposed, thus ensuring activity is delivered to the street. A (modern) bay window design is replicated to the gables (at ground and first floor), which project forward from the principal elevation and are finished in brick, thus adding interest and breaking up this elevation. To the second floor and within the eaves, the material changes to render and a smaller secondary scale window is proposed, thus replicating the original Victorian design. The functional/secondary fenestration is of simplistic design and is set back within the elevation, reflecting its lesser importance. Both render and brick is proposed to this elevation, which are commonly found within the vicinity, and will aid legibility of the building.

As the building turns the corner to the east, given that this is a prominent corner and will be visible from the surrounding areas and the vehicle entrance, initially the 3 storey scale is continued, along with the full height projecting gables incorporating the modern bay window design. However, in response to the sites topography the proposals reduce in scale as the levels rise to the North. This approach also ensures that the Argents Mead frontage remains principal. In order to reduce the mass of the building a mixture of materials are proposed. In

addition to brick and render, timber boarding is also proposed to this elevation, this has been employed to denote the 'cottage' element of the scheme, whilst also responding to the heavily vegetated setting, to aid assimilation of the development. Covered ground and first floor terraces are proposed within the gables and Juliet balconies are proposed at second and third floors. This elevation is heavily glazed and incorporates a range of fenestration style and design, thus reflecting the functional requirements of the building. Although this elevation will be more utilitarian in appearance, given its set back within the site and the dense vegetation along the eastern boundary, only glimpses of this elevation will be available externally, and thus the building will not appear prominent when viewed from this angle.

The north facing elevations have views towards the car parking courtyard in the form of a wooded 'cottage' element, and also face into the main communal garden space to the west, this elevation incorporates the range of architectural treatment benefiting the scheme, with the gable fronted three storey type and 2 storey subservient cottage vernacular both employed. Where the proposal turns internal corners, render is used on facades to lighten the outlook and maximise daylight, whilst also providing a defined break in building elements, thus aiding articulation. Varying ridge and eaves heights are proposed to this elevation are staggered to address the falling east / west topography of the site. The gable end at the furthest most point within the northern elevation has limited detail, however as this will face onto the parking area and will be screened by dense vegetation along the northern boundary of the site, it will not be prominent externally and thus is not considered to compromise the design of the scheme to a detrimental level.

The western elevation will face onto the communal garden areas and is to incorporate a raised terrace area. The simple, vertically emphasised and functional fenestration design is employed to this elevation, however as with other elevations, interest is added through the use of a varied pallet of material including, render, brickwork and timber boarding and the ridge and eaves heights are stepped to reflect the changing ground level. The western facing elevation of the principle elevation will have limited detail, however as this faces onto the rear elevation of the Masonic Hall, views of it will limit.

Overall, through the use of varying eaves and ridge heights, projecting gables and a varied pallet of materials, the massing of the building will appear reduced. Furthermore, the elevations are highly legible and have an interesting and detailed appearance and incorporate architectural detail common within the wider area. Accordingly, the design and siting of the building proposed is considered sympathetic within its conservation area setting and respectful of the prominent buildings to its boundaries. Accordingly, the development is considered to preserve the character of the conservation area and in terms of design is considered acceptable. Therefore the proposal is in accordance with Policy BE1 (a) and BE7 of the Local Plan.

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 closest residential dwellings are those on Mount Road, to the south of the site. However by virtue of the separation distances between these and the application site, the scheme is not considered to result in any adverse impacts on their residential amenity in terms of privacy, overshadowing or over-dominance, or overbearing impacts.

Highway Safety

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

The application is accompanied by a Transport Assessment which concludes that the proposed development would result in a modest increase in traffic generation, spread throughout the day. Consequently, the impact on the surrounding highway network is unlikely to result in any highway safety issues. Furthermore it is stated that the car parking provision is likely to meet all the normal peak demands of residents and their visitors and this is not considered to cause any adverse impacts on the surrounding highway network.

Originally 22 parking spaces were proposed, however following a discussion with ward councillors, concerns were raised in respect of the parking provision and a request was made to the developer to provide additional parking spaces. Amended plans have been submitted illustrating 2 further parking spaces. No objections have been received from the Director of Environment and Transport (Highways) in terms of parking provision; however the following conditions have been recommended should the application be approved. As Argents Mead (to the site frontage) comprises a private access drive, the recommended conditions will be considered below in terms of whether they are deemed necessary and reasonable and thus should be imposed.

Condition 1:

Before first use of the development hereby permitted, a footway and crossing point shall be completed to the satisfaction of the Highway Authority from the existing footway on Argents Mead to the point of the new pedestrian access to the site and also improvements shall be made to the footway along Argents Mead to Station Road such that the route becomes suitable for motorised mobility scooters, and pedestrians with mobility needs.

This condition is not considered to be reasonable or necessary to make the development acceptable. The development would not result in highway danger if the condition was not imposed, and thus the condition is considered idealistic. Furthermore the wording of the condition is not specific, in terms of the precise improvements to be made to the footway and would therefore be unenforceable. Accordingly, if recommended for approval, this condition will not be imposed.

Condition 2:

Before the development hereby permitted is first used, secure and covered cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

Given the specific product proposed (private sheltered housing scheme), the request for cycle storage provision is not considered to be reasonable or necessary, and thus the suggested condition will not be imposed.

Condition 3:

This concerns the surfacing of the parking and turning areas.

This condition is considered necessary and will therefore be imposed, subject to the application being approved.

Condition 4:

Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 4.25 metres from Station Road to the site

access. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

As Argents Mead is a private drive, it is not considered reasonable to impose this condition. However, notwithstanding this, the access drive already exceeds 4.25 metres in width and thus the suggested condition would not be necessary in any case.

Condition 5:

Before the development is occupied, a scheme of street lighting along Argents Mead to the site access shall be submitted to and approved by the LPA in consultation with the Highway Authority. The scheme so approved shall be implemented in accordance with agreed timescales.

Argents Mead is already lit and as such this requirement is met. Given that the driveway is in part beyond the control of the applicant, securing such details would not ensure their installation and delivery.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. However, in line with the above discussion, only one of the five suggested conditions is considered to be reasonable and necessary to render the development acceptable. Therefore, subject to the imposition of suggested planning condition planning condition 3, the scheme is considered to be in accordance with Policies T5, T9 of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Viability

The application has been accompanied by a Viability Assessment which in accordance with current working arrangements with Coventry City Council has been reviewed.

The viability appraisal illustrated a surplus of £86,643, on completion of the site, which has been calculated at the present value of £68,683 or £1,717 per unit (a difference of £17,960). It is on this basis which the viability has been assessed.

Following an initial appraisal of the report, further clarification was requested in respect of the valuation of the site, the calculation of site abnormalities, build costs, technical fees, financing costs, building contingencies and developer profits. Further, the use of the present valuation calculation was not considered to be an appropriate method. This is based on the fact that to ensure that this correctly reflects the position, there also needs to be a consideration of when the income comes in (as it would not all come in at the end of the development) and therefore growth would need to be included to reflect the time over which the scheme is to be delivered.

Due to the complexities involved with this method, it is suggested that the current figure generated by the appraisal is used as opposed to applying a present value calculation.

The additional justification has been received and reviewed, and it has been agreed by both parties that there is scope within the scheme to revise construction costs. Notwithstanding this, the developer is not willing to re-consider any of the other points raised.

Profit

The developer has argued that the specific (sheltered) accommodation proposed carries more risk as they cannot build it out in phases and therefore the standard 20% profit is more

realistic. The consultant has accepted this point, confirming that where developers have taken a lesser profit, it has been on residential housing developments where phasing is possible and money can be recovered before the next phase is completed.

Technical Fees

The fee level at 8.2 % has been accepted, for in the absence of further evidence it would be difficult to sustain an argument that the figure should be reduced.

Building Contingencies

It was suggested that a reduction of the rate from 5% to 3% should be possible, and also if the construction costs reduce (as has been proposed) there would be a direct saving on the overall figure. This said, given the limited knowledge in respect of ground conditions, it is not possible to confirm whether 3% or 5% would be acceptable. Accordingly as it is not possible to prove a reason for a reduction, as this request would be difficult to argue. A reduction of the building costs by £188,658 (as proposed) would equate to a £4782.70 reduction in the contingency figures.

Following reconsideration of the construction costs, a revised offer of £257,341 has been received. The Council has argued that a figure of £17,960 should also be added to the offer to reflect more reasonable build costs across the whole of the delivery of the development. This has been accepted by the developer and therefore the agreed surplus put forward is £275,300.

Affordable Housing and Developer Contributions

The application proposes 40 residential units which attract infrastructure contributions.

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

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF and thus is afforded weight in the determination of this application. This site is within the urban area and therefore Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing, with a tenure split of 75% for social rented and 25% for intermediate housing. For this development the affordable housing requirement equates to a total of 8 dwellings, 6 for social rent and 2 for intermediate housing.

There are currently the following number of applicants on the Council's housing register for Hinckley:-

1 bedroom	727
2 bedroom	497
3 bedroom	159
4 or more bedrooms	37
Total	1420

Based on the housing numbers as outlined, in accordance with Core Strategy Policy 15 it is considered that there is an identified need for a range of affordable units in Hinckley.

Notwithstanding this, the specific McCarthy and Stone product is not considered suitable for affordable housing, due to the high level of amenities provided on the site. Such high amenity provision results in high service charges, which are not eligible for housing benefit, and so makes it un-affordable for people on low incomes. Accordingly in this instance, a commuted sum towards affordable housing provision within the locality is considered to comprise the most suitable option.

The commuted sum has been calculated as follows:-

Proposed retirement living scheme = 40 dwellings
@20% affordable = 8 dwellings

75% social rented = 6 dwellings
25% shared ownership = 2 dwellings

Average unit market value presented by McCarthy & Stone (as per appraisal) £168,190 (per dwelling).

Registered providers generally pay 45% of market value for social rented dwellings and 65% market value for shared ownership dwellings:-

45% of £168,190 = £ 75,685
65% of £168,190 = £109,323.

Cost to the scheme for providing affordable housing would therefore be:-

£75,685 - £168,190 = £92,505 x 6 dwellings = £555,030
£109,323- £168,190 = £58,867 x 2 dwellings = £117,734

So the total commuted sum would be £672,764

However, as this scheme is accompanied by a viability appraisal; further calculation is required to demonstrate the sum affordable to the scheme.

The total financially viable contribution as per the updated viability appraisal (and agreed by all parties) is £275,300.

Therefore the viable contribution represents 37.4% of the policy compliant position. In this instance due to a commuted sum being taken this equates to an affordable housing commuted sum of £251,905.94.

Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

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. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

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 Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer contribution must be assessed in light of the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require 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.

REC2: Formal Play Provision

Due to the spatial constraints of the site this contribution is to be secured via a financial contribution.

The application site falls within 1 kilometre of Clarendon Park and as such a financial contribution of £19,951.20 in respect of Policy REC2 is requested. This is subdivided into £10,975.20 provision and £8,976 maintenance, to be taken over a 20 year period. Within the Green Space Strategy 2005-2010, Hinckley had a deficiency of -12.50 for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends outdoor sports should be protected and improve the quality of existing outdoor sports facilities in Hinckley.

The quality of the equipped space has been considered within the Quality and Accessibility Update Audit of 2007 which awarded Clarendon Park Neighbourhood Equipped Area of Play a quality score of 55.9%. It is considered that financial contributions could be secured to improve the quality of this space. It is considered that the future occupiers would use the facilities and thus increase the wear and tear of the equipment and facilities on these sites. Accordingly this request is considered reasonable.

REC3: Informal Play Provision

As the proposed development will result in a net gain of 40 residential units and is within 400 metres of Argents Mead (Local Open Space) the application triggers a requirement for contributions in accordance with Policy REC3. The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded a quality score of 75%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. Within the Quality/Accessibility Audit 2005 it is stated that Hinckley has an adequate supply of amenity green space to meet the current needs, however it is stated that the quality of the provision needs to be improved. The required contribution in this case would be a total of £42,527.20 (made up of £27,805.20 provision element and £14,722 maintenance element). Given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment.

The total contribution request in this case would be £62,478.40 or £1561.69 per dwelling.

As reported above it is only viable for the scheme to deliver 37 % of the total play and open space contribution. Therefore the viable play and open space contribution is as follows:-

37.4% of £62,487.40 = a total play and open space contribution of £23,120.03.

REC2 contribution:

Provision: £4109.49.

Maintenance: £3360.92

REC3 contribution:

Provision: £10411.22.

Maintenance: £5512.43

It is considered that the play and open space contributions are necessary, are directly related to the development and fairly and reasonably relate in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 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 developer contributions have been assessed against the tests in the CIL Regulations 2010.

It is considered that the library request has not demonstrated whether the contribution is necessary, information has been provided stating that the development would result in an additional need of 100 books per year, however this additional demand (resultant of the development) is considered minor and therefore the contribution is not considered necessary.

In respect of the civic amenity request it is estimated that there will be an additional 11 tonnes of waste generated by the development or an increase of 0.001% and given that figure, it is difficult to justify that a contribution is necessary as the impact from this development would be minimal.

No other contribution requests have been received.

The library and civic amenity requests have been considered against the CIL regulations 2010 and are not considered CIL compliant.

Trees

The site is within the conservation area, which is characterised by mature, dense vegetation. All boundaries of the site, aside from the western, are flanked by mature trees. The Council are committed to retaining as much of this vegetation cover as possible.

The application is accompanied by an Arboricultural Report and a Tree Protection Plan and following initial comments from the Tree Officer, the layout of a number of the parking spaces have been revised.

The footprint of the building has been carefully sited to ensue minimal impacts on the surrounding vegetation, however this said, based on the surveys undertaken a number of trees will need to be removed. This said the Arboricultural Report concludes that the majority of the mature trees around the periphery of the site will be retained and that the trees planned for retention can be adequately protected by design techniques and physical barriers during the construction phase of the development. The few trees to be removed are of minor significance and the relationship between retained trees and the occupied flats will be satisfactory and should remain so for the foreseeable future. Finally it is stated that there are no arboricultural reasons for withholding planning consent for the proposal.

The Tree Officer has raised the following concerns in relation to the scheme. The location of storage and site facilities, service installation routes and the access road construction specification is unknown and therefore any impacts on the eastern tree screen cannot be assessed and therefore could be damaging to trees. However, this is the case for many developments and a condition requiring a detailed scheme for tree protection would overcome this concern.

In respect of the schemes impacts on individual trees, the Officer comments are as follow:-

Site access along the Vicarage drive would necessitate removal of T6 Yew (retention category B) or re-alignment of the access drive onto Council land and removal of tree T7. These concerns have been relayed to the applicant and it has been stated that the Vicarage drive access would not be suitable for construction vehicles. Accordingly further plans have been received illustrating alternative routes for construction traffic. Accordingly based on the amended plans, these trees will not be impacted upon.

Proposed car parking encroaches into the Root Protection Area of the most important tree on the site, Beech T74 (retention cat B.) on its downhill side, and therefore "no-dig" construction as prescribed is not possible. The car parking layout has been amended, two spaces have been removed from the Root Protection Area and therefore there are no remaining impacts on this tree.

The design does not provide sufficient clearance for existing or future growth of tree T91 Silver maple (Retention cat. B.) on Argents Mead Road. Cutting back of the tree on the north side would be unacceptable. The design is therefore incompatible with the natural environment in the site's South Western corner. These comments have been relayed to the applicant who has stated that their arboriculturalist does not consider that the development would place undue pressures on this tree. On balance, the delivery of the scheme outweighs any potential impacts on this tree.

T28, a Sycamore has a greater crown spread to the west than shown (9.5m. not 8m.) Construction would necessitate partial removal of the canopy. This compromise, on balance is considered acceptable in ensuring the delivery of the scheme.

It has been suggested that the an Arboricultural Method Statement produced by the project Arboriculturalist would be required as a condition of planning consent in accordance with the elements listed in paragraph 5.1 of the Ian Keen Arboricultural Impact Assessment ref.(IJK/7545/WDC.) This condition is considered to be both reasonable and necessary and will therefore be imposed.

On balance although the scheme will result in some impacts on the surrounding trees, the impacts are not considered as detrimental as to warrant refusal of the application on such grounds. Accordingly the development is not considered to have a materially detrimental impact on the tress and thus the maturely vegetated character of the area, and therefore

subject to conditions to ensure the retention and protection of the trees, the proposal is considered acceptable in this respect.

Archaeology

The application site lies within the Historic settlement core of Hinckley (HER ref: MLE2901) in close proximity to the medieval Hinckley Priory (MLE2878), Hall House, thought to have been the residence of the Priors of Hinckley (MLE2879), Hunter's Row (MLE18560), the medieval Church of the Assumption of St Mary (MLE13020) and Hinckley Castle (MLE18561). The archaeological trial trenching undertaken in 2012 revealed a number of features on the site of probable medieval or early post-medieval date, including ditches and a possible pond that may relate to the use of the land as gardens associated with Hall House, or to the moats illustrated on early mapping of the site. Finds from these features included burnt daub, indicating that structures of wattle and daub construction were present in the vicinity and burnt down while the ditches were still in use.

In line with paragraph 129 of the NPPF the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

Paragraph 141 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

Accordingly the Director of Chief Executive (Archaeology) has recommended a number of conditions relating to archaeological trial trenching, and the subsequent excavation and recording of archaeological features revealed. These works will be required prior to commencement. The suggested conditions are considered to be both reasonable and necessary and will be recommended subject to the application being approved.

Other Issues

Head of Community Services (Pollution) has recommended a construction hours condition be placed on the application (if approved). Given the proximity of the development to dwellings on Mount Road, in accordance with criterion h of Policy BE1 this condition is considered reasonable and will be imposed.

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Accordingly a condition has been recommended to secure drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Similarly Severn Trent has requested a condition which requires the submission of drainage details for foul and surface water runoff. These are considered necessary and reasonable requests and if recommended for approval, a suitably worded condition will be imposed.

Sustainability

Policy 24 of the Core Strategy requires residential developments within Hinckley to meet Code Level 4 of the Code for Sustainable Homes. Whilst elements of the Code could be

achieved by this development, as the scheme proposes flats and a bespoke end product, not all elements of the Code could be achieved. Furthermore, even if development to Code level 4 was achievable, as the application is accompanied by a viability appraisal, it would not be financially viable. Accordingly it is not considered reasonable or necessary to condition that the development be constructed to Code level 4.

Conclusion

This development will result in the re-use of this highly sustainable brownfield site and will contribute towards meeting Hinckley's Housing need. Furthermore the specific product proposed will cater for the ageing population, who are recognised as comprising an increasing percentage of the population. The siting and design of the proposal both capitalise on the site available whilst also being sensitive to the character of the surrounding conservation area, listed buildings and the maturely vegetated setting. Although accompanied with a viability report, the development will provide a contribution towards affordable housing and play and open space facilities, which will help both provide and sustain such facilities in the future. Furthermore, subject to the imposition of conditions, the development is not considered to give rise to any material adverse impacts in terms of residential amenity, highway safety, drainage or flood risk, pollution, trees or archaeology. Therefore the scheme is considered acceptable and in accordance with policies IMP1, RES5, BE1 (a, i, h), BE7, BE8, T5, REC2, REC3, NE12, NE14, BE16 and T11 of the Hinckley and Bosworth Local Plan, Policy 1, Policy 15, Policy 16 and Policy 19, of the Core Strategy and the overarching principles of the NPPF.

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

The application is accompanied by a PPA allowing until 12 March 2014 complete the 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 and the provision and maintenance of open space facilities, the Chief Planning and Development Officer be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement by 12 March 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 as it is within the settlement boundary of Hinckley and comprises the highly sustainable re-use of this brownfield site. Furthermore the development is not considered to give rise to any material impacts in terms of residential amenity, highway safety, drainage or flood risk, pollution, trees or archaeology and will contribute towards the provision and maintenance of affordable housing and play and open space facilities. Therefore the scheme is considered acceptable.

Local Plan 2006-2026: Core Strategy: Policies 1, 15, 16 and Policy 19.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE7 (a - d) , BE8,

BE16, RES5, NE12, NE14, T5, T11, IMP1, REC2 and REC3.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- "Typical Bay Fronted Apartment" to supersede corresponding details on Drw refs 1789/2/03, 1789/2/04 received by the Local Planning Authority on 17 February 2014, Drg Ref 1789/2/02 received by the Local Planning Authority on the 22 January 2014, .Drg Refs:- SP01.02.01, 1789/2/05 Rev A, 1789/2/01, 1789/2/03, 1789/2/04, STND/001/036, 1789/02/08, STND/001/037/A, 1789/2/06 received by the Local Planning Authority on 13 September 2013.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and boundary wall 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 Notwithstanding the information provided, before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) hard surfacing materials
 - (iv) existing trees and hedgerows to be retained and details of their protection
 - (v) planting plans
 - (vi) written specifications
 - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - (viii) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
- 6 Development shall not commence until surface and foul drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (where applicable), along with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details.

- 7 Prior to occupation, the car parking layout and turning areas shown on the approved plan shall be provided, hard surfaced in a porous hard bound material and marked out for use before any dwelling is occupied and shall thereafter be permanently so maintained.
- 8 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 9 No demolition or construction works shall take place outside of the following hours: - 7.30am - 6pm Monday - Friday, 8am - 1pm Saturday and at no time on Sundays or Bank Holidays.
- 10 Prior to any demolition or development an Arboricultural Method Statement produced by the project Arboriculturalist in accordance with the elements listed in paragraph 5.1 of the Ian Keen Arboricultural Impact Assessment ref. (IJK/7545/WDC.) shall be submitted to and approved in writing by the Local Planning Authority.
- 11 No demolition or construction works shall take place until a construction management plan has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved at all times and shall include the following information:-
 - a) construction traffic management including routing and parking arrangements
 - b) construction material storage, site arrangements and construction plant.
- 12 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme 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.
- 13 The development 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 (13) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

- 14 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (13).

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) and Policy BE7 (criterion b) of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 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 adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the development has a satisfactory visual appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development does not have an adverse impact in terms of noise and disturbance on the residential of surrounding properties in accordance with Policy BE1 (h and i).
- 10 To ensure the adequate protection and retention of the trees in the interests of preserving the character of the Conservation Area in accordance with Policy BE7 of the Hinckley and Bosworth Local Plan.
- 11 To ensure the adequate protection and retention of the trees in the interests of preserving the character of the Conservation Area in accordance with Policy BE7 of the Hinckley and Bosworth Local Plan.
- 12-14 To ensure satisfactory archaeological investigation and recording in accordance with paragraphs 129 and 141 of the NPPF.

Notes to Applicant:-

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Overton Ext 5680

Item: 02

Reference: 13/01044/FUL

Applicant: Mr Freddie Price

Location: Land Off Leicester Road Hinckley

Proposal: Travellers site for 3 pitches with the erection of 3 day rooms provision of 8 parking spaces and stone surfaced turning area, together with associated landscaping and access road

Target Date: 25 February 2014

Introduction:-

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

Application Proposal

This is a full application for the creation of three gypsy caravan pitches, along with the erection of three day rooms, the provision of 8 parking spaces and a turning area, an access road and associated landscaping.

In further detail, the three pitches are to be sited in a linear arrangement (gable end on) to the southern boundary of the site. Pitches A and B will have a footprint of 12.2 metres x 6 metres and pitch C will have a footprint of 10 metres x 4 metres. The pitches will be a minimum of 6 metres apart and an equal distance from the surrounding boundaries.

The day rooms will be sited at a right angle to pitch A, adjacent to one another. These will be pitched roofed and of brick and tile construction. They will have a maximum height of 3.7 metres and a footprint of 6.5 metres x 3 metres. They will each provide toilet, wash and laundry facilities. To the rear of the day rooms will be a grassed play area. The parking spaces are to be sited along the northern boundary. A 10 metre wide stone surfaced access and turning area will separate these from the pitches.

A landscaped bund is proposed along the north, east and part way along the western boundary. The remaining boundaries will comprise a post and rail fence with hawthorn hedge planted behind.

The site is to be accessed via the existing field access to Leicester Road. A stone surfaced access track, enclosed by a post and rail fence is proposed alongside the western boundary of the field. This will lead to the site.

This application follows a similar proposal for the siting of two Gypsy and Traveller pitches, albeit these were sited closer to the highway boundary. This application was refused on grounds of harm to the Green Wedge and was later dismissed at appeal.

Site and Surrounding Area

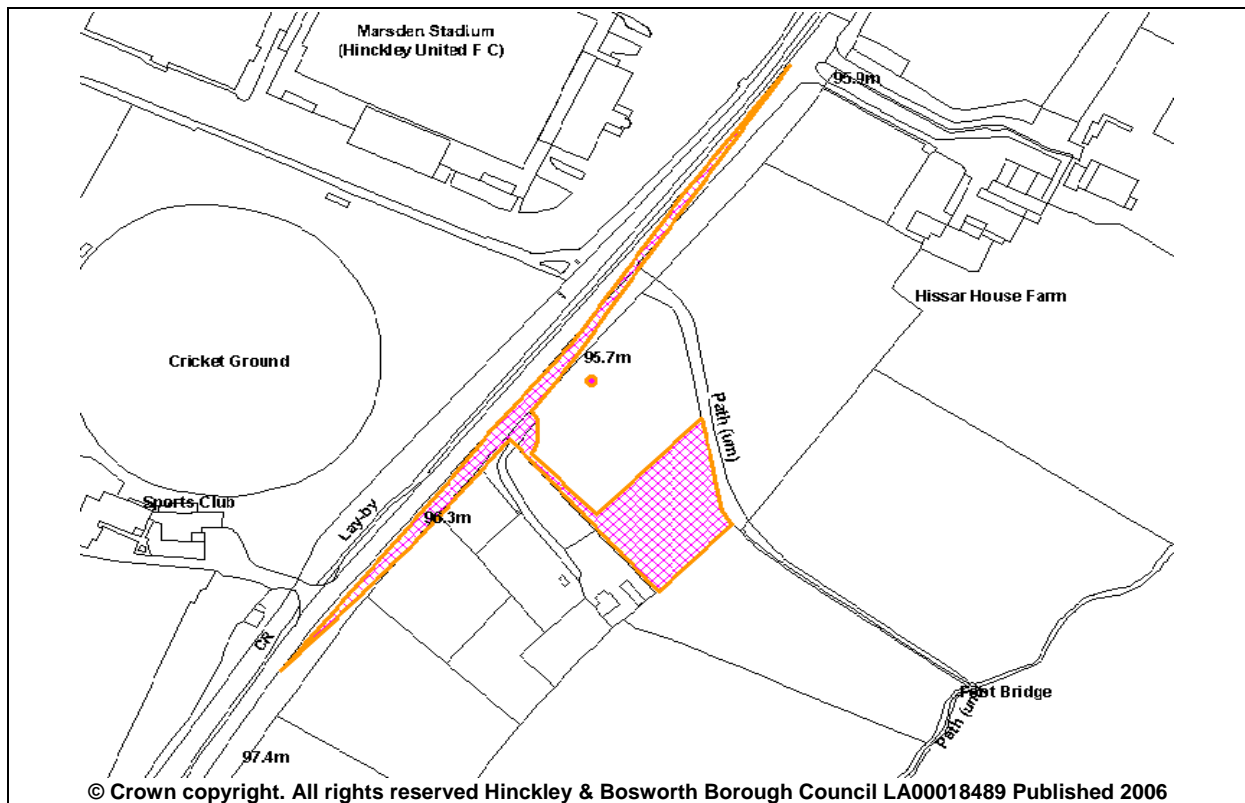
The site comprises part of a 7 acre field located on the eastern side of Leicester Road, Hinckley, opposite the Rugby Club. It has an area of 0.25 hectares and is set back roughly 69 metres from the Highway. The field (which is also owned by the applicant) is currently used for the grazing of horses. The land has a shared access with the adjacent smallholding to the south. The site is bounded to the road frontage by vegetation and a public footpath runs adjacent to the eastern boundary. The site is defined within the adopted Local Plan as Green Wedge. Further north east is Hissar House Farm with agricultural land bounding the site to the remaining elevations. The land level falls slightly to the south east.

Technical Document submitted with the application

Design and Access Statement
Documents detailing personal need (Confidential)

Relevant Planning History:-

11/00377/FUL	Travellers site for two pitches and the erection of a toilet/laundry room	Refused Appeal Dismissed	27.07.11
10/00994/FUL	Travellers site for 2 mobile homes and two transit Caravans and erection of a toilet/laundry room	Withdrawn	21.04.11
09/00405/UNUSE	The erection of new gates, hard surface and the use of buildings in connection with an engineering business. This was an anonymous complaint and the case was closed in October 2010 as it was not considered expedient to take enforcement action		



Consultations:-

No objections received from:-

The Director of Property Services (Gypsy Liaison)
 Director of Environment and Transport (Footpaths)
 Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

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

The Director of Environment and Transport (Highways) has objected to the application on grounds that the proposal would lead to a significant increase in turning traffic using an access onto a restricted (50mph) Class II (B4668) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users.

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

- a) site is within a defied Green Wedge and therefore the development is contrary to Policy 6 of the Core Strategy
- b) the proposal would result in a loss of openness, which would have a detrimental effect on the character and rural appearance of the surrounding rural area
- c) the proposal would limit the effectiveness of the existing green gap
- d) the proposed bund and planning would not mitigate the adverse impacts
- e) concerns over the disposal of waste
- f) traffic concerns when sports events take place at the Rugby Club
- g) highway concerns as there has been a fatal accident on the road

- h) approving this site would set a precedent
- i) site isolated from local services, therefore contrary to Core Strategy Policy 18
- j) already adequate Gypsy provision within Barwell
- k) loss of wildlife habitat
- l) no further demand for Gypsy provision within the area
- m) against temporary permission
- n) the site is prone to flooding.

David Tredinnick MP objects to the proposal on the following grounds:-

- a) detrimental impact on the Green Wedge and openness of the countryside - contrary to the intentions of policy to maintain as area of separation
- b) outside settlement boundary - so presumption against development
- c) near to Burbage Common
- d) larger than previous site and no information within current submission to suggest that this application would not be an unwarranted and unsustainable incursion into the Green Wedge
- e) will result in a significant increase in traffic
- f) safety concerns relating to vehicles towing large caravans
- g) pressures on local services to which this proposal would add.

Councillor Gould objects to the application on the following grounds:-

- a) that the development is unacceptable in principle within the green wedge and will result in adverse impacts on its character and function
- b) concerns that resultant of the siting of this application, it will set a precedent for future applications on the site and this should be introduced as a reason for refusal
- c) Highway safety concerns
- d) the application site is prone to flooding
- e) drainage concerns which would result in increase flood risk and ground water pollution and contamination brought.

15 letters of neighbour representation have been received raising the following issues/concerns:-

- a) loss of Green Wedge/greenbelt land anatomical antinomy
- b) highway safety concerns, issues with access and there has been a fatal accident on the road
- c) concerns that the site will escalate into a larger Travellers site and associated development
- d) many people use the historic lane leading from Leicester Road to Swallows Green for walking, running and cycling
- e) adverse impacts on Burbage Common
- f) proposal will result in anti-social behaviour
- g) proposal too close to under 8 year olds play area on Swallows Green
- h) not in keeping with the character of the area
- i) destroys the separation/distinctive natures of three bordering communities
- j) will create a precedent for future destruction of the green wedge
- k) will be out of keeping with the character of the local area
- l) loss of habitats for wildlife
- m) loss of agricultural land
- n) Carousel Park fulfilled Barwell's quota for Traveller provision
- o) if travellers got into Burbage Common who would pay for the clean up?
- p) any planning restrictions placed on the application would not be adhered to
- q) no need for further development in this area

- r) how will sewage be removed?
- s) proposal will place too much pressure on local services which are already at capacity
- t) why are brick buildings and children's play areas proposed?
- u) how many children will there be?
- v) these people just want to reside where they choose, irrespective of planning rules
- w) the site should be retained as a wildlife habitat
- x) the adjacent highway is poorly lit
- y) the area is currently affluent and having a travellers site within the area will make it undesirable and will devalue house prices
- z) approving this application will result in more gypsy and travellers in the area and the construction of more bungalows
- aa) do these people pay council tax and water rates etc?
- bb) the borough is obviously known as a soft touch by the Gypsy community
- cc) residents of Barwell were promised that there would be no further Gypsy sites in Barwell given the existing showmans site.

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

Ramblers Association
 Environment Agency
 Blaby District Council.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Planning Policy for Traveller Sites (March 2012)

Local Plan 2006-2026: Core Strategy 2009

Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
 Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople
 Policy 20: Green Infrastructure

Gypsy and Traveller Accommodation Needs Study / Gypsy and Traveller Allocations DPD (January 2013)

Hinckley and Bosworth Local Plan 2001

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

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states amongst other things that there is no single, appropriate design for sites.

Appraisal:-

The proposal is for three pitches and associated development for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a

letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the National Planning Policy for Traveller Sites. The Officer also verifies the applicant's details and the need for the site.

Therefore, the main issues for consideration in respect of the application are the previous appeal decision, the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the green wedge, neighbours, highway safety and other issues.

Previous Appeal Decision

This site was the subject to a previous appeal in 2012. The Inspector hearing the appeal concluded that the site is in a reasonably sustainable location which would meet the criteria of Core Strategy Policy 18 and that at the time there was an unmet need in the Borough which weighed heavily in favour of approval. It was however determined that the proposal would result in harm to the character, appearance and effectiveness of the Green Wedge which were not outweighed by the need to provide additional pitches in the Borough.

Planning Policy for Traveller's Sites (March 2012)

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

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

A Gypsy and Traveller Accommodation Needs Study has been undertaken by the Council. This replaces the Leicester and Leicestershire Accommodation Needs Assessment (2007). This locally derived needs assessment is in line with National Policy which states that "Local Planning Authorities should set pitch targets for Gypsies and Travellers. which address the likely permanent and transit site accommodation needs of Travellers in their area".

The study (September 2013) included that over the period from 2012 - 2027, 40 additional pitches would be required within Hinckley and Bosworth. This need is split into three separate five year periods:-

- 2012-2017 - 19 pitches
- 2017-2022 - 10 pitches
- 2022-2027 - 11 pitches

The Borough Council has granted planning permission for 24 pitches across the Borough that have not yet been developed meaning that the Borough has a current five year supply of gypsy and traveller pitches. It is therefore considered that there is not a significant and pressing shortage of sites arising from evidenced need within the Borough at the current time.

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

Despite the Borough Council meeting the accommodation needs arising in the borough, the Gypsy and Traveller Accommodation Needs Study did not take into account the possible number of pitches that may be required as a result of in-migration, such as in this case. The reason for this is that it was a localised study based solely on the need which would arise from the existing households in the borough over the plan period. Paragraphs 6.14 and 6.15 of the study explain that where there is a need to assess an application that is a result of in-migration from other sources, they must be assessed on the personal circumstances of the applicant. They state:-

"The most complicated area for a survey such as this is to estimate how many households will require accommodation from outside the area in the next 5 years. Potentially Gypsies and Travellers could move to Hinckley and Bosworth from anywhere in the country. In particular, the vacant pitches at Costalot are likely to be occupied from households not currently in the area. However, these pitches are vacant at the moment and therefore no extra provision will be required to accommodate these in-migrant households."

Overall the level of in-migration to Hinckley and Bosworth is very difficult to predict. Rather than assess in-migrant households as being part of the needs of Hinckley and Bosworth we would propose that each case is assessed as a desire to live in the borough and that site criteria rules are followed for each site. It is important for the authority to have clear criteria based planning policies in place for any new potential sites which do arise."

Accordingly, in this case, the individual needs of the applicant should be taken into account and weighed against any potential detrimental impact the development of this site may have. This consideration will be attributed significant weight in the determination of this application.

c) other personal circumstances of the applicant.

The County Council Traveller Sites and Liaison Officer has submitted a letter in support of the application, which clarifies the personal details and specific needs of the end users of the site. As the information provided contains personal details, including details in respect of children and their educational needs and health and welfare concerns of the occupants, it has been requested that this information is retained as confidential. After considering this information, it can be concluded that the site would be occupied by a multi generational family, who have both health and educational needs who are currently either occupying temporary sites or who are roadside. The personal needs of the applicant should be attributed weight in the determination of this application.

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

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

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

The applicant is a local man who has owned the land for a number of years; however his extended family who will also occupy the site do not currently live locally. This said by virtue of the above, the extended family members do have local connections.

Paragraph 23 of the document states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or

outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. The proposed site is within the countryside and this consideration needs to be balanced against the needs of the end users. These issues will be discussed in further detail below.

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

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

In respect of the above points, although the scheme includes a children's play space, the site does not constitute previously developed, untidy or derelict, land; soft landscaping is proposed to the perimeter, in the form of a planted bund and native hedgerow and the site is not enclosed by hard landscaping. This said the proposed landscaping will result in an unnatural subdivision of this field, which will be contrary to the open character of the area and will further result in the site appearing fortified and will isolate the future occupants, both visually and physically from the surrounding community.

Local Plan 2006-2026: Core Strategy Policy 18

Policy 18 of the Core Strategy is concerned with the provision of sites for Gypsies, Travellers and Travelling Showpeople and outlines the numerical requirement for the delivery of pitches for use by Gypsies and Travellers which were originally derived. The policy identifies that the Borough is required to provide 42 residential pitches (26 up to 2012, 16 from 2012 - 2017) and five transit pitches (to accommodate 10 transit caravans) to 2012. Since the Core Strategy has been adopted, this need figure has been superseded by the figures within the Gypsy and Traveller Accommodation Needs Study, and so can be afforded little weight. Thus the Policy 18 figures are outdated and superseded by the more recent Needs Study figures. The bullet points within the second half of this policy, which relate to siting and design remain applicable and should therefore be afforded weight.

Proximity to Settlement/Local Services (Sustainability)

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

The application site is situated off Leicester Road, which is located approximately 1.1km beyond the Hinckley settlement boundary and 2.4 km from the town centre. These distances are considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. Furthermore as the site is connected to the wider area by a public footpath network safe travel to facilities could be accomplished by means other than the private car. The previous appeal found no issue with the site on this basis.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The site will utilise an existing agricultural access which it shares with the adjacent small holding and 8 vehicle parking spaces will be provided. Whilst no objections have been received in respect of the design of the access or in relation to parking provision or turning; The Director of Environment and Transport (Highways) has objected to the application on grounds that the proposal would lead to a significant increase in turning traffic using an access onto a restricted (50mph) Class II (B4668) road, where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users. Given that the Director of Environment and Transport (Highways) recommended conditional approval on the previous scheme (11/00377/FUL) and the inspector (who considered the appeal) concluded that the existing agricultural access had good visibility in both directions, and despite the 50mph speed limit, agreed with the Director of Environment and Transport (Highways) conclusion that the proposed use of access would not result in unacceptable highway dangers.

Sympathetic Assimilation within the Countryside

Policy 18 requires that gypsy and traveller sites are capable of sympathetic assimilation to their surroundings.

The site is situated within an area of countryside defined by Policy 6 of the Core Strategy as the Hinckley/ Barwell/Earl Shilton/ Burbage Green Wedge. The role of the Green Wedge is that of protecting the separate identity of the three adjacent communities and providing accessible countryside to residents of nearby settlements. Its function as a recreational resource and open landscape should be maintained and enhanced. This policy details acceptable forms of development which could be provided within the Green Wedge. Residential development does not fall within those uses and therefore the proposal is contrary to this policy. A Green Wedge Review (2011) was undertaken to determine which areas of the Green Wedges could potentially be subject to a boundary review to accommodate the levels of development required in the Core Strategy. This site is contained within Area G and paragraphs 10.8.4-10.8.5 of the review state:

"The area serves the role of preventing the merging of settlements in the wider context when considered alongside the other areas. There are no boundary amendments suggested for this assessment area".

The Green Wedge is also part of a Green Infrastructure Network for the Borough, the implementation of which is a key Council priority. Core Strategy Policy 20 identifies proposed strategic interventions to support this network which include the development of large scale recreational assets within the Green Wedge.

This site comprises a parcel of land set back roughly 69 metres from Leicester Road. It currently forms part of a larger field owned by the applicant. The character of the wider area is that of rolling open countryside. The field is enclosed by a tree lined hedge along the front (north western) boundary and native hedgerow along its remaining boundaries, and occupies a slightly lower ground level than Leicester Road.

Although the site will be visible from higher land within Barwell and Earl Shilton, given the existing mature vegetation cover within the area and the prominence of the football stand, the development is not considered to have an adverse impact on longer distance views.

The site will be visible at closer proximity, with views available through the vegetation along the north western field boundary. In an attempt to assimilate the site within its setting, additional landscaping has been proposed. This will take the form of a landscaped bund, with a maximum height of 1.5 metres positioned along the north western, eastern and part western boundaries of the site and hawthorn hedgerow planting to the remaining boundaries.

Irrespective of the proposed bund and planting, this will take a number of years to establish, and given that the site occupies a lower ground level than Leicester Road, the sporadic nature of vegetation cover along the front boundary of the field, the stark utilitarian appearance of the mobile homes, the development will, regardless the landscaping proposed, appear visible. The mobile homes, day rooms and associated development will result in alien features within this rural landscape and a loss of openness. This will be further compounded through the introduction of the landscaped bund and the hedgerow planting, which comprise of unsympathetic, incongruous features within this rolling open landscape and will further result in an unnatural subdivision of the land. Therefore the development is considered to result in a detrimental impact on the character and appearance of the surrounding rural landscape and its effectiveness as a green gap and will not be capable of sympathetic assimilation within the countryside. This is a similar conclusion to that reached by the inspector in the earlier appeal, although views of the previous site may have been more prominent, given its closer proximity to the highway.

Scale

The Policy requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 3 pitches and when considered against a settled population of Hinckley, Barwell or Earl Shilton, which is a large settlement, it is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be comply with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is relatively flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Foul water in this case is by a private system which will be subject to Building Regulations approval.

Design and Layout

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

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

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in three pitches, there will be increased activity on site and more vehicle movements. However, there are no close residents to the site. The nearest dwelling is that at Hissar House Farm located approximately 40 metres from the site to the north east and is unlikely to be detrimentally affected by the development. Similarly, it is considered that users of Hinckley Rugby Club, situated opposite the site will not be significantly affected. Therefore the proposal is not considered to result in any materially adverse impacts in terms of residential amenity.

Other Considerations

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

Concerns have been raised that approving this site would set a precedent. Each application is considered on its own individual merits and thus approving this site would not set a precedent.

It has been suggested that the development would result in the loss of wildlife habitat. The site has no known protected or priority species does not comprise a designated site, important habitat or have any other biodiversity features and has no features of geological conservation importance. Accordingly no further ecology surveys or investigations have been required for the site, and no objections have been raised by Directorate of Chief Executive (Ecology) from the 'weekly list' consultation.

Objections have been received on the grounds that a temporary permission would not be acceptable. Paragraph 25 of the Planning Policy for Traveller's Sites (March 2012) states that if a planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. When considering a temporary planning permission, this must be done in the context of Circular 11/95: The Use of Conditions in Planning Permission. In this case an up-to-date five-year supply of deliverable sites can be illustrated.

It has been suggested that the site is prone to flooding. The site is not within a floodplain and no objections have been received from the Environment Agency.

Concerns have been raised that the site is near to Burbage Common. There are no planning reasons to suggest that development would have an adverse impact on Burbage Common.

Safety concerns relating to vehicles towing large caravans have been raised. The suitability of the access and the road network has been considered and a reason for refusal is proposed by Highways.

Concerns have been raised that the site will escalate into a larger Travellers site if approved along with additional associated development. If approved, any further extension of the site would require planning permission and should the site be developed unlawfully, this would be a matter for further investigation by the Planning Enforcement Team.

It has been stated that many people use the historic lane leading from Leicester Road to Swallows Green for walking, running and cycling. There is no reason why the proposal will impact on the use of this lane.

It has been suggested that the proposal will result in anti-social behaviour. There is no evidence on which to base this assumption and it does not therefore constitute a material planning consideration.

Concerns have been raised that the proposal is too close to the under 8 year olds play area on Swallows Green. There is no reason why the proposal will adversely impact on the use of this facility.

Queries have been raised as to how rubbish on site will be collected from the site. Waste collections will be via Hinckley and Bosworth Borough Council refuse service.

Queries have been raised over the protection of the nearby footpath. The footpath will not be directly affected by the proposal due to its distance from the site. Therefore its protection can not be controlled as part of this application.

It has been stated that Carousel Park has fulfilled Barwell's quota for Traveller provision. Carousel Park is a Showman's site and therefore does not contribute towards Gypsy and Traveller provision.

Queries have been raised in respect of who would pay for the clean up if travellers got into Burbage Common. This is a separate matter which has no association with the current application and therefore does not constitute a material planning consideration in its determination.

Concerns have been raised that any planning restrictions placed on the application would not be adhered to. As with any development, if planning conditions placed on an application were not adhered to, they would be subject to further investigation by the Planning Enforcement team.

Queries have been raised as to why brownfield sites are not being used. As this is an application for a private site, the Local Planning Authority has no power to control the details of the application. The application is made on the basis of land within the applicant's ownership.

Clarification has been sought as to how many children there will be on site. This forms part of the confidential information supplied with the application and there is no need for it to be provided as it does not for a material planning consideration in the determination of the application.

It has been stated that these people just want to reside where they choose, irrespective of planning rules. It is any person's right to submit a planning application on any land they so wish and the application will then be determined on its individual merits by the Local Planning Authority.

Concerns have been raised that the adjacent highway is poorly lit. This does not constitute a material planning consideration in the determination of this application.

It has been stated that the area is currently affluent and having a traveller's site within the area will make it undesirable and will devalue house prices. This does not constitute a material planning consideration in the determination of this application.

Queries have been raised as to whether Gypsy and Travellers pay council tax and water rates etc. This is a separate matter and does not constitute a material planning consideration in the determination of this application.

It has been stated that the borough is obviously known as a soft touch by the Gypsy community. Each planning application received is determined against national and local planning policies and other material planning considerations. This is the approach taken by every planning department within the Country.

It has been stated that residents of Barwell have been promised that there would be no further Gypsy sites in Barwell given the existing showmans site. The Local Planning Authority have a statutory duty to determine any valid planning application submitted to them and can not prevent the submission of planning applications.

Conclusion

The protection of the Green Wedge and its enhancement as part of a Green Infrastructure Network is a key priority within the Core Strategy and the importance of retaining this part of the Green Wedge as an open area of separation has been further strengthened with the Green Wedge Review (2011). This view was shared by the Inspector in the determination of the earlier appeal. Accordingly the impact of the proposal on the role of the Green wedge should be attributed substantial weight. Similarly, the personal needs of the applicants and the availability of alternative accommodation must also be attributed substantial weight.

Evidence has been provided which confirms the personal needs of the end users of the site, however the Borough Council can now demonstrate that it has a five year supply of gypsy sites. Accordingly, these matters are finely balanced. Based upon a detailed assessment and consideration of all of the material issues, on balance, it is considered that the harm to the appearance, character and effectiveness of the Green Wedge as it was found to do so in the earlier appeal decision and therefore outweighs the aspects in respect of the personal needs of the applicant in this case. Therefore the proposal is considered to be contrary to the intentions of Policies 6 and 18 and 20 of the Core Strategy. Furthermore the development is considered to result in a significant increase in turning traffic using an access onto a restricted (50mph) Class II (B4668) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. The proposal would therefore be contrary to Policy 18 of the Core Strategy. The application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 In the opinion of the Local Planning Authority by virtue of its siting, layout and design and the introduction of artificial landscaping features, the proposal is considered to result in harm to the appearance, character and effectiveness of the Green Wedge and would fail to assimilate into the countryside and is therefore contrary to policies 6, 18 and 20 of the adopted Local Plan 2006-2026: Core Strategy and the overarching intentions of the National Planning Policy Framework and the National Policy for Traveller Sites.
- 2 In the opinion of the Local Planning Authority the proposal would lead to a significant increase in turning traffic using an access onto a restricted (50mph) Class II (B4668) road where there is an existing accident record and where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety and the proposal would therefore be contrary to the requirements of Policy 18 of the adopted Local Plan 2006-2026: Core Strategy and Policy T5 of the adopted Hinckley and Bosworth Local Plan and the overarching intentions of the National Planning Policy Framework

Contact Officer:- Eleanor Overton Ext 5680

Item: 03

Reference: 13/01069/FUL

Applicant: Miss Susan Johnson

Location: 3 Markfield Lane Botcheston

Proposal: Change of use and extensions and alterations of agricultural building to form agricultural workers dwelling

Target Date: 21 March 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an agricultural workers dwelling. This application is for the change of use and extension and alteration to an existing horticultural storage building to form a permanent dwelling, no agricultural appraisal is required in this case and therefore the application would normally be determined under delegated powers. However, as a recent application for the erection of a new dwelling on the site was previously refused by Planning Committee, and the subsequent appeal dismissed (Ref: APP/K2420/A/13/2199691), the application is reported to Planning Committee for determination.

Application Proposal

This application seeks full planning permission for the change of use and extensions and alterations to an agricultural building to form a permanent agricultural workers dwelling in association with an organic horticultural small-holding known as Polebrook Hayes Farm. The application proposes the change of use of a red brick and concrete roof tile building measuring 9.45 metres in length and 5.1 metres in width (48 square metres) with a ridge height of 5.4 metres and an eaves height of 3 metres. The building is currently used for general storage in association with the small-holding and a plant potting area. There is a pair of barn type timber doors on the North West elevation and windows to the other three sides.

The existing building would provide a living room and kitchen. The application proposes a lean-to extension with a footprint of 31 square metres projecting 3.3 metres in depth along the length of the north east elevation of the building to provide additional living accommodation of a bedroom, bathroom and toilet. There is a lean-to horticultural glasshouse approximately 3 metres deep attached to the length of the south west elevation which is to be retained for horticultural purposes. The proposal includes the formation of a porous hardcore surfaced area for vehicle parking and to connect the proposed dwelling to the existing un-surfaced grassed track. No residential amenity area is proposed.

Access to the proposed dwelling would be the same as the existing vehicular access to the small-holding which is through the overspill car park to Forest Hill Golf Club then via an unmade track for approximately 440 metres in a south easterly direction before turning south west for a further 270 metres through a grassed field on a line contiguous with a public right of way (footpath R35) that leads back to Markfield Lane, Botcheston.

This application follows the refusal and subsequently dismissed appeal for a new permanent agricultural workers dwelling on the site.

The Site and Surrounding Area

The application site measures approximately 180 square metres within a complex of agricultural buildings and polytunnels. The organic horticultural enterprise operates on approximately 4.3 hectares of land to the rear of the houses fronting Markfield Lane, Botcheston and has operated from this location since 2003. There are three elements to the activities of the small-holding: an organic wholesale growing and egg production business, Polebrook Hayes Farm (Ms. Johnson, applicant), an organic fruit and vegetable business, Raw n Pure (set up in partnership with Ms. Fall) and a not for profit organic growers co-operative (CLOG Ltd). The enterprise utilises a number of buildings within the site including the single storey brick and tile building that is the subject of this application, a blockwork and timber building with metal sheet roof a number of polytunnels (x7), a glasshouse, timber sheds and uncovered fenced enclosures. Ground levels generally fall from north to south. Public Footpath R35 runs immediately to the north west of the application site.

Technical Document submitted with Application

Design and Access Statement

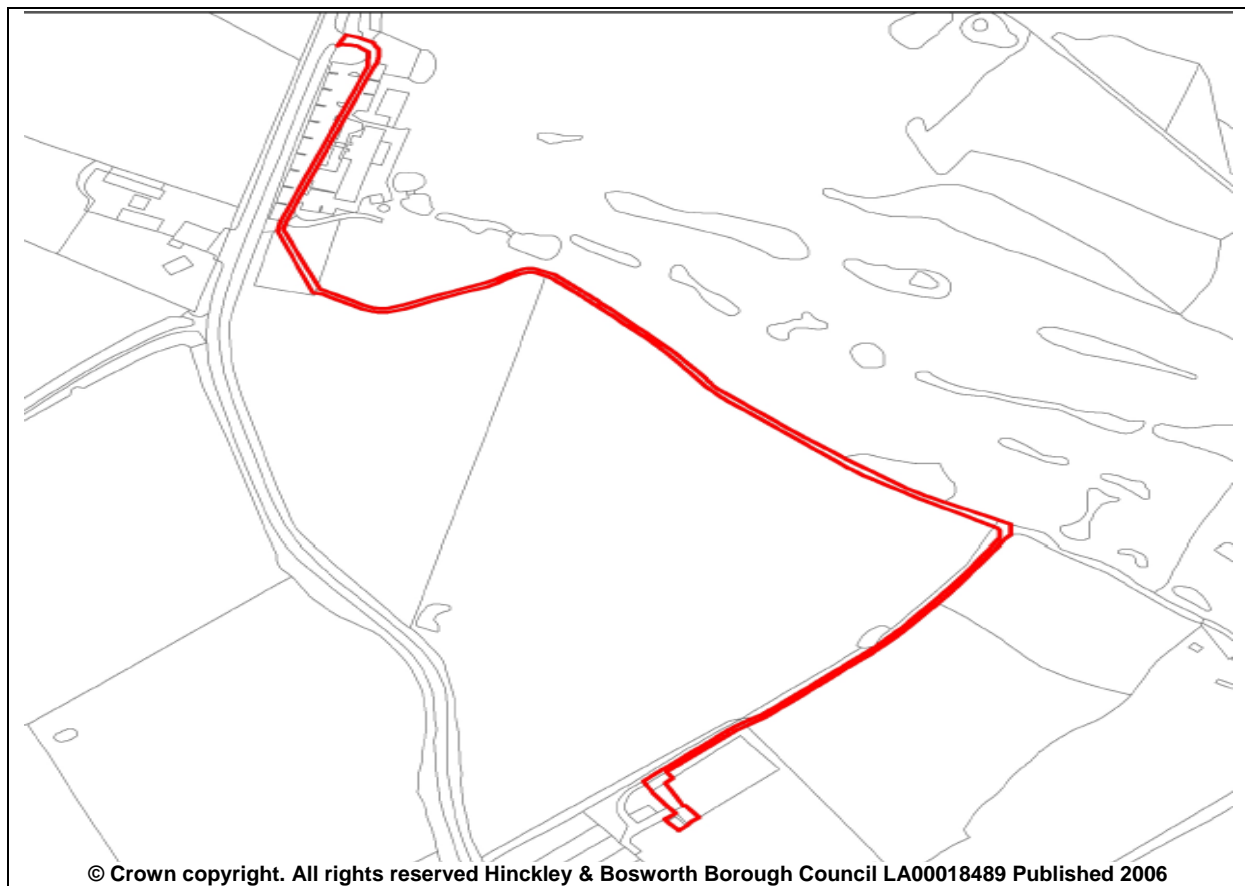
Planning Statement

Financial Summary of Existing Farm Businesses (2004 - 2012)

Profit & Loss Accounts & Projected Business Plans/Incomes

Relevant Planning History:-

12/01114/FUL	New Agricultural Workers Dwelling Appeal Dismissed 16.10.13	Refused	17.04.13
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Consultations:-

No objection has been received from:-

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

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

Director of Environment and Transport (Highways)
Ramblers Association
Desford Parish Council
Borough Council's Agricultural Appraisal Consultant
Head of Business Development and Street Scene Services (Waste Minimisation)
Site Notice
Neighbours.

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 site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE20: Reuse and Adaptation of Agricultural Buildings
Policy RES12: New Agricultural Dwellings
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact on the character and appearance of the surrounding landscape, neighbouring properties, highway safety and other matters.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and in paragraph 28 supports sustainable economic growth in rural areas and the development of agricultural and other land based businesses. Paragraph 55 of the NPPF also provides for isolated homes in the countryside where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting.

The site is located in the countryside as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map. Only limited weight can now be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF. However, whilst seeking to safeguard the character and appearance of the countryside Policy NE5 acknowledges the need to accommodate development that is important to the local economy that cannot be provided within or adjacent to an existing settlement and provides a presumption in favour of the change of use, reuse or extension of existing buildings subject to a number of design criteria being satisfied. Saved Policy BE20 of the adopted Local Plan is considered to be highly compliant with the NPPF and can therefore be given weight in the determination of the application. This policy supports the re-use and adaptation of structurally sound rural buildings subject to a number of design criteria being satisfied. The adopted Supplementary Planning Guidance: Conversion of Rural Buildings encourages commercial, industrial or recreational use of rural buildings in the first instance but recognises that residential uses can also be suitable.

The appeal against the decision to refuse the previous application for the erection of a new dwelling was dismissed on grounds of the uncertainty over the financial viability of the holding to support a new dwelling. However, the Inspector concluded that there was a functional need for a dwelling on the holding to ensure its efficient operation and as the current proposal is for the conversion of an existing building it is not subject to an assessment of the financial viability of the holding and should be determined on its own planning merits.

In this case, the proposal would contribute to the economic and social dimensions of sustainable development identified in paragraph 7 of the NPPF by providing an additional dwelling that would enhance the economic viability of the rural business with which it would be associated and would not harm the environment. The building appears to be structurally sound and its conversion and extension would provide a sustainable solution to fulfil the identified functional need for the holding and promote the sustainable growth of the horticultural business on this rural site. The proposal would therefore be in accordance with Policies NE5 and BE20 of the adopted Local Plan and the overarching principles of the

NPPF. The building is located within close proximity to a number of associated storage buildings, poly-tunnels, glasshouse and chicken compound where alternative or separate commercial uses would not be practical. The proposal is therefore acceptable in principle subject to all other planning matters being addressed.

Siting, Design and Impact on Surrounding Landscape

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development. The design criteria i, ii and iii of Saved Policy NE5 require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Saved Policy BE1 (criterion a) requires that development complements or enhances the character of the surrounding area. The design criteria of Saved Policy BE20 require that development for the reuse of rural buildings does not have any adverse effect on the appearance or character of the landscape or the design, character, appearance or setting of the building and that the conversion does not involve extensions that would significantly alter the form and general design of the building in a way that would detract from its character.

The site has no road frontage, is located towards the bottom of a slope and is well screened from the wider landscape by a wooded area to the North West and by mature field boundary and garden boundary hedgerows to the north east and south west respectively. As a result of the ground levels and existing mature planting the site is not prominent within the wider landscape.

The proposed dwelling would be well related to the other associated horticultural storage buildings and poly-tunnels and is therefore well integrated and not prominent within the site or surrounding landscape. The location would also overlook the access and adjacent public footpath and provide natural surveillance of the holding in the interests of security. The proposal includes an extension to the building to provide an additional 31 square metres of living accommodation. However, as a result of the siting, scale and lean-to roof design together with the use of matching materials the extension would be sympathetic to the rural design and appearance of the existing structure and therefore would not have any adverse impact on the form or general design of the building that would detract from its character or appearance and would therefore also complement the rural character of the surrounding landscape.

The conversion building is located within the complex of buildings associated with the horticultural smallholding and adjacent to the chicken compound. Therefore it is considered to be reasonable and to impose a condition that the occupation of the proposed dwelling be restricted to a person or persons principally employed in the adjacent horticultural business in the interests of protecting residential amenity.

As the proposal does not include any residential amenity area, it is not considered reasonable or necessary in this case to impose a condition to remove permitted development rights in respect of the dwelling to enable control over future extensions in order to protect the visual amenity and rural character of the area. An extension to the floor space of the building would require planning permission to change the use of the land.

By virtue of the siting, scale and design of the proposal and subject to the use of matching external materials to provide a uniform appearance, the proposal would complement the rural character and appearance of the conversion building and associated storage buildings within the site to which it is well related. The proposal is therefore in accordance with Saved Policies NE5 (criteria i ii and iii), BE20 (criteria a, b, c, d, e and f) and BE1 (criterion a) of the

adopted Local Plan, the SPG on the Conversion of Rural Buildings and the overarching principles of the NPPF.

Impact on Neighbouring Properties

Saved Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring residential properties are located approximately 80 metres to the south west of the proposed dwelling and front onto Markfield Lane. As a result the proposed dwelling will have no adverse impact on any residential amenities. The proposals are therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

Saved Policies NE5 (criterion iv), BE1 (criterion g), BE20 (criterion f) and T5 of the adopted Local Plan require development to provide adequate visibility for road users and adequate provision for off-street parking and turning facilities for residents and visitors so as not to have any adverse impact on highway safety.

Access to the site is gained from the Golf Club car park which has good visibility onto the public highway (Markfield Lane). The unmade track from the car park to the application site is currently used by the small-holding traffic and the addition of one dwelling would not lead to a significant increase in the use of the track that would be likely to be detrimental to highway safety. The proposal includes the provision of two hard surfaced vehicle parking spaces to serve the proposed dwelling. No response has been received at the time of writing this report from the Director of Environment and Transport (Highways).

The proposals are in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g), BE20 (criterion f) and T5 of the adopted Local Plan.

Other Issues

In this case, there is no public children's play areas within 400 metres of the proposed dwelling therefore there is no justification/requirement for any developer contributions towards the provision or future maintenance of such facilities.

It is proposed that foul drainage from the site will be disposed of via connection to the main sewer network that runs to the rear of the houses fronting Markfield Lane and will meet the requirements of Saved Policy NE14 of the adopted Local Plan.

Conclusion

The conversion of rural buildings for residential use is acceptable in principle and the conversion building is in a structurally sound condition. The proposal would provide a sustainable solution to fulfil the previously identified functional need for the smallholding and would enhance the economic viability of the associated horticultural business on this rural site. By virtue of its siting, scale, proposed design and appearance the proposal would not have any adverse impact on the rural character or appearance of the existing building and would complement the character and appearance of the surrounding landscape. By virtue of the separation distances and existing hedgerow screening the proposal would not have any adverse impact on the amenity of neighbouring properties. Satisfactory vehicular access is available to the site via the existing unmade track serving the smallholding and by virtue of the small scale of the development it would not generate traffic on a scale that would have any adverse impact on highway safety or the safety of users of the existing public footpath.

Satisfactory drainage of the site is available. As a result, the proposal is considered to be in accordance with Saved Policies NE5 (criteria i ii, iii and iv), NE14, BE20 (criteria a, b, c, d, e and f) and BE1 (criteria a, g and i) of the adopted Local Plan, the SPG on the Conversion of Rural Buildings and the overarching principles of the NPPF. The proposal 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, 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 would contribute to the economic and social roles of sustainable development and by virtue of the siting, scale, design and appearance would complement the rural character and appearance of the existing building and would not have any adverse impact on the character or appearance of the surrounding landscape, the amenities of neighbouring properties, drainage or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i ii, iii and iv), NE14, BE20 (criteria a, b, c, d, e and f) and BE1 (criteria a, g 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 1:2500 scale; Proposed Block Plan at 1:500 scale; Proposed Floor Plan and Elevations Drawings at 1:100 scale received by the local planning authority on 24 January 2014.
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building.
- 4 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working in the adjacent horticultural smallholding known as Polebrook Hayes Farm and to any resident dependants.

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 & Bosworth Local Plan.
- 4 The proposed dwelling is located in close proximity to livestock and cultivation operations associated with the smallholding known as Polebrook Hayes Farm and

separate, unrestricted occupation would result in a conflict of land uses to the detriment of residential amenity contrary to Policy BE1 (criterion h).

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894

Item: **04**

Reference: **13/01091/FUL**

Applicant: **Mr Robert Duvall**

Location: **99 Barton Road Congerstone**

Proposal: **Part demolition and rebuild of existing dwelling**

Target Date: **28 February 2014**

Introduction:-

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

Application Proposal

This application seeks full planning permission for the part demolition and re-build of an existing building at 99 Barton Road, Congerstone. This building was originally constructed as a dwelling, but has also been used as a butchers shop and a public house, however a residential element has remained throughout and this proposal will result in its use as a 5 bed dwelling.

The building formed part of an earlier scheme for the site (11/01021/FUL), in which its retention, refurbishment and use as a dwelling was approved. During implementation of the approved scheme however it became apparent, resultant of the poor structural condition of the building, its refurbishment would not be viable. Accordingly, following lengthy negotiation with the Local Planning Authority, the scheme subject of this application has been proposed.

In further detail, following an in-depth structural survey and assessment of the Conservation Area, the most viable option, and that proposed by this scheme is to retain and underpin the existing principle elevation and side elevations, up to the point where they joint the existing chimney stacks, to rebuild the chimney stacks in their current position and form, to demolish the single storey lean too to the rear, and replace it with a two storey gable and to refurbish the existing two storey gable. The eyebrow dormers are to be retained, along with the arched headers to the fenestration at first floor. At ground floor the existing shop window openings are to be reduced and new windows inserted, and a centrally positioned entranced with pitched roofed canopy porch is proposed. The existing single light adjacent to the main entrance is to be lost and the central first floor window is to be slightly enlarged. The original timber soffits and facias to the principle elevation are to be repaired and retained and matching materials are proposed. There will be an enclosed front garden, incorporating a pedestrian access from Barton Road. Vehicular access will be via the new estate road, Dovecot Close to the east. This will lead to garaging and parking space to the south of the proposal (approved and constructed in accordance with the existing permission).

The Site and Surrounding Area

The application site is located to the north east of the village of Congestone and is within the Conservation Area. The plot has an area of 0.038 ha and accommodates the existing two storey building and its garden. The site forms part of an existing development of 5 dwellings (currently under construction).

The existing building is of solid brick construction and has an 'L' shaped footprint. Over the years it has been extended to the rear, to reflect its alternating uses. The building has full height, external chimney stacks to each gable end, traditional eyebrow dormers and painted brickwork to its principle elevation. Reflective of its former use as a shop, at ground floor on the principle elevation are two large shop windows. The fenestration is in-set and has decorative headers and cill detail. The building is set back from Barton Road and has an enclosed amenity space to the rear.

To the north of the site, on the opposite side of Barton Road are a mix of large modern and barn type farmhouses along with more traditional vernacular brick cottages bound to the front by hedgerow and Carlton stone walling. To the east is a newly built development (the first phase of this scheme). This comprises of a mix of brick and rendered dwellings which incorporate a range of local architectural features. Further south of the site are a cluster of modern agricultural storage buildings.

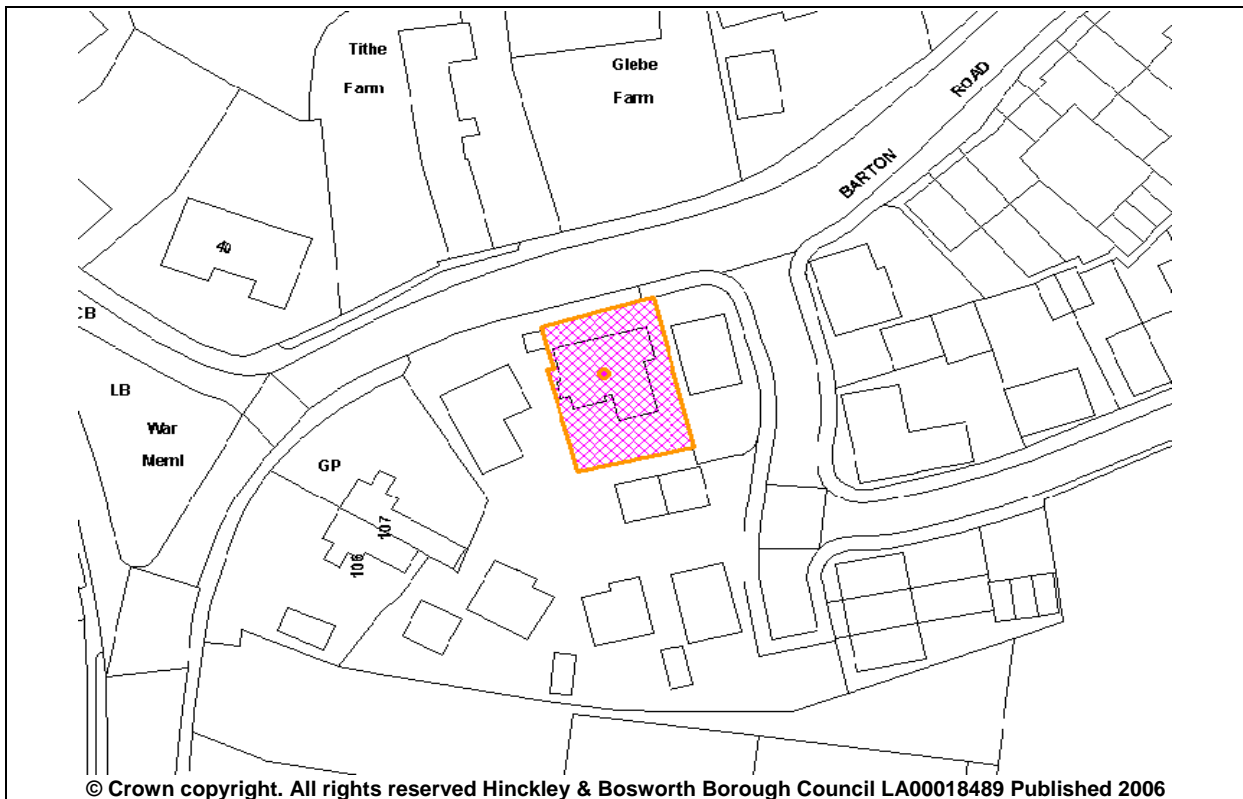
The character of the Conservation Area is heavily influenced by the agricultural origins of the settlement. This is evident through a number of existing and former farm buildings such as Ivy House Farm, Church House Farm and Tithe Farm/Glebe Farm. Several Gopsall estate-style thatched cottages, mature trees and small holdings have been lost, and this to a degree, has diluted the agricultural character of the village. However many of the original buildings and wall features remain to provide evidence of the villages past. The properties within Village are varied ranging from terrace cottages to large detached farmhouse buildings. The original character and features of the surrounding area typically include eyebrow dormers and 3 light casement windows under small brick head arch lintels. The dwellings are predominantly of red brick with Carlton stone walls and hedging to their front gardens. The roofs of the properties in the conservation area are generally of plain rosemary clay tiles, mostly blue in colour. Eyebrow windows, which were historically commonplace in the village, are now only in existence on a number of older buildings. There are some examples of rendered properties within the area including Widdows Cottages, The Maltings and the remodelled former Post Office.

Technical Documents submitted with the Application

Design and Access Statement
Structural Surveys (x2)
Contamination Update
Bat Survey

Relevant Planning History:-

13/00253/CONDIT	Variation of Condition no.3 of Planning permission 11/01021/FUL To amend plot 30	Approved	12.07.13
11/01021/FUL	Erection of 6 new dwellings with associated access	Approved	16.10.12
06/01405/REM	Mixed residential and commercial development. 24 no. dwellings and 1000 sq m b1 office area	Approved	05.04.07
04/01503/OUT	Commercial and residential development	Approved	23.03.05



Consultations:-

No objection has been received from:-

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

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

- a) Morris homes made much value of retaining this property in their original application, in which they would have been aware of the buildings state and yet still felt it was economically viable for conversion.
- b) current application flies in the face of what the developer told H&BBC in the original application and the current application is not what H&BBC agreed to allow.
- c) nothing has changed to alter the original approval
- d) if approved the importance of the façade to the village scene should be relayed to Morris Homes
- e) there have been previous examples of 'accidental' complete demolition whilst re-builds have been in progress
- f) the Council should stress to the developer how carefully they need to operate to ensure the above referenced accident does not occur.

Four letters of representation and a petition containing 146 names from 104 addresses have been received, these raise the following issues/concerns:-

- a) the old part of the Public House must be maintained and renovated in character and any demolition should take place to the south east elevation, furthest from the road
- b) the building has been allowed to decay - these 7 years of neglect have contributed to the deterioration its structure
- c) the Structural engineer has now stated that it would be "extremely costly and time consuming to return the present structure to a habitable standard of modern day living"
- d) why has the building been left to decay?
- e) why were the insurmountable structural problems not flagged up in 2006?
- f) this is a profitability issue for Morris Homes and not a planning issue for H&BBC
- g) it is claimed that the proposal would overcome issues listed in the "Impact Assessment" but none of the points listed require the demolition of walls
- h) the use of new bricks and tiles to match the new dwellings would not help preserve the appearance of the original building
- i) following the underpinning of the front and side walls, no further works should be allowed until scaffolding support is erected (which is approved by H&BBC)
- j) the property should be re-roofed with original roof tiles
- k) the proposal does not preserve the character of the Conservation Area
- l) by allowing the building to deteriorate, Morris Homes will financially gain
- m) the Council relax planning laws on builders, but impose them on individuals
- n) why has the Council not monitored the lack of care to this building which should be preserved?
- o) the building is of historic and local importance
- p) this is the last property within the village which has eyelid/eyebrow detail fronting onto and visible from the road
- q) the retention and conversion of this property to a dwelling was promise by Morris Homes.

Site notice and Press notice were displayed and neighbours notified.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are the principle of development, design and whether the proposal preserves or enhances the Conservation Area, impact upon residential amenity, highway safety, contamination and other matters.

Principle of Development

The site is located within the settlement boundary of Congerstone, as defined in the adopted Hinckley and Bosworth Local Plan proposals map. The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Accordingly the proposed part demolition, re-build and extension are considered acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact on the character of the Conservation Area

Policy BE1 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application. This policy relates to the design and siting of development and seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area.

Policy BE7 is also considered to have a high degree of conformity with the NPPF and thus should also be attributed significant weight in the determination of this application. This requires developments within Conservation Areas to preserve or enhance their character. 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 and paragraph 131 of the NPPF states that where determining development within Conservation Areas, the desirability of new development making a positive contribution to the local character and distinctiveness should be considered.

The building is an important conservation area building, but due to its current condition does detract from the character of the conservation area. It is important to note that there are very limited powers available to local planning authorities to regenerate and bring back such buildings, and as such securing a future use for such buildings is by way of pragmatic negotiation. It is always important to remember that if no solution is arrived at the development will not proceed and the building will deteriorate further.

The existing footprint of the dwelling is to be retained and extended (via the introduction of a new two storey gable to the rear, and the scale of the building is to remain unaltered. The extension and modifications proposed to the rear of the property will not be visible in the street scene and are not therefore considered to have any negative impacts on the character of the conservation area. Furthermore, given the range of single and two storey extensions to the rear elevation of the building, which have overtime eroded its original character, the two

storey gable and other alterations proposed are not considered to further deteriorate or detract from the character of the original building and that of the conservation area.

The principle elevation of the building is to be retained in its majority, although its fenestration proportion and detail is to be amended to enable the building to function as a modern day dwelling. This said, the size of the fenestration proposed (which is slightly larger at ground floor) replicates what would have been the case originally. Furthermore, the eyebrow dormers, which are characteristic to the character of the conservation area and comprise one of the last remaining examples in the village, are to be retained. Arched brick headers, where existing, are to be retained and where they would have originally been at ground floor, are proposed. The original roof construction, facias and soffits and matching clay tiles are to be retained and reused and the brick plinth is to be reconstructed (but only where damaged by frost). Queries have been raised within a letter of representation concerning the type of roof tile to be used; on the plans it is stated that locally sourced clay tiles to match the existing are to be used, whereas in the Design and Access Statement it states that Marley Staffordshire Blue clay tiles will be used (to match those on the wider development). In order to retain as much of the character of the original building as possible, it would be preferable if the existing tiles were replaced like for like. Accordingly a condition will be imposed, requesting samples to be submitted should the application be approved. The brickwork, which is currently painted and is in a poor state of repair, is to be cleaned, and the sections repaired by miss-matched bricks are to be replaced. Subject to the final condition of the brickwork, either a painted or rendered finish is proposed. Given that the original bricks are handmade and are of a bespoke size, in order to retain the character of the building and aid its legibility as a historic building, a painted finish would be preferable. Details of the finish will be requested by way of condition subject to the scheme being approved.

The external full height chimney stacks are also considered important features, both in enhancing the character of the building and reflecting its previous function and age. These features were originally requested to be retained, however following their structural inspection, it was concluded that this would not be possible. Accordingly, they are to be replaced, like for like. Although this is not an ideal solution, the end result will appear much the same as the original and will inject a sense of character and balance into the scheme.

The main entrance is to be centrally aligned and the adjacent single light will be lost, given the position of the existing entrance, the works involved in aligning it will be minor, and the realignment nor the loss of the window are considered to be materially harmful to the character of the building in the context of the overall scheme.

A Carlton Stone wall is proposed to enclose the front garden, such walls are a common and important feature within the conservation area and thus this feature is encouraged and is acceptable.

Based on the above and in accordance with the recommendations within the structural reports; it is considered that as many existing features as possible within the principle elevation of the building are to be retained and refurbished, and thus on balance it has been demonstrated that the resultant scheme comprises both the most viable option, whilst also being acceptable within the conservation area. In terms of its design detail, the proposed scheme is considered to preserve the character of the conservation area and is therefore in accordance with Policy BE7 (a - d) of the Hinckley and Bosworth Local Plan and paragraph 131 of the NPPF.

Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high

quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Resultant of the siting and footprint of the building, (which remains largely unchanged) there will be no material impacts in terms of overshadowing or over-dominance on either of the adjacent dwellings. There will be ground and first floor windows serving habitable rooms in the side elevations of the dwelling, but these will be secondary windows and will not have direct views into any rooms of adjacent dwellings. Habitable room windows within the rear elevation of the proposal will face similar windows in the principle elevations of the new dwellings further south, however given the separation distance of 23 metres between the elevations and the layout of the development, which results in the internal access road and a garage block being sited between the two, the relationship is considered acceptable and will not give rise to any material impacts in terms of overlooking.

Resultant of the layout, scale and design of the proposal, the development does not give rise to any material adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact or loss of privacy from overlooking. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan and the overarching principles of the NPPF.

Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

The number of parking spaces, their layout and the turning areas have been previously agreed by the Director of Environment and Transport (Highways) in respect of the approved scheme (11/01021/FUL) which sought to retain the building under consideration as a 5 bed dwelling. This application proposes no changes to this element of the scheme, and therefore no further issues arise in respect of highway safety. Accordingly the development complies with Policy T5 of the adopted Local Plan.

Contamination

Given that the previous use of the site was in commercial use and residential development is now proposed, further contamination information has been requested by the Head of Community Services (Pollution). Following receipt of this information, it has been concluded that no gas protection measures will be necessary and thus the Head of Community Services (Pollution) raises no further objections to the scheme.

Archaeology

The application site lies in an area of archaeological interest covering the historic settlement core of the medieval and post-medieval village of Congerstone. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Although no comments have been received from the Director of Chief Executive (Archaeology) in respect of this scheme, based on the above and given that there is a likelihood that buried archaeological remains will be affected by the development, it is considered necessary to impose the suggested archaeology conditions recommended for the earlier application, on this application if approved.

Developer Contributions

This development does not attract any developer contributions as there has always been a residential use of the building.

Drainage

No comments have been received from Head of Community Services (Land Drainage) in respect of this scheme, however to ensure consistency with the earlier scheme, which this building was part of, the previously suggested condition which advised that surface water be managed by sustainable methods and that hard surfaced areas be constructed from a permeable material, is considered necessary and will be imposed (subject to this application being approved).

Other matters

Issues raised within the letters of representation not considered elsewhere in the report are discussed below:-

It has been stated that Morris Homes made much value of retaining this property in their original application, in which they would have been aware of the buildings state and yet still felt it was economically viable for conversion and that the current application flies in the face of what the developer told the Council in the original application and the current application is not what the Council agreed to allow. Regardless of the historic position, the building in its current state has been considered by two independent structural surveyors and has been deemed as unacceptable for conversion. Accordingly, this application for the part demolition and rebuild of the existing building has been considered on its merits at the current time.

It has been stated that nothing has changed to alter the original approval. Additional information has been submitted with this application in respect of the structural condition of the building. This was not requested previously as the scheme proposed refurbishment of the building and thus this information was not considered necessary.

Concerns have been raised that there have been previous examples of 'accidental' complete demolition whilst re-builds have been in progress and that the Council should stress to the developer how carefully they need to operate to ensure the above referenced accident does not occur. The application under consideration is for part demolition and re-build. If completely demolished, (subject to the application being approved) there would be no approval for the works and a new planning application would be required. Accordingly, it is within the developers best interest to conduct the works in accordance with the current scheme (if approved).

It has been suggested that the building has been allowed to decay - these 7 years of neglect have contributed to the deterioration its structure. The Local Planning Authority has no control in respect of this issue, and has to consider the scheme on its merits at the current time.

It has been stated that the Structural engineer has now stated that it would be "extremely costly and time consuming to return the present structure to a habitable standard of modern day living". This is considered to be the case, based upon up-to-date structural surveys. The viability of any development is a material consideration and therefore the financial cost of any development carries significant weight in the decision making process.

It has been stated that this is a profitability issue for Morris Homes and not a planning issue for the Council. As previous comment above.

Queries have been raised as to why the insurmountable structural problems were not flagged up in 2006? The issues have only been identified as a consequence of the up-to-date structural surveys and are now being acted upon through the submission of the current application.

It is claimed that the proposal would overcome issues listed in the "Impact Assessment" but none of the points listed require the demolition of walls. As discussed within the main body of the report, the scheme proposed seeks to retain as many of the original architectural features of the building as possible and has been considered on its merits.

Suggestions have been made that following the underpinning of the front and side walls, no further works should be allowed until scaffolding support is erected (which is approved by the Council). This is a construction and safety issues and does not constitute a material planning consideration.

It has been stated that the Council relax planning laws on builders, but impose them on individuals. The same national and local planning policies are applicable to any planning application, regardless of the applicant.

Queries have been raised as to why the Council has not monitored the lack of care to this building which should be preserved? It is not within the remit of the Local Planning Authority to monitor the condition of buildings within Conservation Areas.

Conclusion

Although, through its partial demolition, some of the character and original features of the building will be lost; based upon the recommendations of the structural surveys which accompany the application, the proposed scheme is considered the most viable and practical option in securing the future of this important conservation area building. By virtue of the fact that the scheme proposes to retain as many of the original architectural features as possible and, replace them with like for like features where they will be lost, the resultant building is considered to comprise a well designed and carefully considered replacement and will therefore preserve the character of the conservation area. By virtue of its siting within the settlement boundary of Congerstone, the development is considered to comprise sustainable development and there are considered to be no arising material impacts in terms of residential amenity, highway safety, contamination or archaeology. Therefore the scheme is considered acceptable and is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below 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 within the settlement boundary of Congerstone and by virtue of the siting, design, layout, mass and appearance is considered to preserve the character of the Conservation Area and would not have any materially adverse impacts in terms of residential amenity, highway safety, contamination or archaeology .

Local Plan 2006-2026: Core Strategy (2009): Policy 12.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE7 (a - d) NE14 and T5,

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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples and a schedule of the types and colours of materials to be used on the external elevations (including the roof) of the building subject of this application shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Drw Refs:- KN01, EM157/P/PL02 Rev A received by the Local Planning Authority on the 3 January 2014.
- 4 No demolition and or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme 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.
- 5 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition number 4.
- 6 The development 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 (4) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 7 Development shall not commence until drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to an approved by the Local Planning Authority. The approved scheme shall be subsequently implemented in accordance with the approved details and retained thereafter.

Reasons:-

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

- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 criteria a of the adopted Hinckley & Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning
- 4-6 To ensure satisfactory archaeological investigation and recording in accordance with the NPPF (Section 12, paragraph 141).
- 7 To ensure there are adequate sustainable measures in place to deal with surface water runoff in accordance with Policy NE14 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.
- 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: 05

Reference: 13/01100/FUL

Applicant: Mr Ian Bagguley

Location: Caterpillar UK Ltd Peckleton Lane Desford

Proposal: Extensions and alterations to existing paint shop

Target Date: 14 April 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 extension to the existing paint shop facility within the centre of the Caterpillar (UK) plant. The extension would be 17

metres in length by 42 metres in width. The extension would be approximately 9 metres in height with a flat roof. The extension would sit approximately 6.2 metres lower than the existing paint shop facility.

The proposed extension would be sited to the north of the building and would involve the demolition of part of an existing portal framed tented structure currently used for the storage of finished products. A canopy over a walkway will join the two structures together.

The proposed extension would house new shot blasting equipment to be integrated into the production line of the existing paint facility to increase efficiency and production.

Access to the new extension would be via a steel roller shutter door for fork lift trucks etc. and a steel security door for personnel.

The extension would match materials of the existing structure in terms of the cladding colour and ribbed detailing.

The Site and Surrounding Area

The Caterpillar complex is located in the countryside to the south of Desford and to the north east of Peckleton. It occupies approximately 106 hectares of land and comprises a number of industrial buildings of varying scales used for storage and distribution, vehicle assembly, maintenance and repair and offices along with areas of hard-standing used for testing, external storage and car parking.

The existing paint shop facility is located within the central part of the Caterpillar site. Adjacent to the paint shop to the north is a permanent portal framed tented structure used to store finished products.

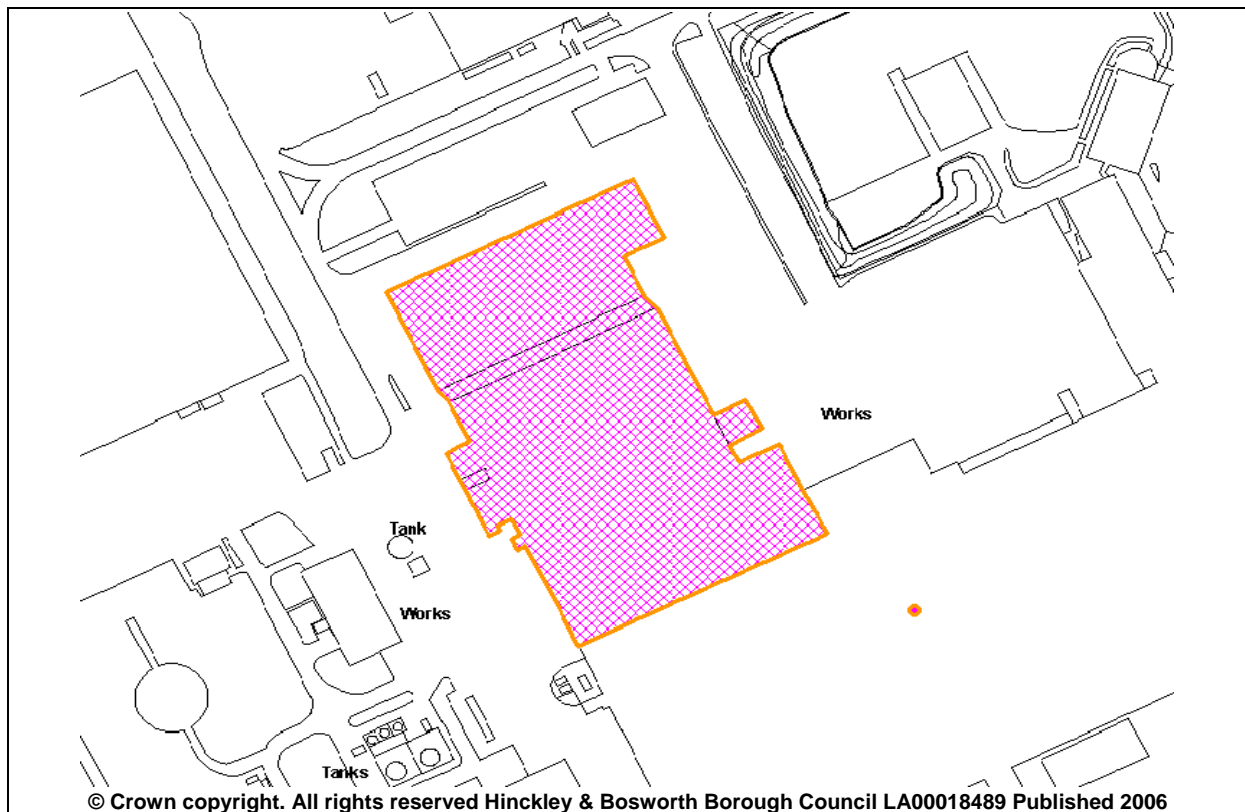
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement.

Relevant Planning History:-

There is an extensive planning history relating to the site including the erection of industrial buildings of varying scales and of a permanent and temporary nature and the formation of large car parking areas and landscaped bunding which form part of the overall operations at Caterpillar (UK).



Consultations:-

Site notice was displayed and neighbours notified.

No objections have been received from:-

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

- Policy EMP1: Existing Employment Sites
- Policy EMP2: Expansion of Existing Employment Uses
- Policy NE5: Development in the Countryside
- Policy BE1: Design and Siting of Development
- Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the principle of development, the siting and design of the proposed extension, the impact on the visual amenities of the site and the surrounding area.

Principle of Development

The Caterpillar complex is a long established major employment site covering a large area and operates with a shift pattern on a 24 hour basis.

The application and the supporting documentation submitted demonstrates that there is a business need for the proposed extension and it would enable efficiencies and production output to be increased which in economic terms is to be encouraged. The proposal is considered to provide sustainable economic growth, contributing to the economic viability of this important business which is of benefit to the immediate area and the borough as a whole. As a result the proposal is considered to be in accordance with Policies EMP1, EMP2 (criteria a and c), NE5 (criteria i and ii) and the overarching intentions of the National Planning Policy Framework (NPPF). The proposal is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Siting, Design and Impact on the Surrounding Area

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. The proposed extension would be located to the north elevation of the existing large paint shop facility within the centre of the Caterpillar site. There would be no external views of the extension from within the surrounding landscape or from public vantage points. The design of the extension would replicate the form and style of the existing building with a flat roof some 6 metres lower than the height of the main building. The extension would feature matching ribbed cladding finished in cream/brown with two access points, utilising a roller shutter door for forklift trucks and a smaller personnel doorway. It is considered that the size, scale, form and positioning of the extension would complement the character and style of the existing industrial building. The existing portal tented storage structure would be modified and reduced in size to accommodate the proposed extension. This structure would continue to feature a pitched roof and would largely appear as per the existing situation in its visual form and appearance externally. The proposed extension is considered to be in accordance with Policies EMP2 (criteria a and c), NE5 (criteria i, ii, iii) BE1 (criteria a and e) of the adopted Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. Due to the location of the proposal within the centre of the site and existing screening, the proposals will not have any adverse impact on residential amenity and are therefore in accordance with Policies EMP2 (criterion b) and BE1 (criterion i) of the adopted Local Plan.

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 already sufficient, existing parking provision within the Caterpillar site and this proposal would not result in the loss of any vehicle parking or create a demand for additional parking provision. The proposal is therefore considered to be in accordance with Policies NE5 (criterion iv), BE1 (criterion g) T5.

Other Matters

The Head of Community Services (Land Drainage) has raised no objection to the proposal in respect of surface water run off and the proposed extension would drain into the existing drainage and storage which flows into on site attenuation lagoons.

Conclusion

The NPPF supports sustainable economic development to deliver growth and prosperity. This proposal for an extension to the existing paint shop facility at Caterpillar (UK) will allow production and efficiencies to be increased made therefore contributing towards sustainable economic growth. As a result of the siting, scale and design of the proposed extension together with the proposed matching materials would ensure that the proposal would not have any adverse impact on the character or appearance of the site or the surrounding area. As a result of the location of the extension within the centre of the site and screening 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 vehicle parking provision. The proposals are therefore in accordance with adopted Local Plan Policies EMP1, EMP2, NE5, BE1 and T5 and the overarching intentions 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 it would be located within an existing employment site and by virtue of its siting, layout and design of the extension it would not have any adverse impact on the character or appearance of the site, the surrounding countryside, the amenities of the neighbouring dwellings or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, EMP2, 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. 3549.C.13.001 Rev B Site Location Plan 1:2500 and Site Plan 1:1250, Dwg No. 3549.C.13.011 Rev B Proposed Elevations 1:200 and Dwg No. 3549.C.13.010 Rev B Proposed Floor Plans 1:200 received by the local planning authority on 13 January 2014.
- 3 The materials to be used on the external elevations of the proposed extension shall match the corresponding materials of the existing paint shop building.

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.
- 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: 06

Reference: 14/00042/FUL

Applicant: Mr John Tilley

Location: Hinckley Rugby Football Club Leicester Road Hinckley

Proposal: Extension to existing club house to provide additional changing, social facilities and additional parking

Target Date: 18 March 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the proposed floor area is over 500sqm.

Application Proposal

This application seeks extensions and alterations to the existing club house and changing rooms by Hinckley Rugby Football Club, with associated off street parking. The site and buildings were previously used by Hinckley Football Club, prior to them moving to the Green King Stadium and are located to the north-east of the cricket pitch. The pitch and club house have been brought by the Rugby Club to accommodate the increasing number of teams. The proposal seeks consent for a single storey extension projecting 28.5m to the east with a width of 16m. The proposal would have a dual pitched roof with windows that match those of the existing building. The extensions would contain a bar area (floor area 378 sq m.) and improved kitchen facility including ancillary storage and service areas. The proposal includes

formalisation of the parking and access resulting in the provision of 152 off street parking spaces.

Amended plans have been submitted removing an area that would have provided an additional 134 parking spaces to the south east of the tennis courts on part of two rugby pitches. The plans are the subject of an additional 21 day re-consultation that expires 4 March 2014.

The Site and Surrounding Area

The application site is located to the north east of Leicester Road, within the green wedge, outside the settlement boundary and is designated as a recreation facility. The recreation site consists of Hinckley rugby club, Leicester Road squash club, Hinckley tennis, cricket and netball clubs. The topography of the site is flat.

The site consists of a single access point with parking on the left hand side of the driveway, to the east of which are rugby pitches. A range of part two storey and single storey flat roofed buildings house the squash, rugby and cricket clubs to the north of the access, with the cricket pitch beyond. To the end of the access, the tennis courts are located with their own brick built changing rooms. The application relates to the area to the north of the tennis courts and east of the cricket pitch comprising of a gravelled area with grass beyond and two single storey buildings consisting of a stand and the original club house. This is a single storey linear building with a gabled feature half way along its length, with a dual pitched roof.

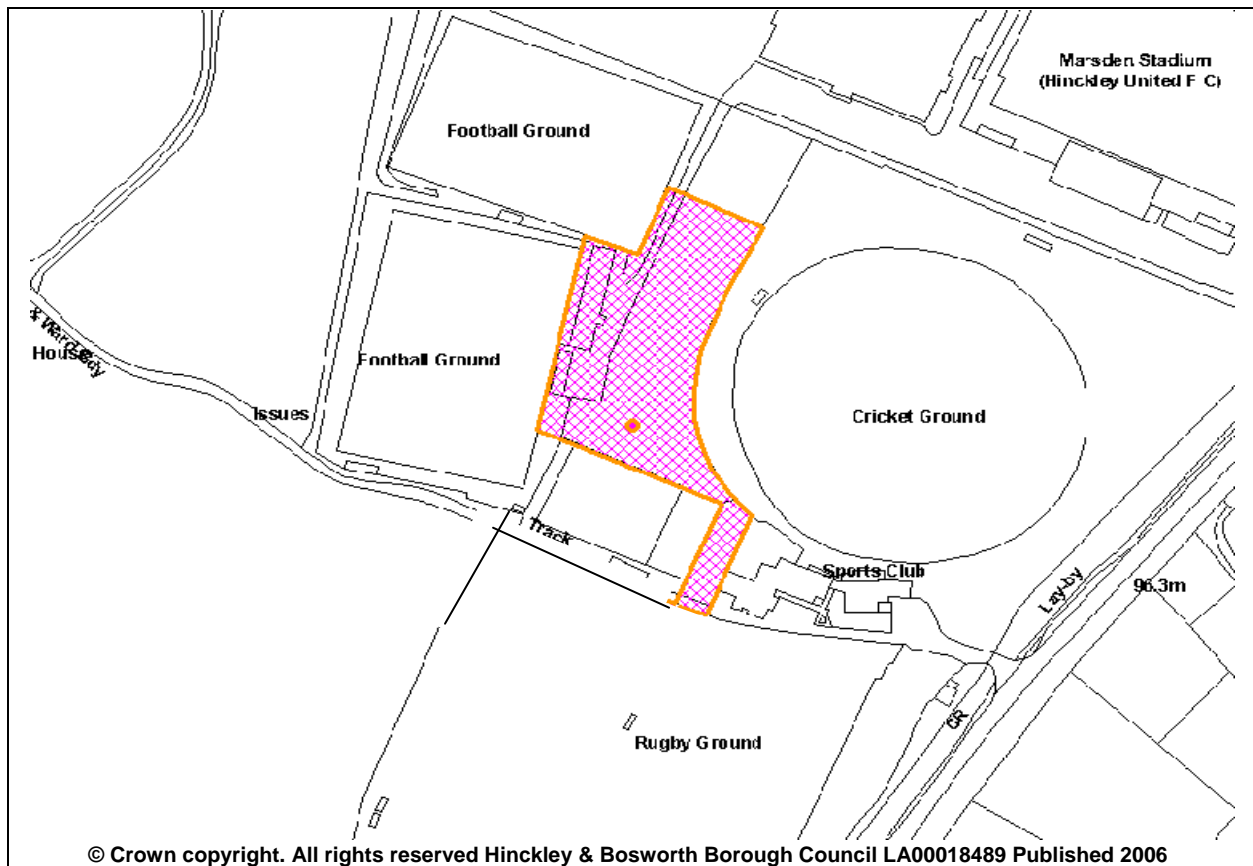
To the north east of the existing club house, is a rugby pitch with food lighting and countryside beyond. To the north of the site is Hinckley Football Club's Green King Stadium, whilst the rest of the site adjoins countryside.

Technical Document submitted with application

None relevant.

Relevant Planning History:-

05/00752/FUL	Netball Court with fencing and floodlighting	Approved	04.10.05
75/00329/4M	Erection of grandstand	Approved	03.06.75



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from:-

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

One representation has been received reiterating the comments of the drainage engineer to ensure that no water drains across adjacent courts.

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

Policy:-

National Policy Guidance

The National Planning Policy Framework

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
 Policy 6: Hinckley/Barwell/Earl Shilton/ Burbage Green Wedge

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and siting of development
Policy T5: Highway design and vehicle parking standards
Policy REC1: Development of recreation sites
Policy REC4: Proposals for recreational facilities

Supplementary Planning Guidance/Documents

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, the design and appearance of the proposal and the impact on the character of the area and highway safety including level of off street parking.

Principle

The site is located within the designated area of the green wedge that separates Hinckley from Barwell, Earl Shilton and Burbage. Policy 6 of the Core Strategy limits development within these areas to preserve the individual identity of the settlements and provide access from the settlements to green space and lists uses that are considered to be acceptable. Recreation is one of these uses and the policy continues that any land use should:-

- a) retain the function of the green wedge
- b) retain and create green networks between the countryside and open spaces with the urban areas
- c) retain and enhance public access to the Green Wedge, especially for recreation and
- d) should retain the visual appearance of the area.

The NPPF has a presumption in favour of sustainable development, which it defines as having three strands; an environmental, a social and an economic.

The application seeks an extension to an existing building that is considered to support the other uses on the site, providing the social hub and income to sustain the club. Accordingly the use is considered to comply with the first part of Policy 6. The proposal seeks to improve the existing facilities within an existing site responding to an increased demand and expansion of the club. The proposal would create jobs during the construction of the building, re-use an existing empty building within an existing recreation site, and improve the social facilities on the site. The proposal is considered to contribute to all three strands and therefore considered to be a form of sustainable development.

The principle of development is accordingly considered to be acceptable and in accordance with the NPPF, and the first part of Policy 6 of the Core Strategy.

Design and Appearance

Policy BE1 criterion a, requires development to be of a high standard of design that compliments the surrounding area. Policy 6, second criterion d, states that proposals should retain the visual appearance of the area.

The site consists of various sporting pitches and courts with the ancillary buildings and changing rooms. The biggest group of these consists of a block of single and two storey flat

roofed buildings of red brick construction. The site therefore has an open character with isolated buildings.

The existing building is a detached linear structure, set back from the public highway and to the rear of other structures on the site. The extension whilst projecting forward of the proposal, is considered to maintain the simple form of the existing building and the minimal height maintains the open character of the site. The proposal is considered to comply with Policy BE1 criteria a, of the Local Plan and Policy 6 of the Core Strategy.

Highway Safety

The site would utilise the existing access off Leicester Road. There is good visibility in both directions from this access point, and no objection to the proposal has been received from Director of Environment and Transport (Highways).

The proposal would result in an extension to the bar/ social area consisting of an additional internal floor area of 116sqm. The use is considered to support the D2 use of the site which has a parking requirement of one space per 22m² of floor area, resulting in a requirement of 37 spaces for the whole building. The parking would be partly on an area of gravelled area that is not currently laid out, and partially on a grassed area. The proposal would provide 152 formal spaces, in addition to the existing parking on the site, utilising part of the existing gravelled area extending into the grassed area. Given the requirement, there is considered to be sufficient off street parking for the proposal.

Whilst the proposal extension may be used for functions this would be infrequently and predominantly in evenings when other parts of the site are not in use. In the context of the other users of the site, the proposal is considered to result in a minor additional floor area.

The Director of Environment and Transport (Highways) has requested conditions to restrict the use of the proposal to a social club for functions in connection with the sports uses of the site, to ensure the parking area is laid out and surfaced and cycle provision. The proposal is an extension to an existing building to be used ancillary to the leisure use (use class D2) of the site. There is no permitted change from this class to any other and therefore planning permission would be required for any change of use. The condition is therefore not required.

Cycle parking is not required to make the development acceptable and therefore not necessary to enable the development.

The proposal is sited far enough from the highway not to result in traffic queuing on to Leicester Road. The proposal is considered not to detrimentally affect highway safety and therefore is considered to comply with Policy T5.

Other Issues

Loss of pitches - the original scheme proposed parking over part of two existing rugby pitches and therefore Sport England were consulted. The scheme has been amended to remove this from the proposal. The proposal therefore maintains the number of sports pitches within the site.

Drainage - The Head of Community Services (Drainage) has commented that surface water should be managed by using sustainable drainage techniques preferably those which disperse run-off by infiltration into the ground strata. To ensure that this is achieved, a condition requesting drainage details prior to the commencement of development is recommended.

Conclusion

The proposal seeks consent for extensions to an existing building located within a larger sporting complex which is home to a number of local clubs. The proposal seeks consent for an extension to accommodate a larger bar area, with additional off street parking. The proposal is considered to be an acceptable use within the green wedge, preserving the open character of the area. The form of the building is considered to respect the design and appearance of the existing structure and sufficient off street parking is proposed to cater for the extension. The proposal is therefore considered to comply with Policy 6 of the Core Strategy, and Policies BE1 and T5 of the Hinckley and Bosworth Local Plan 2001.

RECOMMENDATION:- That the Chief Planning and Development Manager be granted delegated authority to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 4 March 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 scale and design the proposal is considered to be an appropriate use for the site and maintain the character and appearance of the green wedge and providing sufficient off street parking.

Local Plan 2006-2026: Core Strategy (2009):- Policies 1 and 6.

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

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:- 0010-P003, 0010-P006, 0010-P007 received 21 January 2014; 0010-P002 Rev B, 0010-P005 Rev B, 0010-P001 Rev B received 7 February 2014.
- 3 The materials to be used on the external elevations of the proposed extension shall match the corresponding materials of the existing building.
- 4 The parking areas shown on drawing number 0010-P005 rev B (Site plan as proposed) shall be laid out and surfaced prior to the extension being brought into use.
- 5 Development shall not commence until drainage details, incorporating sustainable drainage principles have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details 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 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure adequate off street parking is provided in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure adequate drainage from the site and to prevent the development exacerbating the risk of flooding in accordance with Policy NE13 of the Hinckley and Bosworth Local Plan and Section 10 of the NPPF.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Surface water must be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/ or rainwater harvesting systems. New access road, new parking and turning areas, paths and outdoor assembly areas should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. If a low permeable site, surface water dispersal may be argued by piped land drains, installed in the foundations of paving, discharging to an approved outlet.

Contact Officer:- Sarah Fryer Ext 5682

Item: 07
Reference: 14/00082/HOU
Applicant: Mr Steven Connor
Location: Meadowside High Street Stoke Golding
Proposal: Extensions and alterations
Target Date: 1 April 2014

Introduction:-

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

Application Proposal

This application seeks a first floor extension to a semi-detached two storey dwelling located within the Stoke Golding Conservation Area. The proposal would extend the existing rear full width dormer window to the ground floor rear elevation resulting in a large rear flat roofed extension.

The proposal includes a patio door at first floor and brickwork to match the existing.

The Site and Surrounding Area

Meadowside is a semi-detached two storey chalet dormer style dwelling dating from the 1960's. The property is constructed of red bricks with a double roman concrete tiles to the roof. To the front the dormer windows are clad with UPVC whilst the large dormer to the rear is hung with small clay tiles.

The application site is located within a predominantly residential area, and is a modern infill between traditional buildings including cottages, farm buildings and a Zion Baptist Church. To the north the application site adjoins the neighbouring dwelling of Ruslyn, beyond which is the countryside. To the south there is a detached two storey dwelling of a similar design with a first floor extension to the rear. To the east the application site abuts the countryside with residential properties located across High Street.

The application site is located within the defined settlement boundary and Stoke Golding Conservation Area.

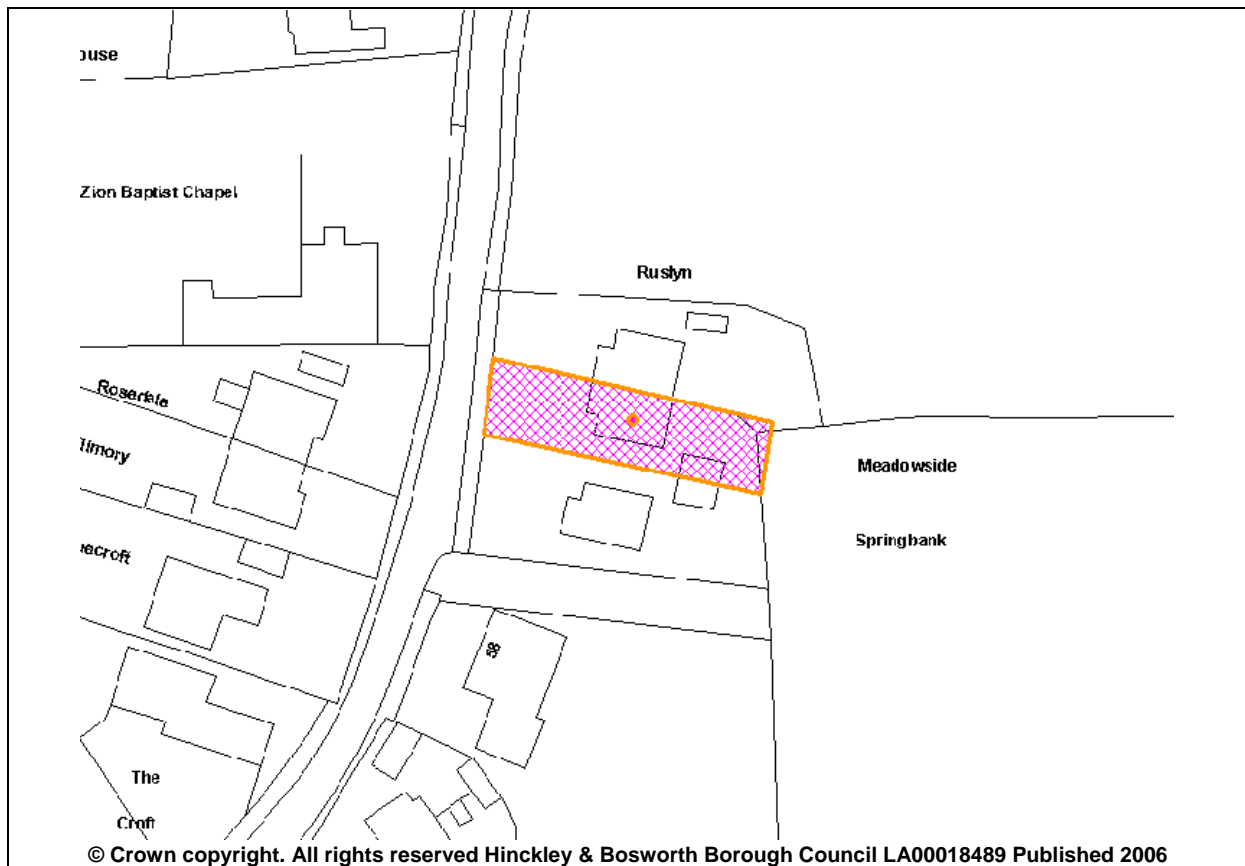
At the time of writing the consultation period is still open and expires on 6 March 2014.

Technical Document submitted with application

None relevant.

Relevant Planning History:-

04/00895/FUL	Extension to dwelling	Approved	17.08.14
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Consultations:-

Site notice and Press notice were displayed and neighbours notified.

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

- Director of Environment and Transport (Highways)
- Stoke Golding parish Council
- Stoke Golding Heritage Group
- Neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

- Policy BE1 - Design and Siting of Development
- Policy BE7 - Development in Conservation Areas

Supplementary Planning Guidance / Documents

Appraisal:-

The main considerations with regards to this application are the design and appearance of the extension and alteration, the impact on the special character of the conservation area and the impact on the amenities of neighbouring residents.

Principle of Development

The NPPF has a presumption in favour of sustainable development. The proposal is for an extension to an existing dwelling house located within the settlement boundary and therefore close to services. The proposal is therefore considered to be a form of sustainable development and acceptable in principle.

Design and Appearance

The application seeks consent for the full width dormer to the rear being extended in line with the rear elevation of the dwelling resulting in a two storey extension with a flat roof to the rear of the dwelling. The proposal would project 1.7m from the existing dormer to level with the rear ground floor elevation.

The mass of such a structure would dominate the rear extension, however to the south the neighbouring property of Springbank has undertaken a similar proposal with the first floor overhanging the ground floor by approximately 30cm. It is considered that whilst the mass to the rear the proposed extension would be overbearing, given the style of dwelling and a similar extension to the south the proposal is considered to be in keeping with surrounding developments and therefore acceptable in this instance. The proposal is therefore considered to comply with Policy BE1 criterion a.

Special Character of the Conservation Area

The application site is a modern infill within the conservation area. Policy BE7 seeks to preserve or enhance the special character of the Conservation Area.

The Conservation Area Appraisal states that the character of High Street is characterised by close knit development towards the centre of the village and properties sited as to provide visual end stops. The application site is set back from the highway and does not form a visual end stop. The character of the area around the application site is not as dense representing the transition from the village centre to the countryside.

The proposed development located to the rear of the property would not affect the streetscene, and given that there are no public vantage points to the rear of the site the proposal would not affect views into the conservation area. Accordingly the proposal is considered to preserve the special character of the conservation area and accordingly complies with Policy BE7.

Impact on Neighbours

Policy BE1 criterion i seeks to ensure that development does not adversely affect the occupiers of neighbouring properties. This policy is supported by more specific guidance contained within the SPG on house extensions. Ruslyn adjoins the application dwelling to the north of the site. The proposal would extend beyond the rear bedroom window by 1.7m.

The SPG does not give any examples of this form of development, however indicates that single storey extensions projecting along a shared boundary between semi-detached dwellings of up to 3m. The projection beyond the closest window serving a habitable room to the proposal of 1.7m is therefore within this acceptable limit and therefore it is not considered that the proposal would significantly detrimentally affect sunlight or daylight or result in any overbearing impact.

To the south the neighbouring property of Springbank, is separated from the application proposal by a shared driveway with a width of 4.2m. Given the scale of the proposal and the separation distance the proposal is not considered to detrimentally affect the amenities of occupiers of Springbank.

Given the above it is not considered that the proposal would significantly detrimentally affect the amenities of neighbouring occupiers and therefore is considered to comply with Policy BE1 criterion i.

Conclusion

The proposal is considered to be in keeping with neighbouring development and would preserve the character of the conservation area. The proposal would not detrimentally affect the amenities of neighbouring residents and is therefore considered to comply with Policy BE1 criteria a and i.

RECOMMENDATION:- That the Chief Planning and Development Manager be granted delegated authority to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 7 March 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 design and appearance, surrounding developments and its siting and scale the proposal is not considered to be detrimental to the character or appearance of the dwelling or streetscene or amenities of neighbouring residents.

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

House Extensions (SPG)

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 (scale 1:1250); block plan (scale 1:200); Existing and proposed elevations; Existing and proposed side elevations, Existing and proposed plan received 4 February 2014.

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

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (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.
- 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 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Sarah Fryer Ext 5682