The Planning Inspectorate

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(Date received)
18-Dec-2008 14:49

QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/K2420/A/08/2091552
Appeal By:	Mr Matthew Scott
Address	21 Adrian Drive Barwell Leicester
Postcode	LE9 8GB
Grid Reference: Easting	4444057
Northing	2971608

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure? ☑ YES ☐ NO

Do you wish to be heard by an Inspector at;

☐ a hearing? or

☐ a local inquiry?

How long do you expect an inquiry would last? _____ days

How many witnesses do you intend to call? _____

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2 a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? ☑ YES ☐ NO

b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? ☐ YES ☑ NO

Please explain:

c. Are there any known health and safety issues that would affect the conduct of the site inspection? ☐ YES ☑ NO

3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name Tiffany MacDonald Phone 01455 255929

Email tiffany.macdonald@hinckley-boswo

4 Does the appeal relate to an application for approval of reserved matters? ☐ YES ☑ NO

5 Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? ☑ YES ☐ NO

6 Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings & Conservation Areas) act 1990 or Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990? ☑ YES ☐ NO

☑ *Document provided*

7 Is the appeal site within;

a. A Green Belt? ☐ YES ☑ NO

b. An Area of Outstanding Natural Beauty? ☐ YES ☑ NO

8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? ☐ YES ☑ NO

☐ *Document provided*

9 a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ *Document provided*

b. Are there any other appeals or matters relating adjacent or close to the site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ *Document provided*

10 Would the development require the stopping up or diverting of a public right of way? ☐ YES ☑ NO

Please provide an extract from the Definitive Map and Statement for the area, and any other details.

☐ *Document provided*

11 a. Is the site in a Conservation Area? ☐ YES ☑ NO

Please attach a plan of the Conservation Area

☐ *Document provided*

b. Does the appeal relate to an application for conservation area consent? ☐ YES ☑ NO

12 a. Does the proposed development involve the demolition, alteration or extension of a listed building? ☐ YES ☑ NO

Date of listing: ☐ I ☐ II* ☐ II

b. Would the proposed development affect the setting of a listed building? ☐ YES ☑ NO

Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historical Interest.

☐ *Document provided*

13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☑ NO

14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)? ☐ YES ☑ NO

b. Was English Heritage consulted? ☐ YES ☐ NO
Please send a copy of any comments.

☐ *Document provided*

15 Is any part of the site subject to a Tree Preservation Order? ☐ YES ☑ NO

Please send a plan showing the extent of the Order and any relevant details.

☐ *Document provided*

16 Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? ☐ YES ☑ NO

Please attach a copy of the relevant order.

☐ *Document provided*

17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? ☐ YES ☑ NO

18 a. Is the appeal site in or adjacent to or likely to affect an SSSI or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? ☐ YES ☑ NO
Please attach the comments of Natural England

☐ *Document provided*

b. Are any protected species likely to be affected by the proposals? ☐ YES ☑ NO
Please attach details.

☐ *Document provided*

19 **Environmental Impact Assessment**

Environmental Statement (ES)

Schedule 1

a. (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development? (ie Nos 1-20)

Schedule 2

b. (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development in Column 1? (ie Nos 1-13)

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met? ☐ YES ☑ NO

c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

☐ *Document provided*

Please provide details in the box below:

Screening

d. (i) Have you issued a screening opinion (SO)? ☐ YES ☑ NO

Please attach a copy of the SO that was placed on the planning register, and any other related correspondence.

☐ *Document provided*

(ii) Did the SO state that the proposed development is EIA development as defined by the EIA Regulations? ☐ YES ☑ NO

If you decided that the proposed development is not EIA development as defined by EIA Regulations, please attach brief descriptions for your opinion.

☐ *Document provided*

Environmental Statement (ES)

e. Has the appellant supplied an environmental statement? ☐ YES ☑ NO

Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.

☐ *Document provided*

Publicity

f. If applicable, please supply a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development.

☐ *Document provided*

20 Have all the notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? ☐ YES ☑ NO

Please attach copies of any comments that you received in response.

☐ *Document provided*

21 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**
Tick the 'Applies' checkbox to the right of each applicable document, then select whether you intend to send it by post or attach it now.

a. a copy of the letter with which you notified people about the appeal; ☑ Applies

b. a list of the people you notified and the deadline you have for their comments to be sent to us; ☑ Applies

Deadline: 19 Jan 2009

c. all representations received from interested parties about the original application; ☑ Applies

d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; ☑ Applies

e. any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice; ☑ Applies

f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; ☑ Applies

List of Policies: IMP1, BE1, RES5, T5, REC3

g. extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. ☑ Applies

List of Policies: IMP1, BE1, RES5, T5, REC3

h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when; ☑ Applies

i. extracts from any supplementary planning document, that you consider necessary, together with the date of its adoption.
In the case of emerging documents, please state what stage they have reached; ☑ Applies

j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; ☑ Applies

k. any other relevant information or correspondence you consider we should know about; ☑ Applies

22 **For appeals dealt with by written representations only.**

Do you intend to send a 6 week statement about this appeal? ☑ YES ☐ NO

a. the relevant planning history, including a full list of the plans submitted with the application; ☐ *Applies*

b. any supplementary reasons for the decision on the application or what the decision notice would have said; ☐ *Applies*

c. matters which you want the Inspector to note at the site visit; ☐ *Applies*

d. how the relevant development plan policies relate to the issues of this appeal; ☐ *Applies*

23 **For the Mayor of London cases only**

a. Was it necessary to notify the Mayor of London about the application? ☐ YES ☑ NO
Please attach a copy of that notification ☐ *Document provided*

b. Did the Mayor of London issue a direction to refuse planning permission? ☐ YES ☑ NO
Please attach a copy of that notification ☐ *Document provided*

Council's Reference: 08/00963/FUL

☑ I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

Completed by Sarah Humphries (name)

On behalf of Hinckley and Bosworth Borough Council council.

STATEMENT
Do you wish to attach your statement of case? ☐ YES ☑ NO

☐ *Document provided*

Steve Atkinson MA(Oxon) • MBA • MIoD • FRSA
Chief Executive
Please ask for: Sarah Humphries
Direct Dial: 01455 255680
My Ref: 08/00963/FUL
Your Ref:
Date: 18 December 2008
Direct Fax: 01455 619897
Email: planning@hinckley-bosworth.gov.uk

Hinckley & Bosworth Borough Council

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3rd PARTY LETTER

Dear Sir/Madam

DESCRIPTION : ERECTION OF 1 DWELLING HOUSE
LOCATION : 21 Adrian Drive Barwell Leicester LE9 8GB

An appeal has been lodged with the Secretary of State for Communities and Local Government against the Council's decision to refuse to grant planning permission for the above development. Such appeals are dealt with by a Planning Inspector appointed by the Secretary of State.

The appeal is to be dealt with by an exchange of written representations by the parties and a site visit by an Inspector. You may view the related documents at these offices, please contact the case Officer on 01455 255680 to arrange a convenient time.

Any representations already submitted to the Council at the original application stage (unless they are expressly confidential) will be forwarded to the Planning Inspectorate, copied to the Appellants' and will be taken into account by the Inspector in deciding the appeal. If you have submitted any such representations and wish to withdraw or modify your earlier comments, have not already submitted representations but wish to do so now, or wish to request a copy of the decision you should write directly to the Planning Inspectorate, Room: 3/15 Eagle, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, within six weeks of the appeal start date (8 December 2008) quoting reference number APP/K2420/A/08/2091552/WF. The Inspector will require 3 copies of any correspondence. Any representations received after the deadline will not normally be seen by the Inspector and will be returned. You can obtain a copy of the Planning Inspectorate's booklet "Guide to Taking Part in Planning Appeals" at http://www.planninginspectorate.gov.uk/pins/appeals/planning_appeals/making_planning_appeal.htm or free of charge from these offices.

Representations can only be taken into account if they are made known to the parties (this may include their publication online), and therefore the Planning Inspectorate will send a copy of any further representations to the Appellants and to the Council.

For your information a copy the Appellants' grounds of appeal are attached.

Yours faithfully

T. Darke

TRACY DARKE
DEVELOPMENT SERVICES AND POLICY MANAGER

Visit our website at: www.hinckley-bosworth.gov.uk

Hinckley & Bosworth
Borough Council

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Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr Matthew Scott
21 Adrian Drive
Barwell
Leicestershire
LE9 8GB

Name and Address of Agent (if any)
Ms Deborah Hudson
W5 The Quarters
65 Druid Street
Hinckley
Leicestershire
LE10 1QG

Part I - Particulars of Application

Date of Application	**Application No.**
3 October 2008	08/00963/FUL

Particulars and location of development:

ERECTION OF 1 DWELLING HOUSE

21 Adrian Drive Barwell Leicester LE9 8GB

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority the proposed dwelling by virtue of its siting and size would be out of character with other development in the vicinity and would therefore result in an incongruous and dominant form of development contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2. In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on the existing play and open space by the proposed development would not accord with Circular 5/05, Policy IMP1 and Policy REC3 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space Developer Contributions (September 2008)

NOTES TO APPLICANT :-

1. List of plans used in the determination of this application:-
   08890-03-SK01 A

T. M Prowse

Date :20 November 2008

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

SK

1.0 Introduction

1.1 The application was determined on Tuesday 18th November 2008 by members of the Planning Committee appearing as item 12 on the agenda. This appeal is a response to the case officer's report to committee, the associated late items and member's decision to accept the recommendation of refusal.

1.2 The appellant exercised his right to speak for two minutes in favour of the proposal before Committee members and a copy of the prepared statement is included in Appendix I. Also included is the request to speak and for a committee site visit to take place.

1.3 Due to the nature of the development and to fully appreciate the local context, a Committee site visit was requested so members could assess the positive contribution the overall scheme would make to reinstate the "open plan" nature of Adrian Drive and Glyn Close. Although requested, members did not undertake a visit.

2.0 Key Issues

2.1 The report to Committee clearly states there are **no objections** in terms of:

a) design, eaves/ ridge height or materials.
b) highway safety or parking provision.
c) impact on the private amenity of the adjacent properties or separation distances.

There are **no objections** from the Statutory Consultees.

2.2 In the first reason of refusal, the LPA cites the **siting and size only** on which to base the primary recommendation of refusal; all other policy and material considerations are deemed to be acceptable.

The application was judged against Policy BE1, and specifically BE1 (a)

3.0 The case for the appellant: Reason 1

3.1 As already noted and readily apparent from the committee report, the scheme either meets or exceeds all of the policy requirements with (in the opinion of the LPA) the exception of BE1 (a). However, the appraisal of the scheme raises some significant inconsistencies in relation to the main reasons of refusal i.e. **siting and size.**

3.2 **Size**

3.3 The elevations and the street scene demonstrate that the new development is clearly proportionate in terms of scale and size. The committee report supports this and under "Amenities" states:

"the proposed dwelling would not result in a loss of privacy to neighbouring residents as it is not significantly different to the relationship of other dwellings on the estate."

3.4 Furthermore, under "Design" the officer concludes:

"The proposed design of the dwelling with the mixture of brick and render and the projecting gable details are considered to be in keeping with the appearance of the properties in the area. The ridge and eaves heights correspond to other dwellings in the area. There is no objection to the proposed dwelling in terms of its design."

3.5 The design and size are inextricably linked and proportionately the street scene and elevations demonstrate the new development is in fact in scale with the existing dwellings and does therefore meet the requirements of BE1 (a).

3.6 If the design is deemed as acceptable and in keeping with the appearance of the properties in the area, then the claim that the development would be incongruous and dominant is contrary to the officer's overall appraisal.

3.7 The justification for this conclusion appears in the report under " Character and Appearance" that states:

"The footprint of the dwelling is generally larger in both width and depth than surrounding properties, resulting in over development and having a negative impact on the street scene."

This statement appears to focus upon the 1:500 Block Plan, but it must be appreciated that the footprint of the porch is included and gives the impression the gable on the southern elevation is larger than it actually is. For clarity a revised 1:500 Block Plan (1:500 Block Plan Rev A) omitting the porch is included in Appendix II.

3.8 In terms of actual measurements, the total floor area of 21 Adrian Drive is 98.64 sqm, with the proposed development measuring 114.64 sqm (not including porch). This represents an increase of just 16 sqm over two storeys. In addition, the width of the eastern elevation of 21 Adrian Drive is 7.2m and the corresponding elevation of the new dwelling, including the gable on the southern elevation, is only 6.5m. Finally, the width of the proposed western elevation is 5.6m and only projects 2.5m beyond the rear elevation of the existing property.

3.9 When considering these measurements and comparing the relatively small increase in total floor space of 16 sqm over the existing dwelling, it is unreasonable of the LPA to describe the proposal resulting in over development of the site or having a negative impact on the street scene, especially given the officer's positive comments on the design of the scheme and how it protects the private amenity of the neighbouring properties.

3.10 As noted in the Design and Access Statement, 21 Adrian Drive and all of the immediate properties adjacent to it are "as original". Under the recently amended householder permitted development rights, these properties could all significantly extend the existing footprints without requiring planning permission. Even where permission was required, current Local Plan policy would support both side and rear two storey extensions of this nature. The fact the LPA has approved two-storey side extensions at the nearby properties of 40 Adrian Drive and 9 Glyn Close supports this view.

3.12 The issue of the larger footprint is marginal at best and ignores the wider context and existing Local Plan policy and related nearby decisions. It fails to account for recent changes to National guidance in the form of PPS 1 & 3 and the 2008 amendment to the GPDO and development within the curtliage of a dwelling house.

4.0 <u>Siting</u>

4.1 Closely related to the above points is the second element of the first reason of refusal, siting. Local Plan policy and changes to the GPDO would support a significant two-storey side and / or rear extension to the existing property, where the perceived impact on the character of the area would not be dissimilar to the proposed dwelling.

4.2 The LPA agrees the existing built form has a staggered arrangement and the geometry of the junction of Adrian Drive and Glyn Close means the new development will not result in reduced visibility from the junction. This is a critical admission as it shows the LPA were judging the new development from one view only, that from Adrian Drive.

4.3 Under " Character & Appearance" the committee report states:

"There is a slight stagger to the building line where the development follows the curve of the highway. The proposed dwelling would be located on a prominent corner and would extend beyond the building line to the back edge of the highway."

4.4 The 1:1250 Location Plan shows the variation in stagger on Adrian Drive and Glyn Close. When viewed in relation to the building line of Adrian Close, the new dwelling does appear to be significantly closer to the back of the footpath on the original 1:500 Block Plan. However, the amended Block Plan (Rev A) in Appendix II omits the porch and shows the actual extent of the proposed footprint. Due to the geometry and gradient of Adrian Drive, and the

existing boundary treatment and vegetation, as the site is approached from the east a very different perspective is presented.

4.5 The whole of the western boundary and the southern boundary up to the rear elevation of the existing dwelling is totally enclosed by a 1.8m close board fence that is erected to the back of the footpath. The group of silver birch on the western boundary will be retained thereby maintaining the visual interest and verdant quality of the existing street scene. This existing arrangement means the new development cannot be "read" when approaching from Adrian Drive, but instead must be considered when viewed from the principle sight line of Glyn Close.

4.6 Once again allowances need to be made for the inclusion of the porch on the original Block Plan. Rev A shows the built form of the southern elevation is actually 2 metres behind the existing fence and the back of the footpath on Adrian Drive. This combined with the trees that are to be retained, reinforces the fact that the view from Glyn Close is the principle street scene on which the development should be judged.

4.7 The address of the proposal may be Adrian Drive but number 21 is one half of a semi-detached property that clearly forms part of Glyn Close. Accepting that Glyn Close is the principle street scene means that the LPA must also accept that the new dwelling does respect the existing building line. In determining the application the case officer and members failed to appreciate the existing character of the street scene and viewed the proposal from a flawed assumption i.e. there would be a detrimental impact on Adrian Drive.

4.8 With the removal of the non-native conifer trees and the formation of the off street parking for the existing dwelling, the open plan nature of the Close would actually be enhanced and the visibility for road users improved.

4.9 The photographs in Appendix III show the existing western and southern boundary treatment to the back of the footpath and the existing incongruous and dominant presence in the street scene to be the conifers that currently enclose the site.

4.10 With the issues of siting and size addressed, and the proposal viewed within the correct local context, the LPA simply cannot sustain the argument that the scheme would result in an incongruous and dominant form of development. Evidence of this is apparent in the appraisal of the scheme and the inconsistencies contained in the body of the report relating to the siting and size of the development, and the subsequent recommendation made to committee.

5.0 The case for the appellant: Reason 2

5.1 Under the "Provision of Recreational Land" the committee report states:

"The application site is located within 400m of Kirkby Road Open Space and therefore the proposal, if acceptable would require a contribution to be paid towards the maintenance of the existing open space."

Having made reference to the SPD on Play and Open Space Developer Contributions, it states (under paragraph 2.5 on page 6 of the document) in the case of developments consisting of only one dwelling, the level of provision to be made will be determined according to individual circumstances.

5.2 Although reference is made to Kirkby Road Open Space, no other information is provided on the status of this land in terms of the need for contributions for additional provision or maintenance. Indeed the committee report does not even give an indication of what this figure would be, assuming a contribution is justified according to the individual circumstances of this application.

5.3 The proposed dwelling is not deficient in private amenity space for the future occupants, therefore the appellant has quite rightly questioned the unsubstantiated claim made by the LPA that just because the scheme is located within 400m of the open space, "therefore" the development would be required to make a financial contribution.

5.4 In the absence of any robust evidence or justification, the inclusion of this reason of refusal is unreasonable and fails to meet all of the tests set out in Circular 05/2005. There is no indication on how the amount would be calculated according to the individual circumstances of the application, or as to how the contribution would be spent and within what time frame.

5.5 In addition to the lack of evidence produced by the Council indicating that there is a shortfall of open space within the locality, it is also unreasonable to consider that the reduction in private garden area, where the proposed new gardens would meet normal criteria established by the Council, justifies the provision of additional open space or play facilities. In the individual circumstances, the appellant does not consider that the absence of a financial contribution towards the provision of public open space should warrant a reason of refusal as the proposal does not conflict with the policies relating to this issue.

6.0 Conclusion

6.1 PPS3 Housing states "If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment." The aim of this element of PPS3 can be directly related to this application. The proposal was conceived from the

outset to adhere to the fundamental principles of good design and the efficient use of previously / under utilised land in accordance with both National and Local Plan policy. Despite some inconsistencies contained in the committee report relating to the issues of siting and size of the development, the majority of the content of the report is supportive of the application.

6.2 With the clarification of these inconsistencies covered in the grounds of this appeal, and the application site framed within the correct local context, it is respectfully requested that the aims of both National and Local Plan policy should not be inflexibly applied and the appeal should be allowed and the application approved subject to appropriate conditions.

© Simon Cheshire November 2008

Hinckley & Bosworth
Borough Council

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Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr Matthew Scott
21 Adrian Drive
Barwell
Leicestershire
LE9 8GB

Name and Address of Agent (if any)
Ms Deborah Hudson
W5 The Quarters
65 Druid Street
Hinckley
Leicestershire
LE10 1QG

Part I - Particulars of Application

Date of Application	**Application No.**
3 October 2008	08/00963/FUL

Particulars and location of development:

ERECTION OF 1 DWELLING HOUSE

21 Adrian Drive Barwell Leicester LE9 8GB

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s) :-

1. In the opinion of the Local Planning Authority the proposed dwelling by virtue of its siting and size would be out of character with other development in the vicinity and would therefore result in an incongruous and dominant form of development contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2. In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on the existing play and open space by the proposed development would not accord with Circular 5/05, Policy IMP1 and Policy REC3 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space Developer Contributions (September 2008)

NOTES TO APPLICANT :-

1. List of plans used in the determination of this application:-
08890-03-SK01 A

T. M Prowse

Date :20 November 2008

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

COMMITTEE EXTRACT

Committee Date: 18 November 2008

Reference:- 08/00963/FUL **Parish:-** Barwell Parish Council

Applicant:- Mr Matthew Scott
21 Adrian Drive
Barwell
Leicestershire
LE9 8GB

Location:- 21 Adrian Drive Barwell Leicester LE9 8GB

Proposal:- ERECTION OF 1 DWELLING HOUSE

Introduction:-

The application seeks full planning permission for the erection of a detached two storey three bedroomed dwelling. The site is located on a residential site constructed during the 1970's. The plot is located on the north-eastern corner of the junction between Adrian Drive and Glyn Close. The site currently forms part of the residential curtilage of 21 Adrian Drive, with part of the site behind a 1.8 metre close boarded fence. The existing parking serving 21 Adrian Drive is to be used as off street parking for the proposed dwelling. New off street parking for two vehicles is proposed to the front of the existing property.

A design and access statement was submitted in support of the application which considers that the proposal complies with relevant policy and that the proposal would maintain the open character of the estate.

Relevant Planning History

None

SCANNED

Consultations:-

No objection has been received from.
Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

Neighbours have been notified and 6 letters of objection have been received raising the following concerns:-

a) The proposed dwelling would restrict visibility at the junction with Glyn Close causing visibility problems down Adrian Drive and cause a hazard to children.
b) Vehicles parked by parents dropping their children off at the nearby school create highway problems which the proposed dwelling would exacerbate.
c) Dwelling is not in keeping with the character and sense of space existing on Adrian Drive.
d) Proposal would overlook dwellings and gardens.
e) There is insufficient need to build an additional dwelling in Barwell given the proposed 2,500 already in the Parish.
f) The proposed parking for number 21 will make parking in front of the dwellings in Glyn Close difficult.
g) The deeds state that all properties should be open plan.
h) Noise and machinery used whilst building is constructed.

Development Plan Policies:-

National Policy

Planning Policy Statement (PPS) 1- Sustainable Development and Climate Change, sets out the Governments objectives for the planning system.

Planning Policy Statement (PPS) 3- Housing, outlines how the planning system should deliver land for housing development and principles behind the design and living conditions of future occupiers.

Local Plan

The site is located within the settlement boundary of Barwell as defined by the adopted Hinckley and Bosworth Local Plan.

Policy IMP1- Seeks contributions towards the provision of infrastructure and facilities that are commensurate with the scale and nature of the development proposed.

Policy BE1- design and siting of development provides criteria against which applications should be assessed including character, scale, layout, materials and highway visibility.

Policy RES5- Residential proposals on unallocated sites allows new dwellings within settlement boundaries providing other policies within the development plan are met.

Policy T5- Highway Design and vehicle parking standards permits proposals which impacts on the public Highway and refers to the Highway Design Standards set out in the relevant Leicestershire County Guidance.

Policy REC3- Seeks provision of on site or off site land for play and open space.

Supplementary Planning Guidance- (SPG) New Residential Development- provides guidance on space standards, design and appearance required by new residential development.

Appraisal:-

SCAN

The main issues for consideration are the affect of the proposal on the character and appearance of the area and street scene, the amenities of neighbouring residents, the design of the property and highway safety.

Amenities

The proposed dwelling is sited to have a dual aspect due to its prominent corner position, with the nearest habitable room being sited 18m away. Given this relationship it is considered that the proposed dwelling would not result in a loss of privacy to neighbouring residents as it is not significantly different to relationship of other dwellings on the estate.

Design

The estate dates from the 1970's and the properties have a uniform design and appearance. The proposed design of the dwelling with the mixture of brick and render and the projecting gable details are considered to be in keeping with the appearance of the properties in the area. The ridge and eves heights correspond to other dwellings in the area. There is no objection to the proposed dwelling in terms of its design.

Highways

The scheme includes off street parking for two vehicles. New parking spaces are proposed to the front of 21 Adrian Drive to provide off street parking for two vehicles. After the junction between Glyn Close and Adrian Drive the road sweeps back on its self resulting in reduced visibility from the junction along Adrian Drive. The road is a small estate road, not a though route and the proposed dwelling does not worsen the existing visibility splays, therefore there are no highway grounds on which to sustain an objection.

County Highways Authority has referred the case officer to their standing advice in respect of the application to ensure that there is adequate off street parking. Conditions can be imposed to ensure that the access meets the required standard.

Character and Appearance

The built form of the area has a regular pattern with the dwellings set back from the back edge of the footpath by a minimum of 5 metres. There is a slight stagger to the building line where the development follows the curve of the highway. The proposed dwelling would be located on a prominent corner and would extend beyond the building line to the back edge of the highway. This is considered to be out of character with other built form in the vicinity of the site and would result in development that appears incongruous and dominant within the street scene.

The footprint of the dwelling is generally larger in both width and depth than surrounding properties, resulting in over development and having a negative impact on the street scene.

Policy BE1 requires development to compliment the character of the surrounding area with regard to the scale and layout. Given the above, the proposed development is therefore considered contrary to these objectives and it is therefore recommended that the proposal be refused.

Provision of Recreational Land.

The application site is located within 400m of Kirkby Road Open Space and therefore the proposal, if acceptable would require a contribution to be paid towards the maintenance of the existing open space.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 In the opinion of the Local Planning Authority the proposed dwelling by virtue of its siting and size be out of character with other development in the vicinity and would therefore result in an incongruous and dominant form of development contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2 In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on the existing play and open space by the proposed development would not accord with Circular 5/05, Policy IMP1 and Policy REC3 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Sarah Humphries Ext 5680

SCANNED

Richard Palmer
Head of Planning and Regeneration
Hinckley & Bosworth Borough Council
Council Offices
Argents Mead
Hinckley
Leicestershire
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Our ref: EMP 2420/475/20

The Belgrave Centre
Stanley Place
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Date: 26 September 2007

Dear Rob Harbour

I am writing with reference to your application of **30 March 2007** for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the **Hinckley & Bosworth Local Plan Adopted February 2001**.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27th September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies. The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of many regional spatial strategies and the development plan status of the Regional Spatial Strategy/Spatial Development Strategy.

POSITIVE ABOUT DISABLED PEOPLE
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Following 27 September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessments in relevant decisions.

Signed by authority of the
Secretary of State

Lesley Flint
Head of Housing, Planning & Urban Policy

POSITIVE ABOUT DISABLED PEOPLE

INVESTOR IN PEOPLE

DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND COMPULSORY PURCHASE ACT 2004

POLICIES CONTAINED IN THE HINCKLEY & BOSWORTH LOCAL PLAN ADOPTED IN FEBRUARY 2001

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

Lesley Flint
Head of Housing, Planning and Urban Policy,
Government Office for the East Midlands
26th September 2007

SCHEDULE

POLICIES CONTAINED IN THE HINCKLEY & BOSWORTH LOCAL PLAN

ADOPTED FEBRUARY 2001

IMP1	Contributions Towards the Provision of Infrastructure and Facilities
RES1	Residential Proposals
RES1(a)	North of Bagworth Colliery, Bagworth
RES1(b)	Former Railway Sidings, Bagworth
RES1(c)	Former Allotment Site West of Stapleton Lane, Barwell
RES1(d)	Former Allotments Site West of Kirkby Road, Barwell
RES1(e)	East of the Common, Barwell
RES1(g)	Rugby Road/Coventry Road, Burbage
RES1(h)	Shadows Lane, Congerstone
RES1(i)	Ronald Troon Road, Earl Shilton
RES1(j)	South of Breach Lane, Earl Shilton
RES1(k)	Martinshaw Lane, Groby
RES1(l)	West of Clifton Way, Hinckley
RES1(m)	North of Outlands Drive, Hinckley
RES1(n)	Nutts Lane/Coventry Road, Hinckley
RES1(o)	Barons Park, Kirby Muxloe
RES1(p)	North of Ferndale Drive, Ratby
RES1(q)	West of the M1, Ratby
RES2	The Provision of Affordable Housing
RES3	Provision of Affordable Housing on Sites Not Specifically Allocated for Residential Purposes
RES4	Affordable Housing in Small Villages
RES5	Residential Proposals on Unallocated Sites
RES10	Replacement Dwellings
RES12	New Agricultural Dwellings
RES13	Gypsy Caravan Sites
EMP1	Existing Employment Sites
EMP2	Expansion of Existing Employment Uses
EMP3	Land for Employment Development
EMP3(a)	Station Road, Earl Shilton
EMP3(b)	Land at Nutts Lane
EMP3(c)	Land at Grass Plots/A5, Burbage
EMP4	Employment Development on Sites Other Than Those Allocated for Employment Uses
EMP5	MIRA, Built Development for Employment Purposes
EMP6	MIRA, Surface Test Facilities and Landscaping to Proving Ground
EMP7	Upper Bond Street Area, Hinckley
BE1	Design and Siting of Development
BE3	Demolition of Listed Buildings

BE4	Alterations to Listed Buildings
BE5	The Setting of a Listed Building
BE6	Change of Use of Listed Buildings
BE7	Development in a Conservation Area
BE8	Demolition in Conservation Areas
BE9	Shop Fronts in Conservation Areas
BE10	Shop Security in Conservation Areas
BE11	Advertisements in Conservation Areas
BE12	Scheduled Ancient Monuments and Nationally Important Archaeological Sites
BE13	Initial Assessment of Sites of Archaeological Interest and Potential
BE14	Archaeological Field Evaluation of Sites
BE15	Preservation of Archaeological Remains in Situ
BE16	Archaeological Investigation and Recording
BE17	Historic Battlefields
BE19	Open Spaces and Areas of Special Character wihtin Settlements
BE20	Re-Use and Adaptation of Rural Buildings
BE26	Light Pollution
BE27	Wind Power
NE2	Pollution
NE3	Green Wedges
NE4	Areas of Separation
NE5	Development in the Countryside
NE6	Sites of Special Scientific Interest
NE7	Sites of County and Local Nature Conservation Significance
NE10	Local Landscape Improvement Areas
NE12	Landscaping Schemes
NE13	The Effects of Development on Natural Watercourses
NE14	Protection of Surface Waters and Ground Water Quality
NE15	Protection of River Corridors
NE16	Storage of Oils, Fuels and Chemicals
NE17	Protection of the Water Environment from the Development of Contaminated Land
NE19	Charnwood Forest
NE20	Groby Pool and Pool House
NE21	The Principles of Development Within the National Forest
NE22	Criteria for Consideration of Development Proposals Within the National Forest
T1	Strategic Road Improvements
T2	Protection of the Lines of Proposed Improvements to the Specified Road Network
T3	New Development and Public Transport
T4	Retention of Car Parking Facilities
T5	Highway Design and Vehicle Parking Standards
T6	Car Parking in Market Bosworth
T7	Proposed Railway Station at Desford
T8	Proposed Railway Station at Bagworth
T9	Facilities for Cyclists and Pedestrians
T10	Secure Cycle Parking Facilities
T11	Traffic Impact Assessment
Retail 1	General Retail Strategy
Retail 2	Primary Shopping Frontages, Hinckley Town Centre

Retail 3	Secondary Shopping Frontages, Hinckley Town Centre
Retail 4	Other Shopping Areas, Hinckley Town Centre
Retail 6	Shop Fronts
Retail 7	Local Shopping Centres
Retail 8	Change from Retail Use Within Local Centres
Retail 9	Proposed Local Shopping Centres
Retail 11	Small Local Shops
Retail 12	Use of Upper Floors
Retail 13	Conversion of Shops to Residential Use
Retail 15	Amusement Centres
REC1	Development of Recreation Sites
REC2	New Residential Development - Outdoor Open Space Provision for Formal Recreation
REC3	New Residential Development - Outdoor Play Space for Children
REC4	Proposals for Recreational Facilities
REC6	Ashby Canal Corridor
REC7	Marina and Moorings Developments
REC9	Access to the Countryside
REC10	Former Railway Lines
REC12	Nailstone Colliery
REC13	Thornton Reservoir
REC16	Britannia Road, Recreation Ground
REC21	Tourist Accommodation
REC26	New Visitor Attractions
CF2A	Development on Allocated Educational Sites
CF2B	Alternative Uses of Existing Educational and Community Sites
CF4	Former Higham Grange Hospital
CF5	Cemetery Extensions and New Crematoria in the Urban Area
CF6	Village Cemeteries
CF8	Residential Care and Nursing Homes

INTRODUCTION

The Borough Council's Supplementary Planning Guidance is intended to provide detailed advice and guidance to complement the policies of the Hinckley and Bosworth Local Plan.

Central Government's Planning Policy Guidance Note 12. "Development Plans and Regional Planning Guidance", indicates that Supplementary Planning Guidance can provide helpful guidance for those preparing planning applications and encourages its publication. Guidance should be consistent with the Local Plan and should be cross referenced to the plan.

This Authority's Supplementary Planning Guidance document was published and available for public consultation between October 1995 and January 1996. Objections received during this period were carefully considered and recommendations submitted to and approved by the Council's Planning Committee on 6th February and a supporting resolution approved by the Full Council in April 1996.

As part of the Local Plan process, the Council published Topic Paper 7, New National Forest Policy and Topic Paper 9, Supplementary Planning Guidance. These proposed a new policy and guidance for the National Forest and strengthening the policy framework relating to the SPG. Following consideration of the objections received, recommendations were made and approved at the Council's Planning Committee on 10th December 1996.

The SPG. document has been revised to incorporate these recommendations and now comprises of nine guidance notes on the following subjects:-

1. DESIGN GUIDANCE

   (a) New Residential Development
   (b) House Extensions
   (c) Residential Care Homes
   (d) Shop fronts
   (e) Access for the Disabled
   (f) Employment Sites
   (g) National Forest Planting Guidelines.

2. LANDSCAPE

   (a) Landscape and new development - landscape design
   (b) Trees and conservation

3. Parking Standards

4. Bagworth Development Brief

5. Ancient Monuments

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

Supplementary Planning Guidance 1A

NEW RESIDENTIAL DEVELOPMENT

1. INTRODUCTION

1.1. High standards of design are vital if the quality of our environment is to be retained or wherever possible enhanced. In assessing planning applications for development, the design of new buildings is an important consideration.

1.2. Clear guidance on design issues helps applicants and their designers to achieve satisfactory design solutions speedily. Although each development proposal will be considered on its merits, guidance is helpful in setting criteria for layout and design.

1.3. The main aims of this guidance are to ensure that new developments are well integrated into their surroundings, offer a good standard of amenity to future residents and protect the amenity of existing occupiers.

1.4. This guidance specifies the principles required to achieve these objectives.

2. DENSITY

2.1. The appropriate density of development will be determined by:

- the desirability of retaining natural features on the site
- the provision of necessary open space
- the density and general character of the surrounding area.

2.2. A higher density may be justified where it meets the needs of single person households, the elderly or affordable accommodation at locations within or adjoining town centres or village centres and directly accessible to good public transport services.

3. DESIGN

3.1. New residential development should be designed to complement the character of the surrounding built form in relation to:-

(a) the roofscape of the existing buildings in the area particularly those next to the site regarding ridge height, orientation, eaves level, angle of roof slope and width of gables.

(b) well defined architectural features in the surrounding bu environment. Typically these may include coloured brickwo brick patterns, corbels, eaves details, door and window de and porches.

3.2. Materials should generally reflect the surrounding buildings terms of colour and texture. Excessive mixtures should be avoide

4. LAYOUT

4.1. The layout of new dwellings should ensure the careful integration new buildings with existing site features and landscaping.

4.2. New residential development should take into account the effect differing site levels, plot orientation to provide access to natur light to habitable rooms and exposure to direct sunlight for gard areas.

4.3. Safe and convenient vehicular and pedestrian access should b provided to dwellings and opportunities should be taken to maximi security and safety from crime and vandalism. Layouts should ensu that rear access to terraced properties is maintained for servicin and means of fire escape. However, to avoid problems of security the rear access should not be served by long, narrow, poorly li access ways. Parking and garage courts separated from the dwelling they serve will generally be unacceptable.

4.4. The provision of pedestrian routes across the site should be limite to those which are essential and for security they should b overlooked.

4.5. The development of residential sites should not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

4.6. The layout of sites should take account of existing views of key buildings, trees and spaces which contribute to the area.

4.7. Development proposals which constitute backland development should have sufficient road frontage for safe and convenient access and should not have a detrimental impact on the amenities and privacy enjoyed by the occupiers of adjoining property. Parking provision should be in accordance with Supplementary Planning Guidance Note 3.

4.8. Each new development will be expected to provide a range of accommodation within the site.

4.9. Layouts should seek to maximise amenity and visual interest by the use of mixed building forms where appropriate and the use of informal groups of housing which have a strong identity.

5. SPACE BETWEEN BUILDINGS

5.1. Where a principal window of a habitable room faces a similar window of a neighbouring dwelling, either at the front or at the rear of the dwelling, the Authority will negotiate to achieve the distance between them to be a minimum of 25 metres. With suitable screening this requirement may be relaxed in the case of single storey dwellings provided privacy and the minimum private garden area is maintained.

5.2. Where a window of a habitable room faces the blank wall of an adjacent dwelling the Authority will normally expect applicants to achieve the distance between the dwellings to be a minimum of:

single storey dwelling	12 metres
house with 2 or more storeys	14 metres

unless material considerations indicate otherwise.

5.3. On sites where there are significant changes of ground level, distances greater than these may be required.

5.4. New development should not prevent the proper maintenance of an adjoining building or property.

6. PRIVATE GARDENS

6.1. To ensure that all dwellings within new developments have adequate private amenity space, the Authority will normally expect applicants to achieve the following standards (although in applying these standards the Local Planning Authority will also consider the amount of space provided as front and side gardens):

2 bedroom	60 square metres
3 bedroom	80 square metres
Shared amenity space for flats	10 square metres per flat.

unless material considerations indicate otherwise.

6.2. Rear gardens should normally be a minimum of 12.5 metres in depth. Where land to the rear of the dwelling is unlikely to be developed, the minimum garden depth may be reduced if the necessary minimum garden area has been provided.

6.3. The overall size of the garden should be in proportion with the type of dwelling and the general character of the area. This may require greater than the minimum standard in some areas. Larger gardens will also be required where the protection of existing trees is necessary.

7. LANDSCAPING

7.1. Applicants should refer to SPG 2 & 2B.

8. **BOUNDARY TREATMENT**

8.1. Private rear garden areas should be screened from adjacen publicly accessible areas by walls or permanent fences at leas 1.8 metres high.

8.2. Existing garden hedges and boundary walls are important feature in the street scene and may contribute to the environment an should be retained wherever possible. The treatment of the edg of new development sites should reflect the existing features o the area.

9. **HIGHWAYS AND PARKING**

9.1. Developers should seek where possible to promote the use of public transport to minimise traffic generation.

9.2. The proposed development should have regard to noise arising from road traffic. Where attenuation measures are required, preference will be given to barriers and bunds rather than facade treatments. Applicants will be required to submit their own noise surveys.

9.3. In order to minimise the risks of accidents for pedestrians and cyclists, the development proposals should contain measures aimed at reducing vehicle speeds and traffic flows. These can include traffic calming measures such as curving alignment, raised junctions and kerbing and other approved measures.

9.4. Standards relating to highways design are contained in Leicestershire County Council's "Highway Requirements for Development". Parking standards are contained in Supplementary Planning Guidance Note 3.

10. **RECYCLING**

10.1. Developers should seek to incorporate energy saving features to minimise the environmental impact of the development.

10.2. Space should be allocated on every proposal of more than 25 houses for a recycling collection area with suitable hard surfacing for use by the residents. Larger developments should be provided with similar areas pro-rata. The area should be located immediately adjacent to the site entrance and screened by 1.8m. high wall or fencing.

11. **LANDFILL SITES & CONTAMINATED LAND**

11.1. New development adjacent to known landfill sites shall be constructed with due regard to the risks from landfill gas and leachate emissions. Assessment of the risks will be required prior to the granting of planning permission and remedial action required as necessary.

11.2. New residential and industrial development on land which may be contaminated, shall only be allowed subject to assessment and possible remedial measures depending on the end use.

11.3. Guidance on the levels of contamination are available from the Environmental Health Section of Hinckley and Bosworth Council.

12. STANDARDS

12.1. Where specific standards are quoted in this document, for instance, garden size, or distance between dwellings, it should be stressed that these are generally minimum standards, and in certain circumstances a higher level of provision may be sought where this is considered to be appropriate.

12.2. The standards are not, however, intended to limit imaginative or innovatory designs and each application will be treated on its merits.

13. FURTHER ADVICE

13.1. For further advice regarding the contents of this leaflet and to discuss your proposals before making a formal submission please contact:

The Planning Section
Hinckley and Bosworth Council
Council Offices
Argents Mead
Hinckley
Leicestershire LE10 1BZ

Telephone 01455 238141

Applicants should also apply for consent under the Building Regulations to the Building Control Section at the same address.

Infrastructure Provision

1.10.2 Local Authorities are increasingly required to play an enabling role in helping to bring about development. This involves the co-ordination of various sources of funding to implement proposals. The Local Plan provides a framework, within which this co-ordination will take place, making clear where development is intended and making clear the contributions that are expected from the various agencies involved in development. Those agencies responsible for the provision of infrastructure and facilities will be able to use the Local Plan as a guide to identify where demands are likely to be made during the Plan period.

1.10.3 The Borough Council will seek contributions from developers towards the provision of infrastructure works and facilities that are relevant to and reasonably related to a development and which are required to enable development to proceed. In such circumstances it will seek to impose conditions on a planning permission or seek to enter into planning obligations with a developer to achieve an appropriate contribution towards the provision of infrastructure or facilities.

1.10.4 Government Policy on this issue, identifying the circumstances in which contributions towards infrastructure and facilities may be sought, and the nature of such infrastructure and facilities which might be appropriately linked to new development is set out in Circular 1/97, Planning Obligations. Examples of infrastructure and facilities which may be sought include car parking in or near the development, reasonable amounts of open space related to the development, or social, educational, recreational, sporting or other community provision, the need for which arises from the development.

1.10.5

POLICY IMP1 - CONTRIBUTIONS TOWARDS THE PROVISION OF INFRASTRUCTURE AND FACILITIES

PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL, EMPLOYMENT AND OTHER DEVELOPMENT WHERE THE DEVELOPER HAS MADE OR WILL MAKE, A CONTRIBUTION TOWARDS THE PROVISION OF THE NECESSARY ON-SITE AND OFF-SITE INFRASTRUCTURE AND FACILITIES TO SERVE THE DEVELOPMENT COMMENSURATE WITH THE SCALE AND NATURE OF THE DEVELOPMENT PROPOSED. THE GRANTING OF PLANNING PERMISSION WILL BE SUBJECT TO CONDITIONS OR TO A DEVELOPER ENTERING INTO PLANNING OBLIGATIONS TO ENSURE THE PROVISION OF APPROPRIATE CONTRIBUTIONS.

Monitoring

1.10.6 The Local Plan sets out the Borough Council's policies and proposals for the development and use of land for the period to 2006. The Plan also contains clearly defined strategic objectives and other objectives in relation to the areas of activity with which the Plan deals. To assess the Plan's effectiveness it is important to monitor the way in which the Plan's policies and proposals contribute towards the achievement of its objectives. Monitoring must be undertaken regularly and systematically in order to be effective. The process of monitoring will provide information which will enable the Borough Council to review its plans and policies and make revisions to ensure that the Plan remains "...up to date and relevant" as required by Planning Policy Guidance Note 1, General Policies and Principles; and Planning Policy Guidance Note 12, Development Plans and Regional Planning Guidance.

1.10.7 Following the adoption of the Local Plan, annual monitoring statements will be produced which will contain information on economic, social and environmental issues in the Borough which will enable an evaluation of the effectiveness of the Plan in meeting its objectives to be undertaken on a regular basis. Monitoring statements will be of value in identifying changing circumstances and emerging issues. Monitoring statements will include reference to the success of policies in guiding development, including the outcome of planning appeals at which policy issues have been a material consideration and will include information on residential and employment land availability.

SCHEMES IN THE FOLLOWING VILLAGES WILL BE ENCOURAGED BECAUSE OF THE NEED FOR AFFORDABLE HOUSING IDENTIFIED AND BECAUSE OF THEIR CAPACITY TO ASSIMILATE ADDITIONAL, SMALL SCALE HOUSING DEVELOPMENT TO MEET LOCAL NEEDS:

MARKET BOSWORTH
NAILSTONE
STANTON UNDER BARDON
SHEEPY MAGNA AND SHEEPY PARVA
STOKE GOLDING
WITHERLEY

PROPOSALS FOR AFFORDABLE HOUSING ON EXCEPTIONS SITES IN OTHER VILLAGES WILL BE CONSIDERED ON THEIR MERITS IN THE LIGHT OF HOUSING NEEDS INFORMATION AVAILABLE AT THAT TIME AND THE CRITERIA SET OUT IN THIS POLICY.

2.11.0 Residential Proposals on Unallocated Sites

2.11.1 Opportunities will arise for a range of residential development proposals within the confines of settlements that are not the subject of a specific allocation in the plan. These may include infill plots, the use of vacant or derelict land, conversions, changes of use or redevelopment of existing sites.

2.11.2 The following policy will therefore provide guidelines against which to assess this range of proposals within the urban area and rural settlements, which will widen the locational choice of housing throughout the Borough and contribute to the overall level of housing supply.

2.11.3 Any proposals considered under this policy which are subsequently granted planning permission will contribute to the small site or windfall allowance described in paragraphs 2.8.0 to 2.8.10.

2.11.4 New housing development will be expected to have regard to the nature of its surroundings and to reflect these where appropriate in its design. Satisfactory standards of design will be sought so that new development will not significantly detract from the general character of the environment, the amenities enjoyed by occupiers of existing property or established highway standards. Advice in respect of this is contained in the current edition of Leicestershire's County Council's "Highway Requirements for Development" and the Borough Council's Supplementary Planning Guidance.

2.11.5

POLICY RES5 - RESIDENTIAL PROPOSALS ON UNALLOCATED SITES

ON SITES WHICH ARE NOT SPECIFICALLY ALLOCATED IN THE PLAN FOR HOUSING, PLANNING PERMISSION WILL ONLY BE GRANTED FOR NEW RESIDENTIAL DEVELOPMENT IF:

a THE SITE LIES WITHIN THE BOUNDARIES OF AN URBAN AREA OR RURAL SETTLEMENT AS DEFINED ON THE PROPOSALS MAP, AND

b THE SITING, DESIGN AND LAYOUT OF THE PROPOSAL DO NOT CONFLICT WITH THE RELEVANT PLAN POLICIES.

2.11.6 Large sites (i.e. 10 or more dwellings) which have not commenced are listed in Appendix A. Commitments on small sites are too numerous to be highlighted but nevertheless contribute to the overall level of housing supply.

Chapter 4 - Conservation & the Built Environment

4.1.0 Objectives

Strategic Objective 4 - Safeguarding and enhancing the environment

Strategic Objective 5 - To reduce the growth in energy use through energy efficiency in new development and by reducing transport movements .

Objective 1c):
To encourage the re-use and redevelopment of derelict, vacant and underused land in preference to green field sites.

Objective 3e):
To encourage a high standard of layout and design in buildings which will contribute to environmental quality and energy efficiency and to ensure that the needs of people with mobility or sight difficulties are taken into account in the location and design of buildings.

Objective 3f):
To safeguard listed buildings from development likely to adversely affect their special character or setting.

Objective 3g):
To identify historic settlements, parks, gardens and battlefields for conservation and improvement through a programme of enhancement schemes.

Objective 3h):
To preserve the archaeological heritage of the Borough.

Objective 4d):
To ensure that new development or conversion of buildings do not have a significant impact on the countryside.

4.2.0 Introduction

4.2.1 The Leicestershire Structure Plan recognises, at a strategic level, the importance of maintaining and improving the quality of the built environment and preserving and enhancing the Borough's rich heritage of sites of special architectural, historic and archaeological interest.

4.2.2 The Borough has a diverse range of historic buildings and conservation areas that exemplify numerous architectural styles and types of construction. These range from the thatch and timber cruck frame cottages of Groby and Markfield built in local granite, to the Georgian red brick and stone commercial frontages of the Market Place at Market Bosworth, and more recently, the Victorian shoe and textile mills of Earl Shilton, Barwell and Hinckley. Spread throughout the Borough is twenty scheduled ancient monuments, including the castle motte at Hinckley and the Roman camp at Witherley.

4.2.3 The Borough Council is committed to safeguarding and enhancing this architectural legacy so as to maintain and improve the quality of life and the attractiveness of the Borough. The Local Planning Authority will therefore seek to promote the highest standards of design in exercising its development control responsibilities.

4.3.0 Design and Siting of Development

4.3.1 Wherever new development or extensions to existing buildings are being considered, good design is essential to protect and enhance the built environment. The Local Planning Authority will seek to ensure that all new development helps to create an attractive and safe environment that is in

keeping with the character of the locality in which it is situated. New development should take account of existing features of the site and location, and exploit these wherever possible. The detailed design of buildings and their inter-relationship with existing development and surrounding landscape or townscape, whether in urban or rural locations, is particularly important. Further advice on these matters can be found in Sections 1, 2 and 3 of the Supplementary Planning Guidance.

4.3.2

POLICY BE1 - DESIGN AND SITING OF DEVELOPMENT

THE BOROUGH COUNCIL WILL SEEK TO ENSURE A HIGH STANDARD OF DESIGN IN ORDER TO SECURE ATTRACTIVE DEVELOPMENT AND TO SAFEGUARD AND ENHANCE THE EXISTING ENVIRONMENT. PLANNING PERMISSION WILL BE GRANTED WHERE THE DEVELOPMENT:

a COMPLEMENTS OR ENHANCES THE CHARACTER OF THE SURROUNDING AREA WITH REGARD TO SCALE, LAYOUT, DENSITY, MASS, DESIGN, MATERIALS AND ARCHITECTURAL FEATURES;

b AVOIDS THE LOSS OF OPEN SPACES, IMPORTANT GAPS IN DEVELOPMENT, VEGETATION AND FEATURES WHICH CONTRIBUTE TO THE QUALITY OF THE LOCAL ENVIRONMENT;

c HAS REGARD TO THE SAFETY AND SECURITY OF BOTH INDIVIDUALS AND PROPERTY;

d INCORPORATES DESIGN FEATURES WHICH REDUCE ENERGY CONSUMPTION, ENCOURAGE RECYCLING AND MINIMISE THE IMPACT OF THE DEVELOPMENT ON THE LOCAL ENVIRONMENT;

e INCORPORATES LANDSCAPING TO A HIGH STANDARD WHERE THIS WOULD ADD TO THE QUALITY OF THE DESIGN AND SITING;

f TO WHICH THE GENERAL PUBLIC WOULD HAVE ACCESS, HAS REGARD TO THE NEEDS OF WHEELCHAIR USERS, OTHER PEOPLE WITH DISABILITIES, ELDERLY PEOPLE AND THOSE WITH YOUNG CHILDREN;

g ENSURES THAT THERE IS ADEQUATE HIGHWAY VISIBILITY FOR ROAD USERS AND ADEQUATE PROVISION FOR ON AND OFF STREET PARKING FOR RESIDENTS AND VISITORS, AND MANOEUVRING FACILITIES;

h IS NOT ADVERSELY AFFECTED BY ACTIVITIES IN THE VICINITY OF THE SITE WHICH ARE LIKELY TO CAUSE A NUISANCE TO THE OCCUPIERS OF THE PROPOSED DEVELOPMENT;

i DOES NOT ADVERSELY AFFECT THE OCCUPIERS OF NEIGHBOURING PROPERTIES; AND

j THE DEVELOPMENT OF THE SITE IS NOT PREJUDICIAL TO THE COMPREHENSIVE DEVELOPMENT OF THE LARGER AREA OF LAND OF WHICH THE DEVELOPMENT FORMS PART.

IN ADDITION FOR RESIDENTIAL PROPOSALS, PLANNING PERMISSION WILL BE GRANTED WHERE THE DEVELOPMENT:

i PROVIDES A STRONG COMMON LINK BETWEEN THE PROPOSED BUILDINGS, SPACES AND LANDSCAPE FEATURES AND THE CHARACTER OF THE LOCAL AREA;

ii ENSURES AN ADEQUATE DEGREE OF AMENITY AND PRIVACY IS PROVIDED BY THE SPACE BETWEEN THE BUILDINGS; AND

iii PROVIDES SUFFICIENT GARDEN AREA WITH BOUNDARY TREATMENT THAT REFLECTS EXISTING FEATURES IN THE AREA.

Chapter 6 - *Transportation*

6.1.0 Objectives

6.1.1 ***Strategic Objective 5 - To reduce the growth in energy use through energy efficiency in new development and by reducing transport movements.***

Objective 1g):
To protect land to enable future transport proposals of the Structure Plan to be implemented.

Objective 3c):
To avoid allocating development where traffic generated will, in combination with existing and proposed development, cause the existing road capacity to be exceeded or significantly impair the safety of the road system.

Objective 3j):
To meet the transportation needs of those people, who live, work and visit the Borough and, wherever possible, provide alternatives to the use of the car as a means of transportation.

Objective 3k):
To provide safe, pleasant and convenient conditions for pedestrians, including those with mobility difficulties, and cyclists.

Objective 3l):
To encourage accessibility to Hinckley Town Centre for public transport, pedestrians and cyclists and to safeguard parking facilities.

6.2.0 Location of the plan area within the National Transportation Network

6.2.1 Hinckley and Bosworth is located at the heart of the national transportation network. It is particularly well served by motorways and trunk roads.

6.2.2 The M69 skirts the south-eastern edge of the Borough, the M1 runs through the north-east of the plan area and the M42 runs parallel to the Borough's western boundary. The A5 Trunk Road forms the southern boundary of the Plan area.

6.2.3 Local rail services are readily available allowing easy connections from Hinckley to main line services. The West Coast Main Line can be accessed at Nuneaton, and the Midland Main Line at Leicester. Leicestershire County Council will continue to be supported in their proposal to re-open the Leicester to Burton-on-Trent railway line to passenger traffic. The route will be known as the National Forest Line. The line will provide a passenger rail service through the north-eastern part of the Plan area. Potential stations at Bagworth and Desford will be supported.

6.2.4 Whilst the area's links to the national transportation network are important, the focus of this Local Plan is upon transportation issues within the plan area, rather than the area's external linkages.

6.3.0 The Local Highway Network

6.3.1 The local highway network within the plan area is dominated by the A447, A47 and A444 which provide the main north south linkages, with the M69 part of the national highway network, providing a link to Leicester in the north east and Coventry and Nuneaton to the south west. The A5 runs along the southern boundary of the Borough, and is also an important link in the national trunk road network.

6.4.0 Specified Road Network

6.4.1 The Leicestershire Structure Plan identified a "specified highway network" which has been defined to guide investment and to improve highway capacity. The specified road network comprises motorways, trunk roads, principal roads and other main roads that provide links between main centres of population and industry. The M1 and M69 Motorways and all the "A" class roads within the Plan area are part of the specified road network as is the Hinckley Northern Perimeter Road, the Leicester Western By-pass and the proposed Earl Shilton By-pass.

6.4.2 The following roads are designated as part of the specified road network of Leicestershire, within the plan area, and are shown on the Proposals Map:-

a M1

b M69

c A5

d A47

e A50

f A444

g A447

h B4669, Spa Lane, London Road, Hinckley and Sapcote Road, Burbage

i B5402 Northfield Road, Westfield Road, Southfield Road, Hawley Road, Park Road, Hinckley.

j The proposed Earl Shilton By-pass.

k Leicester Western By-pass.

l Hinckley Northern Perimeter Road

6.5.0 Strategic Road Improvements

6.5.1 The Structure Plan identifies only one highway improvement for implementation by the Department of Transport, Local Government and the Regions within the Plan area, this being the proposed widening of the M1. This scheme was identified by central government in their publication of prioritised programmes "Trunk Roads in England 1994 Review". Schemes included in the programme were determined principally by three criteria and applied nationally. These were:- economic benefit; environmental effect and the importance of the route as part of the trunk road network.

6.5.2

POLICY T1 - STRATEGIC ROAD IMPROVEMENTS

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT ON LAND THAT WILL PREJUDICE THE CONSTRUCTION OF WIDENING SCHEMES ASSOCIATED WITH THE M1 MOTORWAY

6.6.0 Major Improvements to the Specified Road Network

6.6.1 In addition to the widening of the M1, only one major improvement to the specified road network is currently proposed during the plan period. This is the construction of the Earl Shilton By-pass, which is included in the Leicestershire Local Transport Plan 2001 - 2006 for commencement in 2005/06. The route of this proposed road scheme, as shown on the Proposals Map is protected from other

WILL BE SOUGHT. HOWEVER IT MAY BE THAT THE AREA OF LAND WHICH COULD BE PROVIDED IN RELATION TO SUCH DEVELOPMENT WOULD NOT BE OF PRACTICAL VALUE AS PUBLIC OPEN SPACE FOR FORMAL RECREATIONAL ACTIVITIES. IN SUCH INSTANCES THE LOCAL PLANNING AUTHORITY MAY ALTERNATIVELY SEEK TO NEGOTIATE A FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF NEW RECREATIONAL FACILITIES WITHIN THE VICINITY OF THE SITE OR TOWARDS THE IMPROVEMENT OF EXISTING FACILITIES IN THE AREA.

8.4.6 In assessing the need for outdoor open space provision, consideration will be given to the nature and type of housing development proposed as well as its location in relation to existing open space. Within the National Forest area the Local Planning Authority will seek to negotiate an appropriate balance between planting and open space in relation to a particular scheme depending on individual site circumstances.

New Residential Development - Outdoor Playing Space for Children

8.4.7 The National Playing Field guidelines set out the minimum amount of space that should be provided for children's play within walking time of a child's home. This is based on the estimated time it takes for a child to walk to a play facility accompanied or on their own and without having to cross major barriers such as a major road, canal or railway lines.

8.4.8 The National Playing Fields Association calls for the provision of three different types of play areas for a range of age groups and appropriate for their needs. Most frequent, and therefore closest to home, are small areas for younger children. Less frequent and more likely to be further away are larger areas for older children. The three types of play area recommended are as follows:

a **Local Area for Play** - an area of 100 sq. m. of unsupervised/open space specially designed for young children for play activities close to where they live and within 1 minute's walking time of a child's home.

b **Local Equipped Area for Play** - an area of 400 sq. m. of unsupervised play area equipped for children of an early school age and within 5 minutes walking time of home.

c **Neighbourhood Equipped Area for Play** - an area of 1,000sq.m. of unsupervised play space, servicing a substantial residential area, equipped mainly for older children and within 15 minutes walking time of home.

8.4.9 The following policy on outdoor playing space for children is based on the minimum standards of the National Playing Fields Association, relating particularly to the need for children's equipped playgrounds and casual or informal play space within housing areas. It also reflects the Borough Council's commitment given in its adopted Leisure Strategy 1995-1998 published in February 1995.

8.4.10

POLICY REC 3 - NEW RESIDENTIAL DEVELOPMENT - OUTDOOR PLAY SPACE FOR CHILDREN

IN CONSIDERING PLANNING APPLICATIONS FOR NEW RESIDENTIAL DEVELOPMENT, THE BOROUGH COUNCIL WILL SEEK TO NEGOTIATE WITH DEVELOPERS TO PROVIDE 0.1 ACRES (0.04 HECTARES) OF INFORMAL CHILDREN'S PLAY SPACE PER 20 DWELLINGS. FOR DEVELOPMENTS OF BETWEEN 1 - 20 DWELLINGS THE LEVEL OF PROVISION TO BE MADE WILL BE DETERMINED ACCORDING TO INDIVIDUAL CIRCUMSTANCES. THE CHILDREN'S PLAY SPACE PROVIDED SHOULD SATISFY THE FOLLOWING CRITERIA:

a INFORMAL PLAYSPACE WILL BE PROVIDED THAT ALLOWS FOR PLAY OPPORTUNITIES FOR A RANGE OF AGE GROUPS;

cont'd next page

b PLAY AREAS SHOULD BE LINKED AS FAR AS POSSIBLE, WITH OTHER OPEN SPACES AND FOOTPATH SYSTEMS. AMENITY PLANTING AREAS AND OTHER DEVICES SHOULD BE USED TO PROVIDE THE MAXIMUM SEPARATION FROM NEARBY RESIDENTS IN ORDER TO REDUCE THE LIKELIHOOD OF DISTURBANCE, NOISE AND OTHER NUISANCES;

c PLAY AREAS SHOULD BE LOCATED SO THEY ARE SAFELY ACCESSIBLE BY CHILDREN, WITH FOOTPATH LINKS WHICH DO NOT REQUIRE THE CROSSING OF BUSY ROADS OR OTHER MAJOR HAZARDS;

d PLAY AREAS SHOULD BE LOCATED SO THEY ARE OVERLOOKED BY HOUSES OR WELL USED PEDESTRIAN ROUTES IN ORDER TO PROVIDE SOME VISUAL SUPERVISION; AND

e PLAY AREAS SHOULD BE SITED ON LAND SUITABLE FOR THE TYPE OF PLAY OPPORTUNITY INTENDED AND SHOULD BE APPROPRIATELY LANDSCAPED.

8.4.11 An area of 0.04ha, (0.1 acres) is considered to be the minimum practical size for unequipped children's play area. In the case of large-scale residential development (over 400 houses) an equipped play area of 0.3ha, (0.74 acres) in size, which has a range of play opportunities, should be provided.

8.4.12 In assessing the need for outdoor play space for children, consideration will be given to the nature and type of housing development proposed as well as its location in relation to existing open space and the size of gardens provided within the development.

8.4.13 Within established housing areas there is often shortfalls in the provision of play space. The Local Planning Authority will refer to the National Playing Fields Association standards in deciding upon the appropriate size and location of any new facilities to be provided in such areas. Action will also be undertaken or encouraged to augment play area provision in established housing areas, where the present provision and/or distribution of play areas is inadequate.

8.5.0 Proposals for Recreational Facilities

8.5.1 A formal recreational facility is a place in public or private ownership where people parti organised leisure activities, indoor or outdoor, which are specifically prescribed by the siz nature of facilities provided. Examples include a sports centre, playing pitches for footbal or a running track. Policy REC4, below, applies to all formal recreational uses as defined of the Use Classes Order (1987) and includes all forms of organised recreational activitie indoors and outdoors.

Rec 2 / Rec 3

8.5.2 POLICY REC 4 - PROPOSALS FOR RECREATIONAL FACILITIES

THE LOCAL PLANNING AUTHORITY WILL GRANT PLANNING PERMISSION FOR NEW RECREATIONAL FACILITIES PROVIDED THAT:

a ANY LARGE SCALE INDOOR FACILITIES ARE TO BE LOCATED ONLY IN OR ADJOINING BUILT UP AREAS;

b THE FACILITY DOES NOT HAVE A DETRIMENTAL EFFECT UPON ADJACENT LAND USES, OR UPON THE AMENITIES OF ADJACENT RESIDENTS;

c THE FORM, SCALE AND DESIGN OF THE PROPOSAL ARE IN KEEPING WITH THE AREA AND DO NOT DETRACT FROM THE CHARACTER OF THE LANDSCAPE;

d ADEQUATE PARKING AND ACCESS ARRANGEMENTS ARE PROVIDED, AND THERE IS CAPACITY IN THE LOCAL ROAD NETWORK TO ACCOMMODATE THE DEVELOPMENT;

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Hinckley & Bosworth Borough Council

A Borough to be proud of

Adopted September 2008

Local Development Framework

Play & Open Space Guide

Supplementary Planning Document



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1. INTRODUCTION

1.1 General

This document provides additional planning guidance to advise and inform those involved in planning new development in Hinckley and Bosworth Borough. It demonstrates how relevant Borough Council policies and standards will be applied to the provision of new and improved play and open space opportunities.

The provision of play and open space is integral to community welfare and improving the quality of the built environment.

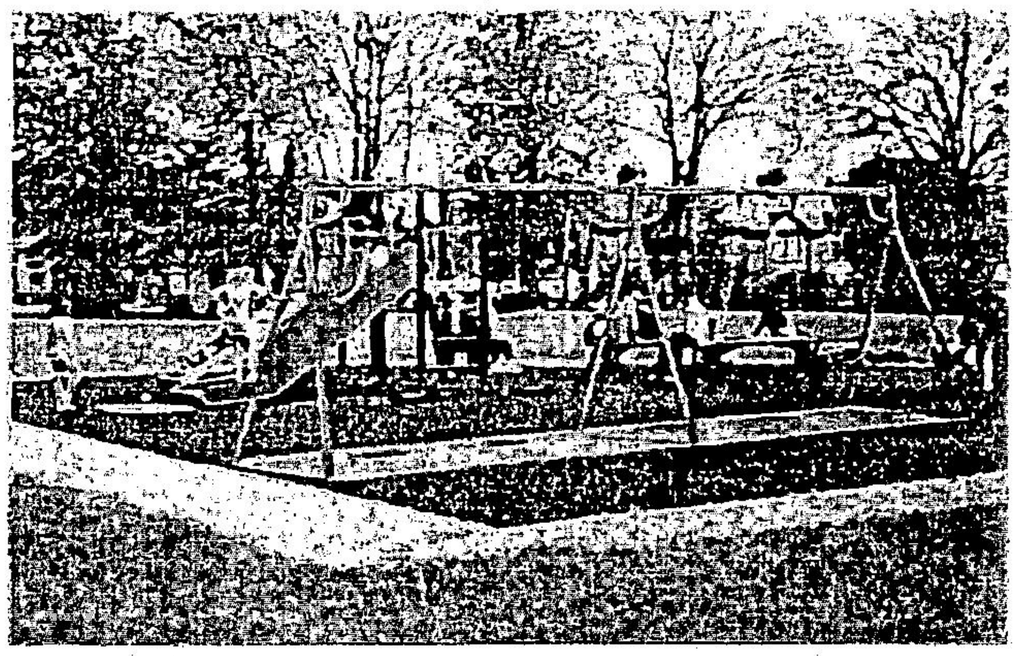
The Draft East Midland Regional Plan produced by the East Midlands Regional Assembly will provide a broad development strategy for the East Midlands up to 2026. Hinckley and Bosworth Borough is located within the Three Cities Sub Area (covering Leicester, Derby and Nottingham and surrounding areas). The Sub Area has recently secured 'Growth Point' status from the Government. An implication of this is that the Leicester urban area will be a focus for major development within the Plan's timeframe. Hinckley is identified as a Sub Regional Centre, and the Borough can therefore anticipate a requirement to accommodate significant levels of new development by 2026. Such growth will result in additional pressures being placed on the local stock of open space and play facilities.

Policy 13 of the Draft Regional Plan (Development in the Three Cities Sub-area) seeks protection, development and enhancement of green infrastructure to, amongst other things, contribute to the development of sustainable communities a matter key to the considerations of the local planning authority of which this document plays a significant role.

1.2 Purpose of the SPD

This SPD sets out the Borough's approach when considering planning applications for development likely to generate demand for open space and play facilities.

The SPD is intended to help support the planning of existing and new opportunities by providing guidance to developers on both the direct provision of open space and play facilities; and, contributions in lieu of such provision as appropriate. In doing this, the SPD provides further



guidance to policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan.

1.3 Government policy on SPD

The Government's Planning Policy Statement 12: Local Development Frameworks (PPS12) explains the role of Supplementary Planning Documents (previously Supplementary Planning Guidance).

PPS12 states that SPD's may cover a range of issues, both thematic and site specific, which may expand policy or provide further detail to policies in a 'development plan document' (in this case the Local Plan).

The following principles apply to an SPD:

- it must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the local development framework;
- it must be clearly cross-referenced to the relevant development plan document policy which it supplements (or, before a relevant development plan document has been adopted, a 'saved' policy);
- it must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and,
- the process by which it has been prepared must be made clear and a statement of conformity with the statement of community involvement must be published with it.

SPD's may contain policies which expand or supplement the policies in development plan documents. However, policies which should be included in a development plan document and subjected to proper independent scrutiny in accordance with the statutory procedures should not be set out in SPD's.

1.4 Consultation on this SPD

In line with Government requirements, this SPD has been subject to public consultation:

- A draft SPD was available for consultation between 31st of October until the 12th December 2007.
- Additional consultation was undertaken between 8th May 2008 until the 12th June 2008.
- Comments received have been given due consideration by the Borough Council.
- A justified response to each comment received has been provided by the Borough Council and is available at www.hinckley-bosworth.gov.uk. The draft SPD has been amended as appropriate.

1.5 Sustainability Appraisal

The Planning and Compulsory Purchase Act 2004 requires that SPD's are subject to a Sustainability Appraisal. This process is intended to improve plan making through the better integration of sustainability objectives into plan preparation.

A full account of how the SPD has been assessed for sustainability is set out in the accompanying Sustainability Appraisal (see **Appendix 1**).

The Sustainability Appraisal recommends that success of the SPD is monitored by the Council each year using recommended indicators reflecting provision when measured against appropriate standards; incorporation of security measures; and, improvements in access to play provision for children and young people generally. The Borough Council will therefore adopt appropriate indicators to monitor the SPD.

1.6 Monitoring and Review

The effects of this SPD will be monitored through the Annual Monitoring Report, produced by the Council each year. The monitoring indicators for this SPD are:

1. Percentage of new green space provided, achieving a quality score of at least 65% using the Borough Council's Green Space Audit scoring system.
2. Percentage of new equipped play space provision meeting accessibility standards outlined in the Green Space Strategy.
3. Percentage of new formal recreation provision meeting accessibility standards outlined in the Green Space Strategy.

1.7 Definition of Publicly Available Open Space and Recreation Facilities covered

For the purpose of this SPD the terms 'play' and 'open space' deal with facilities and opportunities covered by Local Plan policies REC2 and REC3, as explained in Chapter 2. The SPD relates to work undertaken by the Council with regard to its Green Space Strategy. It also adheres to relevant central government planning policy, as explained in the document.

This SPD will be reviewed in the event of any subsequent change of relevant policy contained within future Development Plan Documents. The Borough Council's Green Space Strategy itself recommends the introduction of new standards which, if adopted, would have a significant impact upon future requirements for open space and play provision provided through new development. Until such time as the Green Space Strategy (or other) standards are adopted through the statutory planning process the content of this SPD must apply as clarification only for existing statutorily adopted policies REC2 and REC3, as supported by policy IMP1.

2. REVELANT POLICIES

2.1 Existing Local Plan

The current Local Plan was adopted in 2001 and covers the period 1991-2006, Policies within the Plan have been 'saved' until 2010. Hinckley and Bosworth Borough Council are currently working towards adopting a Local Development Framework in line with the Planning and Compulsory Purchase Act 2004, which, once adopted, will replace the existing Local Plan. A Local Development Scheme has also been published, which sets out the timetable for Local Development Document preparation including a Core Strategy which will set the overall development strategy for the Borough and a Site Allocations document which will allocate specific sites, including those for housing, employment, and recreation.

In the interim, the policies of the existing Borough Local Plan are 'saved', and remain central to the regeneration and development of Hinckley & Bosworth.

2.2 Provision of related open space and play opportunities

The Borough Council will seek contributions from developers towards the provision of play and open

space opportunities that are relevant and reasonably related to a development and which are required to enable development to proceed. In such circumstances it will seek to impose conditions on a planning permission or enter into Planning Obligations with a developer to achieve an appropriate contribution towards the provision of infrastructure or facilities.

Government guidance identifying circumstances in which financial contributions towards facilities may be sought is set out in 'Circular 05/2005, Planning Obligations.' Planning Obligations and their use are explained in more detail in Chapter 3. See also **Appendix 2** for more information on Circular 05/2005.

This SPD seeks to provide important clarification on the interpretation and application of three of the Local Plan policies:

- **IMP1**: dealing with developer contributions towards the provision of infrastructure and facilities considered necessary to achieve sustainable new development.
- **REC2**: dealing with the provision of open space in relation to new development.
- **REC3**: dealing with the provision of play facilities in relation to new development.

These are reproduced in full below.

2.3 Developer contributions towards open space and play

POLICY IMP1 - CONTRIBUTIONS TOWARDS THE PROVISION OF INFRASTRUCTURE AND FACILITIES

PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL, EMPLOYMENT AND OTHER DEVELOPMENT WHERE THE DEVELOPER HAS MADE OR WILL MAKE, A CONTRIBUTION TOWARDS THE PROVISION OF THE NECESSARY ON-SITE AND OFF-SITE INFRASTRUCTURE AND FACILITIES TO SERVE THE DEVELOPMENT COMMENSURATE WITH THE SCALE AND NATURE OF THE DEVELOPMENT PROPOSED. THE GRANTING OF PLANNING PERMISSION WILL BE SUBJECT TO CONDITIONS OR TO A DEVELOPER ENTERING INTO PLANNING OBLIGATIONS TO ENSURE THE PROVISION OF APPROPRIATE CONTRIBUTIONS.



2.4 New Residential Development - Outdoor Open Space

POLICY REC2 - NEW RESIDENTIAL DEVELOPMENT - OUTDOOR OPEN SPACE PROVISION FOR FORMAL RECREATION.

IN CONSIDERING PLANNING APPLICATIONS FOR NEW RESIDENTIAL DEVELOPMENT, THE LOCAL PLANNING AUTHORITY WILL SEEK TO NEGOTIATE WITH DEVELOPERS TO PROVIDE 0.4 HECTARES (1.0 ACRE) OF WELL DRAINED, PUBLIC OPEN SPACE, SUITABLE FOR FORMAL RECREATIONAL PURPOSES FOR EACH 100 DWELLINGS. THIS OPEN SPACE SHALL BE OF A SATISFACTORY SIZE AND FORM TO ACCOMMODATE A RANGE OF FORMAL RECREATIONAL USES. FOR DEVELOPMENTS OF BETWEEN 20 AND 100 DWELLINGS, PRO RATA PROVISION OF OPEN SPACE WILL BE SOUGHT. HOWEVER IT MAY BE THAT THE AREA OF LAND WHICH COULD BE PROVIDED IN RELATION TO SUCH DEVELOPMENT WOULD NOT BE OF PRACTICAL VALUE AS PUBLIC OPEN SPACE FOR FORMAL RECREATIONAL ACTIVITIES. IN SUCH INSTANCES THE LOCAL PLANNING AUTHORITY MAY ALTERNATIVELY SEEK TO NEGOTIATE A FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF NEW RECREATIONAL FACILITIES WITHIN THE VICINITY OF THE SITE OR TOWARDS THE IMPROVEMENT OF EXISTING FACILITIES IN THE AREA.

2.5 New Residential Development - Outdoor Playing Space for Children

POLICY REC3 - NEW RESIDENTIAL DEVELOPMENT - OUTDOOR PLAY SPACE FOR CHILDREN

IN CONSIDERING PLANNING APPLICATIONS FOR NEW RESIDENTIAL DEVELOPMENT, THE BOROUGH COUNCIL WILL SEEK TO NEGOTIATE WITH

DEVELOPERS TO PROVIDE 0.1 ACRES (0.04 HECTARES) OF INFORMAL CHILDREN'S PLAY SPACE PER 20 DWELLINGS. FOR DEVELOPMENTS OF BETWEEN 1 - 20 DWELLINGS THE LEVEL OF PROVISION TO BE MADE WILL BE DETERMINED ACCORDING TO INDIVIDUAL CIRCUMSTANCES. THE CHILDREN'S PLAY SPACE PROVIDED SHOULD SATISFY THE FOLLOWING CRITERIA:

a INFORMAL PLAYSPACE WILL BE PROVIDED THAT ALLOWS FOR PLAY OPPORTUNITIES FOR A RANGE OF AGE GROUPS;

b PLAY AREAS SHOULD BE LINKED AS FAR AS POSSIBLE, WITH OTHER OPEN SPACES AND FOOTPATH SYSTEMS. AMENITY PLANTING AREAS AND OTHER DEVICES SHOULD BE USED TO PROVIDE THE MAXIMUM SEPARATION FROM NEARBY RESIDENTS IN ORDER TO REDUCE THE LIKELIHOOD OF DISTURBANCE, NOISE AND OTHER NUISANCES;

c PLAY AREAS SHOULD BE LOCATED SO THEY ARE SAFELY ACCESSIBLE BY CHILDREN, WITH FOOTPATH LINKS WHICH DO NOT REQUIRE THE CROSSING OF BUSY ROADS OR OTHER MAJOR HAZARDS;

d PLAY AREAS ARE LOCATED SO THEY ARE OVERLOOKED BY HOUSES OR WELL USED PEDESTRIAN ROUTES IN ORDER TO PROVIDE SOME VISUAL SUPERVISION; AND

e PLAY AREAS SHOULD BE SITED ON LAND SUITABLE FOR THE TYPE OF PLAY OPPORTUNITY INTENDED AND SHOULD BE APPROPRIATELY LANDSCAPED.



2.6 Interpretation of policies REC2 and REC3

REC 2 and REC 3 of the adopted Hinckley and Bosworth Local Plan set out the requirements for outdoor open space provision for formal recreation and outdoor play space for children for new residential development.

In practice, space for formal outdoor recreation and for children's play can take a variety of forms and host a huge range of activities. The Borough Council will interpret and apply policies in a way that best meets local needs.

REC2 and REC3 will be applied to provide or raise financial contributions towards the following types of open space which the Borough Council considers to fall within the scope of policies REC2 and REC3, as well as IMP1:

Outdoor Play Space for Children and Young People

- Informal Children's Play Space: Equipped play space for children and young people.
- Informal other space types for play:
  - Amenity green space.
  - Natural and semi natural green space (including green corridors, and country parks).
  - Urban parks and gardens.
  - Churchyards and cemeteries.

Outdoor Open Space Provision for Formal Recreation

- Outdoor sport.
- Allotments (including community gardens and urban farms).

These various categories of open space accord with guidance provided in government Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation,[1] and offer opportunities for play and/or formal recreation. Further clarification and justification is provided in Appendix 3

[1] Paragraph 2 of the Annex

3. THE PROVISION OF OPEN SPACE AND PLAY OPPORTUNITIES IN RELATION TO NEW DEVELOPMENT.

3.1 Context

New development often creates a need for additional or improved open space and play facilities without which there could be a detrimental effect on local amenity and the quality of the environment. Sometimes this need can be met through direct provision by the developer. However, direct provision may not be appropriate in many cases due to the size or characteristics of the development.

3.2 Planning Obligations - an explanation

A Planning Obligation is a legally binding agreement entered into between a Local Authority and a developer. It requires the developer to carry out certain works, or to provide, or contribute towards the provision of, measures to mitigate the negative impacts of their development and to ensure that it makes a positive contribution to the communities within which it is situated.

Planning Obligations must satisfy five criteria set by national policy (See Appendix 2). These are:

- Necessary.
- Relevant to planning.
- Directly related to the proposed development.
- Fairly and reasonably related in scale and kind to the proposed development.
- Reasonable in all other respects.

Planning Obligations will be negotiated with the aim of reducing the negative impacts of development on local communities, achieving sustainable development and enabling improvements to open space and play opportunities. In this context, Planning Obligations should be seen not only as a means of mitigating the impact of a development, but also as a mechanism for achieving positive planning by ensuring that development complements and enhances the social, environmental and economic requirements of its neighbouring communities.



3.3 Thresholds for contributions towards open space and play opportunities

Policy IMP1 states that a developer contribution towards the necessary on-site and off-site infrastructure and facilities to service development commensurate to the scale and nature of development proposed is necessary to the granting of planning consent.

In terms of open space and play Policies REC2 and REC3 of the Local Plan suggest that direct or indirect (financial) contributions will be expected according to the following development thresholds:

- 20 dwellings or more for open space for formal recreation (REC2); and,
- 1 dwelling or more for play facilities (REC3).

For large developments contributions are more likely to be in the form of direct, on-site provision. However, in other circumstances financial contributions in lieu of direct provision will be sought. Examples of this may be where:

- The development site is too small in relation to the above thresholds;
- In high density urban areas where on-site provision would not optimise use of the site, or meet sustainability objectives;
- Topography or other natural site constraints would not allow for on-site provision; or,
- It can be shown that there are alternative off-site facilities within convenient reach that subject to improvement, or to being provided, could meet the needs of new residents at least as well as on-site provision.

In principle much new residential development leading to a net increase in dwellings within a locality will be required to provide new open space and play provision in accordance with the Local Plan policies; or else, offer developer contributions in lieu of

provision. The following indicates those types of accommodation which the Borough Council expects to contribute towards the provision of open space and play provision. The approach is considered to be consistent with both Circular 05/2005 and Policy IMP1 as it seeks to ensure that contributions are fairly and reasonably related in scale and kind to the proposed development.

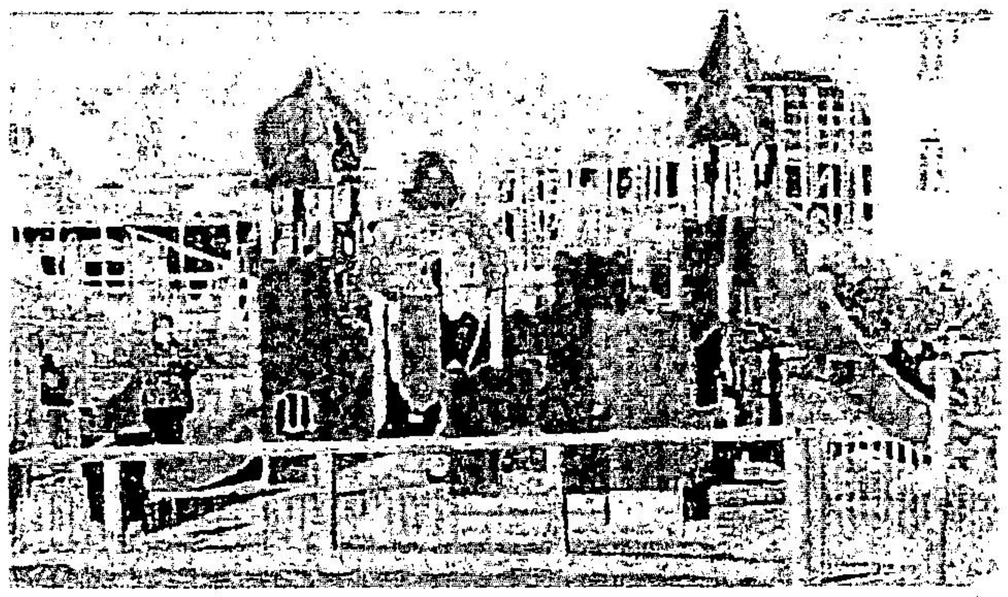


Figure 3.1 Qualifying housing

Facility	Houses/flats (inc. affordable housing and conversions)		Other Accommodation (Including – Student housing, sheltered housing etc)
	1 bedroom or studio	2 bedrooms or more	
REC 2: Formal Open Space (for outdoor sport)	75%	Full	75%
REC 3: Play space: 1) Equipped - covering both pre-teen and teen age provision) 2) Other informal open space (primarily for play, but with wider use)	75%	Full	

'Full': **full contribution required**
'75%': **75% contribution required**



3.4 On Site Provision/Contributions in Lieu

Developments will be considered on a case-by-case basis. Where several developments are proposed in close proximity to each other and the cumulative effect will result in the requirement for new infrastructure, the Council may pool contributions from each of the developments, in order to fund the necessary open space and play provision in an equitable way. (See paragraph 3.8).

Where it is neither practicable nor appropriate to seek on-site provision the Council will require financial contributions towards providing new or improved opportunities elsewhere so long as this alternative provision is within easy reach of the relevant development and its residents (see Figure 3.3). In general, there will be three options to consider:

- The developer constructs and maintains open space (perhaps through proxy companies);
- The developer constructs and hands over open space to the Borough Council to manage; and,
- The developer hands over appropriate monies to allow the Borough Council to both build and maintain open space.

The level of direct provision or else contributions in lieu will be calculated on a per dwelling basis, consistent with Policies REC2 and REC3 but subject to the additional guidance provided in Figure 3.1.

The following diagram summarises the general procedural approach the Council will follow in determining the principle, nature and amount of contribution required

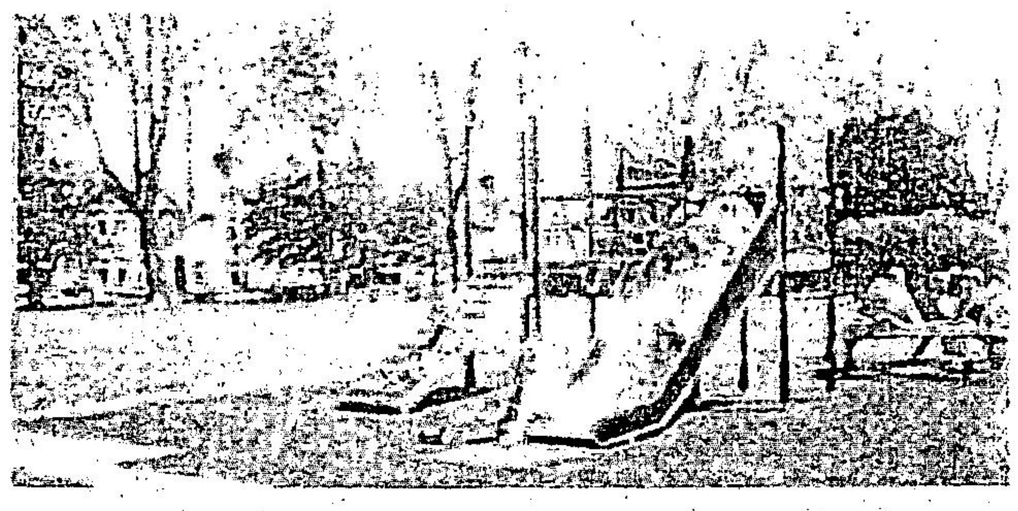


Figure 3.2: The process of determining forms of developer contribution towards new or improved open space and recreation facilities

3.5 Financial Contributions

Where indirect (financial) contributions are to be sought through a Planning Obligation (Agreement) This will be drafted by the Borough Council's Legal Services Team, or by solicitors acting on the Borough Council's behalf. Developers will be required to pay the Council's costs in drafting the agreement unless it can be demonstrated that the developer will incur all significant costs in this respect.

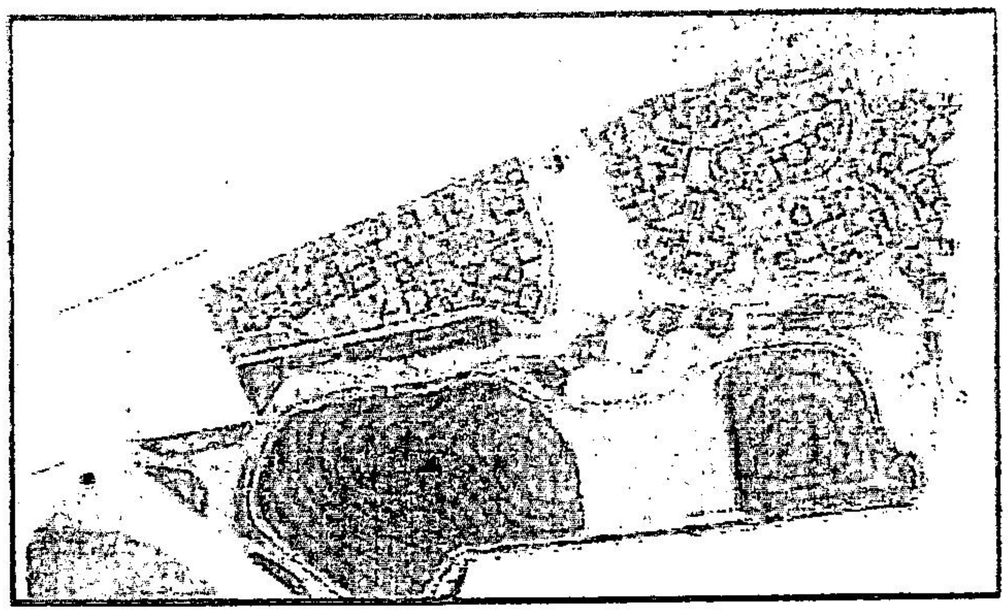
The Council's Legal Services Team has standard wording to cover Financial Contributions.

Some example scenarios on the Local Plan standards can be interpreted and applied in relation to different forms of open space and recreation provision. These are provided in **Appendix 4.**

All financial contributions contained in planning agreements will be index linked (using the Retail Prices Index – all items) to the date of the Committee, or delegated authority approval. Financial contributions will normally be expected to be paid upon commencement of development (as defined in Section 56 of the 1990 Town and Country Planning Act). In exceptional circumstances (such as with large-scale development schemes) the payment can be made at various stages during the development process, for example, upon first occupation. Trigger dates for the payment of financial contributions will be included in the Planning Agreement, as will any time periods by which the contribution is to be spent.

Following receipt by the Borough Council, financial contributions will be held in interest bearing accounts and will be individually identifiable due to each contribution being allocated a unique finance code. Contributions remaining unspent at the end of a time period specified in the Planning Agreement will be returned to the payee along with any interest accrued.

Examples of how financial contributions are to be calculated are provided in Appendix 4. The unit costs on which contributions are to be calculated are also provided in **Appendix 4.** These costs are derived from the Borough Council's maintained record of costs of both providing and maintaining equipped and non-equipped open space and play facilities.

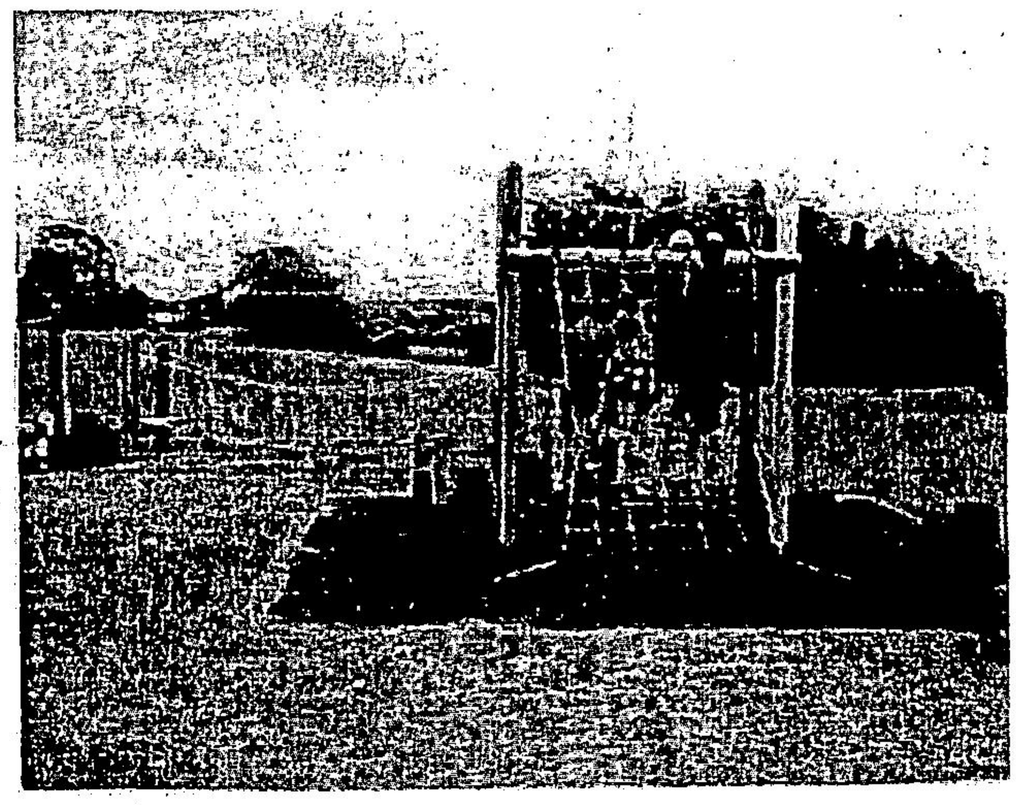


3.6 Monitoring of Obligations

Monitoring of obligations will be undertaken by the Borough Council to ensure all obligations entered into are complied with on the part of both the developer and the Council.

A Monitoring Fee of 2% of the financial contributions obtained through the relevant planning obligation will be required to cover the Council's costs and will be in addition to the agreed level of contribution. Monitoring fees are an established practice within many planning authorities and has been introduced by the Borough Council to cover administrative matters, maintenance and monitoring of databases, attendance at necessary and relevant S106 meetings, income collection and for additional requirements placed upon green space officers who often provide on-site advice and guidance during the S106 process.

For relevant planning consents the Borough Council will produce a monitoring report at an appropriate time reviewing the implementation of the obligation and the related use of financial contributions.



3.7 Maintenance contributions

The Borough Council may also require appropriate contributions from developers to cover the maintenance of open space and play facilities. The size and longevity of these contributions will be determined by the nature of the provision in question, and whether it is used solely by residents of the development; or, also by members of the wider community. Where new or improved provision resulting from development will be used solely by occupants of the new development, contributions may be required in perpetuity [2].
In other circumstances the following guidance will be applied:

- Play areas used primarily by residents of a relevant development: **20 years**.
- Play areas also used by the wider community: **10 years**.
- Small open space areas (used primarily by residents of a relevant development): **20 years**.
- Larger open spaces (such as for outdoor sport that may also used by the wider community): **10 years**.

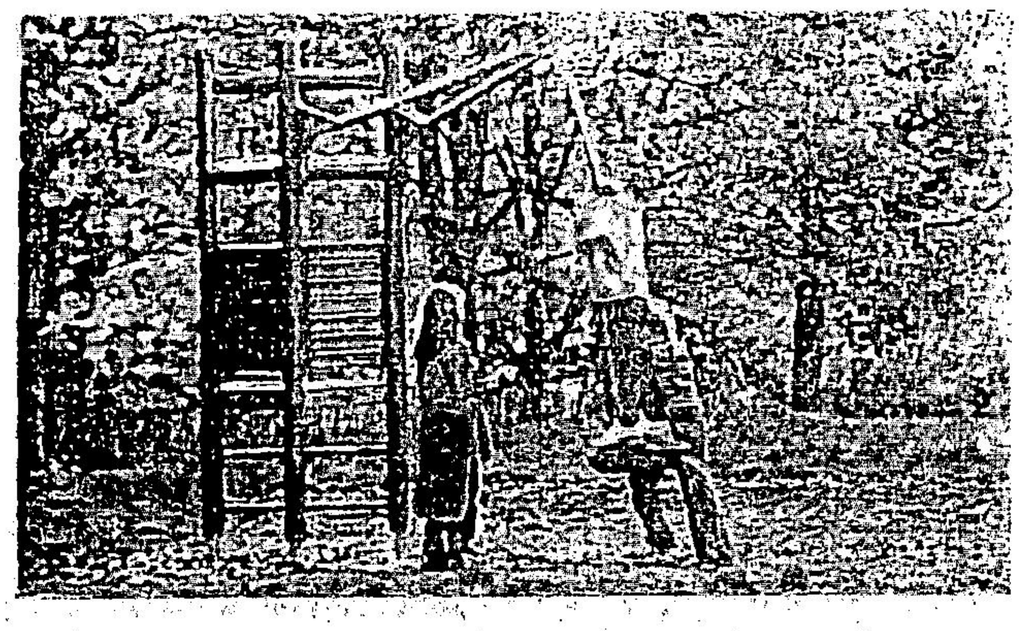
These contribution periods have been derived from a review of periods of time that have been both established and accepted by various local authorities.

Where maintenance contributions cover long periods the impact of inflation will need to be factored in. If it is agreed that a developer will provide all of the contribution for the entire term as a one-off commuted sum, the compound impact of inflation (at an agreed rate) will be calculated as part of the overall sum. This will be based on the average inflation rate per annum.

Examples of how maintenance contributions are to be calculated are provided in **Appendix 4**. The unit costs on which contributions are to be calculated are also provided in **Appendix 4**. These costs are derived from the Borough Council's maintained record of costs of both providing and maintaining equipped and non-equipped open space and play facilities.

3.8 Pooled contributions and 'community chests'

Government guidance [3] suggests that where the combined impact of a number of developments creates the need for infrastructure, it may be



reasonable for the associated developers' contributions to be pooled, in order to allow infrastructure to be secured in a fair and equitable way. The same guidance [4] suggests that where individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure, the local authority may wish to consider whether it is appropriate to seek contributions to specific future provision.

Although a small development proposal may not by itself generate the need for new provision, taken in conjunction with other housing proposed elsewhere the cumulative additional demand will be sufficient to require new and/or improved provision. This principle is as applicable to a small play area as to a large outdoor sports venue. As appropriate, the Borough Council may invest developer contributions into a wider "community chest". The community chest will be used to help implement relevant play and open space projects identified through strategies, studies, and investment programmes. These may include the recommendations of the Borough Council's Green Space Strategy [5]. In doing this the Borough Council must demonstrate that where contributions are used in this way identified projects will be:

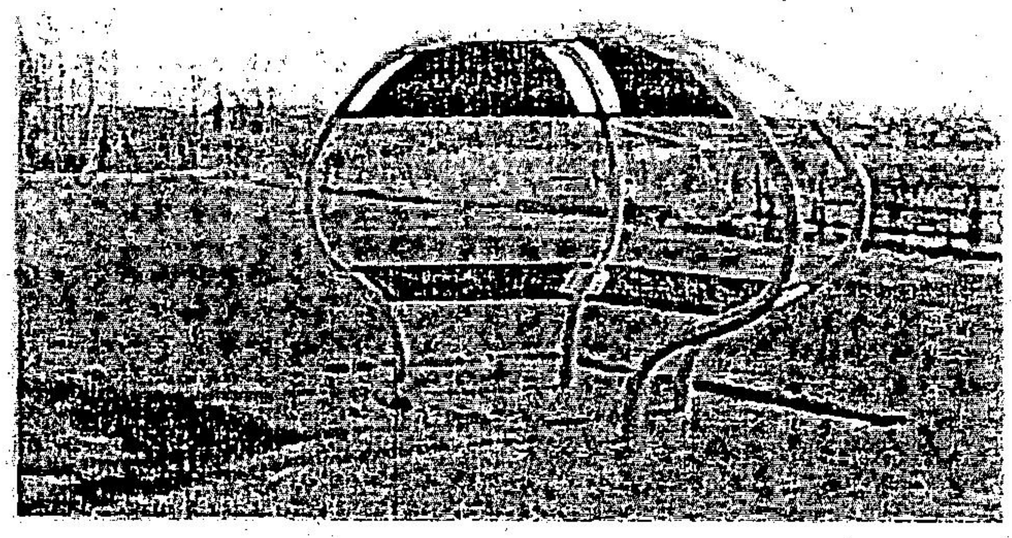
- relevant to the subject matter of Policies REC2 and REC3;
- likely to be realised within an appropriate timeframe; and,
- within easy reach of the residents of developments on which contributions are being levied.

2 This statement is consistent with Circular 05/2005 Planning Obligations (July 2005). Paragraph B18

3 Circular 05/2005 Planning Obligations (July 2005). Paragraph B21

4 Paragraph B22 of the above Circular.

5 The Green Space Strategy provides information in relation to the quality, quantity, and accessibility of provision.



3.9 Ease of access and quality in design

Whether contributions towards open space and play opportunities are through direct provision, or else indirectly through financial contributions to off-site provision, it is essential that new or improved opportunities are:

- easy to reach by residents from the developments for which contributions are being required; and,
- of high quality in respect of their planning, situation and design.

The Borough Council's adopted Green Space Strategy offers guidance on how policies REC2 and REC3 can be interpreted and applied with respect to quality of and access to provision. It sets out a hierarchy of open space and corresponding accessibility standards. Lower hierarchy facilities are greater in number and closer in proximity to houses and have a smaller catchment area with fewer facilities. Those at the top of the hierarchy will be larger, have a greater catchment area and offer a wider range of facilities. Strategically, the Borough Council will pursue this hierarchy of provision, which the Green Space Strategy (and underpinning research) supports. That is, play and open space requirements will generally be sought for lower hierarchy facilities. However, where development places additional pressures on upper hierarchy facilities, a contribution towards these may be required. The open space hierarchy, incorporating accessibility standards is summarised in Figure 3.3.

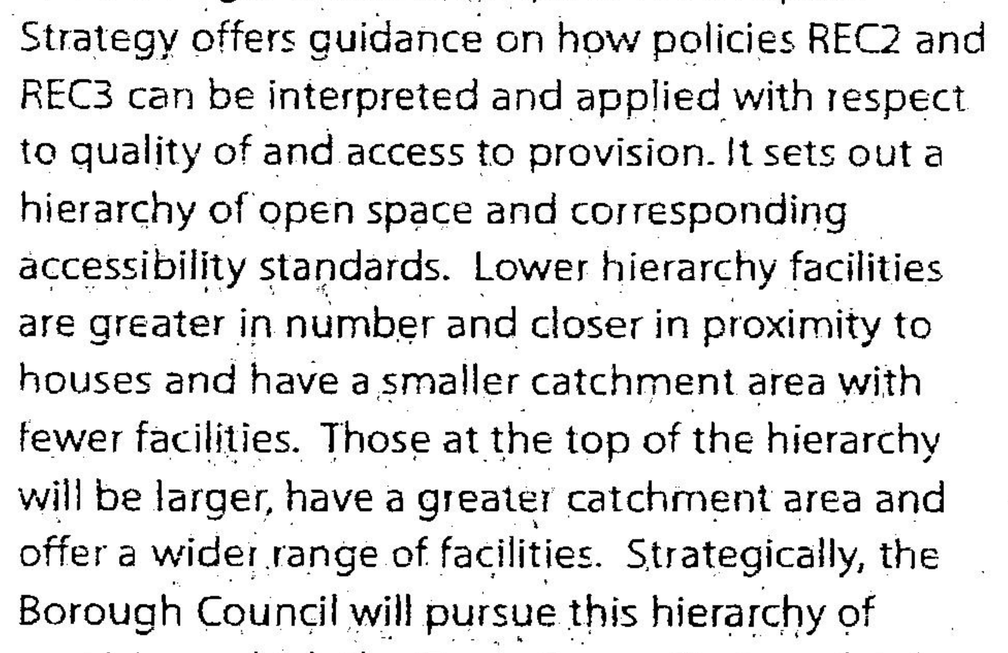


Figure 3.3: Hierarchy of provision

Regional Parks and Public Gardens Typically, at least 100 hectares in size and within 30 minutes travel time by car/public transport
District Parks (Includes sports complexes, smaller country parks). Typically, between 10 and 100 hectares in size and within a 5km catchment areas
Neighbourhood Parks and Open Spaces (Includes allotments and sports facilities). Typically, between 1 and 10 hectares in size and within a 15 minute travel distance by foot (around 600 metres straight line distance)
Local Open Spaces Typically, between 0.2 and 1 hectares in size and within 5 and 10 minutes by foot (around 400 metres straight line distance)
Incidental Green Space Typically less than 0.2 hectares and within 5 minutes by foot (around 300 metres straight line distance)

Outdoor Sport Design

The Borough Council will expect all contributions towards such provision to be based out on appropriately laid out, drained and serviced open space.

The quality of playing surface and drainage is critical to the successful use of playing pitches in particular. The approach to achieving good installation in this regard will depend on local circumstances and it will be for the developer to demonstrate to the satisfaction of the Borough Council that either:

- An appropriate drainage specification will be adopted and implemented where the developer (or proxy company) assumes responsibility for installation; or,
- The developer will provide a financial contribution through a planning obligation sufficient to achieve installation to a drainage specification acceptable to the Borough Council.

The Borough Council will apply guidance provided by Sport England (www.sportengland.org) and the relevant governing bodies of sport in this regard.

Equipped Play Space for Children and Young People

Equipped play space generally accounts for only small amounts of open space, but makes an important contribution to local play opportunities. The Borough Council will be guided by the following:

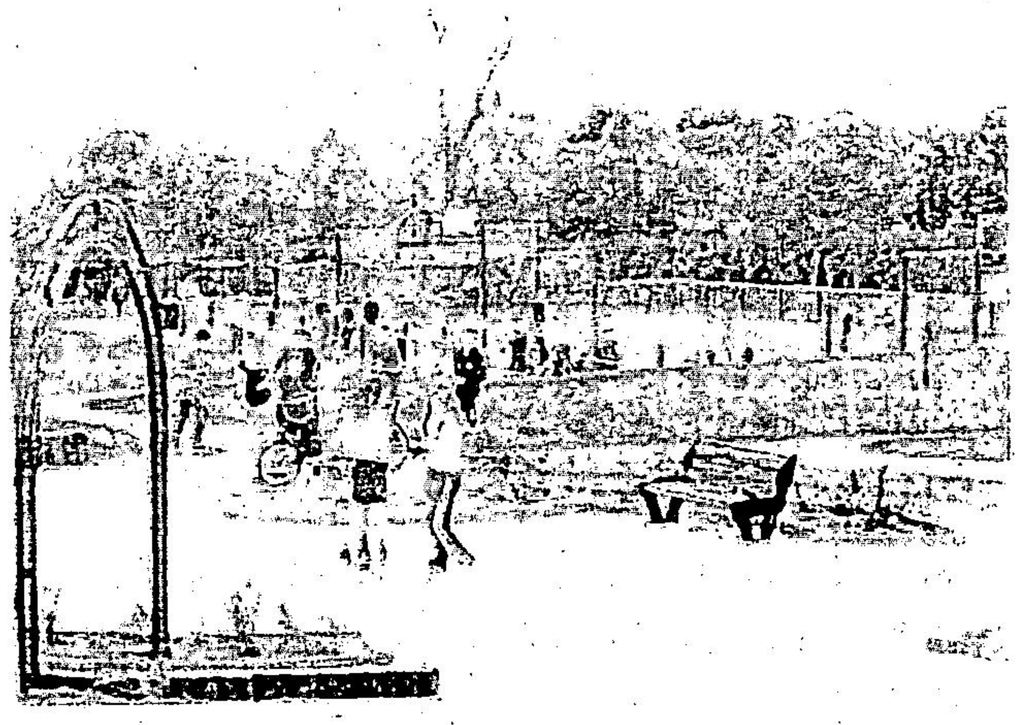


Figure 3.4: Equipped play space provision.

Equipped Provision type	Age group	Straight line distance (Catchment)	Minimum size of activity area	Nearest dwelling	Characteristics
Local Equipped Area	Pre-teens	400 m	400 m2 (0.04 ha)	A minimum of 20 metres from activity area	5 types of play equipment, small games area, seating
Neighbourhood Equipped Areas	Older pre-teens and teens	600 m	1000 m2 (0.1 ha)	A minimum of 30 metres from activity area	8 types of play equipment, opportunities for ball games or wheeled activities, seating

The distances shown to the nearest dwelling are the minimum as in some cases a larger distance may be required depending on the activities involved. The Borough Council's Environmental Service will be consulted on open space development where children and young people's provision is envisaged.

General

The Borough Council will expect that all new green space provided achieves a quality score of at least 65% using the Borough Council's Green Space Audit scoring system. This will include provision of sports pavilions and parking space, as appropriate.

In practice, the location and design of open space can also facilitate the management of flood risk and the Borough Council can provide further guidance to developers on ways to achieve this aim. If the recreation open space is proposed in the functional floodplain developers should seek opportunities to reduce the overall levels of flood risk through layout and form of development.

3.16 Provision Required

In terms of provision for open space for children and young people Policy REC3 seeks a contribution of 0.04 hectares per 20 dwellings. This is equal to 20 m2 per dwelling, comprising of 5m2 of equipped play space and 15m2 of informal open space. These requirements have been selected to ensure a dedicated provision for children and young people and to ensure that other amenity and natural green spaces are provided to serve a complimentary role.

For the remainder of the provision covered by RECs. the Green Space Strategy demonstrates that children and young people will make use of and enjoy a wide range of open space. The Borough Council will therefore seek to utilise the remainder of the contribution under REC3 towards a balanced provision of informal space types (as outlined in paragraph 2.6), consistent with the overall strategy outlined in Figure 3.3.

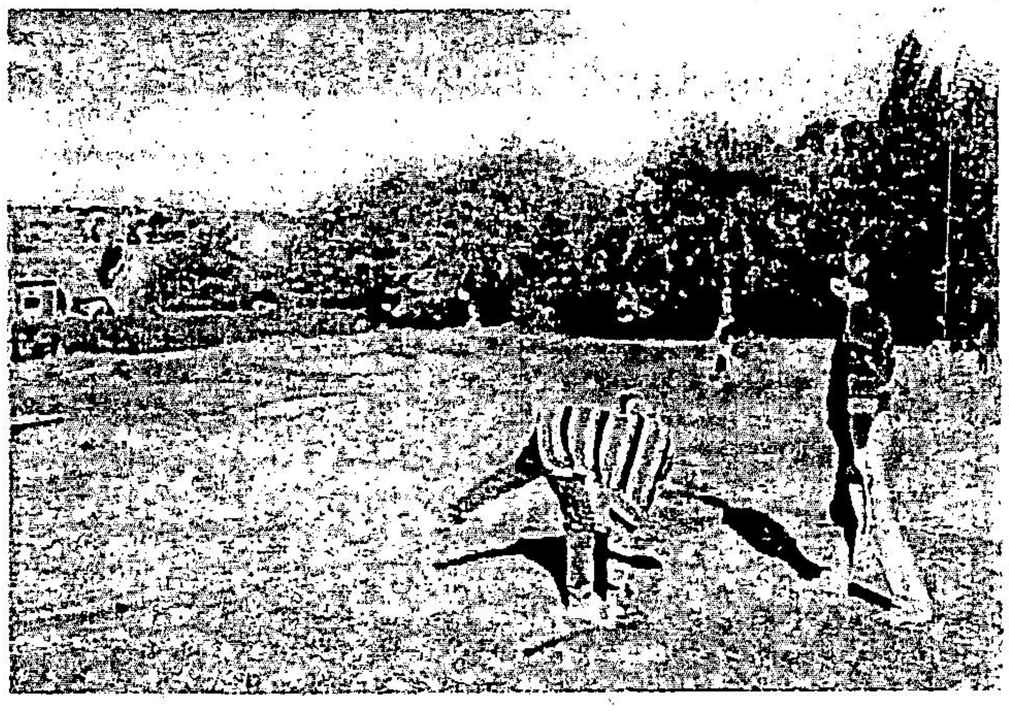
With regard to the provision of open space for formal outdoor recreation, Policy RE2 requires a contribution of 0.4 hectares per 100 dwellings with a minimum threshold of 20 dwellings. This converts to a figure of 0.04 hectares (400sq.m per dwelling for developments of 20 dwellings or more. This level of provision would provide in the order of 1.6 hectares of such space for every 400 dwellings.

Formal outdoor recreation covers a wide range of physical activity. However, in practice the main requirement for such space will come from the needs of pitch sports such as football and cricket. The Borough's Green Space Strategy suggests that the equivalent 1.2 hectares per 400 dwellings of such space be devoted to providing for pitch sports; and, 0.4 hectares per 400 dwellings towards other formal recreation activity. This works out at:

- 0.003 hectares per dwelling for pitch sports; and,
- 0.001 hectares per dwelling for other formal recreation,

Subject to a minimum threshold of developments of 20 dwellings or more.

Figure 3.3 offers guidance in terms of how far local people might reasonably be expected to travel to such provision. It will be important for provision to be located to take into account the capabilities of different age groups to travel independently.



APPENDIX 1

Summary of relevant elements of the Sustainability Appraisal

Statement of Sustainability Issues

This statement has been published in order to comply with Regulation 16 of the Environment Assessment of Plans and Programmes Regulations 2004, the guidance given in paragraph 10.1 of 'Creating Local Development Frameworks: A Companion Guide to PPS12' (ODPM, 2004) and paragraph 4.5.5 of 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (ODPM, 2005).

The Sustainability Appraisal Report is published alongside the adopted Play and Open Space (SPD).

How Sustainability Issues have been integrated into the SPD

Sustainability issues are a key part of the Play and Open Space SPD. It is the intention that through the implementation of the SPD residents of the Borough will have reasonable access to high quality play facilities, formal recreation and open space. This is not only important for physical health, mental health and social well being but is also of enormous benefit to the Borough's biodiversity and natural environment. A Sustainability Appraisal was undertaken on the SPD to ensure the potential economic, social and environmental effects of applying the SPD have been taken into account.

How the Sustainability Appraisal and consultation has been taken into account

The Sustainability Appraisal compares the social, economic, and environmental effects of the following options:

- Implementation of Hinckley and Bosworth Local Plan Policies IMP1, REC2 and REC3 on their own; and
- Implementation of Hinckley and Bosworth Local Plan Policies IMP1, REC2 and REC3 with the Play and Open Space SPD.

The findings of the Sustainability Appraisal found that implementation of the SPD policies is likely to have a number of social, environmental and economic effects. It was found that the SPD is more likely to ensure the provision of appropriate play facilities and open space within residential developments than the saved policies alone. Omitting the SPD would provide much less certainty in terms of the financial contributions required and the size or type of play facility or open space that should be provided. The SPD should have a beneficial impact on a number of Sustainability Objectives, including SA Objective 4 "To improve access to and participation in cultural and leisure facilities". In addition, well-designed and enhanced open space can enhance the character of a neighbourhood, contribute to visual amenity and create a sense of place thus contributing to SA Objectives 8 and 19.

Potential beneficial and adverse effects have been identified in relation to SA Objective 5 "To improve community safety; reduce the fear of crime and reduce anti-social behaviour". In addition, potential beneficial and adverse effects have been identified in relation to the natural environment. Generally the provision of play facilities and open space was seen to be positive economically, however some developers may be discouraged from pursuing development or decide to develop below the thresholds mentioned in the saved Local Plan policies. Due to the limited remit of the SPD, there were a number of Sustainability Objectives that the SPD would have no impact on. However, overall the SPD was found to be beneficial.

The Sustainability Appraisal suggested a number of measures that could be taken to maximise the beneficial effects associated with the Play and Open Space SPD and mitigate any adverse effects. Some of these measures are already addressed by the SPD (for example, managing flood risk and referring to sources of best practice design and standards). Others are outside the specific remit of this SPD, but will be addressed in other LDF documents. The remaining measures will be incorporated into the Play and Open Space SPD.

The Sustainability Appraisal also suggested a number of indicators that could be used to measure the effectiveness and impact of the SPD in Appendix F. Four of these indicators have been incorporated into the monitoring framework for the SPD. The others were not directly relevant to the specific remit of the Play and Open Space SPD.

Monitoring arrangements

The effects of this SPD will be monitored through the Annual Monitoring Report, produced by the Council each year. The monitoring indicators for this SPD are:

1. Percentage of new green space provided, achieving a quality score of at least 65% using the Borough Council's Green Space Audit scoring system.
2. Percentage of new equipped play space provision meeting accessibility standards outlined in the Green Space Strategy.
3. Percentage of new formal recreation provision meeting accessibility standards outlined in the Green Space Strategy.

If required, a review of the SPD will be timetabled into the Councils Local Development Scheme. The SPD will need to be further revised on adoption of the Council's Core Strategy, Generic Development Control Policies and Site Allocations Development Plan Document (DPD), which will contain the Council's new detailed policies.

APPENDIX 2

Relevant national policy and guidance

The primary purpose of the planning system is to promote sustainable development. This encompasses social, economic and environmental components as well as prudent use of natural resources. Proposals for development should contribute to the achievement of this purpose with any negative impacts minimised. Planning Obligations are one mechanism that can be used to help deliver sustainable development. It must however be recognised that if the fundamental concept of the scheme is not in line with sustainable development principles, particularly those set out in the Development Plan, then even a comprehensive planning obligation will not remedy this.

Planning Obligations are legal agreements negotiated under the provisions of Section 106 of the Town and Country Planning Act 1990. These may be negotiated between the applicant and the planning authority, involve third parties or be offered unilaterally by the applicant. Unilateral undertakings are usually drawn up in the context of Planning Appeals but may be appropriately offered by applicants in other specific circumstances. An example would be where all the requirements set out in Local Development Framework are met and no other party is involved in meeting the Obligation.

Planning Obligations can be used to offset the impacts of new development where these cannot be satisfactorily addressed by conditions attached to the planning consent. This may include the need for specific mitigation, or to provide additional infrastructure required by the development. Obligations may take a number of forms. These include "in-kind" contributions, such as where a developer builds or provides a facility, financial payments or long-term management of a site. Many local planning authorities and the Courts have taken a wide view of what topics may be included within planning obligations.

In July 2005 The Office of the Deputy Prime Minister (ODPM) published updated guidance on Planning Obligations in Circular 05/2005. Circular 05/2005 states that Planning Obligations should be:

- Necessary
- Relevant to planning
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development
- Reasonable in all other respects

Circular 05/2005 identifies the importance of setting a planning policy framework for Planning Obligations as justification for the range of requests made. The Circular is also significant in giving support to the use of formulae and methodologies and the use of good practice to speed up the negotiation process. This reflects approaches pioneered by a number of authorities nationally.

Planning Obligations should not be used where conditions can be applied to achieve the same outcome. The fundamental reason for this is that a developer can appeal against a planning condition to the Secretary of State but does not have the same recourse on Planning Obligations. Some planning authorities have been able to manage off-site impacts by the use of so-called "Grampian conditions". The Planning Officers Society produced a "Best Practice Note" on this topic in March 2005, identifying where this approach may be an appropriate alternative to Planning Obligations. Planning Authorities and developers are encouraged to refer to this for advice.

National Planning Obligation policy is in a state of flux. The Government is currently pursuing through the Planning Bill a proposed a new Community Infrastructure Levy (CIL) on developments to finance infrastructure. The idea of this would be to raise money from developers to pay for facilities needed as a consequence of new developments.

For those authorities that choose not to introduce a CIL to fund local infrastructure, planning obligations will continue to provide a means of securing developer contributions (see also section on transitional arrangements, below).

Where a CIL is implemented, planning obligations under section 106 will complement CIL. But the Government proposes, subject to consultation,

that they should focus on three areas. Firstly, planning obligations may be the only suitable tool to cover certain non-financial, technical or operational matters.

Secondly, the Government proposes that developers should continue to negotiate directly with the local planning authority to deal with the site-specific impacts that their development will have on the immediate area and without the mitigation of which the development ought not to be given planning permission. This might include, for example, an access road to the development, on-site archaeology or the protection of endangered species found on the site.

Thirdly, to ensure that there is sufficient affordable housing to achieve genuinely mixed communities, the Government believes that affordable housing should wherever possible be provided on-site. Accordingly, it proposes that affordable housing should continue to be provided through negotiated planning obligations, as is currently the case.

The Government will seek views on whether a statutory boundary should be drawn between what is covered by CIL and what is covered by negotiation, and if so, where that boundary might be drawn. For example, developers could be protected from burdensome obligations by prohibiting authorities from seeking contributions towards the same infrastructure project through both planning obligations and CIL. A further option might be not to prescribe a boundary at a national level, but instead to allow charging authorities to decide and articulate this for themselves.

Planning Policy Statement 12: Local Development Frameworks (PPS12)

PPS12 replaces Planning Policy Guidance Note 12: Development Plans (PPG12), except that PPG12 will remain in operation for development plans still being prepared under the 1999 Development Plan Regulations.

This PPS sets out the Government's policy on the preparation of local development documents which will comprise the local development framework.

The PPS explains the role of Supplementary Planning Documents (previously Supplementary Planning Guidance) through which relevant local planning policies (and standards) can be interpreted and applied with respect to developer contributions.

Planning Policy Guidance Note 17: Planning for Open Space Sport and Recreation (PPG17)

This states that to ensure effective planning for open space, sport and recreation it is essential that the needs of local communities be known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities. Local authorities should also undertake audits of existing open space, sports and recreational facilities, the use made of existing facilities, access in terms of location and costs (such as charges) and opportunities for new open space and facilities.

These assessments can help to identify existing and future deficiencies, and inform the content of more detailed action plans and programmes for the provision and/or improvement of sports and recreation opportunities. They form an important part of the evidence base for emerging Local development Frameworks.

Local Standards of Provision

The Government therefore expects all local authorities to carry out the above assessments of needs and audits of open space and sports and recreational facilities. PPG17 states that local authorities should use the information gained from their assessments of needs and opportunities to set locally derived standards for the provision of open space, sports and recreational facilities in their areas. PPG17 also states that local standards should include:

i quantitative elements (how much new provision may be needed);

ii a qualitative component (against which to measure the need for enhancement of existing facilities); and,

iii accessibility (including distance thresholds and consideration of the cost of using a facility).

The Borough Council is actively reviewing their adopted standards of provision in compliance with PPG17. It is likely that this review will result in new standards reflecting a diverse range of sports and recreation opportunities.

APPENDIX 3

Explanation of different types of open space falling within the scope of REC2 & REC3 of the adopted Hinckley & Bosworth Local Plan

REC2: Outdoor Open Space Provision for Formal Recreation

Outdoor Sport

These include seasonal and fixed sports spaces that are openly accessible to the public. Facilities include sports pitches, including cricket, football and rugby. They also include fixed sports spaces such as tennis courts, artificial turf pitches and bowling greens. Very often these facilities are located within Parks or Recreation Grounds, and as such, many of the facilities, especially sports pitches are multi-functional. That is they can be used for sport one day, and for the rest of the week function as a space to walk and play.

Allotments

Allotment gardening/community gardening is a kind of formal outdoor recreation requiring dedicated, specialist facilities. This is a characteristic such activity shares with most outdoor sports.

Allotments provide areas for people to grow their own produce and plants. It is important to be clear about what is meant by the term 'Allotment'. The Small Holdings and Allotments Act 1908 obliged local authorities to provide sufficient allotments and to let them to persons living in their areas where they considered there was a demand for allotments.

The Allotment Act of 1922 defines the term 'allotment garden' as: "an allotment not exceeding 40 poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family" (n.b. 40 Poles equals 1,210 square yards or 1,012 square metres. A Pole can also be known as a Rod or Perch.)

The Allotments Act of 1925 gives protection to land acquired specifically for use as allotments, so called Statutory Allotment Sites, by the requirement for the need for the approval of Secretary of State in event of sale or disposal. Some allotment sites may not specifically have been acquired for this purpose. Such allotment sites are known as "temporary" (even if they have been in use for decades) and are not protected by the 1925 legislation.

In this country an Allotment Garden is generally distinct from a 'Community Garden'. A Community Garden in the UK tends to be situated in a built-up area and is typically run by an independent non-profit organisation. It is also likely to perform a dual function as an open space or play area: while it may offer plots to individual cultivators the organisation that administers the garden will normally have a great deal of the responsibility for its planting, landscaping and upkeep.

REC3: Outdoor Play Space for Children

Children and young people will play/'hang out' in almost all publicly accessible "space" ranging from the street, town centres and squares, parks, playing fields, "amenity" grassed areas etc as well as the more recognisable play and youth facility areas such as equipped playgrounds, youth shelters, BMX and skateboard parks, Multi-use Games Areas etc. Clearly many of the other types of open space covered by REC2 & REC3 will therefore provide informal play opportunities.

To a child, the whole world is a potential playground: where an adult sees a low wall, a railing, curb or street bench, a child might see a mini adventure playground or a challenging skateboard obstacle. Play should not be restricted to designated 'reservations' and planning and urban design principles should reflect these considerations.

Informal Children's Play Space: Equipped Play Space for Children and Young People

The Green Space Strategy identifies the following types of equipped provision that contributions should be directed at:

- Equipped children's space (for pre-teens)
- Provision for teenagers.

The former comprises equipped areas of play that cater for the needs of children up to and around

12 years. The latter comprises informal recreation opportunities for, broadly, the 13 to 16/17 age group, and which might include facilities like skateboard parks, basketball courts and 'free access' Multi Use Games Areas (MUGAs). In practice, there will always be some blurring around the edges in terms of younger children using equipment aimed for older persons and vice versa.

Other Informal space types for play

Amenity Green Space

The category is considered to include those spaces open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat. These areas of open space will be of varied size, but are likely to share the following characteristics:

- Unlikely to be physically demarcated by walls or fences.
- Predominantly lain down to (mown) grass.
- Unlikely to have identifiable entrance points (unlike parks).
- Unlikely to have planted flowerbeds or other formal planted layouts, although they may have shrub and tree planting.
- Generally no other recreational facilities and fixtures (such as play equipment or ball courts), although there may be items such as litterbins and benches.

Examples might include both small and larger informal grassed areas in housing estates and general recreation spaces such as existing village greens. They can serve a variety of functions dependent on their size, shape, location and topography. Some may be used for informal recreation activities, whilst others by themselves, or else collectively, contribute to the overall visual amenity of an area.

Natural Green Space

For the purpose of this SPD (Accessible) Natural Green Space covers a variety of spaces including meadows, river floodplain, woodland and copse all of which share a trait of having natural characteristics and wildlife value, but which are also open to public use and enjoyment. Research elsewhere and (more importantly) the local consultation for this study has identified the value attached to such space for recreation and emotional well-being. A sense of 'closeness to nature' with its attendant benefits for people is something that is all too easily lost in urban areas. (Accessible) Natural Green Spaces should be viewed as important a component of community infrastructure in planning for new development as other forms of open space or 'built' recreation facilities.

(Accessible) Natural Green Spaces can make important contributions towards local Biodiversity Action Plan targets and can also raise awareness of biodiversity values and issues.

Some sites will have statutory rights or permissive codes allowing the public to wander in these sites. Others may have defined Rights of Way or permissive routes running through them. For the remainder of sites there may be some access on a managed basis. Although many natural spaces may not be 'accessible' in the sense that they cannot be entered and used by the general community, they can be appreciated from a distance, and contribute to visual amenity.

Urban Parks and Gardens

In the most built up areas of areas, and where there are higher numbers of population it can often be difficult to gain access to green open spaces which are multi-purpose and of a relative size which serve all ages of the population, this is something which urban parks and urban gardens are intended to remedy.

Urban parks and gardens often provide the space and environment for recreational exercise; dog walking and can provide a place for relaxation whilst observing a safe and attractive natural environment which exhibits quality landscaping and seasonal flora and fauna.

The Borough Council note the merit of these environments and their contribution to creating an attractive and distinctive environment, whilst having the potential to encourage healthy lifestyles. Contributions may be sought towards

the enhancement and/or creation of such environments which may also assist in the successful delivery of the Green Space Strategy improvements plan.

Churchyards and cemeteries

In some parts of the Borough local churchyards and cemeteries serve an important role for quiet informal recreation, and are especially important in settlements where there are no other public green spaces. In these circumstances it may be appropriate for the Borough Council to seek to use developer contributions towards the enhancement of such spaces.

APPENDIX 4

Unit costs, assumptions and examples

Maintenance contributions

The following general approach will be adopted in terms of a requirement for fixed term maintenance contributions:

- Play areas used primarily by residents of a relevant development: **20 years**.
- Play areas also used by the wider community: **10 years**.
- Small open space areas (used primarily by residents of a relevant development): **20 years**.
- Larger open spaces (such as for outdoor sport that may also used by the wider community): **10 years**.

Unit costs

The following tables indicate how the costs of provision have been established and are based upon the Borough Council's own information in relation to providing and maintaining relevant types of open space. They will be updated on a regular basis in accordance with the Retail Prices Index. The following details the 6 categories which have been allocated to ensure the complete comprehension of costs necessary to the achievement of quality open spaces. (All figures are in £'s unless otherwise stated).

A – Establishment/Provision of Formal Open Space

B – Establishment/Provision of equipped children's play area (LEAP/NEAP)

C – Establishment/Provision of informal Unequipped Play Space

D – Maintenance of Formal Open Space

E – Maintenance of equipped play space

F – Maintenance of Informal unequipped Play Space

A. Establishment/Provision of Formal Open Space (Including Land Drainage Measures)

Creation and Land Drainage of football pitch on existing land (7500 sq.m)	
Cultivation & seeding with some minor grading	3,529
Associated Land Drainage measures	56,881
Supply & Installation of 1 no. Kick about/basketball area	
Supply & Install	50,862
H & S Lighting & CCTV	15,570
Supply & Installation 1 no. Teenage shelter	4,000
Grass Surround (2500 sq.m)	
Cultivation	684
Supply & lay	6,046
Total per Hectare	**137,572**
Per metre square	**13.76**

Please note that should land drainage measures be deemed unnecessary the per metre squared figure would be reduced by £5.69 to £8.07. (Please note that this figure is correct at the time of adoption and any increase should be factored in line with RPI inflation).

B. Establishment/Provision of equipped children's play area (LEAP/NEAP)

Supply & Installation of Safety surface (400sq.m)	26,988
Supply & Installation of Equipment (minimum of 5 items)	22,330
Supply & Installation of dog proof fencing (77LM) plus 2 sets of gates	6,392
Supply & Installation of litter bins x 2	664
Supply & Installation of benches x 2	1,108
Post installation inspection	550
Total for the required 400sq.m area	**58,032**
Per metre squared per 400m	**145.08**

C. Establishment/Provision of informal Unequipped Play Space

Installation of hard surfaces/pathways (900sq.m)	46,710
Establishment of grass (9000sq.m)	
Cultivation	2,462
Seed	148
Supply & Planting of Trees (20 no. Heavy standards)	
Supply	1,500
Labour	277
100 whips	171
Supply & Planting of shrubs (100 sq.m)	
Supply (x300)	825
Cultivation	27
Planting	358
Supply & Planting of Bulbs	547
Supply & Installation of Benches x 10	5,335
Supply & Installation of Litter/Dog bins x 10	3,200
Total per hectare	**61,560**
Per metre square	**6.16**

D. Maintenance of Formal Open Space

Grass Cutting of pitch	351
Additional Maintenance (Incl marking, roll & chain harrow)	1434
Basketball/Kick about area (Incl inspections, sweeping, repairs)	3105
Teenage Shelter (Incl Inspection & maintenance)	373
Grass Surround (Incl litter collection & cutting)	1313
Total per annum per hectare	**6575**
Per metre square, per annum	**0.66**

E. – Maintenance of equipped play space

Annual Risk Assessment	88.14
Weekly Risk Assessment	769
Equipment maintenance	1093
Fence & Bench Maintenance	
Fence (per 20 linear metre's)	255
Bench x2	53
Bins Emptying (per 2 bins)	31
Litter picking	539
Total per annum for 400sq.m	**2828**
Per metre square, per annum	**7.07**

F. Maintenance of informal play space

Hard Surface Cleaning (Incl sweeping & application of herbicide)	1726
Grass Cutting	
Gang (7500sq.m)	360
Pedestrian (2500)	1203
Leaf Clearance @ 5000sq.m	39
Litter Clearance @ 2000sq.m	769
Edge Maintenance – 2000 linear metres	280
Shrub Bed Maintenance	330
Hedge Cutting	526
Furniture Maintenance	106
Total per annum per hectare	**5338**
Per metre square, per annum	**0.53**

Calculation of Financial Contributions in lieu of on site provision

The following equation indicates how financial contributions in lieu of open space are calculated. If an element of open space is provided on site this is discounted from the overall sum.

The following assumptions apply which are derived from the requirements of policies REC2 and REC3. (See Chapter 2 & 3 of the main document):

- Each dwelling requires the equivalent provision of 40 m2 of formal open space.
- Each dwelling requires the equivalent provision of 20 m2 of informal (children's) play space.
- Of the 20 m2 of informal (children's) play space 5 m2 will be assumed to be an equipped play area.

Financial Contributions

The categories of financial contribution listed below (A-F) correspond with those indicated in the tables above.

A No. of proposed dwellings x 40 (total square metre area of formal open space required per dwelling) x area cost per square metre = Total formal open space contribution. (Excluding Land Drainage Costs).

B No. of proposed dwellings x 5 (total square metre area of children's equipped play space per dwelling) x area cost per square metre = Total children's equipped play space contribution.

C No. of proposed dwellings x 15 (total square metre area of informal children's play space per dwelling) x area cost per square metre = Total informal children's play space contribution.

D No. of proposed dwellings x 40 (total square metre area of formal open space per dwelling) x maintenance cost per square metre x maintenance period * = Total maintenance contributions for formal open space.

E No. of proposed dwellings x 5 (total square metre area of children's equipped play space per dwelling) x maintenance cost per square metre x maintenance period = Total maintenance contributions for children's equipped play space.

F No. of proposed dwellings x 15 (total square metre area of informal children's play space per dwelling) x maintenance cost per square metre x maintenance period = Total maintenance contributions for informal children's play space.

In all of the above cases the following must also be taken into account:

- For formal (sporting) open space, as stated in the Outdoor Sport design section of Chapter 3, of the main document these calculations must in addition also reflect the cost of installing and maintaining a drainage system to an appropriate standard.
- Where a discount on the full developer contribution is applicable (see Chapter 3), this must be factored into the calculations. (See the following worked examples).

Example 1

Where 40 large (family) dwellings are proposed with no on-site provision of formal or informal open space and no intention to subsequently maintain open space following completion of the development the following contribution including a 10-year maintenance will be as follows:

Instalment

A (£22,016) + B (£29,016) + C (£3,696) = £54,728.

This cost is inclusive of appropriate drainage infrastructure. (See the Outdoor Sport Design section in Chapter 3 of the main document).

Maintenance (assuming a 10 year period as provision will be off site and used by non residents:)

D (£10,560) + E (£14,140) + F (£3,180) = £27,880

Please Note: With regard to maintenance contributions, the impact of inflation will need to be factored in for the respective maintenance periods. If it is agreed that a developer will provide all of the contribution for the entire term as a one-off commuted sum, the compound impact of inflation (at an agreed rate) will be calculated as part of the overall sum. This will be based on the average inflation rate per annum; further detail can be found in the Financial Contributions Section in Chapter 3.

* As appropriate

Example 2

The above scenario except that the dwellings proposed are small, single bedroom housing.

The same basic calculations are undertaken as for Example 1, but with a discount applied to the final figures reflecting the fact that such housing will be expected to yield 75% of the full contribution. (See the Qualifying Housing section in Chapter 3 of the main document).

Instalment

£54,728 x 0.75 = £41,046

Maintenance

£27,880 x 0.75 = £20,910

Other comments made under Example 1 are also applicable here.

Example 3

Where 220 family houses are proposed with 100% provision of informal space and 50% provision of formal open space and where no maintenance would be carried out by the developer following completion of the scheme.

Instalment

A (£121,088 x 0.5) = £60,544 + **B** (£159,588) + **C** (£20,328) = £240,460

This cost is inclusive of appropriate drainage infrastructure. (See the Outdoor Sport Design section in Chapter 3 of the main document).

Maintenance (assuming a 20 year maintenance period for informal and equipped children's play, and a 10 year period for formal open space):

D (£58,080) + **E** (£155,540) + **F** (£34,980) = £489,060

Where maintenance contributions cover long periods the impact of inflation will need to be factored in, if it is agreed that a developer will provide all of the contribution for the entire term as a one-off commuted sum, the compound impact of inflation (at an agreed rate) will be calculated as part of the overall sum. This will be based on the average inflation rate per annum.

APPENDIX 5 - GLOSSARY

AAP	Area Action Plan	These site-specific plans will provide the planning policy framework for key areas of opportunity, change and/or conservation.
AMR	Annual Monitoring Report	This is a document to be produced each year to assess the implementation of the Local Development Scheme and effectiveness of Local Development Documents.
Chain of Conformity	Chain of Conformity	This term describes the relationship between documents, plans and policies and how closely they must correspond with one another and reflect other planning strategies and policies. 'Conformity' can take number of forms ranging from 'having regard to' to 'must conform to.
Community Plan	Community Strategy	Local Authorities are required by the Local Government Act 2000 to prepare Community Strategies, with the aim of improving the social, environmental and economic well being of their areas. Through the Community Plan, authorities are expected to co-ordinate the actions of the local public, private, voluntary and community sectors through the establishment of a Local Strategic Partnership.
DPD	Development Plan Document	Any part of the LDF that forms part of the statutory development plan e.g. the Core Strategy, site-specific allocations of land, area action plans and the proposals map.
Early Stakeholder and Community Engagement	Early Stakeholder and Community Engagement	Raising awareness of the LDF process and establishing relationships with stakeholders in order to engage them in the preparation of LDD's. The LPA will seek the views of stakeholders on the key issues, which should be considered during the LDF preparation.
Examination	Independent Public Examination	An examination chaired by an independent Planning Inspector into the soundness of the Development Plan Documents and Statement of Community Involvement.
GOEM	Government Office for the East Midlands	Regional Government office (based in Nottingham) responsible for implementing national policy in the region and ensuring LPA policies and plans accord with national guidance.
Issues and Options Consultation /Stage	Issues and Options	Before a draft DPD is prepared the Borough Council will consult stakeholders on the issues that need to be considered and the possible options available for inclusion in the DPD. This process will be informed by the evidence base studies undertaken by the LPA, the strategic planning framework and the need to ensure the resultant DPD is sound in terms of sustainable development.

LDD	Local Development Document	The individual documents that set out planning policies and guidance for the Borough for specific topics or for geographical areas, includes DPD's, SPD's and SCI.
LDF	Local Development Framework	The collective name given to all those policies and documents forming the planning framework for the Borough including DPD's, SPD's, The Proposals Map, SCI, LDS and AMR.
LDS	Local Development Scheme	The project management document setting out the programme for preparing the LDD's and proposals for monitoring and review (this document).
LP	Local Plan	The existing adopted statutory plan for the Borough, Hinckley and Bosworth Local Plan 1991-2006, which sets out the policies for development and its control and proposals for particular areas/sites. As DPD's are adopted they will replace parts of this Plan.
LPA	Local Planning Authority	The name given to the Council that has responsibility for local planning matters. In Hinckley and Bosworth this is the Borough Council.
LSP	Local Strategic Partnership	A cross sector partnership including service providers, voluntary organisations, community groups, and residents. The aim of the partnership is to plan and deliver a joint programme for improving quality of life. In Hinckley and Bosworth this programme is called the Community Plan, but there is also a Leicestershire Community Strategy prepared by a Countywide LSP, Leicestershire Together.
PPG/PPS	Planning Policy Guidance/Statement	These are subject specific Government advice and policies on national land-use in England. PPS's are being phased in to supersede PPG's. These can be viewed online: www.communities.gov.uk
Preferred Options Report/ Consultation Stage	Preferred Options Report	A report and Initial Sustainability Appraisal will be prepared by the Borough Council outlining the 'Preferred Options' of the Council on the particular topic/geographical area covered by the Development Plan Document being prepared. It can only be prepared once the LPA has undertaken detailed consultation on the 'Issues and Options' available. It will be published for consultation for six weeks before a submission document is prepared taking account of the representations made.
RPB	Regional Planning Body	The regional body responsible for preparing the Regional Spatial Strategy, which forms part of the statutory development plan. For Hinckley and Bosworth this is the East Midlands Regional Assembly.

RSS	Regional Spatial Strategy/ Regional Plan	Overarching strategy document produced by the Regional Planning Body. The RSS provides a spatial framework to inform the preparation of the LDF and will form part of the statutory development plan.
SA	Sustainability Appraisal	An assessment of the social, economic and environmental impacts of the policies and proposals of each DPD and SPD.
SCI	Statement of Community Involvement	A document that sets out the standards to which the LPA will engage and consult the public and other stakeholders during the production of the LDF and when dealing with planning applications.
SEA	Strategic Environmental Assessment	An assessment of the potential impacts of policies and proposals on the environment to include proposals for the mitigation of impacts.
Soundness	Soundness	All Local Development Documents will have to be tested for 'soundness' as part of the examination process. For LDD's to be 'sound' they must meet minimum standards of community involvement as laid down in the Statement of Community Involvement, have been properly appraised for sustainability and conform with national planning policy and the Regional Spatial Strategy. They must also be coherent and consistent with the core strategy and effective, so they are able to deliver results.
SPD	Supplementary Planning Document	SPD's are intended to elaborate upon the policies and proposals contained in DPD's but do not have their statutory status. SPD is subject to a Sustainability Appraisal.
SPG	Supplementary Planning Guidance	SPG's are the predecessor to SPD and performed the same function under the old system. SPG produced to supplement adopted Local Plan policies cannot be saved but will remain a material consideration in making planning decisions until the relevant Local Plan policy is replaced by a DPD.
Stakeholders	Stakeholders	Stakeholders are any organisations, bodies or individuals affected or interested in the LDF preparation. This will involve members of the public, developers, landowners, interest groups and organisations such as the Environment Agency.
Structure Plan	Leicestershire, Leicester and Rutland Structure Plan 1996-2016	The strategic planning document under the previous planning system, which provided the housing and employment provisions for the Borough and strategic policy framework for the Local Plan production. The current Structure Plan 1996-2016 was adopted in March 2005.

Submission Document/Stage	Submission Document	Submission of a Local Development Document and final Sustainability Appraisal to the Secretary of State for examination by an Independent Inspector. This will follow consultation on a 'Preferred Options Report' by the Borough Council and consideration of the representations received. Once prepared a submitted document will be published for further consultation for six weeks and the Inspector will consider the representations made.
Sustainable Development	Sustainability	Environmentally responsible development, commonly defined as "development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs".

Hinckley & Bosworth
Borough Council

Planning & Leisure Services

Section 106 Strategy

on Developer Contributions



December 2003

Hinckley and Bosworth Borough Council Planning and Licensing Committee of 2nd December 2003 adopted the following guidance as a development control working document for recording and monitoring section 106 contributions.

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1. INTRODUCTION

Hinckley and Bosworth Borough Council recognise the contribution that new development can make to advancing the economy of the district and increasing opportunities to provide new homes, jobs, leisure and shopping opportunities.

Whilst valuing these benefits, it is also recognised that new development can place additional pressures on the infrastructure of the area such as play and open space facilities, community facilities, education, fire and police services, public transport and roads. The Council consider that new development should make adequate provision for the recreation, education, community and infrastructure needs of new residents and employees. The planning system should also ensure that new developments do not have an adverse effect on existing infrastructure, such as roads, schools and play areas.



Where development impacts are identified, planning obligations (legal agreements under section 106 of the Town and Country Planning Act) will be used to ensure that on site provision or financial contributions are made to mitigate the impact on local infrastructure in order to make a scheme acceptable. It is the provision of these financial contributions and the way in which they are spent and monitored with which this document is principally concerned. The guidance has been produced in order to give certainty and clarity to developers on when and how section 106 contributions will be sought and used.

2. AIMS OF THE GUIDANCE

To set out what the Council will seek in relation to the provision of financial contributions and appropriate services to ensure an open, consistent and reasonable approach to meeting infrastructure requirements arising from new developments whether made under a formal planning obligation or in the case of Play and Open Space contributions made voluntarily prior to determining planning applications.

To provide a framework for the spending of section 106 monies.

To set out a process whereby developers can monitor how contributions that have been made are being spent.

To indicate the level of financial contribution required for different forms of infrastructure where such a figure or formula is available.

The impacts of new development on existing infrastructure will vary between development proposals. The types of infrastructure that will normally be addressed is set out in the 'Leicestershire section 106 planning obligations protocol' an extract of which is attached as appendix A. This list is not exhaustive.

3. BACKGROUND

Hinckley and Bosworth Borough Council are determining an increasing number of planning applications that require section 106 obligations in order to make development proposals acceptable. The Council adopted Supplementary Planning Guidance relating to the provision of Play and Open Space in October 2002. This guidance, amongst other things, sought the provision of a financial contribution towards play and open space facilities from single dwellings where these developments place additional pressure on existing infrastructure. The provision of these financial contributions are sought where necessary and can provide an additional source of funding to improve the infrastructure and essential services in Hinckley and Bosworth to meet the needs arising from new development.

Whilst this approach can result in improvements to infrastructure it has also resulted in an increase in the number of section 106 obligations and funding being provided. This increase has necessitated more sophisticated monitoring of when and how such monies are spent.

Financial contributions that are required as part of development proposals will not be used to substitute or replace existing local authority funding of projects or proposals. For example the provision of monies to improve play and open space facilities shall not be used as a replacement of the Council's leisure services budget in relation to play and open space improvements.

4. POLICY CONTEXT

Planning Obligations are legal agreements made under section 106 of the Town and Country Planning Act 1990. Obligations are usually only required when the use of planning conditions is not appropriate or sufficient to control the proposed development in order to make it acceptable. The majority of planning obligations are made by agreement between the Local Planning / County Authority and a developer, although in some cases they can be put forward independently by a developer to be considered by the Local Planning Authority (these are called unilateral undertakings).

The following guidance is also applied to Play and Open Space contributions paid before the grant of planning permission.

Central Government Guidance

The main Central Government guidance relating to the use of Planning Obligations is set out in Circular 1/97 (although some guidance on the use of obligations in relation to specific forms of development are contained within individual Planning Policy Guidance Notes). This states that planning obligations can only be sought where they are:

i) Necessary;

ii) relevant to planning;

iii) directly related to the proposed development;

iv) fairly and reasonably related in scale and kind to the proposed development; and

v) reasonable in all other respects.

Whilst Central Government supports Local Authorities in seeking contributions through section 106 obligations where they meet the above objectives, where Local Authorities seek section 106 requirements (financial or otherwise) that are unrelated to the development proposed, unreasonable or unnecessary, they are considered inappropriate. The process of 'buying planning permissions' by offering unnecessary/unreasonable financial contributions, or offering contributions to ameliorate against substandard development is not supported.

Where a proposed development clearly requires the provision of infrastructure through a section 106 obligation and this is not offered, planning permission should be refused. Development should not be refused because an applicant is unwilling or unable to offer benefits other than those so required.

Hinckley and Bosworth Local Plan

Policy IMP1 of the Hinckley and Bosworth Local Plan states.

POLICY IMP1 - CONTRIBUTIONS TOWARDS THE PROVISION OF INFRASTRUCTURE AND FACILITIES

PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL, EMPLOYMENT AND OTHER DEVELOPMENT WHERE THE DEVELOPER HAS MADE OR WILL MAKE, A CONTRIBUTION TOWARDS THE PROVISION OF THE NECESSARY ON-SITE AND OFF-SITE INFRASTRUCTURE AND FACILITIES TO SERVE THE DEVELOPMENT COMMENSURATE WITH THE SCALE AND NATURE OF THE DEVELOPMENT PROPOSED. THE GRANTING OF PLANNING PERMISSION WILL BE SUBJECT TO CONDITIONS OR TO A DEVELOPER ENTERING INTO PLANNING OBLIGATIONS TO ENSURE THE PROVISION OF APPROPRIATE CONTRIBUTIONS.

This policy forms the local plan basis for the provision of infrastructure requirements arising from new developments. Other policies relating to requirements for the provision of affordable housing and open space are attached as appendix B.



The Leicestershire, Leicester and Rutland Structure Plan

STRATEGY POLICY 11: DEVELOPER CONTRIBUTIONS

DEVELOPERS SHOULD MEET THE REQUIREMENTS FOR, AND COSTS OF, RELEVANT INFRASTRUCTURE AND FACILITIES AND OTHER RESOURCES REQUIRED TO SUPPORT THE DEVELOPMENT. A COMPREHENSIVE ASSESSMENT OF THESE REQUIREMENTS WILL BE MADE.

The Leicestershire Statements of Requirements for Developer Contributions

The Leicestershire Statement of Requirements for Developer Contributions prescribes an agreed protocol to liaison between district and County Councils in seeking section 106 contributions, it also sets out the

type of section 106 contributions that may be sought as part of development proposals. A copy of the broad areas where contributions (financial or provision of facilities) are sought, is attached as appendix A. The list is not exhaustive.

5. CALCULATING THE LEVEL OF CONTRIBUTIONS REQUIRED

Where a financial contribution is sought through a planning obligation the amount will vary on a case by case basis. However, some types of commonly sought contributions are based on formulae, these are attached as appendix C.

The calculation of formulae is conducted by the responsible authority, for example for affordable housing and play and open space provision Hinckley and Bosworth are the responsible authority. In the case of transportation and education etc contributions these will be calculated and negotiated by Leicestershire County Council who are the authority for highways and education.

Where a financial contribution is sought by the Local Authority as part of a section 106 obligation, the final sum and method of calculation will be open to inspection by any developer or other interested party.

Identifying the obligations and financial contribution

In the interests of openness, any contributions or requirements being sought through section 106 obligations should be clearly identified in the determination of planning applications. Where a section 106 obligation is necessary all planning applications are required to be reported to the Council's Planning and Regulatory Committee.

The Local Planning Authority will make clear to applicants where and how financial contributions secured via section 106 obligations would be spent prior to determining the appropriate planning application.

Where section 106 contributions are required, reports to Planning and Regulatory Committee will clearly identify the key requirements of any planning obligations and where known the level of contribution.

6. PAYMENT OF SECTION 106 CONTRIBUTIONS

The timing of financial payments under section 106 will vary depending on their purpose and the time they become necessary to ameliorate the impact of development. An example is where a financial contribution towards providing a new classroom at a local school arises from a new housing development. The financial contribution may be required on commencement of that development to allow for construction of a classroom so that it is available (and adequate capacity exists) when pupils from the new houses arrive at the school.
In some cases the payment of a financial contribution can be on a phased basis to ensure that requirements are met as development continues. This will be particularly relevant on large development schemes.

In relation to Play and Open Space contributions the trigger point will be on commencement of development. On larger schemes phased payments may be acceptable subject to prior agreement between the Local Planning Authority and developer.

The trigger points for phased payments of financial contributions will be set out within the appropriate section 106 obligation. It will be the duty of the developer to make the payments at the appropriate time. The Local Planning Authority will be responsible for ensuring that financial contributions are paid in accordance with the trigger points as specified in the obligations.

Late payment of contributions (more than three weeks after the specified trigger points) without the written agreement of the Local Planning Authority will result in a reminder letter. Non payment within three weeks of receipt of this letter by any developer or their agent will result in the Local Authority pursuing appropriate action (including legal action) to ensure prompt payment of outstanding amounts. Any unpaid amounts will be persued in accordance with the Council's recovery policy.

On receiving financial contributions the Local Planning Authority will confirm payment by receipt.

7. SPENDING OF FINANCIAL CONTRIBUTIONS

Where financial contributions are paid to the Local Planning Authority through a section 106 obligation and are to be spent by that Local Authority they will be accounted for in such a way that contributions can be clearly identified and spent on the purposes for which they were intended. In the interests of openness and

accountability the Local Authority wishes to avoid placing contributions into a centralised account unrelated to the development proposal where applicants cannot assess how their contributions have been used. Where monies are 'pooled' from a number of developments to fund a wider scheme, it should be made clear where contributions toward the scheme have been provided from. Pooling of financial contributions towards open spaces and other infrastructure will be permitted where this is in accordance with adopted policy, such as the 'Play and Open Space Guide'.

Planning obligations will normally specify a time period within which the Local Planning Authority must spend any submitted contributions (where no phasing is otherwise agreed as part of the agreement). The usual time period for spending submitted contributions is 5 years from the date of payment to the Local Planning Authority unless otherwise agreed between the applicant and LPA. In such circumstances there must be certainty that a scheme will be forthcoming (beyond a five-year period) as it is unreasonable to hold funds in perpetuity. Where such monies have not been spent within the specified time period, the applicant may write to the Local Planning Authority requesting that any unspent monies be returned.

Section 106 obligations covering education, highways and other County Council functions are often entered into with Leicestershire County Council as well. In these cases the contributions are paid direct to the County Council. If they are not a party to the agreement and the Borough Council receives the contribution, this is usually passed on to the County Council within 3 weeks of receipt and there is no requirement in the section 106 obligation to repay the monies. In the case of open space contributions for development within Parished areas, then such contributions should be passed to Parish Council's as soon as possible following their receipt subject to the Parish Council providing the following:-

1) Details of a scheme acceptable to the Borough Council and which complies with the terms of the relevant section 106 agreement.

2) Bills from contractors / suppliers in respect of the scheme as they arise.

3) Confirmation the works / goods billed are satisfactory.

Open space contributions are made up of capital and maintenance contributions. Accordingly the bills at 2) above will be paid from the capital sum and a proportionate part of the maintenance sum will be paid at the same time. This is to ensure the provisions in section 106 agreements relating to use and repayment of contributions are complied with.

8. MONITORING OF SECTION 106 OBLIGATIONS

Members of the public will have access to completed planning obligations, which will be placed on the planning register with decision notices.

Applicants will be able to ascertain the current status of financial contributions including how and when submitted financial contributions have been spent. All requests should be in writing to the Head of Planning and Leisure Services and will be responded to within three weeks.

An annual monitoring report to Planning and Regulatory Committee shall be prepared which, amongst other things will set out 1) Details of planning obligations negotiated over the previous year 2) Existing planning permissions where section 106 contributions have been sought and no development has commenced and 3) Details of expenditure planned for the current year.

APPENDIX A

Affordable housing

Arts

Community facilities

Community Safety
- Fire and rescue cover, including hydrants
- Policing

Education

Environment

Health and Social Services
- Health care
- Community facilities for adults which may include day and/or residential services
- Services for children under eight and their families

Libraries

Minerals operations

Museums, heritage interpretation and cultural development
- Archaeology
- Museums and Arts
- Ecology and wildlife habitats

National Forest Planting

Open Space and landscaping

Sport and Recreation
- Community halls
- Recreation and leisure facilities
- Allotments

Transportation
- Access and highways
- Public transport facilities
- Pedestrian and cycle facilities
- Parking
- Rights of way

Waste Management
- Landfill and recycling facilities

APPENDIX B

Hinckley and Bosworth Borough Local Plan.

POLICY IMP1 - CONTRIBUTIONS TOWARDS THE PROVISION OF INFRASTRUCTURE AND FACILITIES

PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL, EMPLOYMENT AND OTHER DEVELOPMENT WHERE THE DEVELOPER HAS MADE OR WILL MAKE, A CONTRIBUTION TOWARDS THE PROVISION OF THE NECESSARY ON-SITE AND OFF-SITE INFRASTRUCTURE AND FACILITIES TO SERVE THE DEVELOPMENT COMMENSURATE WITH THE SCALE AND NATURE OF THE DEVELOPMENT PROPOSED. THE GRANTING OF PLANNING PERMISSION WILL BE SUBJECT TO CONDITIONS OR TO A DEVELOPER ENTERING INTO PLANNING OBLIGATIONS TO ENSURE THE PROVISION OF APPROPRIATE CONTRIBUTIONS.

POLICY RES2 - THE PROVISION OF AFFORDABLE HOUSING

AS ITS INITIAL (OR INDICATIVE) TARGET THE BOROUGH COUNCIL WILL SEEK THE FOLLOWING QUANTITIES OF AFFORDABLE HOUSING AS PART OF PROPOSALS IN LOCATIONS WHERE A NEED HAS BEEN IDENTIFIED AND ON SITES WHICH HAVE BEEN ALLOCATED FOR RESIDENTIAL DEVELOPMENT (POLICY RES1 REFERS) AND WHICH ARE CONSIDERED SUITABLE FOR AFFORDABLE HOUSING.

WHERE SITES COMPRISE 25 OR MORE DWELLINGS, THE PROVISION OF AFFORDABLE HOUSING SHOULD BE NEGOTIATED ON THE BASIS OF THE FOLLOWING OPTIONS, IN ORDER OF PREFERENCE:

a PROVISION OF NEW DWELLINGS ON SITE; OR

b PROVISION OF DWELLINGS OFF SITE, ELSEWHERE IN OR NEAR THE SETTLEMENT CONCERNED; OR

c PROVISION OF A FINANCIAL CONTRIBUTION FROM THE DEVELOPER TO A NOMINATED HOUSING ASSOCIATION IN ORDER TO ASSIST WITH THE PROVISION OF AFFORDABLE HOUSING IN THE AREA, EITHER THROUGH THE BUILDING OF ADDITIONAL UNITS OF ACCOMMODATION OR THE PURCHASE OF EXISTING DWELLINGS.

POLICY RES3 - PROVISION OF AFFORDABLE HOUSING ON SITES NOT SPECIFICALLY ALLOCATED FOR RESIDENTIAL PURPOSES

WHERE PROPOSALS FOR RESIDENTIAL DEVELOPMENT EMERGE DURING THE PLAN PERIOD ON SITES SUITABLE FOR AFFORDABLE HOUSING WHICH ARE NOT SPECIFICALLY ALLOCATED FOR RESIDENTIAL DEVELOPMENT, THE BOROUGH COUNCIL WILL NEGOTIATE WITH DEVELOPERS TO PROVIDE AN ELEMENT OF AFFORDABLE HOUSING WITHIN THE OVERALL SCHEME RELATED TO THE NEED FOR AFFORDABLE HOUSING IN THE AREA IN WHICH THE SITE IS SITUATED. WHILST THE PROVISION OF AFFORDABLE HOUSING ON THE SITE IS THE COUNCIL'S PREFERRED OPTION, THE PROVISION OF AFFORDABLE HOUSING MAY BE NEGOTIATED ON THE BASIS OF THE FOLLOWING OPTIONS, IN ORDER OF PREFERENCE:

a PROVISION OF NEW DWELLINGS ON SITE; OR

b PROVISION OF DWELLINGS OFF SITE, ELSEWHERE IN OR NEAR THE SETTLEMENT CONCERNED; OR

c PROVISION OF A FINANCIAL CONTRIBUTION FROM THE DEVELOPER TO A NOMINATED HOUSING ASSOCIATION IN ORDER TO ASSIST WITH THE PROVISION OF AFFORDABLE HOUSING IN THE AREA, EITHER THROUGH THE BUILDING OF ADDITIONAL UNITS OF ACCOMMODATION OR THE PURCHASE OF EXISTING DWELLINGS.

Policy REC2

"IN CONSIDERING PLANNING APPLICATIONS FOR NEW RESIDENTIAL DEVELOPMENT, THE LOCAL PLANNING AUTHORITY WILL SEEK TO NEGOTIATE WITH DEVELOPERS TO PROVIDE 0.4 HECTARES (1 ACRE) OF WELL DRAINED PUBLIC OPEN SPACE, SUITABLE FOR FORMAL RECREATION PURPOSES FOR EACH 100 DWELLINGS. THIS OPEN SPACE SHALL BE OF A SATISFACTORY SIZE AND FORM TO ACCOMMODATE A RANGE OF FORMAL RECREATIONAL USES. FOR DEVELOPMENTS BETWEEN 20 AND 100 DWELLINGS, PRO RATA PROVISION OF OPEN SPACE WILL BE SOUGHT. HOWEVER IT MAY BE THAT THE AREA OF LAND THAT COULD BE PROVIDED IN RELATION TO SUCH SITES WOULD NOT BE OF PRACTICAL VALUE AS PUBLIC OPEN SPACE FOR FORMAL RECREATION ACTIVITIES. IN SUCH CASES THE LOCAL PLANNING AUTHORITY MAY ALTERNATIVELY SEEK TO NEGOTIATE A FINANCIAL CONTRIBUTION TOWARDS THE PROVISION OF NEW RECREATION FACILITIES WITHIN THE VICINITY OF THE SITE OR TOWARDS THE IMPROVEMENTS OF EXISTING FACILITIES IN THE AREA."

APPENDIX C - CONTRIBUTIONS REQUIRED

Contribution type	Level of Contribution (financial or on site)	When applicable
Play and open spaces	£1,720 per dwelling	For single dwellings and above where a deficit of open space is proven and where on site provision is not possible. The contribution relates to provision and maintenance of open space.
Education	Cost per pupil place: Primary - £7,695 Pre-16 - £11,049 Post-16 - £14,660	Where inadequate capacity exists in Local schools to accommodate additional pupils likely to arise from new developments the following formula informs the level of likely pupil numbers. (Expected pupil numbers based on 100 dwellings). Primary (24) High (10) Upper (10 of which 6.7 pre 16, 3.3 post 16).
Affordable Housing	20% of all units. (Of which 90% to be rented and managed by an RSL, 10% shared ownership). Where units are to be sold to a Housing Association by a developer they shall be sold at no more than 50% of the market value for rented units and 75% of market value for shared ownership units.	On qualifying sites (1 ha or more or 25 units or more). LPA will seek requirements as specified in Housing Needs survey.
Community facilities	Contribution to be based on a demonstrable demand for community facilities (following community consultation). Contribution to be proportional based on the size of development and likely users of facility.	New community facilities will be required where inadequate facilities such as community halls, are proven to be required as a result of new development.
Transportation (off site works)	Based on development circumstances and to be advised by appropriate Highway Authority.	Required to ameliorate any adverse impacts that new development may have on the existing highway network.
Transportation (maintenance contributions for non standard construction / materials)	Formula being prepared by LCC highways.	Required when non-standard highway solutions (including materials) can be proven to result in additional expenditure to the highway authority).
Transportation (provision of public transport)	Requirement to be advised by Highway Authority in light of Transport Assessment.	Required where development proposals have an impact on the provision and operation of public transport services.
National Forest	£10,000 per hectare of gross development area to contribute to forest planting required.	Required when on site provision of National Forest planting (within NF area) is not possible or desirable. Financial contributions include land purchase, planting and five years maintenance
Health	Amount to be determined by Primary care Trust Health Impact Assessment	Requirements will be assessed on sites of 50 or more dwellings. Contributions will be sought where inadequate capacity exists in existing infrastructure.

Appendix C -Contributions Required continued

Contribution type	Level of Contribution (financial or on site)	When applicable
Cycle ways	Contribution dependent upon scale and location of new development and impact on the cycle network.	The impact of any development on the actual or potential cycle network will be assessed in light of the adopted cycle network plans and other considerations.
Arts	Based on development circumstances. Formula and policy to be prepared as part of review of Local Development Framework.	For development schemes where proposals would place additional pressures on arts and cultural facilities.
Environment	No formula for financial contributions available.	For proposals which result in adverse impacts on environmental concerns (flora, fauna, drainage (including SUDS), geology etc. that require capital works or maintenance to mitigate adverse impacts.
Libraries	Formula to be prepared by Leicestershire Library Services.	To be provided where development proposals result in additional pressures on library facilities.
Museums, heritage interpretation, and cultural development	Where justified by Leicestershire museums and library services.	To be provided where development proposals result in additional pressures on Museums, heritage interpretation, and cultural development facilities.