REPORT P60

PLANNING COMMITTEE

16 March 2010

RECOMMENDATIONS OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

Item: **01**

Reference: **09/00358/FUL**

Applicant: **Riverstone Estates**

Location: **29 Moore Road Barwell Leicester Leicestershire LE9 8AF**

Proposal: **REDEVELOPMENT OF EXISTING DERELICT SITE INTO A 2.5 STOREY 38 BED RESIDENTIAL CAREHOME**

Introduction:-

This application seeks full planning permission for the erection of a two and half storey care home providing 38 bed spaces.

The application site is rectangular in shape, located to the north of Moore Road, Barwell. To the north the application site backs onto the Masefield Close recreation ground, to the south and east residential properties and to the west a public house. The area is characterised by semi-detached two storey dwellings dating from the 1950's. These are generally set back from the highway with central chimneys.

The site has been cleared of previous structures and is currently derelict. It is proposed to erect an 'L' shaped building with the long side extending parallel to the western boundary. The frontage of the building would be set back 7m from the edge of the pavement, slightly back from the residential dwellings to the east of the site. The proposal contains second floor accommodation within the roof, with light to the rooms provided by dormer windows.

Amended plans have been received providing additional parking spaces (increasing the provision to 11) adding a loading bay for deliveries, reducing the number of dormer windows on the western elevation and adding chimneys.

A design and access statement, Transport for Development report, Aboricultural implications assessment and tree protection plan, Extended phase habitat survey and Phase one Geo-Environmental desk study report were submitted in support of the application.

The design and access statement states that the brief was to design a care home that respected the form and design of the surrounding area and complies with the National Minimum Care Home Standards published by the Department for Health in 2001.

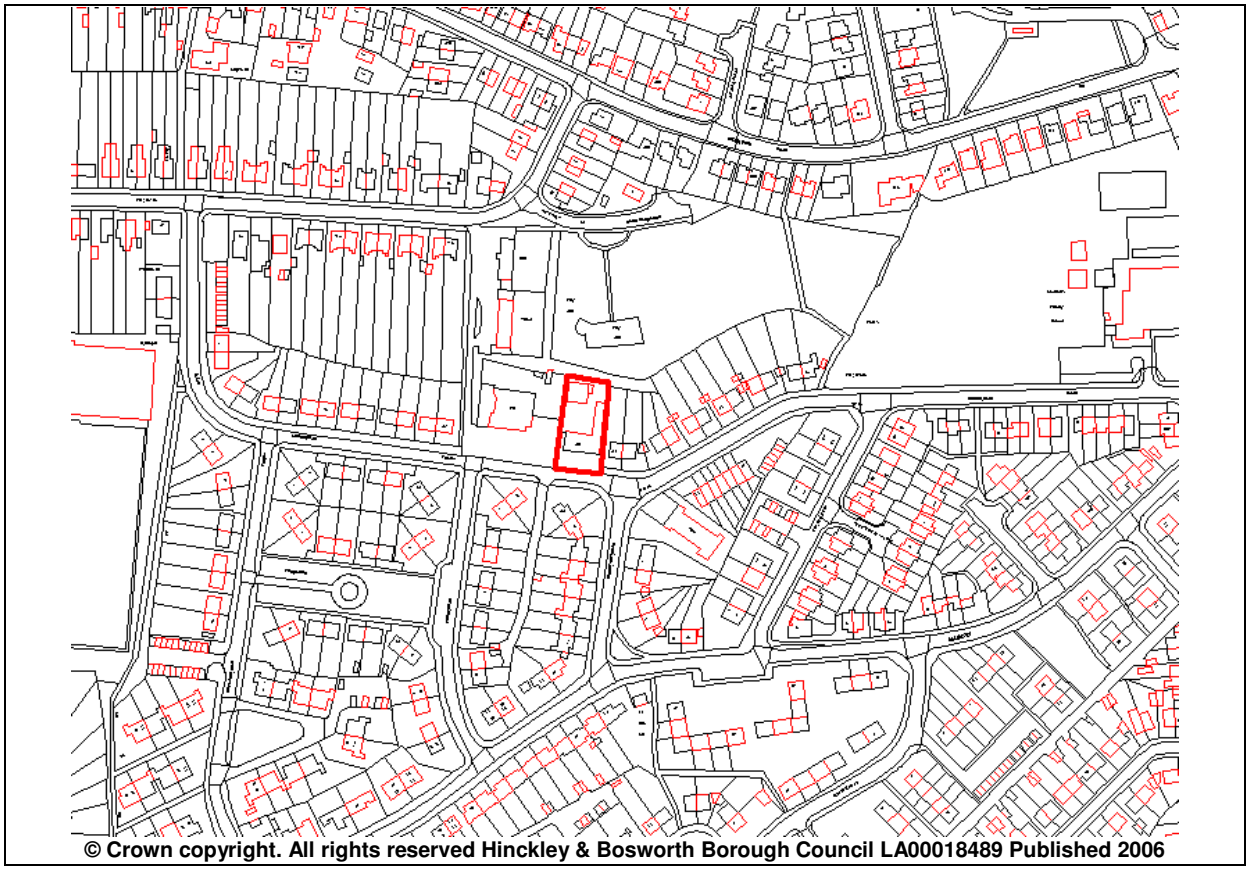
The transport assessment analyses the site in terms of access, parking provision, local highway network and public transport provision and assesses what the impact of the new development would have on the surrounding network reaching the conclusion that the location of the care home in terms of the transport and highways impact is acceptable.

The arboricultural implications assessment provided information on the impact of the proposed development on the trees surrounding the site and concludes with recommendations as to how to protect the retained trees from the development of the site.

The extended Phase 1 habitat survey considers the site in relation to surrounding non-statutory wildlife within 1km of the application site and the effect of the development on the wildlife habitat on the site and in the area. It recommends that the landscape scheme should incorporate a habitat/ species enhancement scheme, and any trees within the site shown to

be retained or that overhang the boundary of the site should be protected during the construction works.

The Geo-environmental desk study report considered the location of the site with regard to the local geology, hydrology and hydrogeology and the impact of the development upon these factors. The report assesses the potential of ground contamination from previous uses and recommends that a Phase two intrusive investigation is recommended.


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Consultations:-

No objection has been received from:-

- Environment Agency
- Head of Business Development and Street Scene Services
- Director of Community Services (Ecology).

No objection subject to conditions have been received from:-

- Severn Trent Water
- Head of Community Services (Land Drainage)
- Director of Environment and Transport (Highways)- At the time of writing objects to the proposal due to insufficient off street parking provision and loading bay.

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

a) Director of Adults and Communities (Ecology) - request that bat boxes be incorporated and landscaping includes natural species to provide foraging
b) Director of Children and young Peoples Services (Education) – No contribution requested
c) Director of Adults and Communities (Libraries) – request £1,030.00 towards the cost of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

- The Primary Care Trust- Have requested a contribution of £22,154.00 towards the cost of delivering the objectives of the Trust in delivering a standard of health care across the borough, especially the Barwell Medical Centre on Jersey Way.

- The Leicestershire Constabulary Crime Reduction Officer- have requested that the applicant confirms the access control method, that ground floor windows confirm to BS 7950, the gate be moved level with the front elevation and details of boundary treatment and external lighting are provided.

- Barwell Parish Council- No objection although raises concerns regarding noise from the neighbouring public house. Welcomes the creation of jobs in the area.

Site notice and Press notice were displayed and neighbours notified.

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

Policy:-

East Midlands Regional Plan

Policy 2- seeks development, amongst others, that takes account of the character of the surrounding area, minimise energy use and consumption, makes the most efficient use of land, takes account of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Local Development Framework:- Core Strategy

Policy 3 supports the regeneration of Barwell, through supporting new residential development within the settlement boundary, ensuring there is a wide range of employment opportunities and a mix of house types and sizes. Development should respect the character of Barwell having regard to the scale and mass of surrounding buildings.

Local Development Plan

The site is within the Barwell Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of development and seeks a high standard of design through new development complimenting or enhancing the character of the surrounding area by reference to mass, scale, height, materials and architectural features; development has regard to wheelchair users; does not detrimentally affect the amenities of neighbouring residents; and has adequate provision for off street parking.

Policy T5 considers Highway design and vehicle parking standards and seeks development to be designed in accordance with the County Councils 'Highways, Transportation and Development' (HtD) document. .

Policy CF8 supports applications for residential care and nursing homes providing the proposal compliments the character of the surrounding buildings and does not have a detrimental impact on the occupiers of nearby properties; the premises are of a suitable size and type; adequate gardens are provided; there is satisfactory car parking and service vehicle parking; easy access to shops and other public facilities for residents; and access for the elderly and infirm is considered.

Appraisal:-

The main considerations with regards to this application are the impact on the character and appearance of the development on the surrounding area, the impact on nearby residents and highway safety.

Planning permission was granted in 2006 for a scheme for 12 flats on a similar footprint for a similar scale of property. The principle of the development is therefore considered acceptable.

Character and Appearance

The application site is located within a residential area consisting of two storey semi-detached dwellings dating from the 1950's. Most dwellings have hipped roofs with a central chimney stack. The residential care home has been designed to incorporate the hipped roof and central chimney stack which would aid assimilation in to the street scene. The chimneys break up the large roof area of the proposal. Whilst the proposal is three storey, the third storey is located within the roof space maintaining the height and scale of the proposal in proportion to the surrounding residential properties. It is considered that the appearance of the proposal incorporates local design features and is therefore considered to be in accordance with policy BE1.

Impact on Neighbours

The nearest residential property, 31 Moore Road, is located to the east of the site and 2m from the boundary. The main two storey element of the dwelling is separated from the application site by a single storey element. Whilst the proposed care home projects 2.5m beyond the rear elevation of the extension, it is considered that due to the distance between 31 Moore Road and the proposal, the proposal would not significantly detrimentally affect the amenities of neighbouring residents. The long leg of the 'L' has an elevation facing the rear garden of 31 Moore Road. It is located over 11m from the boundary and has only two first floor windows and two roof lights facing the residential property. This is considered acceptable.

It was observed that there may be a residential accommodation located above the public house with windows facing the application site. These would be located a distance of 15m from the side elevation of the proposed care home. As the habitable windows are located on the first floor the proposal would have less of an impact on these windows than if they were to have been located on the ground floor. The distance is therefore considered sufficient.

Proposals have been submitted by the applicant to limit any noise produced by the pub on future residents including an improved standard of glazing to prevent transfer of noise and mechanical ventilation to the rooms on the side of the building closest to the public house. These are factors that can be controlled by the applicant.

Highway Safety

At the time of writing the Highways authority are objecting to the proposal due to insufficient off street parking. Guidance from Leicestershire County Council state that one parking space is required per 3 bedrooms and one space per staff member. Based upon the number of rooms and the proposed 5 staff, 18 spaces would be required. The application proposes 13 spaces and one bay for ambulances and delivery vehicles.

The site is located within a residential area, close to houses, a bus route and other services. It is anticipated that most staff will come from the local area and walk or use the bus. Parking standards are maximum figures as the Government seeks to encourage other modes of transport other than the private car. Given the sustainable location of the proposal is considered that there is sufficient off street parking provided for the development not to have a detrimental effect on highway safety.

Other Issues

The application has triggered contributions towards health care provision and libraries.

Leicestershire County and Rutland Community Health Services state that they provide health care across Leicestershire and Rutland where the population as a whole is set to increase by 2.5% by 2012 and the number of people over 65 set to increase by 12.9%. The nearest surgery to the development is Barwell Medical Centre on Jersey Way, which has been 'red rated' signifying priority status for development due to the poor functional suitability of the premises currently and to cope with population increases in the future. The trust would use the requested £22,154 to improve the facilities on Jersey Way and possibly, should it be required, the facilities on Heath Lane Surgery in Earl Shilton.

Leicestershire Libraries have requested a contribution of £1,030.00 towards the cost of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

Both these contributions will be required through a Section 106 agreement.

Conclusion

The previous scheme in 2006 granted planning permission for a scheme of flats which set the precedent for the mass and siting of the proposal. The design and details are considered to reflect elements from the surrounding area, ensuring the development reflects the character of the surrounding dwellings. The proposal is considered to be appropriately sited so as not to detrimentally affect the amenities of surrounding residents and possible noise from the pub has been taken into account in the design of the proposal. Whilst there is an objection regarding lack of on site, off street parking, it is not considered that this is significant enough to warrant a refusal of planning permission. The proposal is therefore considered acceptable subject to the Section 106 agreement being completed in time.

RECOMMENDATION :- That subject to the signing of the 106 agreement, the Director of Community and Planning Services be granted delegated powers to issue planning permission subject to the conditions below. Failure to resolve the above issue by 25th March 2010 may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan and core strategy, as summarised below, it

is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the scale, mass, design and parking provision, the development is not considered to detrimentally affect the amenities of nearby residents, nor the character or appearance of the street scene and therefore would be in accordance with the development plans.

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policies BE1, T5 and CF8
Local Development Framework Core Strategy (2009): - Policy 3

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed care home shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
085.E.01.G01-A, 085.P.01.G02-A received 18.02.10
085.P.03.G01-B received 24.02.10
085.P.01.G01-B, 085.P.01-G04-B received 01.03.10

4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6 The parking and turning areas shown on plan 085.P.01G01-B received 01.03.10 shall be laid out and available prior to the development being brought into use.

7 The landscape scheme shown on plan number 085.P.01.G04-B received 01.03.10 shall be implemented within the first planting season after the development is completed unless otherwise agreed in writing by the local planning authority.

Reasons:-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt and in the interests of proper planning.

4 To ensure that the development would not result in any material harm through the pollution within the soil in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development would not result in any material harm through the pollution within the soil in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that there is adequate off street parking and turning for the proposed development in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

7 To ensure that an adequate standard of landscaping is provided in accordance with BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 In relation to advice received from Environmental Health, advice regarding land contaminations attached to this decision notice, which includes the borough Council's policy on the investigation of land contamination. Any scheme submitted should be in accordance with this policy.

Contact Officer:- Sarah Humphries Ext 5680

Item: **02**

Reference: **09/00810/FUL**

Applicant: **Mr Richard Anderson**

Location: **Flude House Rugby Road Hinckley**

Proposal: **MIXED USE DEVELOPMENT INCLUDING RETENTION, REFURBISHMENT AND EXTENSION TO EXISTING BUILDINGS AND DEMOLITION OF FACTORY BUILDINGS TO CREATE 50 DWELLINGS AND 6 APARTMENTS WITH ASSOCIATED PARKING**

Introduction:-

This application proposes the redevelopment of a former manufacturing site on the corner of Hawley Road and Rugby Road for a mixed use development comprising a range of commercial uses (A1, A2, A3, D1, and B1) and 56 units of residential development and associated works.

The application site is 2.14 hectares and lies on the south west of Hinckley Town Centre. The site is located on a prominent location on the gateway into the town centre. The site is predominantly vacant and currently comprises various buildings which previously provided 758sqm of office development, 9,778sqm industrial development and 1,914sqm of warehousing. A variety of uses including residential, commercial, and retail bound the site. The land levels across the entire site are varied with a rise of approximately 3 metres from west to east along Willowbank Road with the existing buildings constructed on a series of plateaus separated by retaining walls.

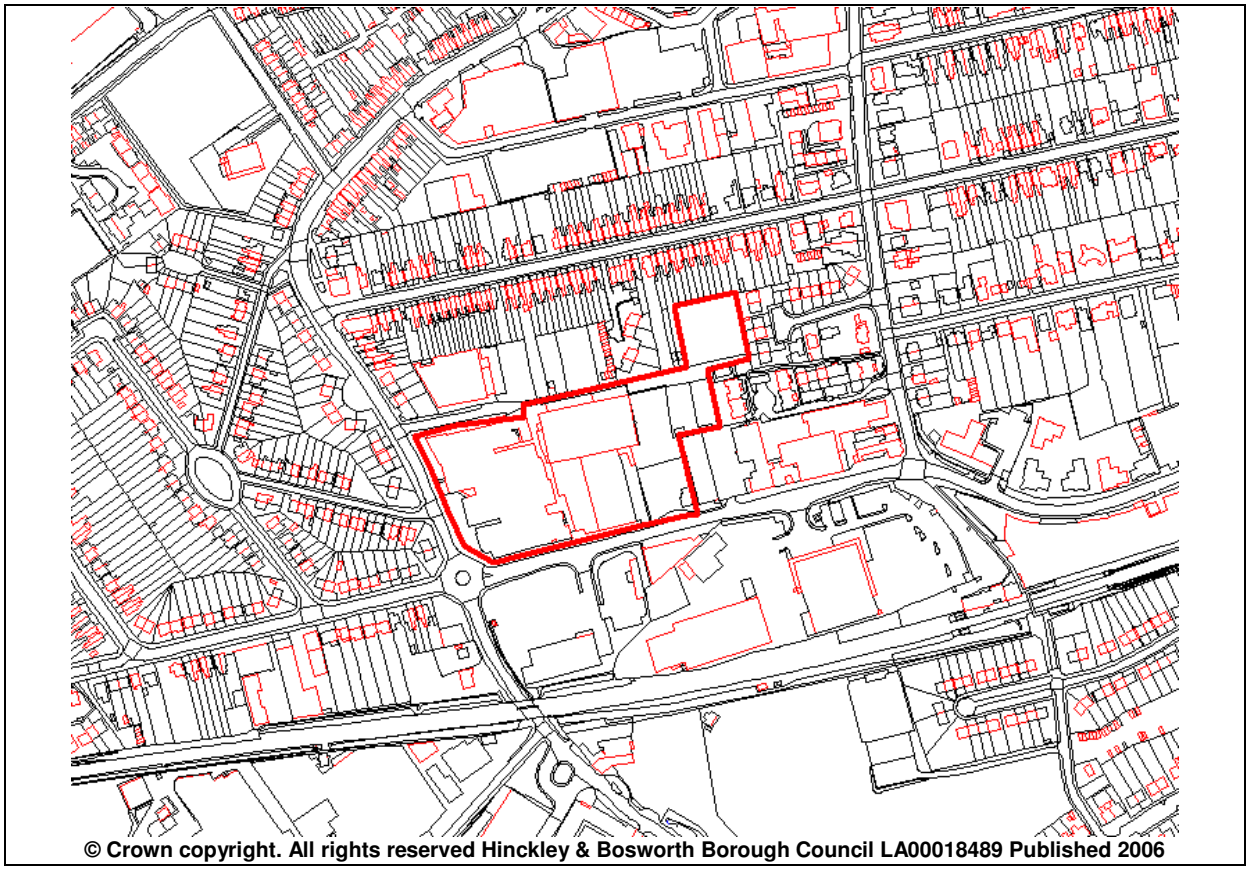
A number of technical reports/assessments were submitted with the application they include:

A Design and Access Statement, Affordable Housing Statement, Transport Assessment, Travel Plan, Ecology/Arboricultural Statement, Economic Viability Statement, Flood Risk Assessment, Environmental Risk Assessment.

The Design and Access Statement details the pre-application engagement steps that were undertaken and sets out the design principles that informed the layout of the scheme. It explains the complex landownership of the site, how this has established the phasing scheme enabling delivery, and a justification for the uses proposed.

History:-

05/01207/OUT	Residential development and associated works	Refused	25.01.2006
98/00559/OUT	Erection of a food store with vehicular and pedestrian access, car park and service	Dismissed at Appeal	



Consultations:-

No objections have been received from:-

E-On
Central Networks
The Leicestershire Constabulary Crime Reduction Officer.

No objection subject to conditions has been received from:-

Director of Environment and Transportation (Highways)
Severn Trent Water
Environment Agency
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

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

a) Chief Executive (Ecology) has no objection but recommends that the developer be required to incorporate various measures to improve habitat opportunities for wildlife within the development.

b) Director of Children and Young People (Education) states that there is surplus capacity in the local high school however, requires for an education contribution of £237,000 for Westfield Infant and Junior Schools and John Cleveland College based on 50 houses with two or more bedrooms.

c) Head of Adults and Communities (Libraries) requires developer contributions of £3,130 towards the costs of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

d) Director of Environment and Transport (Civic Amenity) requires developer contributions of £2,542 for new or improved Civic Amenity Site Infrastructure for the nearest site at Barwell.

Chief Executive, LCC (Ecology) agree with the surveyor's statement that there are no constraints to the removal of the buildings and the trees on the site.

Head of Business Development and Street Scene Services (Waste Minimisation) provides details relating to waste and recycling areas.

Press and site Notices posted, neighbours notified. 4 letters of representation have been received objecting on the following grounds:-

- Unsuitable occupation of the landmark building;
- Vehicle movements/traffic congestion;
- Car parking provision;
- Highway safety;
- Pollution;
- Flooding;
- Privacy;
- Higher than existing building;
- Impact of commercial premises on neighbouring properties through noise and disturbance;
- Disturbance during construction;
- Imposing to surrounding area;
- Deliveries to existing businesses would be severely disrupted during construction;
- Objections from future residents about the deliveries would occur and make continuance of business at site impossible;
- Control over deliveries;
- Open space provision;
- LPG gas on All Hire premises should be considered;
- Requires more screening by the planting of trees on Hawley Road;
- Suggest climate assessment;
- CCTV should be restricted to omit surrounding properties and children;
- Proximity;
- Tenure;
- Antisocial behaviour;
- All Hire site left out of redevelopment site;
- Existing business detrimental to new development;
- Access and security of existing business if piecemeal.

6 letters of representation have been received stating:-

- Action is required with condition of site;
- Existing issues with dog fouling on the site;
- Requires demolition and rebuild;
- Support for redevelopment but should consider traffic generation;
- Development is quite sympathetic to the privacy needs of local residents;

- Request for vehicular access to properties (11-29 Clarendon Road) for parking or permit holder only parking;
- Request that Angus site be removed from application;
- Request a brick wall be built 2m-3m high to screen Angus site from development;
- Request 10 metres separation between Angus site boundary and development;
- Request for widening of Willowbank Road leading to the car park;
- Distinct improvement on present eye-sore;
- Rights to properties on Coley Close should be maintained;

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

Leicestershire Fire and Rescue
Primary Care Trust
Director of Corporate and Scrutiny Services (Green Spaces).

Policy:-

Central Government Guidance

Planning Policy Statement 1(PPS1): Delivering Sustainable Development refers to the delivery of sustainable development through the planning system. It promotes the more efficient use of land through higher density, mixed use development, and the re-use of suitably located previously developed land and buildings.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth incorporates the town centre and retail policy statements contained in PPS6 and the policies on economic development in urban and rural areas in PPG4, PPG5 and PPS7 into a single PPS. PPS4 places retail and other town centre development in a wider context, as 'economic development' which provides employment, generates wealth and/or economic growth.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance 13 (PPG13): Transport promotes more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 25: (PPS25) Development and Flood Risk sets out the Government's policy on development and flood risk.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and would in practice be given significant weight by an Inspector on appeal.

The Circular advises, inter alia, that in some cases, perhaps arising from different site specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area.

The Homes and Communities Agency (HCA) Good Practice Note: Investment and Planning Obligations, Responding to the Downturn: expands on the current economic position, the problems facing the development industry and the ways in which local planning authorities should and can encourage development. This guidance encourages a flexible approach to ensure development continues.

Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 43 seeks to improve safety across the region and reduce congestion.

Local Policy

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site, in The Hinckley Town Centre Renaissance Masterplan and the Hinckley Town Centre Area Action Plan (AAP) (Proposed Submission Document) as a potential mixed use development site.

Local Development Framework - adopted Core Strategy (2009)

Policy 1: Development in Hinckley supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this.

Policy 5: Transport Infrastructure requires interventions to support the additional development proposed in and around the Hinckley sub regional centre.

Policy 15: Affordable Housing sets the criteria for the proportion of affordable housing.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19: Green Space and Play Provision sets the standards for green space and play provision.

Policy 20: Green Infrastructure sets strategic interventions

Policy 24: Sustainable Design and Technology sets the criteria for residential homes and office development.

Adopted Hinckley and Bosworth Local Plan (2001)

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy EMP1 seeks to actively retain existing employment sites for employment purposes. The site is allocated as EMP1(b) which considers other employment activities or alternative uses on their merits.

Policy NE2 ‘Pollution’ states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE12 'Landscaping Schemes' states that development proposals should make provision for further landscaping where appropriate.

Policy NE14 'Protection of surface waters and groundwater quality' protects the water environment.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Leicestershire County Council's document 'Highways, Transportation and Development' provides further design guidance.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC2 requires new residential development to provide outdoor play space for formal recreation.

Policy REC3 requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Other Policy Documents

The Hinckley Town Centre Renaissance Masterplan (Area 6) identifies the site for potential mixed use development incorporating new residential and commercial development providing a new gateway to the town centre.

Hinckley Town Centre Area Action Plan (Proposed Submission Document) Policy 6 - Rugby Road/Hawley Road sets the key principles and key requirements of the site.

The Borough Council's Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions provides guidance on infrastructure requirements.

The Borough Council’s Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

The Play and Open Space Guide Supplementary Planning Document (2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

Appraisal:-

The main considerations with regard to this application are the principle of development, design and conformity with the masterplan, transport, affordable housing provision, viability and infrastructure requirements and impact on residential amenity,

Principle of development

The site is allocated for employment in the adopted Hinckley and Bosworth Local Plan, it is identified as a site for a mixed use development in the Hinckley Town Centre Renaissance Masterplan (Area 6) and Policy 7 of the Hinckley Town Centre Area Action Plan (Proposed Submission Document), therefore the principle of the development is considered acceptable.

Furthermore, it should be noted that this site has been vacant for a considerable period of time and is a key regeneration site in the Hinckley Town Centre on a prominent entrance into the town, as such a scheme that brings about the regeneration of the site and an environmental improvement should be supported in principle.

Design and Conformity with the Masterplan

The ownership of the site is complex; the applicant owns the former H. Flude & Co (Hinckley) Limited site (0.22ha) including car park however, three other land owners have control over the remainder of the masterplan site (Huckerby 0.22ha, Alton 0.13ha and Angus 0.14ha). Whilst the applicant is not in control of the entire site a comprehensive scheme for the re-development of Area 6 has been submitted.

The application site layout embraces the principles set out in the Hinckley Town Centre Renaissance Masterplan. It achieves four of the five key aims set out in the masterplan which include:-

- Mixed use development including new residential development and commercial development;
- A landmark building at the junction of Rugby Road and Hawley Road;
- Commercial uses facing Hawley Road;
- Residential uses facing onto Willowbank Road.

The key principles of the Renaissance Masterplan are echoed in the proposed Town Centre AAP.

The mix of uses proposed include 4,400sqm of B1 commercial space and 1,307sqm of flexible use space which includes A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), D1 (Non-residential institutions) and sui generis. The economic viability statement submitted with the application sets out the justification for the A3 and A1 units on economic viability grounds and the consultant's response to the report supports this view. In addition the Town Centre Area Action Plan, Policy 7, seeks active frontages to Hawley Road. The proposed ground floor units seek to provide those active frontages and encourage public interaction and permeability. It is considered that subject to the careful control of the uses, through condition, particularly limiting the floor area of those uses and the A1 use solely for the sale of bulky goods, the flexible uses would be acceptable.

The Masterplan identifies the highly prominent corner at the junction of Hawley Road and Rugby Road as an opportunity for a high quality, landmark building in order to fully optimise a key strategic "gateway" opportunity into Hinckley. It suggests buildings of 4 and 5 storeys in height in order to achieve this. The proposal provides a landmark corner, ranging between

3-5 storeys in height, which is achieved through the retention, refurbishment and extension of both the existing Flude and substation buildings. This corner element proposes a variety of architectural styles incorporating a mix of materials including brick, render and glazing to add interest.

The commercial elements of the scheme are all accessed off Hawley Road and comprise three distinct parcels. A mixed use commercial scheme occupying the south west corner (former Fludes building and sub station); two new mixed use buildings (Huckerby Site) and a block of four, 3-storey self contained office buildings (Alton Site) with a separate access point. This presents key frontages to both Hawley Road and Rugby Road, between 3 and 5 storeys in height, in accordance with the aims of the Masterplan. Four of the five buildings proposed within the three parcels are 'layered' vertically to enable active frontages at ground floor which contribute to the street scene.

Both the Masterplan and Town Centre AAP require the provision of residential units; the AAP requires the provision of at least 30 units. The scheme presents 56 residential units in total, comprising 50 family homes and 6 apartments. It is arranged in two key areas accessed off Willowbank Road; the north west corner at the junction of Willowbank Road and Rugby Road and a series of terraces, orientated either north-south or east-west, accessed off the new internal site access road.

The residential layout has been guided by the sloping nature of the site together with the principles of Secure by Design New Home 2009. The residential element of the scheme aims to achieve 100% Secure by Design compliance. This has been confirmed in the consultation response received from the Police Architectural Liaison Officer.

Consideration has also been given to achieving 100% compliance with Lifetime Homes interiors criteria. The applicant states in the Design and Access Statement submitted with the application that 50 of the dwellings achieve the criteria however; it has not been possible to achieve the Lifetime Homes requirement for the apartments due to the location of the parking spaces.

The fifth aim of the Masterplan requires the provision of a new street structure linking Willowbank Road through to Hawley Road. The applicant has engaged in extensive pre-application negotiations to bring the site forward. In those discussions it was accepted that the schemes which were presented, which included those street structures, posed significant concerns and resulted in compromises to public safety and the sewer easement which crosses the site.

Whilst the scheme proposes two distinct elements of development; residential and commercial the overall design is inclusive and reads as one development. This is echoed through the materials to be used in the development, vistas, circulation within the areas, and hard and soft landscaping measures. Whilst the scheme does not provided the street structures/new connected streets that the Masterplan indicated overall the proposal is considered to achieve the aims and aspirations identified in the Hinckley Town Centre Renaissance Masterplan and the emerging Hinckley Town Centre AAP.

Transport

A Transport Assessment, prepared by Mayer Brown, has been submitted with the application. The documents takes account of the existing uses on site and considers the existing and proposed traffic attraction potential of the site and its impact on the surrounding highway network. The report concludes that the development is well located for public transport access, has good pedestrian and cycle access and would have no significant impact on the operation of the local highway network. The County Highway Authority has

assessed the application based on 'worst case scenario' in terms of the mix and flexible uses proposed. It has been identified that when comparing the 'without development' scenario with the 'worst case' scenario, the development would clearly have an impact in both the am and pm peaks at the Rugby Road/Hawley Road/Westfield Road roundabout. The impact would reduce the capacity of the roundabouts and increase the queue lengths on both the Rugby Road and Westfield Road approaches. The impact of the development will be mitigated against through contributions towards improvements to the roundabout.

The level of parking within the site is considered acceptable. However, considering the remoteness of parking associated with the Flude building a Traffic Regulation Order will be required to prevent indiscriminate parking with the public highway on both sides of Hawley Road between its junctions with Rugby Road and Station Road. Any indiscriminate parking could have implications in terms of highway safety and capacity. This is controlled through conditions.

In the interests of encouraging sustainable travel to and from the site contributions are requested for travel packs, bus passes and bus stop.

Affordable Housing Provision

The application proposes a scheme of 100% affordable housing. The applicant has already sought an RSL partner and this has enabled them to be involved in the pre-application discussions. The development provides a mixed tenure scheme of fifty six units which comprises:

Social Rented	Intermediate-	Shared Ownership	
1 Bed,	2 Person Flat	6	
2 Bed,	4 Person House	15	7
3 Bed,	5 Person House	15	13

Planning Policy Statement 3: Housing (PPS3) states that local planning authorities should be able to demonstrate the provision of an up to date five year land supply of deliverable sites for housing development. The Borough Council as of 1 October 2009, has a cumulative shortfall of 277 dwellings, equating to a housing supply of 4 years and 5 months.

Paragraph 71 of PPS3 states that "Where local planning authorities cannot demonstrate an up-to-date five year land supply of deliverable sites...they should consider favourably planning applications for housing....".

Core Strategy Policy 15: Affordable Housing seeks to deliver 2090 affordable homes within the Borough from 2008 to 2026. It should be noted that in the period 1 April 2009 to 1 September 2009, 64 affordable homes have been completed.

The adopted Supplementary Planning Document (SPD) on Affordable Housing seeks the provision of 40% affordable units therefore the scheme exceeds the requirements of the SPD. The Borough Council's Housing and Enabling Officer has been advising on the latest position in relation to the tenure/mix of the housing requirement and supports the mix proposed.

Viability and Infrastructure Contributions

The proposal attracts the sum of £1,129,313.20 towards infrastructure improvements arising from the development.

At the time of writing the report no response had been received from both Leicestershire NHS Trust or Leicestershire Fire and Rescue.

The contributions requested include:-
Education £237,000
Civic Amenity £2,542
Libraries £3,130
Town Centre Infrastructure £801,000.00 (based on 56 residential units @£5,500 and 5800m2 commercial @ £8,500)
Affordable Housing (40% which equates to 22 units).
Play and Open Space £85,641.20 calculated as follows:-

Capital Provision:-

Formal Open Space £17,592.60
Children's Equipped Play Space £25,026.30
Informal Children's Play Space £5,035.80

Maintenance Contribution:-

Formal Open Space £14,388.00
Children's Equipped Play Space £19,265.75
Informal Children's Play Space £4,332.75

The contributions requested by the Director of Environment and Transportation (Highways) are included within the Town Centre Infrastructure contribution.

The application has been accompanied by a viability statement which provides an appraisal of the financial position in respect of the development together with a Counsel opinion on developer contributions for the site. The purpose of the applicant submitting the reports is to seek to justify the shortfall in developer contributions offered up which totals £146,522. The sum offered up equates to 12.97% of the required contributions.

The Council has commissioned an independent team of consultants to assess the sites contained in the Hinckley Town Centre AAP. Lambert Smith Hampton has assessed viability through the calculation of residual land values based on an assumed profit level of 20% on cost. In addition to this study, a separate independent study has been undertaken which assesses the details submitted within the application. The assessment takes into account the grant funding available from the HCA which dictates the immediate build out of the housing element and the landownership constraints which dictate the deliverability of some aspects of the masterplan site.

In the consultants analysis of the development it is suggested that on balance they are reasonable and fair, with a reasonable developer return on cost. It is advised that typically developers will seek between 20% and 25% on return on cost, although, as in the residential case here, lower returns are accepted on pre-sold developments. It is clear that the phase one residential development will progress rapidly due to the HCA funding conditions. The consultants advise that in order to bring forward the commercial development on the frontage of the site the developer should be encouraged to market the site to secure interest. It must be appreciated that the commercial development may not come forward swiftly and therefore it is advised that the developer should be encouraged to improve the site, making it ready for development.

In considering cases of reduced contributions such as this it is vitally important to give consideration to the Government Guidance contained within Circular 05/2005, paragraph B5 which requires that a planning obligation must be:-

(i) Relevant to planning;
(ii) Necessary to make the proposed development acceptable in planning terms;
(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.

In this case the applicant, through the submission of the viability assessment and Counsel opinion has sought to demonstrate that the requirements of any planning obligation at full requested rates fails to satisfy the requirements of the Circular and is not fairly and reasonably related in scale and kind to the proposed development; and is therefore unreasonable in all other respects.

Saved Policy IMP1 of the adopted Hinckley and Bosworth Local Plan states that "planning permission will be granted ...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".

In assessing whether this proposal satisfies the requirements of Policy IMP1 the key issue for consideration is whether the contribution is commensurate with the scale and nature of the development proposed. The independent viability assessments that have been undertaken have supported the evidence submitted by the applicant. It demonstrates that the development is unable to support the full contributions requested. In addition, whilst the development requires 40% affordable housing through the SPD, the applicants are proposing a scheme which includes the provision of 100% affordable housing which is to be supported by grant aid assistance through the HCA. Therefore, on the basis of the evidence submitted, it has been demonstrated that the contributions are not commensurate with the scale and nature of the development proposed.

In respect of the schemes compliance with the Council's adopted Protocol on Renegotiating Contributions required for Infrastructure Improvements. The scheme complies with the provisions set out in the protocol. Deferred payment and phased payments have been considered however, it has been demonstrated that on the basis that a large proportion of the contributions are required to support the proposed housing provision and the scheme is being supported by the HCA through funding the developer would not be in a position to enter into a legal agreement that will have implications on the RSL. On the basis that the scheme proposes the development of a brownfield masterplan site which offers significant regeneration the scheme complies with the adopted Protocol.

On the basis that the developer has demonstrated that the scheme can afford a developer contribution of £146,522 the allocation of this contribution will need to be appropriately distributed across the necessary infrastructure services.

Whilst the necessary bodies can demonstrate why they requested their necessary contributions, there is no sequential way of being able to rank the importance of the infrastructure to aid the distribution of the developers proposed contribution. Therefore, in the absence of any input on this issue at this stage from the County Council, and rather than try to draw up a list of infrastructure priorities for delivery it is considered fairer and more appropriate to split the developers £146,522 contribution proportionally, whereby each service area should receive 12.97% of their requested figure. This results in the following contributions:

Education £30,749.41
Civic Amenity £329.81
Libraries £406.10
Town Centre Infrastructure £103,925.22
Play and Open Space £11,111.46 calculated as follows:-

Capital Provision :-

Formal Open Space £2,282.54
Children's Equipped Play Space £3,247.02
Informal Children's Play Space £653.37

Maintenance Contribution:-

Formal Open Space £1,866.76
Children's Equipped Play Space £2,499.62
Informal Children's Play Space £2,282.54

At the time of writing the report no agreement, in respect of the reduced contributions, has been secured with the County Council. The opinions of Leicestershire County Council will be reported as a late item.

Impact on residential amenity

Situated to the north and north eastern boundary of the site are the rear gardens to a number of properties on Clarendon Road, Fabius Close, Coley Close, Royal Court and 102 Rugby Road. Willowbank Road serves as the access point to the car park and residential element of the site. It is proposed to retain and enhance an existing car park, which served the Fludes factory to facilitate the offices within the new development. Given the layout of the proposal and existing use of the site the development is not considered to result in any significant impact on the residential amenity of those properties. Situated to the west of the site are properties on the opposite side of Rugby Road. Concerns have been raised in respect of the height and potential overlooking from the commercial (mixed use) buildings. Again, given the layout and design of the proposal together with the distance between the new development and properties located on Rugby Road (with the busy road falling between) it is not considered that the development would result in any significant harm to the residential amenity of those properties.

A Noise Impact Assessment undertaken by WBM was submitted with the application. The report considered both the proposed and existing uses on site and concluded that road traffic is the dominant noise source. Mitigation measures have been incorporated into the design of the scheme and will be controlled by conditions. No concerns have been raised following consultation with Environmental Health Officers.

Conclusion

The application site is located in a prime location on the entrance into Hinckley Town Centre and is therefore classed as a key gateway site. This predominantly vacant site and buildings has become prone to criminal activity which has had a detrimental impact on the quality of the surrounding area. It is considered that the submitted scheme will play a significant part in the regeneration and environmental improvement of the town centre and provides a much needed mix of affordable housing that has been purposefully designed to satisfy the Council's immediate housing needs.

The proposed development fulfils the majority of the criteria set out in the Hinckley Town Centre Renaissance Masterplan and Hinckley Town Centre Area Action Plan (Proposed Submission Document). It is considered that where there are deviations from the criteria they are not significant enough to impact on the overall aspirations for the development of this important 'gateway' site. PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

The importance of this site and the positive economic impact and community benefits which will come from the re-development of the site will assist in future redevelopment of other masterplan sites in the town centre. The consultant's findings suggest that the finances applicable to the development are sound and reasonable given the nature of the development and the current market conditions. As such it is considered on balance that the regeneration benefits to the town centre as a whole outweigh the shortfall in developer contributions.

RECOMMENDATION:- That subject to: the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, education, library facilities, highways improvements, civic amenity facilities, town centre infrastructure improvements requirements; by 6 April 2010, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 6 April 2010 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Local Development Framework: adopted Core Strategy (2009):- Policies 1, 5, 15, 19, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, EMP1, NE2, NE12, NE14, T5, IMP1, REC2, REC3.

Hinckley Town Centre Renaissance Masterplan.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 This permission relates to the application as revised by amended plans Mrp/0750/Ppsd/10c, MRP/0750/Ppsd/11b, Mrp/0750/Ppsd/12b, Mrp/0750/Ppsd/13b, Mrp/0750/Ppsd/14b, MRp/0750/Ppsd/15b (Sht 1 of 2), MRP/0750/Ppsd/16b (Sht 2 of 2), MRP/0750/Ppsd/30b, MRP/0750/Ppsd/31a, MRP/0750/Ppsd/32b, MRP/0750/Ppsd/50, MRP/0750/Ppsd/51, MRP/0750/Ppsd/52a, MRP/07500750/Ppsd/53a received by the Local Planning Authority on 12 February 2010 and original plans MRP/0750/Ppsd/40a, MRP/0750/Ppsd/41a, MRP/0750/Ppsd/42b, MRP/0750/Ppsd/43b, MRP/0750/Ppsd/44a, Bir.3260_01, Bir.3260_02, Bir.3260_03, Bir.3260_05, Bir.3260_06 dated 5 January 2010.

3 Prior to the commencement of each phase of development a detailed schedule, including samples, of all external materials and colour finishes shall be submitted to

and approved in writing by the local planning authority. The works shall be implemented in accordance with those details.

4 Notwithstanding the submitted information no development shall take place until full details of both hard and soft landscape works for each phase of development have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

(i) proposed finished levels or contours;
(ii) means of enclosure;
(iii) car parking layouts;
(iv) other vehicle and pedestrian access and circulation areas;
(v) hard surfacing materials;
(vi) minor artefacts and structures (e.g. boundary/retaining walls, canopies, decking, furniture, refuse or other storage units, CCTV, lighting, barriers preventing access/egress, etc.);
(vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.);
(viii) planting plans;
(ix) written specifications;
(x) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
(xi) implementation programme.

5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

6 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, for the relevant phases of development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase of the development is brought into use.

7 There is a public sewer which crosses the site. No building shall be erected or trees planted within 10 metres of this 1050mm sewer.

8 Notwithstanding the submitted information prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-

1) a preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2) a site investigation scheme, based on (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off site.

3) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9 Prior to development commencing on site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10 Reports on monitoring and maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

11 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

12 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval in writing from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

13 The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) Revision A dated 17 November 09, Ref: NTW/378/FRA, undertaken by BWB Consultancy and the mitigation measures detailed within the FRA.

14 The development hereby approved shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in

writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

15 Notwithstanding the submitted information prior to the commencement of development a scheme for noise protection shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:-

- the protection of the proposed dwellings and units from the noise of Rugby Road and Hawley Road; and
- the protection of the proposed dwellings from noise from the proposed commercial premises.

The approved scheme shall be implemented in accordance with the agreed details and before the dwellings are first brought into use.

16 No commercial development shall take place until a scheme for ventilation of the premises, which shall include installation, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

17 Prior to commencement of development, a revised drawing showing the provision of a ghost island junction on Hawley Road, including a pedestrian refuge across the vehicular access to the Flude and Huckerby sites, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

18 Prior to the first occupation of the Flude and Huckerby sites, the highway works to provide a ghost island junction on Hawley Road, including a pedestrian refuge across the vehicular access to the Flude and Huckerby sites, shall be completed to the satisfaction of the Highway Authority.

19 Prior to the first occupation of any dwelling hereby permitted, the highway works to increase the radii of the junction of Willowbank Road and Rugby Road as shown on Mayer Brown Limited drawing no. MRPFLUDE.1/02 shall be completed to the satisfaction of the Highway Authority.

20 Prior to the first occupation of any part of the development site, the highway works to provide pedestrian crossing points on Rugby Road and Hawley Road as shown on Mayer Brown Limited drawing no. MRPFLUDE.1/02 shall be completed to the satisfaction of the Highway Authority.

21 Prior to the first occupation of any part of the development site, the developer shall carry out a review of the existing Traffic Regulation Orders on both sides of Hawley Road between its junctions with Rugby Road and Station Road with the intention of introducing no waiting restrictions.

22 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the Flude/Huckerby or Alton sites they shall be set back a minimum distance of 15.0 metres behind the Highway boundary and shall be hung so as to open inwards only.

23 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the access to the car park on the unadopted section of Willowbank

Road they shall be set back a minimum distance of 5.0 metres behind the Highway boundary and shall be hung so as to open inwards only.

24 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

25 The gradient of the access drives to the Flude/Huckerby and Alton shall not exceed 1:12 for the first 15.0 metres behind the Highway boundary.

26 Prior to first occupation of the Flude and Huckerby sites, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

27 Prior to first occupation of the Alton site, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

28 The existing vehicular accesses shall be closed permanently within one week of the new accesses being brought into use and the existing vehicular crossings reinstated to the satisfaction of the LPA in consultation with the Highway Authority.

29 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

30 Before the development commences, details of the routeing of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

31 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

32 No part of the Flude, Huckerby or Alton sites shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

33 Before first occupation of any dwelling hereby permitted, car parking provision shall be made within the development site on the basis of MRP Developments Services drawing no. MRP/0750/ppsd/10c. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

34 Before first occupation of the Flude site, car parking provision shall be made within the site on the basis of MRP Developments Services drawing no. MRP/0750/ppsd/10c including the existing car park accessed from Willowbank Road. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

35 Before first occupation of the Huckerby site, car parking provision shall be made within the site on the basis of MRP Developments Services drawing no.

MRP/0750/ppsd/10c. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

36 Before first occupation of the Alton site, car parking provision shall be made within the site on the basis of MRP Developments Services drawing no. MRP/0750/ppsd/10c. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

37 Before first use of each phase of development hereby permitted, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use thereafter to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

38 Before first use of the development hereby permitted the access drives to the Flude/Huckerby and Alton sites and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the Highway boundary and shall be so maintained at all times.

39 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of all accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be maintained thereafter.

40 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

41 Any windows or doors at ground floor level on the road frontage shall be of a type other than outward opening and shall thereafter be so maintained.

42 The overall amount of A1 floor space shall not exceed 662 square metres in total, including mezzanine floors and shall be limited to the sale of bulky goods only.

43 The overall amount of A3 floor space shall not exceed 454 square metres in total, including mezzanine floors.

44 The overall amount of veterinary practice floor space shall not exceed 191 square metres in total, including mezzanine floors.

Reasons:-

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

2 To define the permission.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the work is carried out within a reasonable standard and period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE14 of the Hinckley and Bosworth Local Plan.

7 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system to comply with Policy NE14 of the Hinckley and Bosworth Local Plan.

8-12 To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

13 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

14 To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

15 To ensure that the use remains compatible with the surrounding area to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.

16 To ensure that the development does not have an adverse impact of the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.

17-19 In the general interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

20 In the interests of pedestrian safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

21 In the general interests of Highway safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

22&23 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

24 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

25 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

26 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

27 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

28 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

29 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

30 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

31 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

32 To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

33-35 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

36 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

37 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

38 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

39 In the interests of pedestrian safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

40 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

41 In the interests of the safety of users of the Highway immediately adjacent to the front wall of the building to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

42 To protect the vitality and viability of Hinckley Town Centre to accord with Policy Retail 1 of the adopted Hinckley and Bosworth Local Plan.

43 To protect the employment status of the site to accord with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan.

44 To ensure that the development is compatible with the surrounding properties/units to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 With reference to condition No. 6 above the scheme you are referred to the comments of The Environment Agency dated 8 February 2010.

6 Your attention is drawn to the attached comments of the Borough Council's Environmental Health Officer.

7 With reference to condition No. 32 above :

The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site.

The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

8 With reference to condition No. 40 above:-

If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

9 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.

Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

10 Your attention is drawn to the attached comments of Leicestershire County Council Director of Environment and Transport.

Contact Officer:- Cathy Horton Ext 5605

Item: **03**

Reference: **09/00607/COU**

Applicant: **Mr Howard Statham**

Location: **20 Shaw Lane Markfield Leicestershire LE67 9PU**

Proposal: **CHANGE OF USE FROM RESIDENTIAL TO THE STORAGE AND RECONDITIONING OF PORTABLE BUILDINGS (RETROSPECTIVE)**

Introduction:-

This is a retrospective Change of Use application from residential to the storage and reconditioning of storage containers and portable buildings.

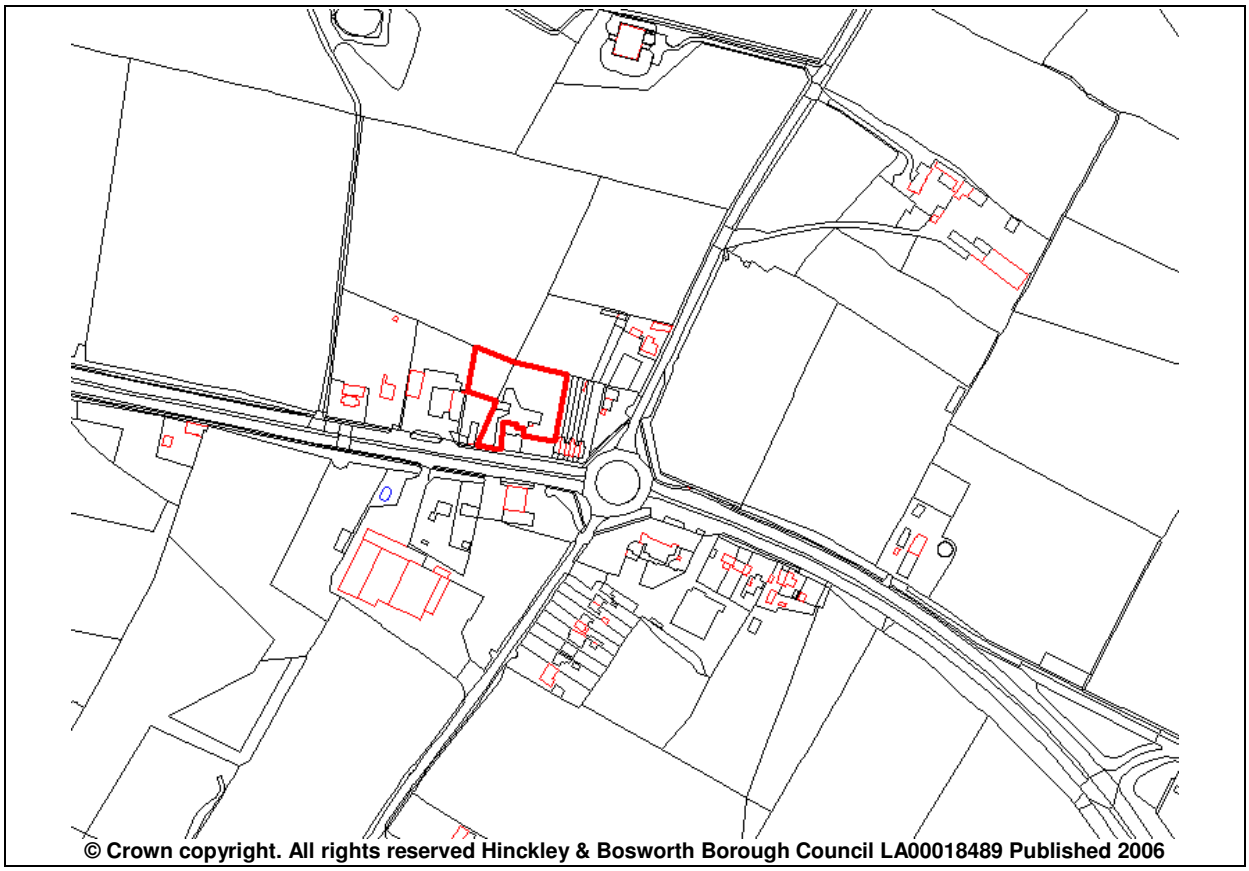
The application site comprises a large irregular shaped plot to the rear of number 20 Shaw Lane. It is assumed that this land would have originally constituted agricultural land. Number 20 Shaw Lane comprises a grey rendered rundown detached property. The majority of the amenity space to this property is to the front and eastern side. The sites access is to the west, this leads to the storage area to the rear. Historically the site has conducted a number of unauthorised uses, including the operation of a haulage business and use of the site for car sales and storage. The current unauthorised use is for the storage and reconditioning of portable buildings and storage containers. At any one time there is a maximum of between 20 and 24 containers, dependant upon their size, and a turnover of between 2 and 3 containers per week. There are three employees, who recondition the containers. The hours of work are between 8am and 4pm Mondays to Thursday and between 8am and 12.00 noon on Fridays. The containers are delivered by lorry to the site. The positions of the containers are not defined on the site, and no solid bases have been installed.

The site is positioned on the main A511, adjacent to a petrol station and car garage to the west and a row of terraced properties to the east. Further north of the site is agricultural land. The site falls within both the National Forest and the Charnwood Forest and is outside the settlement boundary of Markfield.

Planning and Enforcement History:-

09/00267/UNUSE	Installation of Portable Buildings	In Progress	
07/00505/MAINOL	Untidy Land and Vehicle Sales	Closed	12.09.08
07/00117/MAINOL	Use of land for car sales - Breach of injunction - see 05/00239/MAINOL	Closed	02.11.09

06/00549/FUL	Extensions and Alterations	Application Returned	
05/00905/FUL	Replacement of Dwelling and Garage	Application Returned	
05/00710/CLU	Certificate of Existing Lawful use as a Road Haulage Business	Refused	21.10.05
05/00239/MAINOL	Without planning permission, the unauthorised change of use of the land attached to 20 Shaw Lane Markfield Leics, from use as residential to use for the storage, sale and valeting of motor vehicles.	Closed	
05/00034/CLU	Certificate of Existing Lawful use as a Road Haulage Business	Refused	10.03.05
04/00191/BOC	Erection of Large Signage and Portacabins	Closed	
04/00089/UNUSE	Portable buildings arriving on site	Closed	



Consultations:-

No objection has been received from:-

Director of Community Services (Ecology)
Head of Community Services (Land Drainage).

Director of Community Services (Pollution) has recommended refusal of the application based on the lack of information submitted.

A verbal objection has been received from Director of Environment and Transport (Highways).

One letter of neighbour objection has been received, this raises concerns about the unauthorised use, the amount of additional traffic and the loss of the hedging.

At the time of writing the report, no comments have been received from Markfield Parish Council.

Policy:-

National Policy

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth. Policy EC6 reaffirms the need to protect the countryside and to strictly control economic development in open countryside away from existing developments.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' outlines the Government's objectives for rural areas. All development in rural areas should be well-designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness.

Local Development Framework Core Strategy

Policy 21 National Forest. This supports implementation of the National Forest and proposals which contribute towards this implementation. Development will be supported where the siting and scale of the proposed development is appropriately related to its setting, where the development respects the character and appearance of the wider countryside and where the development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.

Local Plan Policy

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new development.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Appraisal:-

The main considerations in respect of this application are the principal of the development, and the impacts of the development on residential amenity, on the character of the countryside and on highway safety.

Principal

As this development is situated within the open countryside, and comprises a business which could be provided within or adjacent to an existing settlement, the principal of the development in this location is not considered acceptable.

Residential Amenity

As the site is within close proximity to a number of residential properties, there will be impacts on them in terms of noise and disturbance. As the use comprises various elements, it is considered a sui generis use falling outside a recognised use class as defined in the Use Classes Order. The closest residential property is 20 Shaw Lane, which directly abuts the application site and its access, and is approximately 6m from the row of terraced properties to the East. As the number and type of vehicle movements at the site will increase, the use of the access will be intensified, however given the site proximity to the busy A511, the impacts of noise and disturbance created will be no worse than the present levels. As the use involves the reconditioning of storage containers in outdoor areas; due to the various noisy processes that will be employed, there will be an adverse impact in terms of noise. Although the site and surrounding properties already experience high levels of noise, these are highest during peak traffic times. As the proposed use will operate between the hours of 8am and 4pm, throughout the quieter periods, the possible level of noise is not considered acceptable and will have an adverse impact on the amenity of surrounding residential properties. In addition, as a result of the various industrial processes involved with the proposed activities, and as the activities are conducted in the open air, despite having limited information on the odours associated with the use, these have the potential to be harmful to surrounding residents, and thus in the absence of further information, are not considered acceptable. Given the limited amount of information supplied, the Councils Environmental Health Officer has recommended refusal of the application, as there is no way that the exact impacts of the use in terms of noise and odour can be clarified.

Character of the Countryside

Policy NE5 of the local plan seeks to protect the countryside for its own sake and safeguard its appearance and amenity. It goes on to state that the siting of new buildings within the countryside have to be carefully considered, due to their potential adverse visual impact on the landscape and its character. Acceptable forms of new development should be in keeping with the scale and character of existing buildings and general surroundings, effectively screened by landscaping and have no adverse impact on the appearance and character of the landscape. Policy 21, 'National Forest' of the adopted Core Strategy reinforces the view that development within the countryside and National Forest should be appropriately related to its setting, should respect the character and appearance of the wider countryside and should not adversely affect the existing facilities and working landscape of either the forest or wider countryside. The proposed development is not acceptable in the countryside, and does not constitute a form of development which has any association with the countryside. The siting and stacking of the storage containers is visually prominent, they can be viewed from all elevations, and they constitute a form of development which results in unnecessary clutter in this countryside location. The entire site has been cleared of vegetation and temporary roads and standing for the portable buildings have been provided. Although there is commercial development within the vicinity of the site, this is well screened and does not

have an adverse impact on either the character, or visual amenity of the surrounding countryside or National Forest. Based on the above, the siting and reconditioning of portable buildings on this site is considered to have an adverse impact on the character and visual amenity of the area, is not of a scale compatible with existing uses, and is not in keeping with the general surrounds.

Highway Safety

Formal observations have not yet been received, however following an initial discussion with the highways authority the following comments have been received:- The Highway Authority has concerns over an increase in turning traffic on A511, contrary to the L.C.C. Access onto the road network policy, where there is a significant accident record in the vicinity and the nature of the anticipated traffic, any shortcomings of the access and the proximity of the signalised roundabout raise particular concerns. Accordingly, based on the above the proposal is considered as having a detrimental impact in terms of highways safety.

Conclusion

The proposed development is considered to have an adverse impact on residential amenity, in terms of potential noise and odour, has an adverse impact on the character and visual amenity of the countryside, fails to contribute towards the aims of the National Forest, and due to the substandard access, is detrimental to highway safety. For these reasons the development is not considered acceptable.

RECOMMENDATION:- Refuse planning permission and commence enforcement proceedings.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 In the opinion of the Local Planning Authority the siting and reconditioning of storage containers in this countryside location will result in an unwarranted form of development which will be detrimental to the character and visual amenity of the surrounding countryside and National Forest, will have adverse impacts on the residents of surrounding properties, due to both the increased noise from additional traffic movements and industrial processes, and the odours related to the types of activities proposed, and is unacceptable in terms of highway safety. The proposal is therefore contrary to policies BE1, T5 and NE5 of the adopted Hinckley & Bosworth Local Plan, Policy 21 of the adopted Core Strategy and to Central Government Guidance in Planning Policy Statement 4: Planning for Sustainable Economic Growth and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

Contact Officer:- Eleanor Shaw Ext 5691

Item: **04**

Reference: **09/00884/FUL**

Applicant: **Westleigh Developments Limited**

Location: **39 Derby Road Hinckley**

Proposal: **DEMOLITION OF EXISTING GARAGE BUILDINGS CONSTRUCTION OF 25 NEW HOUSES AND 12 APARTMENTS WITH PARKING**

Introduction:-

This application seeks full planning permission to demolish the existing Martin Rumble car showroom and workshops and the redevelopment of the site with 25 dwellings and 12 apartments. The scheme proposes 4 two bed houses, 14 three bed houses, 7 four bed houses, 9 one bed flats and 3 two bed flats all as affordable homes to be managed by a Registered Social Landlord.

The Martin Rumble Dealership is proposing to relocate to the Tungsten Park site on Coventry Road in Hinckley.

The site is located within the Druid Quarter. It has frontages to both Derby Road and Alma Road and measures 0.51 hectares. Currently the site comprises a range of buildings that make up the Martin Rumble Car Showroom and workshops; the main car showroom is currently accessed off Derby Road with access to the workshops from both Derby Road and Alma Road. The buildings on site comprise a range of traditional industrial style units and modern construction units. The majority of the buildings on site are single storey with the exception of a single storey building located adjacent to No 5 Alma Road. The site is close to the Town Centre with good vehicular and pedestrian links available. The site follows the general topography of the area rising gently from the south-west to the north-east.

The area in general is mixed both in terms of use and architectural style. The majority of residential property in the area is 2 storey in height, although there are some 2.5 and 3 storey dwellings to the east off New Street. Much of the existing housing is of Victorian architecture. The character of the area is generally residential interspersed with commercial uses. Other uses in the area include a religious meeting hall, school, retail and hot food takeaways. Existing factories and warehousing within the area are between 2 and 4 storey in height and provide a distinctive character to the area. Street patterns are tight with development built on the back edge of the pavement.

The application is accompanied by a draft Section 106 agreement, a design and access statement, a marketing appraisal, an independent viability appraisal, an ecology report, an affordable housing statement, historic building survey and a noise impact assessment.

The draft Section 106 agreement seeks to provide developer contributions at a reduced level and is justified by the viability appraisal which details the financing of the development.

The Design and Access Statement considers and details the physical and social context of the site and suggests that the design of the scheme proposed reflects this, though a mix of dwelling types, a mix of 2, 2.5 and 3 storey buildings to complement and enhance the surrounding area and industrial heritage of the area and through the provision of attractive and active frontages to Derby Road and Alma Road.

The Marketing Appraisal seeks to demonstrate that the reuse of the site for commercial purposes has been considered however there has been no interest over at least 4 and half months and concludes that with the absence of any need alternative uses should be considered.

The Ecology Report confirms that the site and buildings surveyed are of low ecological value, and there is currently no evidence that protected species are, or have been, present on the site.

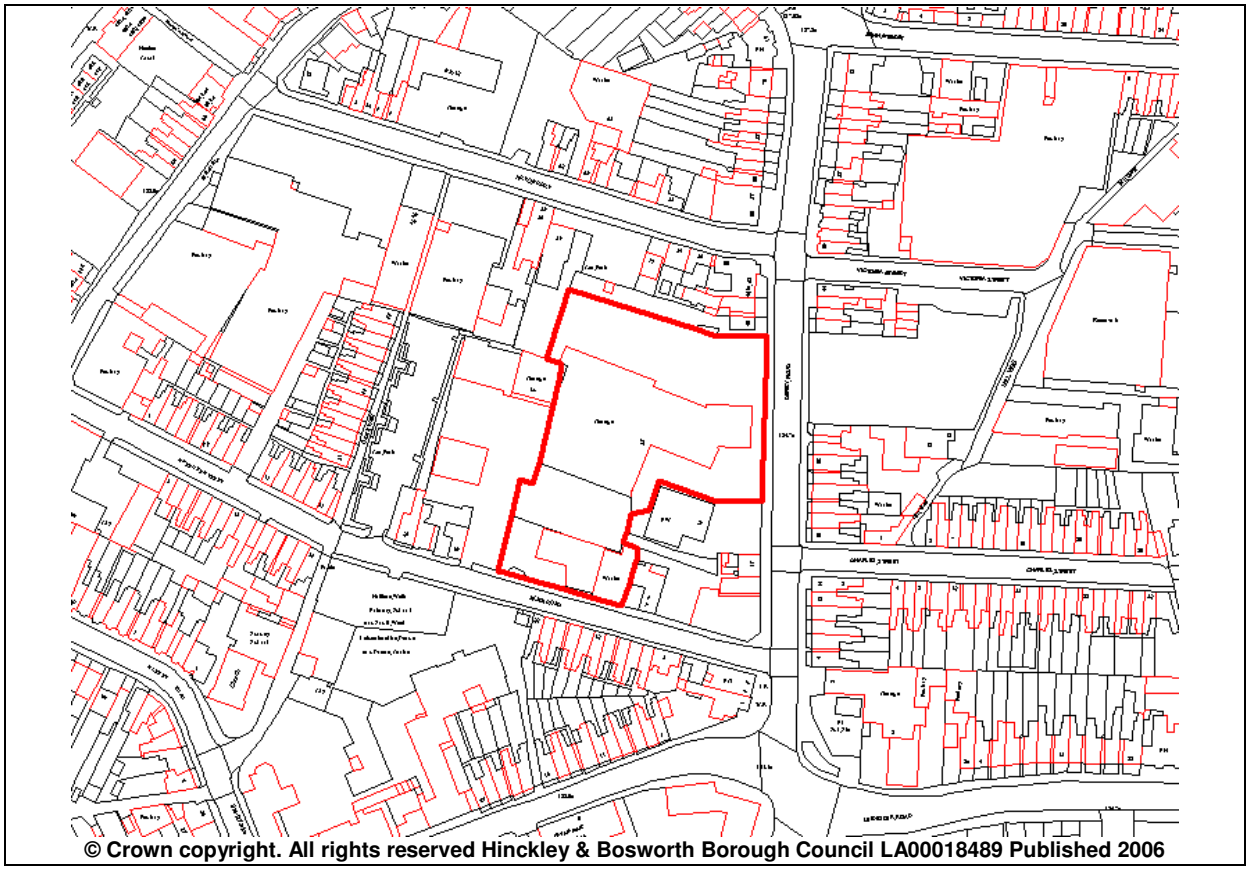
The Housing Statement confirms that the proposal has been discussed and agreed with the Council's Housing Strategy & Enabling Officer. The house types and tenure mix respond directly to priority housing needs established with reference to the Borough's housing needs waiting list.

The Historic Survey confirms that none of the buildings are of particular historic interest.

The Noise Impact Assessment identifies that Derby Road is the dominant noise source affecting the site and provides a series of recommendations to mitigate the noise impact.

History:-

08/00366/OUT	Demolition of existing garage and erection of 18 houses, 28 flats and offices	Approved	04.07.08
07/00684/FUL	Residential development comprising demolition of existing car showroom and erection of 60 apartments, 2 houses and 4 commercial units.	Withdrawn	04.09.07
06/00598/ADV	Erection of replacement fascia signs	Approved	10.07.06
99/00051/ADV	Erection of fascia sign	Approved	19.04.99



Consultations:-

No objection has been received from:-

- Director of Environment and Transport (Ecology) however a watching brief should be maintained during construction on site for protected species.
- Leicestershire Police
- Leicestershire Fire and Rescue however they do ask for a developer contribution of £2298.78.

No objection subject to conditions has been received from:-

- Director of Environment and Transport (Highways)
- Environment Agency
- Severn Trent Water
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage)
- Head of Business Development and Streetscene Services (Waste Management) objects to the application on grounds of inadequate bin collection details being provided to accord with the Council's adopted policy.

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

- Director of Environment and Transport (Ecology) requires the imposition of bat bricks
- Director of Environment and Transport (Highways) requests a developer contribution of £45,742.12

- Director of Children and Young People's Service (Education) requests a developer contribution of £74,160
- Head of Commercial and Support Services (Libraries) request a developer contribution of £1960
- Director of Environment and Transport (Civic Amenity) requests a developer contribution of £1680.

The Primary Care Trust requests a developer contribution of £16,917.

The Leicestershire Constabulary Crime Reduction Officer requests a developer contribution of £22,422 however is willing to accept a nil contribution in lieu of the scheme being constructed to the Secure by Design Standard.

Site notice and Press notice were displayed and neighbours notified.

One neighbour letter of objection has been received in respect of the proposal providing increased traffic and inadequate parking.

Policy:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3: Housing (PPS3) advises local planning authorities to promote developments that make efficient use of land and achieve sustainable development. It advises that local planning authorities should reject poor design and that applicants for housing development should be able to demonstrate how they have taken account of the need for good layout and design and how their proposals reflect the guidance set out in the Planning Policy Guidance.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and would in practice be given significant weight by an Inspector on appeal.

The Circular advises, inter alia, that in some cases, perhaps arising from different site specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

The Homes and Communities Agency (HCA) Good Practice Note: Investment and Planning Obligations, Responding to the Downturn: expands on the current economic position, the problems facing the development industry and the ways in which local planning authorities should and can encourage development. This guidance encourages a flexible approach to ensure development continues.

The Local Plan (adopted February 2001)

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to: complement or enhance the character of the surrounding area; incorporate landscaping to a high standard; ensure that there is adequate highway visibility for road users and adequate provision for on and off street parking; and not adversely affect the occupiers of neighbouring properties.

Policy RES5 states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area or rural settlement and their siting, design and layout does not conflict with the relevant plan policies. Policy RES3 requires the provision of affordable housing.

Policy NE2 seeks to protect the environment against pollution.

Policy NE14 seeks to protect surface waters and groundwater quality.

Policy EMP1b states that the Local Planning Authority will consider proposals for other employment activities or alternative uses of identified sites on their merits in the context of the appropriate design policies of the plan. EMP1b sites are generally considered to be acceptable employment locations.

Policy IMP1 requires developers to make contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC2 requires developments of over 20 residential units to make provision towards formal open space within 1km of the site.

Policy T5 requires development to comply with the Highway Design Standards.

The Core Strategy (adopted December 2009)

Policy 1 seeks to ensure that all new development supports Hinckley's role as a sub regional centre through amongst other things, the delivery of housing and land for employment use.

Policy 5 seeks to ensure that appropriate transport infrastructure is provided within the Hinckley sub regional centre.

Policy 15 seeks to deliver 20% affordable housing provision in Hinckley on sites of 15 dwellings or more or sites of 0.5ha or more.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 20 seeks to achieve the implementation of the green infrastructure network applicable to Hinckley town centre.

Policy 24 seeks to ensure that all new homes in Hinckley are built to Code For Sustainable Homes Level 3 at the current time.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance: New Residential Development

Supplementary Planning Document: Play and Open Space

Supplementary Planning Document: Affordable Housing

Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions

Other Material Policy Guidance

The Employment Land and Premises Study conducted by consultants on behalf of the Borough Council has reappraised the importance of existing employment land and premises and recommended that this site should be retained as an EMP1b designation but with 25% to 50% of the site retained for employment purposes.

The Druid Quarter Masterplan and Regeneration Strategy was adopted by the Borough Council as Planning Guidance in June 2002. The Masterplan and Regeneration Strategy identifies the industrial heritage of the Druid Quarter and puts forward proposals to encourage investment into the area. The Strategy identifies potential development sites and improvements to pedestrian routes and public realm.

The County Council's guidance 'Adopted Statement of Requirements for Developer Contributions in Leicestershire' sets down the County wide approach to developer contributions.

Other Material Considerations

The Council's Corporate Plan sets out the Council's key commitments for delivery. A key aspect of the Plan is the provision of decent, well managed and affordable housing and the Council is committed to achieve this goal.

The Council's Adopted Protocol on Renegotiating Financial Contributions Required for Infrastructure Improvements, which encourages the negotiation of the payment of contributions in accordance with a strict protocol and allows for the payment of reduced contributions in exceptional circumstances and only where significant planning gains are available on the redevelopment of brownfield sites, which are seen as a priority for immediate delivery by the Council.

Appraisal:-

The main considerations with regards to this application are: principle of development and loss of the employment site; siting and design; highways and parking, affordable housing; impact on neighbours, viability and developer contributions and other materials considerations.

Principle of Development and Loss of the Employment Site

The site lies within the settlement boundary of Hinckley as defined on the Adopted Local Plan Proposals Map and therefore there is a presumption in favour of development subject to all other policy matters and material considerations being considered.

This site is identified as part of the area of mixed uses in Upper Bond Street in the Borough Council's Employment Land Study May 2004. The study recommends the retention of architecturally significant buildings. However it notes that the buildings are outdated, being relatively small, on more than one level and they provide poor grade employment space. It identifies the major issue, which is constraining the development potential of the site and preventing sustainable employment, as the need to clear poor grade space to create improved car parking and servicing arrangements. The Study recommends mixed-use redevelopment with a minimum of 25% of the site retained in employment use.

The application's accompanying Marketing Appraisal suggests that the reuse of the site for a mixed use of residential and commercial purposes is not financially viable. This appraisal has been independently reviewed and is found to be generally sound.

The appraisal confirms that the site is not well placed for an ongoing commercial use other than for retail or offices both of which are very depressed in the market place at this time and the structures on the site are more of a piecemeal nature and do not give themselves to an overall use, more for a break up for individual lets which have not found a market. The levels of interest that have been expressed on the site, over a lengthy period of time, have reflected the initial buoyancy in the market when it first came available and subsequently the depression that has been experienced in the commercial market, particularly in this sort of location given the shifting of the garage dealership trade out of town centres and also the overall general economic climate.

The appraisal concludes that whilst offers have been received in respect of the commercial reuse of the site they have been substantially less than those for other uses. The report suggests that throughout the Midlands there is a tendency for the relatively old stock commercially used premises to be utilised for re-development for either mixed or residential use.

The use of the site for residential purposes as proposed will be in direct conflict with the requirements of Policy EMP1 of the Local Plan and the Employment Land Survey, however finding a long term viable use of the site is an important consideration to the Druid Quarter Master Plan and the overall vitality of the area.

The existence of commercial uses on the application site whilst being supported in principle by adopted planning policy is not considered the most appropriate use in strict land use planning terms. The site is sited within an area of mixed uses however a greater number of residential sites are being developed suggesting that an emerging residential area is being created and therefore there is potential for conflict between the various uses in the locality. The continued use of the application site by commercial uses is likely to result in the continuation of conflict with the surrounding residential areas in terms of the physical relationship of the uses and also traffic generation associated with the commercial uses.

The redevelopment of the site, whilst resulting in a loss of the site for employment purposes, will allow for a more appropriate use in land use planning terms and will result in less conflict with the surrounding uses. Furthermore, the Marketing Appraisal suggests that success in finding a new commercial occupier for the site is unlikely for a number of reasons and therefore the long term redevelopment of the site for commercial uses is unlikely, thus being contrary to the objectives of the Druid Quarter Master Plan. It is considered that whilst the redevelopment of the site for residential purposes is contrary to the provisions of the development plan, the material considerations outlined above are significant enough in this instance to justify departure from this policy.

Siting and Design

The application provides a mix of residential units across the site, through a series of distinct blocks of development, generally different in appearance but reflecting the mixed use character of the local area. The site benefits from two vehicular accesses, one from Derby Road and one from Alma Road. The access from Derby Road provides the principle point of access to serve the majority of the development and results in a cul-de-sac arrangement with no link through to Alma Road.

The development is characterised by a series of terrace blocks of dwellings, all with rear gardens and frontage parking. The apartments are provided within a central building of three storey design that reflects the roof design of a late Victorian factory building with a series of steep pitched gables to the roof.

Two three storey blocks of houses are proposed to the Derby Road frontage. Amended plans have been received amending the design of these blocks slightly include revised fenestration arrangements, chimney stacks and massing that reflects the sloping nature of Derby Road. Additional amendments have been requested in respect of further fenestration changes and will be reported as late items.

A single block of two and a half storey dwellings are proposed to the Alma Road frontage. These dwellings are a continuous terrace of dwellings of characteristic road fronting gables and symmetrical fenestration arrangements. The dwellings also feature chimney stacks and are set close to the back of the pavement similar to the existing character of Alma Road.

Within the site there are two terraces of dwellings, one of two and a half storey dwellings sited in an east-west orientation close to the sites north boundary and one of two storey dwellings backing onto the proposed dwellings to the Alma Road frontage. Each dwelling has characteristic gables and the principle elevations face into the site providing natural surveillance of the parking areas and cycle storage area.

All dwellings have rear gardens of approximately 30 square metres. Whilst this amount of amenity space is significantly less than that normally required for dwellings of this size, the town centre location means there are many other areas of open space that occupiers may choose to use. It is also a characteristic of town centre terraced housing. A developer contribution will also be applicable in respect of the likely use of town centre parks and recreational facilities.

It is considered that whilst there is a predominance of 2 storey units in the area, newer developments in the area have incorporated a mix of heights to make more efficient use of land and therefore the scale of development proposed is not uncommon to the character of the area and is acceptable.

The density of the proposal is approximately 76 dwellings per hectare, which demonstrates an efficient use of land which is in line with national, regional and local policy.

The site falls within the Druid Quarter, an area characterised by a mix of uses and development types of predominantly red brick character. This mix includes a variety of heights, with residential historically being of 2 storey construction and industrial buildings ranging from 2 to 4 storey. Newer developments in the area have incorporated both 2.5 and 3 storey residential schemes.

Derby Road has a variety of property types, styles and heights. The majority of properties fronting Derby Road are of two storeys and are located on the back edge of the highway, with the exception of the religious meeting hall adjacent to the site which is single storey and

set some 15 metres within the plot. The proposal incorporates two 3 storey buildings along the Derby Road frontage and within the site. Whilst these are higher than existing properties either side of the site it is considered that the proposal will not be harmful to the character of the area as a whole and will add to the variety and vibrancy that currently exists.

Highways and Parking

The vehicular accesses to the site have been previously discussed under the Siting and Design section of this report. The scheme provides a total of 55 off street car parking spaces, which equates to a 149% vehicle parking provision and whilst this is less than the typically applied standard, it is considered acceptable as Hinckley is well served by public transport and is in accordance with Central Government guidance which encourages planning authorities to apply a flexible approach to parking provision.

The Director of Environment and Transport (Highways) raises no objection to the proposal subject to the imposition of conditions to control necessary highways design matters.

The scheme includes the provision of a cycle storage area to ensure that provision for cyclists is met within the site.

Affordable Housing

The application proposes a 100% affordable homes development on behalf of a Registered Social Landlord (RSL). The scheme if permitted and developed will be managed by the RSL and it is likely that homes will be provided for social rent, and home buy (shared ownership). The site as a whole will remain under the management of the RSL however.

The provision of 100% affordable housing schemes is not favoured by the Council's Adopted Supplementary Planning Document on Affordable housing however there is a priority commitment by the Council through its Corporate Plan to deliver affordable housing. On conventional residential developments affordable housing is sought under historic policy and guidance provision has been limited resulting in limited provision throughout the Borough. The adoption of the Core Strategy is likely to improve the provision due to the greater requirements now required, however in the current economic position there are very few housing developments coming forward to provide any affordable homes within.

In the down turn the need for affordable homes remains and in many cases actually grows and with no provision coming forward the gap between need and provision widens, therefore its is of utmost importance the scheme currently being proposed is carefully considered as it will significantly address the need in Hinckley town centre.

The Housing and Enabling Officer confirms that the scheme to take into account the particular levels of need on the Local Authority's waiting list and should it be built, would provide much need accommodation in Hinckley.

Core Strategy Policy 15: Affordable Housing seeks to deliver 2090 affordable home between 2006 to 2026. In the 6 month period 1st April 2009 to 1st September 2009 64 affordable homes have been completed within the Borough.

The current housing waiting list for Hinckley (at 23rd February 2010) is detailed below and confirms the need.

4 bedroomed houses	24 required
3 bedroomed houses	121 required
2 bedroomed houses	137 required

2 bedroomed flats	47 required
1 bedroomed flats	272 required

Alongside the provision of affordable housing and the fact that this scheme would provide a significant contribution, the matter of five year land supply must also be considered.

It is a requirement of Planning Policy Statement 3: Housing (PPS3), that local planning authorities should be able to demonstrate the provision of an up-to-date five year land supply of deliverable sites for housing development.

At 1 October 2009 the Borough Council has a cumulative shortfall of -277 dwellings, equating to a five year housing supply of 4 years and 5 months.

Paragraph 71 of PPS3, states that "Where local planning authorities cannot demonstrate an up-to-date five year land supply of deliverable sites...they should consider favourably planning applications for housing...". Therefore as the Borough Council has a shortfall of supply the principles of PPS3 Paragraph 71 should apply when determining planning applications, until the Borough Council can demonstrate a five year housing supply.

In this case the shortfall indicates that a proposal such as this should be considered favourably alongside other material considerations.

Impact on Neighbours

The relationship of the site and the surrounding area is discussed earlier in this report; however there are a number of dwellings directly adjacent to the site.

Immediately to the north of the site along the Derby Road frontage there is a residential property, likewise along New Street to the north of the site there are residential properties. The development has been designed to ensure sufficient distance exists between properties and therefore existing occupiers will not experience any adverse impact upon their existing amenities.

The proposed loss of the commercial use of the site is likely to improve residential amenity for existing residents, particularly in terms of noise and odour.

The west boundary of the site abuts the adjacent garage site (Colin Blower) and there is potential for conflict between the noise use of the garage and the proposed dwellings within the site. The layout of the site and the design of the dwellings have been carefully considered to ensure that there is no direct conflict. In addition the application is accompanied by a Noise Assessment which finds the predominant noise affecting the site being that of traffic on Derby Road. The Noise Assessment proposes a series of mitigating measures which will be secured by planning condition.

Viability and Developer Contributions

The proposal attracts a total developer contribution requirement of £350,074.10 towards an array of infrastructure improvements arising from the development.

A total Play and Open Space Contribution of £63,856.60 is to be sought in respect of either of Hollycroft Park, Clarendon Park and Argents Mead/Castle Mount all of which are within 600 metres of the application site. The contribution can be used across these sites in accordance with the SPD. The breakdown of this contribution is as follows:

Capital Provision:-	
Formal Open Space	£11,217.30
Children's Equipped Play Space	£25,207.65
Informal Children's Play Space	£3,210.90
Maintenance Contribution:-	
Formal Open Space	£9,174.00
Children's Equipped Play Space	£12,284.13
Informal Children's Play Space	£2,762.63

No contribution is sought by Leicestershire Police providing the development is built to their Secure by Design standard and the applicant is committed to building the scheme to this standard for the RSL.

The contributions requested by the Director of Environment and Transport (Highways) (£45,742.12) are included within the request under the requirements of the Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions.

Leicestershire Fire and Rescue request a developer contribution however it is considered that there is no formal basis upon which to do so and therefore given the issues of viability it is unreasonable to request any contribution.

The breakdown of the contributions is as follows:-

Leicestershire Police	£0
Leicestershire NHS Trust (PCT)	£16,917.50
LCC Civic Amenity	£1680.00
LCC Libraries	£1960.00
LCC Education	£74,160.00
HBBC Play and Open Space	£63,856.60
HBBC Town Centre Infrastructure	£191,500.00
Total:	£350,074.10

The application is accompanied by a viability report that provides a breakdown on the finances of the development. The report details all of the costs applicable to the development, the elements of grant funding from the HCA and projected profit that the developer is seeking to achieve from the development. The figures suggest that the developer is seeking to achieve a profit of 1.37% on the completion of the development with only a £50,000 developer contribution.

Typically developers would strive to achieve a profit of 15% on a residential development (Source: 3 Dragons Tool Kit & Report) and within an 100% affordable housing scheme a 6% developers return is assumed to provide a return for the developer's commitment to develop affordable housing.

Accordingly, in considering these figures the applicant is seeking a very low profit return on this project.

Should the developer be required to pay the full contribution of £350,074.10 the profit return will be reduced to -5.22%, which is considered by the developer to be wholly unaffordable.

The Council has commissioned an independent team of consultants to provide an appraisal of the viability report. The consultant's findings suggest that the finances applicable to the development are sound and reasonable given the nature of the development and the current market conditions. The consultants have suggested that the developer may be able to achieve additional cost savings over an above those reported, however Westleigh have confirmed that this is not possible and the current depreciating levels of HCA grant funding is likely to have a negative effect with the developers profit being reduced further. Furthermore, should cost savings grater than the 6% return detailed above be achieved during construction these will be deducted from the HCA grant and therefore the developers return will remain the same. This position has been confirmed by the Borough Council's Housing and Enabling Officer.

In this case it is clear that the proposal to develop this site is only to achieve a financial turn over for their business and to ensure employees are retained in employment by facilitating the move of the business to Tungsten Park.

The developers offered contribution of £50,000 represents a 14.28% contribution against the total requirement and whilst the figure is low and significantly less than that required, through independent scrutiny it has been demonstrated that it is reasonable given the nature of the development and the current economic climate.

In considering cases of reduced contributions such as this it is vitally important to give consideration to the Government Guidance contained within Circular 05/2005, paragraph B5 which requires that a planning obligation must be:-

(i) relevant to planning;
(ii) necessary to make the proposed development acceptable in planning terms;
(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.

In this case the applicant seeks to demonstrate through the viability information and appraisal that has been carried out, that the requirements of any planning obligation at full requested rates fails to satisfy the requirements of the Circular guidance as is not "fairly and reasonably related in scale and kind to the proposed development; and is therefore unreasonable in all other respects.

Saved Policy IMP1 of the Adopted Hinckley and Bosworth Local Plan states "planning permission will be granted for new residential 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".

In assessing whether this proposal satisfies the requirements of Policy IMP1 the key issue for consideration is whether the contribution is commensurate with the scale and nature of the development proposed. Whilst the contribution being proposed is not inline with the necessary tariffs the applicant proposes that given the gain of the affordable hosing and the current economic climate it is commensurate with the nature of the development being proposed. The issue of commensurateness needs to be carefully considered alongside the other gains the development will result in.

The development will offer 30 affordable homes above what would be required if the full developer contributions were paid. This gain of 30 affordable homes whilst not having a financial value it does result in a significant planning gain and therefore is considered a comparable developer contribution. The regeneration and environmental benefits resulting

from the redevelopment of this commercial site, whilst at the same time retaining the existing business within the Borough, is also a material consideration.

Given that the developer has demonstrated that the scheme can afford a developer contribution of £50,000 the split of this contribution needs to be appropriately distributed across the necessary infrastructure services. Whilst the necessary bodies can demonstrate why they requested their necessary contributions, there is no sequential way of being able to rank the importance of such contributions to aid the distribution of the developers proposed contribution. Therefore, in the absence of any input on this issue at this stage from the County Council, and rather than try to draw up a list of infrastructure priorities for delivery it is considered fairer and more appropriate to split the developers £50,000 contribution proportionally, whereby each service area should receive 14.28% of their requested figure. This results in the following contributions:-

Leicestershire Police	£0
Leicestershire NHS Trust (PCT)	£2,416.27
LCC Civic Amenity	£239.95
LCC Libraries	£279.94
LCC Education	£10,592.04
HBBC Play and Open Space	£9,120.44
HBBC Town Centre Infrastructure	£27,351.35
Total:	£50,000

On the basis of the proposed reduction detailed above, the split in respect of the Play and Open Space Contribution equates to:-

Capital Provision:-	
Formal Open Space	£1602.13
Children's Equipped Play Space	£3600.33
Informal Children's Play Space	£458.60
Maintenance Contribution:-	
Formal Open Space £1310.29	
Children's Equipped Play Space	£1754.50
Informal Children's Play Space	£1602.13

In summary, the application and its accompanying information demonstrates that the development is not viable with the requested developer contributions. The viability appraisal suggests that a contribution of £50,000 can be afforded and on that basis the developer is offering this figure as the developer contribution in this case.

The issue of accepting a reduced developer contribution is in this case generally in accordance with the Council's Adopted Protocol on Renegotiating Financial Contributions Required for Infrastructure Improvements as the site is brownfield in nature and by way of it being within the Druid Quarter Masterplan, is a priority of the Council for development.

Given this informed position in respect of the reduced contribution and the proposed distribution of the contribution, it is still necessary to consider the other material considerations applicable to the proposal and these should be carefully balanced alongside the viability of the scheme being proposed.

At the time of writing, there is no agreement with Leicestershire County Council is respect of the proposed reduced contributions and the viability case presented by the applicant. The opinions of Leicestershire County Council will be reported as a late item.

Other Key Material Considerations

The other key material consideration relevant to this application is the relocation of the Martin Rumble Dealership to Tungsten Park and the stimulus this will provide to occupation and development at Tungsten Park.

The Council has been aware for some time now that there is an intention for the Martin Rumble dealership to relocate to Tungsten Park on Coventry Road in Hinckley. This intention is evident in the earlier application to redevelop the Derby Road site for a mixed use development and the approved Tungsten Park applications whereby the car dealership is proposed to be one of two, in purpose designed buildings on the sites Coventry Road frontage. In the simplest of terms the Martin Rumble dealership cannot relocate without first finding a buyer and viable use in planning terms for the Derby Road Site.

Tungsten Park is a site to the north of Coventry Road in Hinckley that benefits from permitted commercial uses. Work has commenced on site with the development of some of the smaller units to the rear, however the developer is keen to secure the development of the frontage plots to act as attractions for further occupiers. The Martin Rumble dealership is to occupy the larger of the two frontage plots. At present the site appears partially completed and whilst not untidy does somewhat detract from the character of Coventry Road and does not provide a positive message to visitors arriving in the town along Coventry Road. It is considered an important site to develop in Hinckley and the occupation by Martin Rumble would be a positive step forward in securing the development of the site and the town's economy.

In considering this position it is important to understand that the earlier outline permission for the redevelopment of the Derby Road site has, as identified in the Marketing Appraisal, been poorly received by the market and has not therefore secured the acquisition of the site by a buyer and not released the Martin Rumble dealership to relocate to Tungsten Park.

Other Matters

The potential for ground contamination and the subsequent contamination of ground water is a material planning consideration. Both the Head of Community Services (Pollution) and the Environment Agency recommend a conditional approval to allow such matters to be investigated and controlled.

The Protected Species Survey that accompanies the application indicates that the site and building are of low ecological interest and no protected species were found. The Director of Community Services (Ecology) has suggested that a watching brief be maintained at the time of any work on the site.

The objection from the Head of Business Development and Streetscene Services (Waste Management) on grounds of inadequate bin collection details not being provided to accord with the Council's adopted policy is not considered to be a material planning consideration. The objection suggests that bin stores and collection points should be sited close to the public highway for ease of collection by Council operatives. Whilst the provision of waste and recycling facilities, of which the proposal makes provision for, is a material consideration, the siting of these for ease of collection (as requested) is not . Furthermore, the resultant effect of siting bin stores and collection areas along the highway would be to the detriment of visual amenity.

Conclusion

The scheme is considered to make good and efficient use of land with a density of approximately 76 dwellings per hectare and providing a range of housing types. The scheme provides a much needed mix of affordable housing that has been purposefully designed to satisfy the Council's immediate housing needs.

The layout has been designed to reflect the street pattern in the surrounding area and to ensure there is no adverse impact on existing residents. The scale of the development reflects that of the Druid Quarter and provides a high quality scheme that enhances the area.

The viability of the scheme has been presented and has been independently appraised which has found that the scheme is unviable with the full payment of the requested developer contributions. The applicant is offering a total contribution of £50,000 which is considered to be in accordance with the advice in Circular 05/2005 whereby any planning obligation must be fair and reasonably related to the proposal, and the Council's local protocol on renegotiating developer contributions, in delivering the redevelopment of this brownfield site.

In addition the development will allow for further development of Tungsten Park providing a much need stimulus to this important partially developed site on an importance entrance to the town.

RECOMMENDATION:- That subject to: the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, education, library facilities, highways improvements, civic amenity facilities, town centre infrastructure improvements and policing requirements; by 22 March 2010, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 2 March 2010 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would be to the detriment of visual or residential amenity, highway safety or the character of the area.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, EMP1, BE1, T5, RES5, NE2, REC2.
Hinckley _ Bosworth Core Strategy (2009) :- Policies 1, 5, 15, 16, 19, 20.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 08068 (08) 01 P1, 08068 (08) 02 P1, 08068 (08) 03 P2, 08068 (08) 04 P3, 08068 (08) 05 P2, 08068 (08) 06 P2, 08068 (08) 07 P3, 08068 (08) 08 P3, 08068 (08) 09 P2, 10.01.13 SK 07 Derby Road Elevation, 10.01.15 SK 08 Alma Road Elevation.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, apartments and bin stores shall be deposited with and approved in writing by the

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

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C, D shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure and boundary treatments (to the site and the curtilage of each dwelling house)
(iii) car parking areas, access roads, driveways, bin store areas and collection point surfacing details
(iv) pedestrian access surfacing details
(v) planting plans
(vi) written specifications
(vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(viii) implementation programme.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

8 No development shall commence until a scheme for the lighting of the site, including vehicle and pedestrian areas, has been submitted to and agreed in writing by the local planning authority. The agreed lighting scheme shall be fully implemented before the first occupation of any dwelling or apartment permitted and shall be maintained thereafter.

9 No development shall commence until details of the proposed cycle store have been submitted to an agreed in writing by the Local Planning Authority. The cycle store shall then be erected in accordance with the approved details and made available for first use before the first occupation of any dwelling or apartment and remain available for the storage of cycles thereafter.

10 No gates, chain, barriers of other device that prevents unrestricted access shall be erected to either of the vehicular accesses to Derby Road or Alma Road.

11 Notwithstanding the details submitted, no development shall commence until details of the proposed bin stores and their siting have been submitted to an agreed in writing by the Local Planning Authority. All bin stores shall then be erected in accordance with the approved details and made available for first use before the first occupation of any dwelling or apartment and remain available for the storage of bins and recycling containers thereafter.

12 Before first occupation of any dwelling or apartment hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the vehicular access's to Derby Road and Alma Road with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained thereafter, where in the control of the applicant.

13 Before the first occupation of any dwelling or apartment hereby permitted, the vehicular access, pedestrian access points and all roadways, driveways, turning areas and parking spaces shall be laid out in accordance with the approved details and maintained thereafter.

14 All redundant vehicular accesses / dropped kerbs along either the sites Derby Road or Alma Road frontage shall be closed permanently within one week of the new accesses being brought into use and the redundant vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

15 Before the first occupation of any of the dwellings fronting Derby Road, the noise mitigation measures as detailed in the submitted Noise Assessment shall be installed/actioned and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

16 No development shall commence until drainage details including works for the disposal of both surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained thereafter.

17 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

1) A preliminary risk assessment which has identified:-
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

18 Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

19 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

21 The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons:-

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

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the development remains compatible with the surrounding area, in accordance with the requirements of Saved Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development remains compatible with the surrounding area and not to the detriment of residential amenities of others, in accordance with the requirements of Saved Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

6&7 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8 In the interest of the amenities of the occupiers and to create a safe and secure development in accordance with the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure satisfactory provision for the storage of cycles is made for the occupants of the development in accordance with the requirements of Saved Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

10 To allow vehicles to access the site without obstruction, in the interest of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan

11 To ensure satisfactory provision for waste management is made for the occupants of the development in accordance with the requirements of Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

12 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

13 To ensure vehicles can access the site, turn and park within the site, in the interests of highway safety to accord with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

14 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points, in accordance with the requirements of Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

15 To ensure the residents of the proposed dwellings are not adversely affected by noise from Derby Road whilst still retaining an acceptable living standard to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

16 To ensure that the development is provided with a satisfactory means of drainage to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17-20 To protect the environment of future occupiers of the site and the water environment in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan.

21 To protect the water environment in accordance with Policies BE1, NE2 and NE13 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded.
For further details see www.leics.gov.uk/htd or phone 0116 3056782.

7 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

8 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

9 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

10 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. If any such species are discovered before or during the works, the works must be suspended and the local office of Natural England contacted for advice.

11 There are Public Sewers crossing the site and Severn Trent Water advises that special controls exist in respect of development within 3 metres of such sewers. Further advice should be taken from Severn Trent Water on 0116 2343834.

12 The site's west boundary shall be defined by a brick wall with a typical height of 2 metres and shall include elements of public art.

13 Decommissioning of Fuel Tanks:
The Environment Agency recommends that fuel dispensing facilities should be decommissioned in accordance with the recommendations and current good practice detailed within the following publications DEFRA (2002) 'Groundwater Protection

Code Petrol Stations and other Fuel Dispensing Facilities Involving Underground Storage Tanks' (Chapter 5).

Within section 5.4 of the above publication the author states:-

'It would be preferable to remove all redundant tanks and pipework. If tanks are left in-situ, a risk could arise if any residual product remains in the tanks. As the integrity of the equipment would no longer be maintained or monitored, the potential risk posed might be greater than during the operational lifetime of the site'.

Within section 5.9 of the above publication the author states:-

'It is normal good practice to remove tanks, pipeworks and dispensers. If tanks are to be left in-situ, they must be made safe. Following bottoming and making safe, tanks should be filled with either: a sand and cement slurry, hydrophobic foam, or foamed concrete'

Within section 5.12 of the above publication the author states:-

'If sites are decommissioned temporarily, it is possible to leave product or water in tanks. In this case, all monitoring procedures must be continued as if the facility remained operational. If for any reason monitoring cannot continue, the tanks should be emptied and made safe'.

In view of the above information the Agency recommends that Underground Storage Tanks (UST's) and associated infrastructure should be decommissioned. Once the tank(s) has been either removed or decommissioned validatory testing of the surrounding soils and groundwaters should be undertaken to assess the extent of any residual contamination due to the storage of hydrocarbons.

Severn Trent Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in paragraph F7 of Annex F of PPS25 Development and Flood risk and in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

14 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and

stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Contact Officer:- James Hicks Ext 5762

Item: **05**

Reference: **09/00915/OUT**

Applicant: **Mr John Knapp**

Location: **Land South Of 26 To 28 Britannia Road Burbage**

Proposal: **ERECTION OF 62 DWELLINGS AND ASSOCIATED ACCESS**

Introduction:-

This application seeks outline planning permission for a residential development of 62 dwellings and associated access on land to the south west of Britannia Road, Burbage. Planning permission is sought for access and layout at this stage with all other matters reserved. The proposed access to the development is from Britannia Road at the north east corner of the site leading to a main shared surface access road and a number of private drives serving a mix of detached, semi detached and terraced dwellings. Off street car parking is to be provided on private driveways and garages and within small parking courts and the proposed layout also incorporates areas of open amenity space including a balancing reservoir to the south of the site and an informal nature area. The proposal includes the widening of the existing access and this could be achieved by a legal agreement with the owner of land adjacent to the north side of the access. The public right of way through the site is to be incorporated into the proposed development.

There is an existing unmade access, currently serving 5 dwellings, located on the outside of a right angled bend in Britannia Road. The 2.35 hectare site is roughly rectangular in shape and comprises three separate areas of land: a paddock to the rear of 24a Britannia Road and two fields bisected by a public right of way. The northern field has been used for horse grazing and the southern field has recently been granted planning permission for unspecified informal recreational use. There are currently no buildings on the fields but there is a small cluster of trees within the northern field. The ground levels fall to the south of the site and there are field boundary hedgerows and trees around the perimeter. A recreation ground lies to the west and part north, agricultural fields lie to the south and part east and there is residential development to the part north and part east of the site.

A number of supporting documents have been submitted with the application: The Planning Statement considers the planning policy background, questions the merits of the Burbage preferred options site for residential development and concludes that the application site satisfies the requirements set out by Hinckley and Bosworth through the Strategic Housing

Land Availability Assessment (SHLAA) and that it is suitable, available, achievable and developable and would address current shortfalls in housing supply as well as contributing to the provision of affordable housing.

The Design and Access Statement advises that the road layout has been designed with reference to the existing access and the need to incorporate the existing public right of way through the centre of the site. Both frontage development and cul-de-sacs have been incorporated into the scheme in keeping with the village which is typified by a mix of styles on sites of varying size. The density is commensurate with Burbage and the development will provide 62 dwellings of which it is envisaged that there will be 20 x affordable housing units (32.3%) and 42 x open market dwellings with a mix of 2, 3 and 4 bedroom properties with appropriate off-street parking. Open space buffers and planting are to be provided to protect the amenities of existing dwellings. The balancing reservoir has been located at the southern end of the site where there are existing springs.

The Transport Assessment states that the proposed development is in an accessible location and the predicted levels of additional traffic movements generated by the scheme will have no detrimental material impact on the operation of the local highway network and that there are no reasons why the development should not be permitted on highway or transportation grounds.

The Flood Risk Assessment concludes that there are no clear flood risks to the site that could be identified from readily available existing information but recommends a further full Flood Risk Assessment be completed including drainage impact assessment and conceptual drainage design if necessary. The Ground Investigation Report advises that qualitative risk assessment has not identified a potential risk to either controlled waters or human health due to the lack of significant levels of contamination and a significant pollutant linkage although it is recommended that further investigation is appropriate in part of the site.

The Archaeological Survey concludes that despite limited evidence being identified by the desktop study, known features and finds in the vicinity suggest that there is a moderate to high possibility that earth-fast archaeological remains will be present within the site.

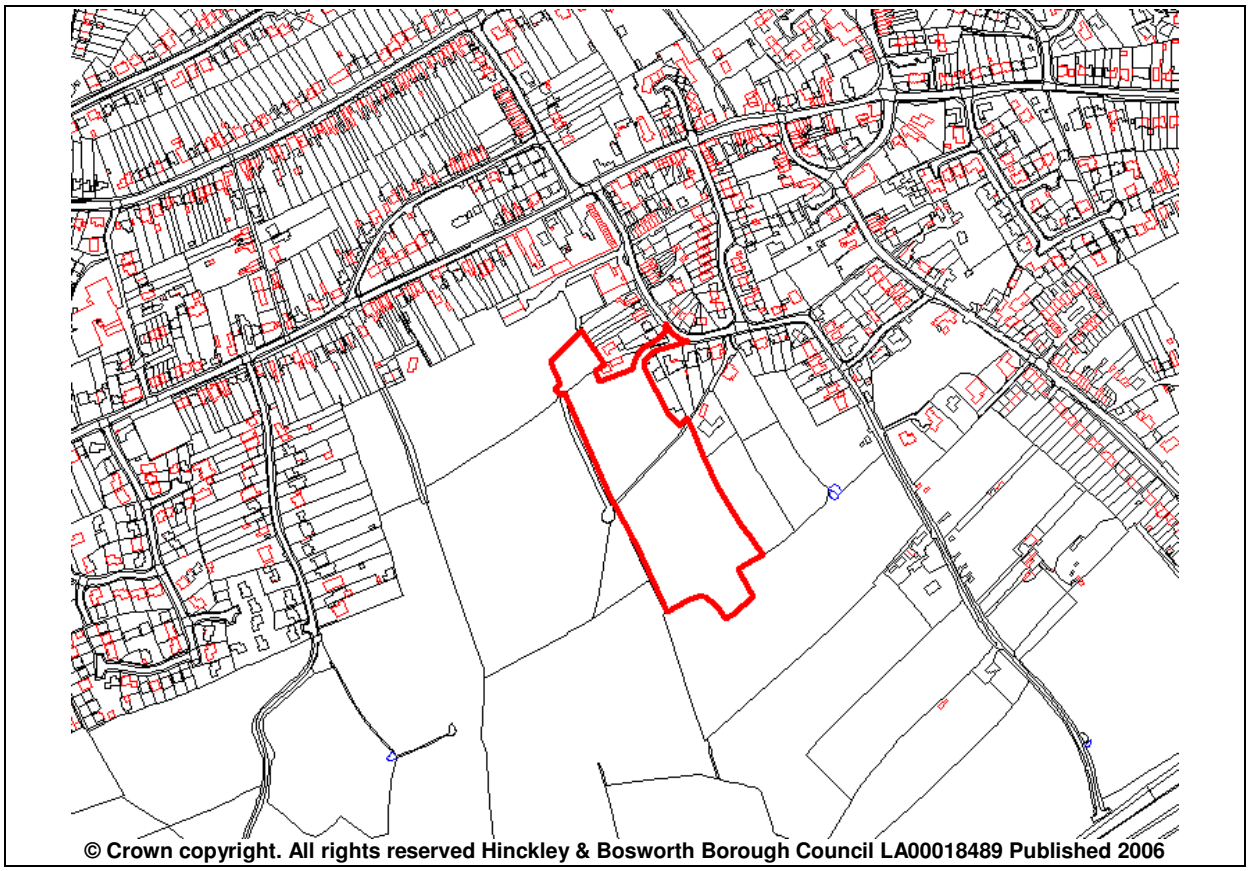
The Phase I Ecology Survey advises that the grassland site has no known nature conservation value but as it provides suitable opportunities for protected species it is recommended that additional detailed surveys for certain species be carried out prior to any works. In addition, the boundary trees and hedgerows should be retained and protected for their ecological value and measures to enhance the biodiversity of the site are to be carried out including infill planting and the creation of a pond.

The Tree Survey concludes that where possible all trees and hedgerows should be retained unless indicated in the report for health and safety reasons. Retained trees should be subject to the preliminary management recommendations of the survey, retained trees with structural problems should be monitored and replacement planting of removed trees should be undertaken along with additional tree and hedge planting to offer further wildlife habitat and mitigation. Protection measures should be carried out if planning permission is granted.

A draft s106 Agreement has been submitted in respect of contributions for affordable housing, public play and open space, education, health, civic amenity, library facilities and police contributions. The Affordable Housing Report considers that the affordable housing requirement for the site should be around 30% with a mix of tenure to be subject to further discussion.

History:-

08/00415/COU	Change of Use of Land to Pony Paddock and Construction of Stable	Approved	16.06.08
07/00990/COU	Change of Use from Agricultural Land to Paddock and Erection of Stables	Approved	07.11.07
06/00557/COU	Change of Use of Land from the Keeping of Horses to Leisure Use	Approved	27.09.06
06/00021/OUT	Demolition of 28 Britannia Road and Erection of Three Dwellings (Revised Scheme)	Approved	22.03.06
05/01128/OUT	Residential Development with Vehicular Access	Withdrawn	10.01.06
05/01127/OUT	Demolition of 28 Britannia Road and Erection of Four Dwellings	Withdrawn	14.11.05.



Consultations:-

No objections have been received from:-

Sport England
Director of Environment and Transport (Rights of Way).

No objections have been received subject to conditions from:-

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

Director of Environment and Transport (Highways) recommends that the application is refused on highway safety grounds in respect of the impact of an increase in traffic turning at local road junctions that lack adequate visibility. In addition, whilst not a reason for refusal, concern is also raised that the proposed access road and internal road layout does not conform to the usual Highway Authority design guidance to make it suitable for adoption.

Chief Executive, LCC (Archaeology) advises that the submitted Archaeological Desk Based Assessment confirms that the site has a high archaeological potential and recommends additional investigation of the site in the form of a geophysical survey prior to determination of the application in order to locate any significant archaeological remains. Following this, it is also likely that further intrusive work will be required to confirm the results and assess their preservation and hence, significance.

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

a) Chief Executive, LCC (Ecology) has no objection but recommends that the developer be required to incorporate various measures to improve habitat opportunities for wildlife within the development

b) Director of Children and Young People's Service (Education) requires no education contribution for the local high school as there is surplus capacity in this sector at the present time. However, an education contribution of £4740 per dwelling of 2 or more bedrooms is required for the local primary school (Burbage Infant and Junior School) amounting to £180,048 and the local upper school (John Cleveland College) amounting to £113,832 as these are full and forecast to remain so.

c) Head of Adults and Communities (Libraries) requires developer contributions for library facilities on a pro-rata basis of £27.18 per one bedroom dwellings; £54.35 per two bedroom dwellings and £63.41 per 3/4/5 bedroom dwellings

d) Director of Environment and Transport (Civic Amenity) requires developer contributions to improve civic amenity site infrastructure at a rate of £45.40 per dwelling.

Primary Care Trust requires developer contributions towards local health care facilities on a pro-rata basis of £583 per one/two bedroom dwelling; £1167 per three/four bedroom dwelling and £1750 per five bedroom dwelling.

Leicestershire Constabulary Crime Reduction Officer requires developer contributions towards additional policing requirements as a result of the new development at a rate of £606 per dwelling. Concerns are raised in respect of the open space areas and the possibility anti-social behaviour, the public footpath, natural surveillance, boundary details and landscaping.

The Environment Agency recommend refusal of the application on the grounds that the submitted Flood Risk Assessment does not comply with the requirements of PPS25.

A Borough Councillor and a County Councillor object to the application on the following grounds:-

i) the internal layout is inadequate for adoption by the Highway Authority and will lead to future maintenance problems and difficulty for emergency and refuse vehicles
ii) increase in traffic on surrounding roads will be detrimental to highway safety
iii) site is beyond the settlement boundary in the open countryside and development will be detrimental to the character of the area contrary to local planning policy to protect open spaces
iv) housing numbers are not required and will be satisfied on land between Rugby Road and the A5.

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

i) outside settlement boundary contrary to Burbage Village Design Statement and Local Plan Policies
ii) emerging LDF Site Allocations document does not indicate the site as acceptable for development
iii) proposed access road has inadequate width it is poorly positioned
iv) additional traffic movements from the development would have an adverse impact on local roads
v) traffic survey carried out in a favourable position and is incorrect
vi) no evidence submitted to demonstrate adequacy of sewer system
vii) a public balancing lagoon is unacceptable.

Burbage Matters! object to the application on the following grounds:-

i) contrary to adopted LDF Core Strategy Policy
ii) outside settlement boundary and contrary to LDF site allocations document
iii) shortage in 5 year housing supply should not take precedence over adopted local policy
iv) local policy is to preserve green wedge
v) recommendations in Village Plan or Design Statement ignored
vi) inaccurate plans and Traffic Assessment
vii) dangerous access and unacceptable for emergency vehicles.

Director of Corporate and Scrutiny Services (Green Spaces) does not object to the application but recommends that public play and open space contributions should be sought for on and off-site provision and that the future management of on-site areas is addressed.

Head of Business Development and Street Scene Services objects as there are concerns in respect of the road layout/width and the future collection of recycling materials and refuse.

Press and site notices posted, neighbours notified. Two petitions have been received containing a total of 111 signatures from 81 different addresses together with 29 additional letters have been received raising objections and concerns on the following grounds:-

i) outside settlement boundary, unwarranted intrusion into the countryside
ii) contrary to adopted LDF Core Strategy (Policy 4), Local Plan and Burbage Village Design Statement, shortage in 5 year housing supply should not take precedence over adopted policy
iii) highway and pedestrian safety issues including: access off a dangerous bend, inadequate access width and visibility, an increase in traffic along Britannia Road and turning on local road junctions with poor visibility, conflict with existing driveways, increase in on-street parking and congestion where a problem already exists, inadequate footpaths, increase in potential for accidents, contrived and inaccurate Transport Assessment.
iv) increased pressure on local infrastructure, including schools etc.

v) inadequate drainage and potential flooding
vi) loss of wildlife habitat
vii) will compound problems from other recent developments nearby
viii) detrimental to amenity of neighbouring properties in terms of increase in traffic and disturbance, loss of privacy, views and light
ix) not a preferred option for site allocation, approval will compromise the planning process and set a precedent for further development in such areas
x) residential development has been refused before
xi) detrimental to village character
xii) density is not in keeping with the surrounding area
xiii) drainage pond /reservoir will create a serious risk to young children

At the time of writing this report no response has been received from the Ramblers Association.

Policy:-

Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' in paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. Paragraph 27 states that planning authorities should seek to bring forward sufficient land in appropriate locations to meet expected need for housing etc. and promote the more efficient use of land.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services. Paragraph 41 of the PPS indicates that at least 60% of new housing should be provided on previously developed land (brownfield sites). Targets should be set at the regional level and also at the local level to provide a target for the delivery of housing development on previously developed land (paragraphs 42 and 43). Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density. This PPS states the need for Local Planning Authorities (LPA's) to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA, to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land. Paragraph 72 states that applications should not be refused solely on the grounds of prematurity.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that LPA's should accommodate housing principally within urban areas and promote accessibility to services by public transport, walking and cycling and reduce the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages of the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS). Paragraph 10 requires flood risk assessments to be carried out to the appropriate degree.

Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 43 seeks to improve safety across the region and reduce congestion.

Local Policy

Local Development Framework adopted Core Strategy (2009)

Policy 4 identifies the needs to allocate land for the development of a minimum of 295 dwellings focused primarily to the north of Burbage and adjacent to the Hinckley settlement boundary to help support the Hinckley sub-regional centre and to cater for a range of house types as supported by Policy 15 and Policy 16. Policy 4 also seeks to protect and preserve the open landscape to the east which provides an important setting for the village and to enhance the landscape structure which separates the village from the M69 as supported in the Landscape Character Assessment.

Policy 15 sets out the Council's requirements for Affordable Housing in new development and sets the starting target of 20% affordable units on developments of 15 dwellings or 0.5 ha and over in urban areas, including Burbage.

Policy 16 requires a minimum net density of 40 dwellings per hectare within and adjoining Burbage and for a mix of housing types and tenures to be provided on all sites over 10 or more dwellings. In exceptional circumstances, where individual site characteristics dictate and are justified a lower density may be acceptable.

Policy 19 refers to standards in relation to the provision of green space and play areas.

Local Development Framework Draft Site Allocations and Generic Development Control Policies DPD

This document identifies the site as an alternative option for allocation for residential development but not a preferred option. The Strategic Housing Land Availability Assessment (SHLAA) (2008) provides background evidence on the potential supply of housing land in the Borough to inform the site allocations process. The site was identified as part of this assessment as being 'greenfield' land, suitable, available and achievable and therefore deliverable.

Adopted Hinckley and Bosworth Local Plan (2001)

The site is outside the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE1 states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; avoid the loss of open spaces and important gaps in development which contribute to the quality of the local environment; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy NE2 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE5 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12 'Landscaping Schemes' states that development proposals should take into account the existing features of the site and make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC2 requires new residential development to provide outdoor play space for formal recreation. Policy REC3 requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Other Policy Documents

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

The Play and Open Space Guide Supplementary Planning Document (2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Hinckley and Bosworth Landscape Character Assessment (2006) highlights the close relationship between the village and the open countryside to the east as being of key importance and recommends that this is protected and preserved. It also recommends enhancement of the landscape structure between the village and the M69.

Burbage Village Design Statement identifies the land between the southern settlement boundary and the M69 as being vital to visual amenity and key to the provision of future leisure and recreational facilities.

Appraisal:-

The main considerations with regards to this application are: the principle of development; the five year housing land supply; impact on the character and appearance of the countryside; design and layout; access and impact on the highway network; impact on neighbouring properties, affordable housing; developer contributions and other matters.

Principle of Development, Five Year Housing Land Supply and Impact on the Character and Appearance of the Countryside

The application site lies outside of the settlement boundary of Burbage and is therefore within an area designated as countryside. Policies NE5 and RES5 seek to protect the countryside for its own sake and only allow development which would not have an adverse effect on the character and appearance of the landscape or on the local highway network or road safety.

Notwithstanding this policy objection, the Local Authority is currently unable to secure a five year housing land supply of deliverable and developable sites based upon the most up to date (30th September 2009) East Midlands Regional Plan monitoring figures. These indicate a cumulative shortfall of 277 dwellings (equating to 4 years and 5 months of supply). Paragraph 71 of PPS3 makes it clear that where there is a shortfall in the five year supply, applications for housing should be considered favourably having regard to the criteria of paragraph 69 of the PPS detailed in the policy section above. The adopted Core Strategy allocates a minimum of 295 dwellings for Burbage focussed primarily to the north of Burbage but this does not exclude the consideration of other smaller development sites. The Draft Site Allocations and Generic Development Control Policies DPD identifies a largely 'brownfield' site between Rugby Road and the A5 as the preferred option for the residential allocation. However, this document has not yet been subject to independent examination by the Planning Inspectorate, nor formally adopted and the preferred option site is not currently in a position to come forward. The application site had been considered as part of the SHLAA in 2008 and was identified as being 'greenfield' land but suitable, available, achievable and therefore deliverable. In addition, the site has been identified as an alternative option for development through the site allocations process. The approval of the application would bring forward these units and contribute towards the Core Strategy housing requirement for Burbage, towards addressing the shortfall in the overall five year housing land supply and the provision of affordable housing units in an area of identified need, without compromising the preferred options site.

The application site lies in a sustainable location close to the centre of the village and adjacent to the current built form of Burbage. There is existing development within the settlement boundary of Burbage both further to the west (Bullfurlong Lane) and further to the east (Lutterworth Road). The ground level of the site falls towards the south and whilst

residential development of the site would clearly change the character and appearance of the site itself, its boundaries include mature field hedgerows and trees and provide both visual and physical separation from the recreation ground to the west and the countryside beyond and to the south. The site forms a small part of the total area of countryside between the southern boundary of the village and the M69 and when viewed from the wider landscape to the south would be seen against a background of the existing built form of Burbage. The site is largely well screened from views outside the site.

Under these circumstances, and given the weight placed on maintaining a rolling five-year housing land supply as set out in paragraph 71 of PPS3 it is considered that, in this instance, this is a significant material consideration which overcomes the objection to the principle of development established by the Local Plan policies NE5 and RES5. Notwithstanding the Landscape Character Assessment and Burbage Village Design Statement, it is also considered that it would be difficult to sustain an objection based on the impact of the development on the character or appearance of the wider landscape when considered alongside the current shortage in the five year housing land supply, guidance within paragraph 69 of PPS3 which is addressed further in the body of this report and the potential to further reduce any impact by additional landscaping. Impact on the local road network and highway safety is discussed later in this report. It is therefore considered that, in this instance, any harm caused by the impact of the development on the character and appearance of the countryside does not outweigh the need to maintain a five year housing supply.

Design and Layout

The proposed development of 62 dwellings together with the associated access and informal open space areas on this site would provide a net density of just over 30 dwellings per hectare in line with the minimum density set out in PPS3, and is considered to be appropriate for this edge of settlement location and in keeping with the surrounding area.

The layout is considered acceptable and would create a street hierarchy with a number of shared driveways leading off from the main shared surface access road to encourage cars and pedestrians to share the space. This approach will help create a sense of place within the development. .Visual interest would be provided throughout the development by virtue of the position of the dwellings in relation to the streets. A good mix of house types is indicated along with adequate private amenity areas and the varied approach to parking providing a majority to the side and rear of the dwellings would ensure that the development would not be car dominated. Adequate separation distances are provided between the proposed and existing properties such that there would not be an adverse impact on neighbours in respect of loss of privacy or amenity. Whilst limited open space would be provided on site, due to the proximity of available recreation space nearby this is not detrimental in this case. The existing public footpath running through the site would be incorporated into the layout of the development promoting permeability and links to the surrounding countryside. A balancing reservoir would be provided at the southern end of the site and would provide the opportunity to create a nature area with a variety of habitats. No comments have been received at the time of writing this report from the Head of Corporate and Scrutiny Services (Green Spaces) and will be reported as a late item. This is an outline application for access and layout only, therefore design, external appearance and landscaping do not form part of the application and would be considered at the reserved matters stage.

Highway Issues

The Director of Environment and Transport (Highways) recommends refusal of the application on highway safety grounds as it would result in a significant increase in traffic turning at local junctions which suffer from severely reduced visibility splays to and from

emerging vehicles due to an existing boundary hedge at the Lutterworth Road junction with Britannia Road and due, at times, to on-street parking on Windsor Street and Coventry Road close to the junctions with Britannia Road and Freemans Lane.

Access to the development from Britannia Road would be from the north-east corner of the site and include improvements to the existing private track. Whilst not recommended as an additional reason for refusal, the Director of Environment and Transport (Highways) raises concerns that the applicant has failed to demonstrate that a satisfactory internal road layout can be provided in accordance with the usual adopted design standards of the Highway Authority. However, notwithstanding these comments and those of the Head of Business Development and Street Scene Services, PPG13 and guidance in 'Manual for Streets' promotes the use of shared surfaces that give priority to people over the ease of traffic movements to provide more road space to pedestrians and cyclists in local neighbourhoods. The matter of vehicular access and egress from a number of existing properties is also highlighted by the Director of Environment and Transport (Highways) but does not form a further reason for refusal.

Developer Contributions

The applicant has submitted a draft Section 106 agreement with the application to secure appropriate contributions to meet policy 15 of the adopted Core Strategy and policies IMP1, REC2 and REC3 of the adopted Local Plan. The County Council would require developer contributions towards education facilities at the local primary school (£180,048) and the local upper school (£113, 832), but no contribution for the local high school as there is surplus capacity in this sector at the present time. In addition, a total of £2815 (£45.40 x 62 dwellings) would be required towards new or improved civic amenity site infrastructure for the nearest site at Barwell, together with pro-rata contributions towards an enhanced programme of refurbishment and improvements to library facilities including equipment and other library materials, the overall amount required will depend upon the number/size of the dwellings to be provided on the site. It is also suggested that the development incorporate the provision of bat bricks and boxes to mitigate the loss of any potential roosts on the site but this would be considered at the reserved matters stage.

Primary Care Trust would require developer contributions towards the provision, enhancement and maintenance of local health care facilities on a pro-rata basis of £583 per one/two bedroom dwelling; £1167 per three/four bedroom dwelling and £1750 per five bedroom dwelling. The overall amount required will depend upon the number/size of the dwellings to be provided on the site. Leicestershire Constabulary Crime Reduction Officer requires developer contributions of £37,572 (£606 x 62) towards additional policing requirements as a result of the new development.

Policy 15 of the adopted Core Strategy would require a minimum of 20% provision for affordable housing. The proposal offers a higher proportion of affordable housing than the policy requirement, offering just over 30% affordable housing and the split follows the guidance of 75% social rented and 25% intermediate tenure. Burbage is an area of high demand and low turnover for social housing and the provision of family housing would be particularly welcome in this area. Whilst the request for affordable housing is normally for the properties to be provided in small clusters, the proposed site of the affordable housing would be acceptable in this instance since it follows a linear pattern on the main street of the development.

Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to comply with policy 19 of the adopted Core Strategy, policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of

the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007). In this case the contribution required would be £1837.60 per dwelling (split between a capital sum £1140.60 and a future maintenance sum £697.00) and could be used to enhance and maintain Britannia Road recreation ground adjacent to the site.

Flood Risk and Impact on Controlled Waters

The Environment Agency recommend refusal of the application on the grounds that the Flood Risk Assessment (FRA) submitted with the application does not comply with the requirements of PPS25 and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In addition, whilst not recommended as a reason for refusal, concerns are raised regarding the information submitted in respect of the potential for contamination of underlying soils and groundwater from former agricultural uses on the site and the potential for remobilisation of any contaminants during site development. Further investigation is therefore recommended and as a result an additional FRA has been submitted to address these issues. Any revised response from the Environment Agency will be reported as a late item to this agenda.

Ecology

The Chief Executive, LCC (Ecology) confirms that the application will not have any impact on any designated sites of ecological importance and agrees that additional surveys for a number of protected species should be carried out at the appropriate times of year by suitably qualified persons as recommended by the submitted Phase 1 Ecology Survey. However, these are requested to be undertaken prior to determination of the application rather than prior to any works as recommended in the survey. The lack of appropriate surveys is, therefore, included as an additional reason for refusal of the application.

Archaeology

The Chief Executive, LCC (Archaeology) advises that the submitted Archaeological Desk Based Assessment confirms that the site has a high archaeological potential and recommends additional investigation of the site in the form of a geophysical survey prior to determination of the application in order to locate any significant archaeological remains. Following this, if remains are found, it is also likely that further intrusive work will be required to confirm the results and assess their preservation and significance. Further archaeological work is being undertaken and further information submitted will be reported as a late item to this agenda.

Conclusion

The site is outside the settlement boundary of Burbage and under normal circumstances residential development would not be considered acceptable in principle. However, in this instance and at the present time, the Local Authority currently has a significant shortfall in its five year housing land supply and paragraph 71 of PPS3 states that under such circumstances applications for housing should be considered favourably having regard to relevant criteria within paragraph 69 of the PPS. It has been demonstrated that the proposed development would meet the criteria of paragraph 69 as it would be in a sustainable location, suitable for housing and would use land effectively and efficiently to provide a high quality development with a good mix of housing to reflect the need in the area and would not undermine the wider policy objectives of Policy 4 of the Core Strategy. It is not considered, therefore, that an objection to the principle of development or its impact upon the character or appearance of the landscape or neighbouring properties could be sustained.

However, the Highway Authority recommend refusal of the application on highway safety grounds due to the impact of the increased traffic from the development on junctions with inadequate visibility on the local road network and the application is therefore recommended for refusal on these grounds. The lack of an adequate Flood Risk Assessment forms another reason for refusal from the Environment Agency. The lack of appropriate surveys in respect of protected species forms another reason for refusal from the Chief Executive, LCC (Ecology). Whilst the applicant has indicated a willingness to provide appropriate developer contributions towards the provision and/or maintenance of infrastructure to mitigate the impact of the development, a section 106 agreement has not been completed to secure such contributions and, therefore, this forms an additional reason for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 The proposal, if permitted would result in a significant increase in traffic turning at the Britannia Road/Windsor Street/Coventry Road junction, the Freemans Lane/Windsor Street junction and the Britannia Road/Lutterworth Road junction. The two Windsor Street junctions suffer from severely reduced visibility splays to and from emerging vehicles at times due to parked vehicles. The Britannia Road/Lutterworth Road junction severely lacks adequate visibility to and from emerging vehicles due to the boundary hedge of No.46 Lutterworth Road. To permit the development would therefore be to the detriment of highway safety contrary to Planning Policy Guidance Note 13, Policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, transportation and development'.

2 The Flood Risk Assessment submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

3 The applicant has failed to demonstrate that the proposed development will not have an adverse effect on protected species or their habitat as the presence, or otherwise, of protected species and the extent to which they may be affected by the development has not been established. The proposal is therefore contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation and paragraph 99 of the ODPM Circular 06/2005.

4 In the opinion of the Local Planning Authority, the lack of any definitive measures to provide affordable housing and to address the increase in pressure placed on education facilities, health care facilities, civic amenity facilities, library facilities, public play and open space facilities and policing requirements of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies 15 and 19 of the adopted Local Development Framework Core Strategy, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

Contact Officer:- Richard Wright Ext 5894

Item: **06**

Reference: **09/00922/FUL**

Applicant: **Adept Care Ltd**

Location: **Moat House New Road Burbage Hinckley Leicestershire**

Proposal: **DEMOLITION OF CARE/ NURSING HOME AND PROPOSED RE-DEVELOPMENT OF RESIDENTIAL/NURSING HOME AND EIGHT RESIDENTIAL UNITS**

Introduction:-

This application seeks full planning permission for the erection of a 100 bed residential/nursing home and eight two storey dwellings at the Moat House Care Home, New Road, Burbage. It is proposed to demolish the existing 40 bed care home facility and build the new facility on the footprint of the old care home and the garden land to the west. The proposed dwellings would form a terrace facing New Road with private amenity and parking to the rear.

The site is located within the Burbage Conservation Area, to the north-west of Pughes Close and south of Grove Road occupying an area of 1.255 Hectares. The northern and western boundary of the site contain a number of mature trees and shrubs which form a dense screen to this side of the proposal and separate the site from the small park Pughes Paddock. The area is predominantly residential in character; there are two detached dwellings, 25 Grove Road and The Rectory, located adjacent to part of the northern boundary, with residential properties located to the east and south of the site. The properties to the east are two storey terraced properties set back from the highway. To the south the properties are modern brick bungalows sited within Pughes Close.

It is proposed to erect a purpose built care home on the site, this comprises a mix of 2 storeys with rooms in the roof and 3 storey development. The footprint of the building resembles a 'U' shape, with the western wing longer than the eastern wing. The southern block will contain the main entrance located centrally within a full three storey gable that projects just over 1 metre from the main elevation. The majority of the third floor will be housed within the roof slope of the building with dormers providing adequate light and ventilation to these rooms. To the north elevation of the southern wing a double height glazed structure is proposed, providing a daytime seating area for residents. A two storey turret is proposed to the south eastern corner of the building creating a focal point. Revised plans have been submitted replacing all the hipped gables for full gables, presenting a more uniform appearance to the scheme.

The proposed residential housing would be located to the eastern side of the site. This consists of eight 2 storey, two and three bedroomed properties which together will form a terrace with the two end properties having front facing gables. Revised plans have been submitted, incorporating chimneys to the residential scheme, correctly representing the change in levels of the site and showing an additional bay window.

An application for conservation area consent for the demolition of the existing building has been submitted alongside this application and is being considered next on the agenda.

Members will recall planning permission was granted on this site for a new care home in 2007, to be sited to the west of the existing care facility proposed as a separate building. This proposed 60 bedrooms and proposed an additional 34 parking spaces.

A Flood Risk Assessment, Archaeological Evaluation, Ecological Survey and Bat Report, Human Health and Controlled Waters Risk Assessment, Transport Statement, Design and Access Statement and Tree report have been submitted in support of the application.

The Flood Risk Assessment has been prepared in accordance with the requirements of the Department of Transport, Local Government and Regions, Planning Policy Statement (PPS) 25 and the Environment Agency's (EA) Guidance Note 1. All documents state that the assessment should reflect the scale and potential significance of the proposed development. The document assesses the existing topography and surface water regime of the site, assesses the proposed development and the implications for flooding this has. Recommendations are made to deal with surface water runoff and the report concludes that the proposal would not be flooded by adjacent sites nor exacerbate any existing flooding problems.

The Archaeological Evaluation consisted of a desk based evaluation of the site that identified that the application site formed the pleasure grounds and gardens to the Rectory demolished in the 1960's. The position of a moat forming part of these grounds was also established. A process of trial trenching and recording was undertaken in 2003. The report sets out the aims of the investigations and how the trenching was undertaken. It concludes that a number of features survive beneath the present lawned area which are likely to represent garden features associated with the Rectory and its outbuildings. Insubstantial finds suggest activity and/ or occupation during the Medieval Period.

An Ecological Survey conducted in July 2007 and a Bat Report with a survey undertaken September 2009 outline the context of the site and weather conditions at the time of the surveys. The survey in 2007 identified the site as being potential habitat for nesting birds, and the possibly of bats in addition nearby buildings provide potential for bat roosts. A visual survey was undertaken in 2007 when no evidence of badger sets, foraging routes or other debris was found; the site was considered unsuitable for newts; and no evidence of bird nests were found. A visual inspection of the building undertaken in September 2009, was outside the preferred survey time for bats so no emergence survey was undertaken. The roof space and surroundings of the buildings were investigated for signs of bats and nesting birds. It concluded that no evidence was found, however recommends emergence surveys should be carried out prior to the commencement of development.

The Human Health and Controlled Waters Risk Assessment undertook intrusive ground investigations and contamination testing following the recommendation within a desk based assessment which identified that material used to partially infill the moat could potentially be a source of contamination. The report gives details of the methodology and conclusions from the desk based assessments. It concludes that slightly higher levels of arsenic than accepted were found.

The Transport Statement and associated TRICs data examined the potential traffic attraction of the sites proposed use and its effect on the local highway network. It assesses the site location and existing conditions, accessibility, development proposals, policy background and the likely traffic impact. The statement concludes that the site lies in an accessible location, with good links to other modes of transport than the private car and therefore the development will have no material impact on the operation of the local highway network.

The design and access statement states that the design brief received by the agents was to design a quality care home that caters for a variety of different needs from care for the frail elderly through to full nursing care. The report states a review of surrounding provision demonstrates that there is an under provision of beds in the area. The statement continues to assess the surroundings of the site with regard to mass and form of buildings, and local design features, and how this has been incorporated into the designs of the proposal. The

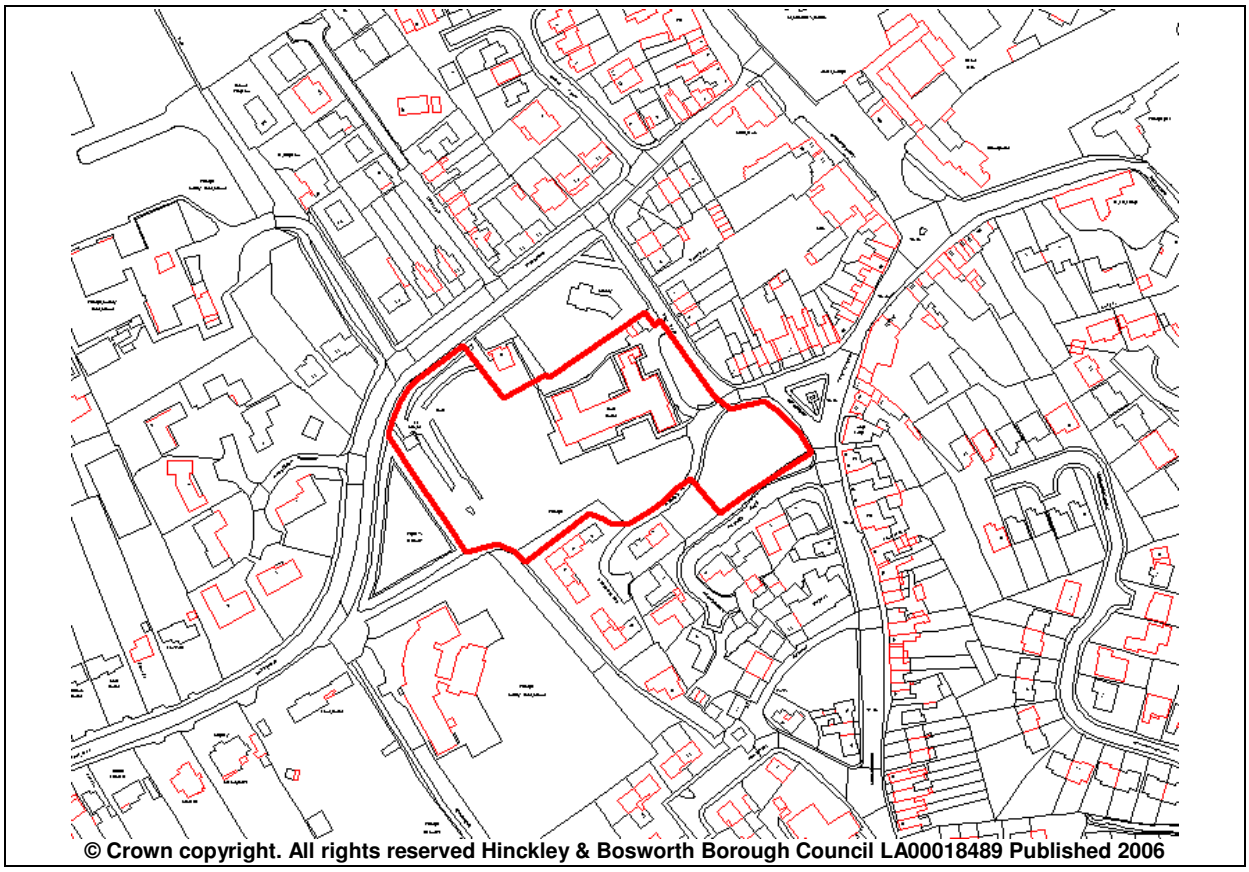
relevant policy is then listed including the Burbage Village Design Statement, with the final sections considering access to and from the site, sustainability and energy consumption and security.

The Tree Report provides a survey of all of the trees on the site and categorises them in relation to their health, structure, size and visual impact.

History:-

08/00536/FUL	Erection of residential care home (resubmission of 07/0166/FUL)	Approved	22.08.08
07/01066/FUL	Erection of residential care home	Refused	16.01.08
07/00333/FUL	Retention of training room	Approved	08.05.07

Various works to trees within the grounds.



Consultations:-

No objection has been received from Head of Business Development and Street Scene Services.

No objection subject to conditions have been received from:

- Environment Agency
- Director of Environment and Transport (Highways)

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

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

a) Director of Environment and Transport (Highways) requests:-

- that the applicant be required to provide a travel information board within the reception of the care home providing information about bus and train timetables, walking and cycling routes to be updated annually to the satisfaction of the LPA;
- improvements to the nearest bus stop on New Road with raised kerbs, timetable information etc. as may be necessary.
- each employee be provided with a 3 month travel pass for the first 6 months after the development has been brought into use.
- a contribution of £4500 towards a comprehensive review, consultation process and alterations to existing traffic regulation orders (TRO) within the vicinity of The Green/New Street/Church Street/Pilgrims Gate.

The above measures are justified in order to deliver a sustainable form of development through encouraging alternative modes of transport to the private car. The TRO changes are necessary as the shortfall in parking could lead to additional traffic having an impact on these local roads.

b) Director of Children and Young Peoples Services (Education) does not request a contribution as the residential numbers fall below the threshold.

c) Director of Environment and Transport (Civic Amenity) seeks a contribution towards new or improved civic amenity provision at Barwell, based upon £45.40 per dwelling. In this case this totals £363.00.

d) Director of Adults and Communities (Libraries) seeks a contribution towards a enhanced programme of refurbishment and improvements to facilities including equipment and other library materials. In this instance a contribution of £3,200 is required, based upon £54.35 per 2 bed units, £63.41 per 3 bed units and £27.18 per one bed apartments.

The Primary Care Trust seeks a contribution of £42,584 towards the continuing provision of community health facilities such as hospitals, health centres, health visitors, minor injuries and NHS walk in centres and partnerships with dental surgeries. The nearest surgery to the development is located on Tilton Road, and it is expected monies will go towards improving facilities at this practice to accommodate the additional pressure the development will pace upon it.

The Parish Council objects to the proposal on the following grounds:-

a. The proposal is significantly out of keeping with the character / appearance of the area
b. The proposal is of unsatisfactory design/ appearance
c. Council should seek planning obligations for on/off site children's play space
d. Adequate street lighting and boundary treatments should be provided in the interests of safety
e. Contrary to Policies GN2,2 and 2,4 of the Burbage Village Design Statement
f. The residential element of the proposal is out keeping with the character/appearance of the Conservation Area as the design is plain, uninteresting and not to the design standards of the residential home.

The Borough Council's Arboricultural Consultant objects to the proposal due to the number of trees proposed to be removed and the classification of some of the trees. It is considered that the proposed landscaping scheme does not mitigate the loss of the protected trees.

Site notice and Press notice were displayed and neighbours notified.

2 letters of objection have been received with the following comments:-

a) Noise for existing residents
b) Traffic whilst the building work is undertaken
c) Dust and fumes from building work
d) Loss of mature trees

12 letters of support have been received with the following comments:-

a) The proposal will provide a facility within the village which will cater for all needs and allow elderly residents to remain within the village.
b) The proposal will provide local jobs.
c) Development will improve the area.
d) Residential properties will shield home from the road and provide needed accommodation in the centre of the village.

At the time of writing the report comments have not been received from The Leicestershire Constabulary Crime Reduction Officer

Policy:-

National Policy Guidance

Circular 06/2005: Biodiversity and Geological Conservation provides guidance on the application of the law relating to planning and nature conservation as it applies in England. The circular complements the expression of National Planning Policy found in PPS9.

Planning Policy Statement 1 on sustainable development lays out the general principle of the planning system and how it will facilitate the delivery of sustainable development.

Planning Policy Statement 3 on housing underlines the Government's key objectives on ensuring everyone has a decent place to live.

Planning Policy Statement 9 on biodiversity and geological conservation sets out how the planning system will help deliver the Government's aim that construction, development and regeneration should have minimal impact on biodiversity and where possible enhance it.

Planning Policy Guidance 13 on transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport choices.

Planning Policy Guidance 15 on the historic environment lays out guidance on the identification and protection of listed buildings, conservation areas and the historic environment.

Local Policy

Hinckley and Bosworth Local Development Framework: adopted Core Strategy

Policy 4 requires development to respect the character and appearance of the Burbage Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

Adopted Hinckley and Bosworth Local Plan

The site falls within the settlement boundary of Burbage and Burbage Conservation Area as defined in the Local Plan, the site is also protected by a group Tree Preservation Order. The following policies are therefore considered relevant.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities on and off site required to serve the development.

Policy BE1 considers the design and siting of development and seeks that development enhances the character of the surrounding area, avoids loss of open spaces and protects the amenity of neighbouring residents.

Development in Conservation Areas is considered under Policy BE7 which seeks to preserve or enhance the special character of the conservation area having regard to the buildings, views into and out of the area, vegetation and spaces.

Policy RES5 supports residential development within settlement boundaries providing other relevant policies are complied with.

Policy REC3 seeks the provision and maintenance of informal play and open space.

Polices BE13, BE14, BE15 and BE16 considers the effect of development on possible archaeological remains and requires relevant studies and investigation works to be submitted.

Policy T5 requires new development to comply with the relevant highway design and parking standards.

Policy CF8 allows proposals for residential care and nursing homes providing the proposal complement and enhances the character of the surrounding area with regard to the scale, materials and architectural detail and the proposal is of a suitable size and type.

Other Policy Guidance

Burbage Village Design Statement (adopted June 2006) sets out the principles, design features and quality standards that should be adopted by those wishing to build in Burbage. Within the document the application site is considered to be within Zone 1: Conservation Area which forms the centre of the old village. Its character is defined as comprising two or three storey properties in short terraces with chimneys a key feature of the roofscape. The document also defines mature areas within Burbage as 'high quality residential areas, in terms of design, layout and landscaping that ensure a more attractive and sustainable residential environment'. New developments are expected to contribute in terms of design and landscaping to the enhancement of the village's environment and identifies vegetation as having a fundamental impact on the character of an area.

Play and Open Space Supplementary Planning Document (SPD) adopted September 2008 provides background information and justification for the provision and maintenance of informal and formal play and open space provision across the Borough.

Appraisal:-

The main considerations with regards to this application are the principle of development, the design, scale and layout of the proposal, impact of the development on the character and appearance of the conservation area, the effect on the trees within the site, highway safety, amenities of nearby residents, ecology, and infrastructure improvements.

Principle of Development

The site falls within the settlement boundary of Burbage and therefore the principle of new residential properties is supported by Policy RES5. The site benefits from planning permission for a detached care home adjacent to the existing. The proposal now under consideration, for a purpose built larger care home, is sited on the footprint of the two elements, and therefore, in principle considered acceptable.

The application consists of two separate elements; the residential scheme comprising 8 terraced properties facing New Road; and the residential nursing/care home located to the rear of the properties, within the site. The report will deal with each element in turn for clarity, where appropriate.

Design, scale and layout of the proposal

Residential Scheme

These properties face on to New Road, a one way street with on street parking bays located on the eastern side. The properties are set back behind small front gardens, continuing the building line from the Rectory down to the vehicular access into the Moat House. Within this area of the village centre, properties are set slightly back from the road and it is considered appropriate in this location to continue the landscaping from The Green which contributes towards the character of this area. As such the siting of the proposal is considered acceptable and in accordance with the objectives of maintaining the character and appearance of the Conservation Area.

Policy GN2 of the Burbage Village Design Statement encourages the construction of smaller units to off set the recent tendency to build large executive homes in the village. The proposed 2 and 3 bedroomed dwellings would meet this local need complying with guidance within the statement.

The design of the terrace reflects that of a nearby terrace with two forward facing gables at either end. The roof line has been broken by chimneys which add detail to the end elevations as well as providing an interesting roofscape, typical of Burbage. Bay windows have been incorporated to the central four properties providing interest and maintaining a symmetrical appearance. These design features provide articulation to the front elevation and reflects styles found elsewhere within the village; it is considered this will assist the proposed residential element to reflect and respect the character of the Conservation Area. The Burbage Village Design Statement supports designs that draw on the local vernacular. Therefore the proposed design and appearance of the proposed residential element is considered acceptable complying with both policy within the Local Plan, Core Strategy and Guidance within the Burbage Village Design Statement.

Care Home

The design of the home has evolved from the regulations that govern internal space standards and facilities for the residents. The care home industry has changed significantly since the current Moat House was constructed, and this is an opportunity to provide a purpose built facility to enable existing residents of Burbage to remain in the village when they can no longer live independently.

The severe constraints of the site have influenced the design, and dictated the layout and siting to ensure minimum harm to the surrounding trees. The design follows a traditional brick form with rendered panels incorporated to break up the mass of the building. Projecting gables provide articulation to the elevations, and break up the eaves and ridge line. Providing a more interesting roofscape. The design also incorporates a focal turret and varied window patterns; again adding to the interest of the building. The proposed building is located within dense vegetation and this along with the proposed design is considered to assist assimilation into the surrounding area.

Impact upon appearance and character of the Conservation Area

The site lies within the Burbage Conservation Area. Policy BE7 seeks to enhance the character and appearance of Conservation Areas across the Borough considering factors such as buildings, the spaces between buildings and vegetation. The policy states that development should have regard to the siting of proposals in relation to the above factors.

The site has two characters. From Grove Road and Pughes Paddock the character of the site is defined by the vegetation. This gives the site a soft edge preventing views into and from the site. To New Road the character is more urban, with building providing the dominant form, broken up slightly by The Green which continues into the Moat House site and the western edge of New Road.

The existing home was constructed in the 1960's and is of its time. Its shallow pitch to the roof and buff bricks do not reflect the surrounding area. It is therefore considered that the replacement of the existing building would not detrimentally affect the character or appearance of the conservation area, providing it is of suitable design to enhance the area. As discussed above it is considered that the design is suitable and will assimilate well.

The proposed residential dwellings to the west of New Road are considered to be appropriate and well designed and contain reference to their surroundings. They maintain the urban nature to this side of the site creating a strong built frontage.

The trees to Grove Road and Pughes Paddock, screen the development from views into the site and contribute to the special character that contributes to the Conservation Area. Preserving the screening and vegetation is therefore important to the acceptability of the scheme.

Effect upon Trees

To facilitate the development, some of the trees on the site will be lost, however due to the status of the trees within the site and their contribution to the character of the Conservation Area, their loss has to be compensated by a comprehensive landscape proposal. This principle was established by the 2008 application that replaced each tree removed on a one to one basis and introduced young specimens into the site ensuring the health and vitality of the group TPO for the future.

The Councils' tree officer is objecting to the proposal due to the number of trees being removed. It is considered that the proposed landscape scheme is not sufficient to compensate for the loss of the trees. The loss of the vegetation screen would detrimentally affect the character of the area, contrary to the objectives of Policy BE7.

The applicants have indicated that they are happy to address these concerns and negotiations are on going. It is considered that the principle of a similar footprint, to that proposed, is possible whilst preserving the health of enough trees to preserve the character of the area. It is considered that a landscaping scheme mitigating any agreed loss can be provided before the termination date and given the agents assurance that his clients are happy to meet our requirements, it is considered that these issues can be resolved.

Amenities of Residents

Residential Scheme

The residential properties proposed on New Road are separated by a distance of 17 metre across a public highway from existing residential properties. Given that this is across a public space, it is considered the dwellings would not detrimentally affect the amenities of the neighbouring residents. To the rear there is a 21 metre distance to the proposed care home. It is considered that the distances are sufficient for the proposed dwellings not to materially affect the amenity of nearby neighbouring properties.

Supplementary planning guidance suggests that properties should have minimum private amenity areas of 60 square metres for a two bedroom property and 80 square metres for three bedroomed units, however it also recommends that regard be give to any areas at the front and side. The garden areas proposed fall short of guidance with areas of 28 – 38 square metres proposed to the rear. In central village locations it is not always possible to provide large garden areas, and in this instance the dwellings have amenity space to the front. One of the aims of a minimum garden area is to ensure that development is not to cramped ensuring a reasonable environment for people to live within. The parking areas to the rear, distance from the proposed care home and amenity space to the front all ensure that whilst the private amenity area is below standard a decent environment will still be provided for future residents.

Care Home

The proposal now under consideration has a similar footprint to that already benefiting from permission. The nearest properties, namely 25 Grove Road, the bungalows to Pughes Close and the Rectory on New Road are most likely to be effected.

It is considered that the proposal would be likely to result in some over looking of rear garden area of No 25 Grove Road, however views would be at an angle and those closest would be broken up by existing vegetation. It is therefore considered that the degree of overlooking would not result in a significant loss of privacy to warrant a refusal of planning permission.

It is considered that the Rectory is located a significant distance from the proposed care home and with the siting and design, it is considered that there will be no detrimental effect upon this property.

The bungalows to Pughes Close would be located due south of the main entrance of the care home. The main entrance is contained within a three storey gable with a height to eaves of 7.5m and total ridge height of 11m. This is only a small portion of the elevation which has a general ridge height of 9m. The nearest bungalow is located 22m from the proposed building. Due to the orientation the care home would not block any natural sunlight or day

light for the properties which are already compromised by the 1.8m close boarded fencing located approximately 3m from the rear elevation of the properties. Given these factors it is considered that the proposal would not significantly detrimentally affect the amenities of nearby residents of Pughes Close.

Highways

Residential Scheme

Parking to the proposed dwellings is located to the rear, with 12 spaces provided for the 8 dwellings. The Government recommends a maximum of 2 spaces per dwelling and given the location of the proposal close to bus routes and other services it is considered that the off street parking provision is acceptable and would not detrimentally affect highway safety.

Care Home

The proposal has provided a transport statement in support of the application and proposes 42 spaces with 6 overspill spaces accommodated on grass Crete. The level of off street parking is below that required by the current edition of the Leicestershire County Council HtD document, however its location, within the centre of the village and given the proximity to bus routes and other facilities no objection has been raised by Director of Environment and Transport (Highways) subject to conditions.

It is therefore considered that the proposal would not detrimentally affect highway safety and therefore complies with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Ecology

Whilst an ecological survey, followed by a bat survey, on the care home in-particular has been carried out, no emergence survey for bats was submitted due to the time of year the survey was undertaken. The optimum time for surveys is between May and August. Within the applicant's own report it is recommended that an emergence survey be carried out prior to any development occurring due to cracks and crevices being identified which could provide suitable roost for bats especially behind a section of hanging tiles.

Paragraph 1 (iv) of PPS 9 states that the 'aim of planning decisions should be to prevent harm to biodiversity and geological conservation issues'. This is supported by paragraph 99 of Circular 06/2005 which states that the extent a protected species may be affected by the proposed development should be established before planning permission is granted. In this case no survey has been submitted therefore it is not possible to assess what harm would result from the development. The wooded surroundings provide foraging grounds for bats and it is noted within the submitted ecological report that the building contains crevices suitable for bats to use and therefore there is a reasonable likelihood of species being present. It would not be possible for the required surveys to be carried out and assessed prior to the determination date of the application.

However, Paragraph 99 of Circular 06/2005 does allow conditions requiring surveys to be used in exceptional circumstances. The applicant considers that they can demonstrate exceptional circumstances in this instance and written justification has been requested clarifying what those circumstances area. They have also stated the two ecological surveys submitted do not find any evidence that bats use the Moat House as a roost. It is recommended that providing the applicant provides acceptable justification demonstrating the exceptional circumstance by the date of committee that the application be approved. This evidence will be reported as a late item.

Infrastructure Improvements

Contributions have been requested by the Primary Care Trust (PCT), Director of Adults and Communities, Director of Environment and Transport (highways), and Director of Environment and Transport (Civic Amenity) of Leicestershire County Council. A contribution is also required towards play and open space within the Borough.

The PCT state that they provide a number of healthcare services across Leicestershire and Rutland, where the population is predicted to increase by 2.5% by 2012, with the number of people aged 65 or older by 12.9% in the same period. To meet this predicted demand the trust is currently re-aligning its services to meet Government targets. The existing bedrooms within the care home have been taken into account and therefore the trust seeks £42,564, based upon a net increase of 68 units, towards supporting the nearest GP Practice located on Tilton Road, Burbage as it is likely that future residents will use this facility.

A contribution of £3,200 is sought towards the provision of library facilities, including refurbishment and improvements to facilities including equipment and other library materials based on a pro rata approach reflecting the number of bedrooms. However this has not taken into account the existing rooms of the care home and these should be subtracted. Therefore the total contribution sought should equal £2110.90. At the time of the previous scheme a contribution of £1,630 towards libraries was paid prior to the decision being issued to save the additional expense of drawing up a legal agreement as this was the only contribution required. Therefore half of the contribution has already been paid leaving the balance of £480.90 to be requested as part of this proposal.

Director of Environment and Transport (highways) has requested through a legal agreement that a travel information board displaying details of public transport, walking and cycling facilities within the area be provided within the main reception area; the applicant improves the nearest bus stop on New Road by providing a shelter, timetable information and raised kerbs as may be necessary; provide 3 monthly travel passes for each employee on the site for the first 6 months after the development has been brought into use and provide a financial contribution of £4500 towards a comprehensive review, consultation process and then alterations to existing traffic regulation orders within the vicinity of The Green, New Street, Church Street, and Pilgrims Gate. The above is requested to ensure that the application results in a sustainable form of development in accordance with PPS1 and PPG13. It is considered by the Highway Authority that the shortfall in provision of off street parking and the additional traffic attracted to the site may lead to increase on street parking demand on the surrounding roads, justifying consideration of the existing TRO.

A contribution has been sought towards the civic amenity site at Burbage, by the Director of Environment and Transport (civic amenity) discounting the care home and based solely on the eight dwellings. The eight dwellings is below the threshold where by contributions are sought and therefore their request is not be supported in this instance.

A contribution is required towards the provision of off site informal play and open space, based upon the 8 dwellings. The care home is considered exempt from contributions due to the nature of the proposal. The site is within 400m of the Hinckley Road Recreational Ground which contains a green space for informal games and an equipped play area consisting of slides, swings etc. In accordance with Policy REC3 a contribution is required towards the maintenance and provision of additional facilities based upon the figures and formulae within the adopted Play and Open Space SPD. In this case, and in accordance with the SPD, it is appropriate to request contributions towards a 10 year maintenance period, totalling £3,464.00. Likewise using the relevant formula the cost required towards provision totals £6,542.40 with the total contribution required equating £10,006.40.

The above contributions will be sought through a S106 agreement. A draft 106 agreement was submitted with the application covering contributions towards open space, transportation, health , education, civic amenity and library facilities.

Other Issues

Objections to the proposal have been received with regard to the noise and disturbance, fumes and dust that would be generated by the construction of such a proposal. These are not material planning considerations that would affect the determination of this application.

The Parish Council have asked where the existing residents will be accommodated whilst the work is undertaken. The applicant proposes to phase the development, enabling part of the new home to be completed before the existing is demolished.

The Human Health and Controlled Waters Risk Assessment identified marginally higher level of arsenic in the soil than is acceptable. However both the Environment Agency and the council environmental Health Officer do not considered that the level found would pose a risk to human health and therefore no objection is raised.

Conclusion

In conclusion it is considered that the design, scale and location of the proposed residential units and nursing/care home is considered acceptable providing an adequate landscaping scheme can be submitted. It is considered that the proposal complies with policies to protect archaeological remains, ground and water pollution, and highway safety.

There are still outstanding issues to be resolved relating to the ecological report and landscaping. Officers have to be satisfied that proper regard has been given to protected species. It is anticipated that the ecology and landscape concerns can be addressed prior to the determination date. It is therefore recommended that subject to these matters being resolved, the application be delegated to the Director of Community and Planning Services.

RECOMMENDATION:- That subject to: a) the resolution of the ecological and landscaping issues and b) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section lll of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, library facilities, highways, and health facilities; the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 16 April 2010 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development, by virtue of the landscaping proposed, the mass, design and appearance of the dwellings along with the proposed care home are considered to positively contribute to the character and appearance of the Conservation area, would not detrimentally affect the amenities of neighbouring residents. The development has been assessed with regard to the effect upon ecological biodiversity and archaeology, and been found not to detrimentally affect either. The proposal is therefore considered to be in accordance with the development plan.

Hinckley and Bosworth Local Development Framework, Core Strategy Policy 8

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, BE1, BE7, RES5, REC3, BE13, BE14, BE15, BE16, T5 and Policy CF8

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before each phase of the development commences, the materials to be used on the external elevations of that proposed phase shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-
AP09026/12 D received 26.11.09
09102B received 04.12.09
AP09026/10 F, /11 E, /13 E, /14 B, /15 G, /16 J, /20 F, /21 E received 22.02.10

4 No works shall take place until the applicant or developer, or their agents or successors in title, has submitted a complete set of development details to Heritage Services, Leicestershire County Council, as archaeological advisors to the planning authority. The details should include existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works.

5 No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the local planning authority.

6 Before the occupation of each phase of the development the relevant provision of off street parking and turning areas shall be made available in accordance with the approved plan AP09026/10 F received 22.02.10. The parking area shall be surfaced and marked out and so maintained at all times.

7 Prior to the commencement of development details of the proposed bin store and cycle parking area shall be submitted to and approved in writing by the Local Planning Authority.

8 No pedestrian or vehicular access shall be created from Grove Road to the development site

9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

10 For the period of the construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.

11 If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the remediation strategy. This addendum to the remediation strategy must detail how this unsuspected contamination shall be dealt with.

12 The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

13 No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

14 Prior to commencement of any development a phasing scheme for the demolition and construction of the nursing home and residential properties shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved scheme.

Reasons:-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt and in the interests of proper planning.

4 To enable assessment of the development impact and preparation of an appropriate scheme of archaeological mitigation in accordance with Policies BE13 and BE14 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure satisfactory archaeological investigations and recording in accordance policies BE13 and BE14 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that adequate parking and turning is provided in the interest of highway safety in accordance with and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure that the appearance of the facilities is acceptable in the interest of conserving the appearance of the conservation area in accordance with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

8 To remove the possibility of vehicle parking occurring within the Highway in the vicinity of the site in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

9 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

10 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and therefore in the interests of highway safety and Policy T5 of the Hinckley and Bosworth Local Plan.

11 To ensure that the development complies with approved details in the interested of protection of Controlled Waters and in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

12 To protect the water environment in accordance with policy ENV2 of the adopted Hinckley and Bosworth Local Plan.

13 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

14 To ensure all elements of the proposal are commenced to enhance the conservation area in accordance with Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Sarah Humphries Ext 5680

Item: **07**

Reference: **09/00923/CON**

Applicant: **Adept Care Ltd**

Location: **Moat House New Road Burbage Hinckley Leicestershire**

Proposal: **DEMOLITION OF EXISTING RESIDENTIAL CARE/NURSING HOME**

Introduction:-

This application seeks Conservation Area consent to demolish the Moat House Care Home to enable the construction of a new larger purpose built facility.. Details of the proposed replacement are contained within the report accompanying planning application 09/00922/FUL.

The existing building sits to north-east of the site within dense vegetation. It is set back approximately 10 metres from the highway boundary. It comprises a two storey 1960's building with low roof pitches. It is of brick and tile construction with areas of cladding. Although the building is located within the conservation area it is of its time and has little architectural merit.

An Archaeological Evaluation, Ecological Survey and Bat Report, and Design and Access Statement and a Tree report have been submitted in support of the application.

The Archaeological Evaluation consisted of a desk based evaluation of the site that identified that the application site formed the pleasure grounds and gardens to the Rectory demolished in the 1960's. The position of a moat forming part of these grounds was also established. A process of trial trenching and recording was undertaken in 2003. The report sets out the aims of the investigations and how the trenching was undertaken. It concludes that a number of features survive beneath the present lawned area which are likely to represent garden features associated with the Rectory and its outbuildings. Insubstantial finds suggest activity and/ or occupation during the Medieval Period.

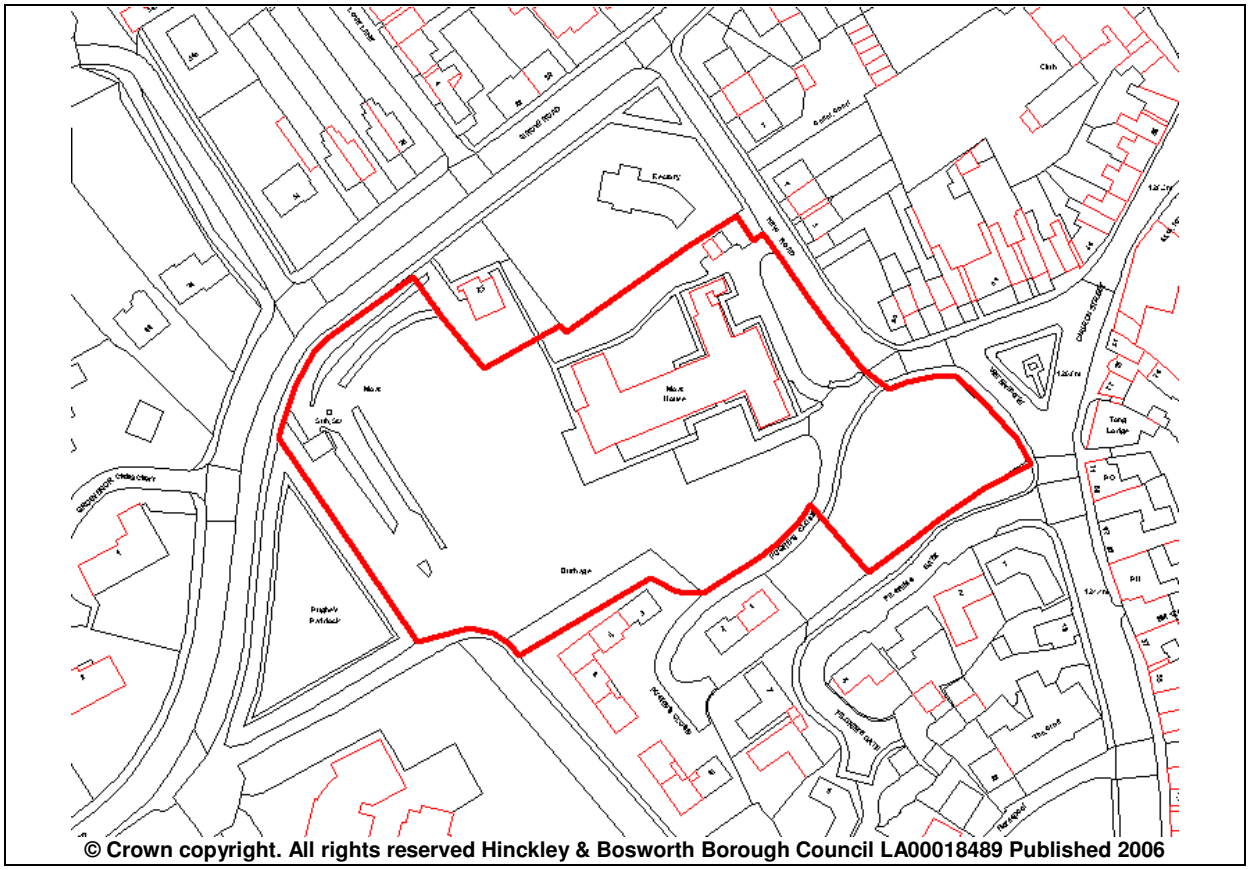
An Ecological Survey conducted in July 2007 and a Bat Report with a survey undertaken September 2009 outline the context of the site and weather conditions at the time of the surveys. The survey in 2007 identified the site as being potential habitat for nesting birds, and the possibly bats in addition nearby buildings provide potential for bat roosts. A visual survey was undertaken in 2007 when no evidence of badger sets, foraging routes or other debris was found; the site was considered unsuitable for newts; and no evidence of bird nests were found. A visual inspection of the building undertaken in September 2009, was outside the preferred survey time for bats so no emergence survey was undertaken. The roof space and surroundings of the buildings were investigated for signs of bats and nesting birds. It concluded that no evidence was found, however recommends emergence surveys should be carried out prior to the commencement of development.

The design and access statement states that the design brief received by the agents was to design a quality care home that caters for a variety of different needs from care for the frail elderly through to full nursing care. The report states a review of surrounding provision demonstrates that there is an under provision of beds in the area. The statement continues to assess the surroundings of the site with regard to mass and form of buildings, and local design features, and how this has been incorporated into the designs of the proposal. The relevant policy is then listed including the Burbage Village Design Statement, with the final sections considering access to and from the site, sustainability and energy consumption and security.

The Tree Report provides a survey of all of the trees on the site and categorises them in relation to their health, structure, size and visual impact.

History:-

08/00536/FUL	Erection of residential care home (resubmission of 07/0166/FUL)	Approved	22.08.08
07/01066/FUL	Erection of residential care home	Refused	16.01.08
07/00333/FUL	Retention of training room Various works to trees within the grounds.	Approved	08.05.07



Consultations:-

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

Parish Council- have referred the case officer to their comments submitted under application 09/00922/FUL where they objected to the proposal on the following grounds:-

a. The proposal is significantly out of keeping with the character / appearance of the area.
b. The proposal is of unsatisfactory design/ appearance.
c. Council should seek planning obligations for on/off site children's play space.
d. Adequate street lighting and boundary treatments should be provided in the interests of safety.
e. Contrary to Policies GN2,2 and 2,4 of the Burbage Village Design Statement.
f. The residential element of the proposal is out keeping with the character/appearance of the Conservation Area as the design is plain, uninteresting and not to the design standards of the residential home.

Site notice and Press notice were displayed and neighbours notified.

2 letters of objection have been received with the following comments:-

a) Noise for existing residents
b) Traffic whilst the building work is undertaken
c) Dust and fumes from building work
d) Loss of mature trees

12 letters of support have been received with the following comments:-

a) The proposal will provide a facility within the village which will cater for all needs and allow elderly residents to remain within the village.
b) The proposal will provide local jobs.
c) Development will improve the area.
d) Residential properties will shield home from the road and provide needed accommodation in the centre of the village.

Policy:-

National Planning Policy

Planning Policy Guidance, PPG15 on the historic environment lays out guidance on the identification and protection of listed buildings, conservation areas and the historic environment.

Circular 06/2005: Biodiversity and Geological Conservation provides guidance on the application of the law relating to planning and nature conservation as it applies in England. The circular complements the expression of National Planning Policy found in PPS9.

Planning Policy Statement 9 on biodiversity and geological conservation sets out how the planning system will help deliver the Government's aim that construction, development and regeneration should have minimal impact on biodiversity and where possible enhance it.

Local Policy

Adopted Hinckley and Bosworth Local Plan

The site falls within the settlement boundary of Burbage and Burbage Conservation Area as defined in the Local Plan, the site is also protected by a group Tree Preservation Order. The following policies are therefore considered relevant.

Policy BE8 considers demolition within Conservation Areas and permits buildings to be demolished where the loss of the building would not be detrimental to the character or appearance of the Conservation Area and that there are proposals for the replacement of the building which would preserve or enhance the character or appearance of the conservation area.

Polices BE13, BE14, BE15 and BE16 considers the effect of development on possible archaeological remains and requires relevant studies and investigation works to be submitted.

Appraisal:-

The main considerations with regards to this application are the effect of the loss of the building known as the Moat House on the character and appearance of the conservation area with regard to the proposed scheme for its replacement and the effect on the archaeology and ecology of the site.

Impact on the character and appearance of the Conservation Area

The Moat House building was constructed during the 1960's replacing the Old Rectory and the associated pleasure gardens that formally occupied the site. This pre-dated the designation of the Burbage Conservation Area, and current legalisation and guidance regarding development within conservation areas enhancing the character and appearance

of the area. The design and appearance of the building is representative of the time it was constructed.

The shallow pitch of the roof, materials and its relationship with surrounding development does not contribute to the character or appearance of the conservation area. The character of this section of the conservation area derives from the form, layout and siting of the buildings, softened by green space the forms The Green and continues to the front of the Moat House. Glimpses of mature trees are obtained through the buildings and provide a back drop to the main care home. Most development is located facing the highway, with varying degrees of set back. The scale of the care home and its orientation to the main highway is at odds with the surrounding urban grain. The design does not incorporate or relate to other buildings within the vicinity.

Whilst the proposed care home would also consist of a large footprint, its location to the rear of the proposed residential development, lessens the prominence of the development on the conservation area. The residential development has been designed to reflect details of buildings that positively contribute to the conservation area and the merits of the proposed replacement scheme are discussed fully within the report attached to 09/00922/FUL.

The demolition of the Moat House would not effect the landscaping within the site, rather it is the replacement scheme that will impact upon current vegetation within the site.

The Moat House could be a bat roost, and its demolition would result in its loss. This is being considered as a material consideration to the full planning application.

In summary providing the current objections regarding ecological concerns, the loss of the trees and landscaping scheme are over come, the replacement scheme is considered acceptable. By the use of appropriate conditions the materials and landscaping can be controlled to ensure that the finished development adds value to the area.

Therefore it is considered that its removal would not detrimentally affect the character or appearance of Burbage Conservation Area providing a suitable replacement building is constructed in its place

It is therefore considered that the requirements of Policy BE8 can be met and hence recommended that conservation area consent be granted for the demolition of the Moat House.

RECOMMENDATION:- That subject to: a) the resolution of the ecological and landscaping issues and b) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, library facilities, highways, and health facilities as required by 09/00922/FUL; the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 16 April 2010 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, the character and appearance of the Conservation Area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would by virtue of the design and appearance of the existing building and the design, scale, siting and appearance proposed replacement scheme the demolition would not result in harm to the character or

appearance of the Burbage Conservation Area and therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE8

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the re-development of the care/nursing home and erection of residential scheme has been signed and submitted to the Local Planning Authority.

Reasons:-

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

2 To prevent the premature demolition of the building in the interests of the appearance of the Conservation Area in accordance with Policy BE8.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Sarah Humphries Ext 5680

Item: **08**

Reference: **09/00987/FUL**

Applicant: **Bagworth & Thornton Parish Council**

Location: **Recreational Ground Main Street Thornton**

Proposal: **INSTALLATION OF A MULTI USE GAMES AREA (MUGA) AND ASSOCIATED WORKS**

Introduction:-

This is a full planning application by Bagworth and Thornton Parish Council for the erection of a Multi Use Games Area (MUGA) on the recreation field to the north east of Main Street, Thornton. Under normal circumstances, the MUGA itself would qualify as permitted development for a Local Authority under Schedule 2, Part 12, Class A of The Town and Country Planning (General Permitted Development) Order 1995. In this case, however, due to the existing ground levels of the site a cut and fill operation is needed to provide a level surface and, therefore, planning permission is required.

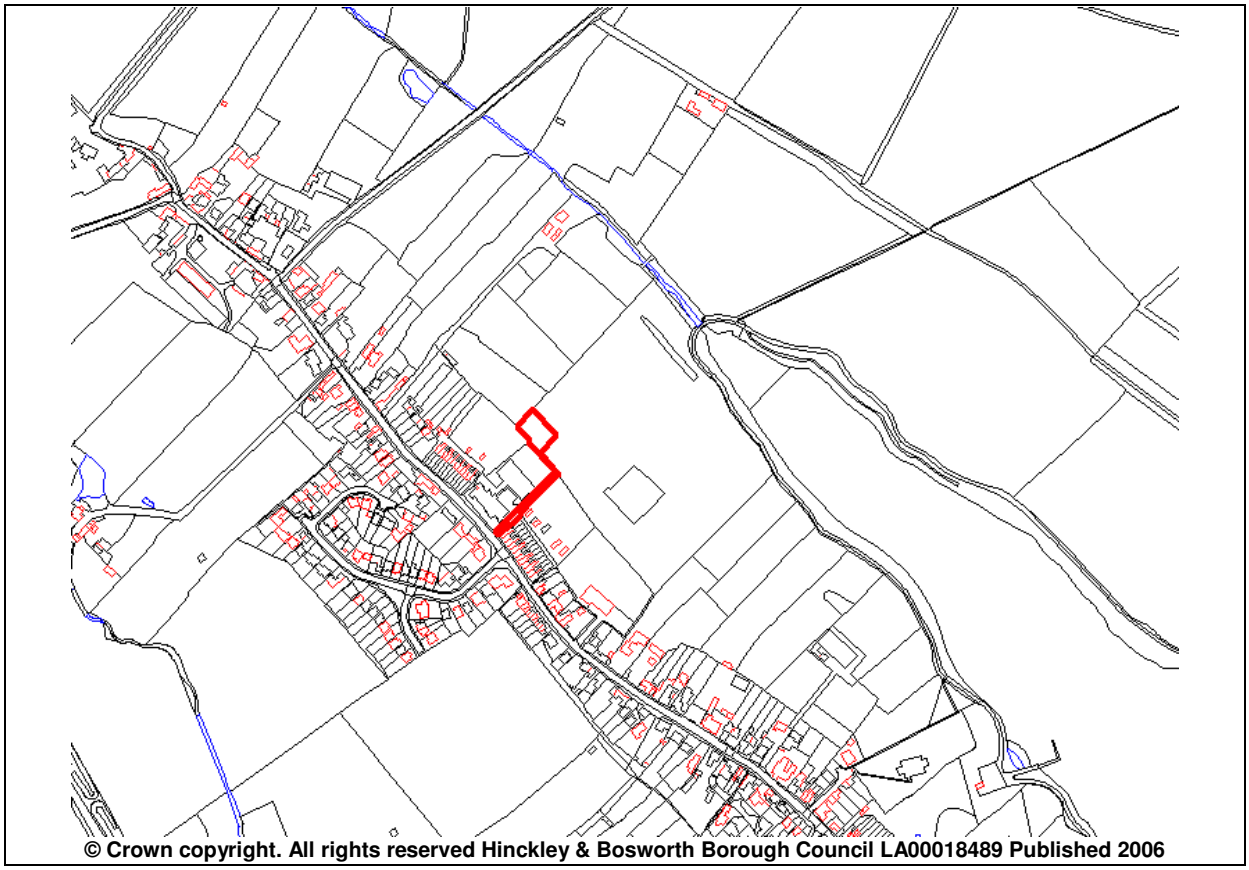
The application site measures approximately 33 metres x 20 metres with the MUGA measuring approximately 23 metres x 12.5 metres to provide access and maintenance strips around the facility. The MUGA would be constructed of 2.1 metres high rectangular hollow steel section posts in-filled with coloured steel grid panels and basketball nets and backboards at either end to a height of 3.94 metres. The facility would provide for a range of sporting activities. There is an existing road access and public right of way adjacent to the school off Main Street to the field. It is also proposed to construct a formal footpath to the facility from the Thornton Community Centre following the line of an existing informal trodden path.

To the north east of the application site the ground level falls significantly before levelling out where a formal playing field (football pitch) has been formed. The slope between the application site and the pitch comprises of an undeveloped grassland/meadow. To the south east there are equipped children's play areas and Thornton Community Centre with associated parking area. To the south west lies Thornton County Primary School and residential properties fronting Main Street together with associated gardens and allotment areas. To the north lie open fields. There are some semi-mature trees along the boundary with the school together with a post and rail fence and hedgerow.

A Design and Access Statement has been submitted in support of the application together with cross sections of the site to demonstrate the extent of the cut and fill operation.

History:-

There is no relevant planning history for this site.



Consultations:-

Director of Environment and Transport (Highways) does not object but acknowledges existing parking problems on Main Street.

Director of Environment and Transport (Rights of Way) does not object subject to right of way and pedestrian safety along footpath R2 being maintained throughout.

Chief Executive, LCC (Ecology) does not object but recommends a number of conditions to protect the remainder of the site during construction and to manage and conserve this 'priority habitat' grassland for the benefit of wildlife and local people.

Chief Executive, LCC (Archaeology) does not object as it is unlikely that the development would have a significant impact on buried archaeological remains. It would be beneficial for development to avoid any remaining ridge and furrow earthworks.

Leicestershire and Rutland Wildlife Trust echo the comments of the LCC (Ecology) and provide similar recommendations along with additional recommendations in respect of drainage prior to construction and protected species surveys at the appropriate time of year.

Friends of Thornton Meadow (293 members) raise the following issues and concerns:-

i) will cause significant harm to a rare and bio diverse habitat
ii) will contravene national, regional and local planning policy
iii) will significantly reduce the beauty of the Area of Particularly Attractive Countryside
iv) will contravene policies concerning development in the National Forest
v) increase parking problems experienced by residents and affect emergency access
vi) will reduce the amenity value of Thornton Recreation Ground

vii) will be unpopular with many residents
viii) will be unnecessary if proper development of existing facilities were undertaken
ix) any future lighting would disturb wildlife and increase light pollution
x) surface water runoff from the MUGA would affect the habitat for existing plants and fauna to the north east
xi) alternative sites are available within the recreation field
xii) no Environmental Impact Assessment has been completed

Head of Community Services (Pollution) has no objection following receipt of confirmation from the Parish Council that there would be a minimum separation distance of over 30 metres from the MUGA to formal gardens (as opposed to leased allotment areas). It is recommended that any future illumination of the MUGA should be subject to prior approval by the Local Planning Authority.

Head of Community Services (Land Drainage) does not object but advises that it would be better if surface water runoff was collected in a swale or for the playing surface area to be of permeable construction to allow water to percolate as it does at present.

Site notice posted, neighbours notified, 8 letters have been received raising the following issues/concerns:-

i) detrimental to conservation of the meadow and its wildlife
ii) visual intrusion into the countryside/landscape and visible from public footpaths
iii) detrimental to residential amenity due to proximity, hours of use, noise, disturbance, light pollution and anti-social behaviour
iv) unsuitable location, alternative sites available
v) inadequate drainage proposals detrimental to surrounding habitat
vi) no parking specified and will lead to additional congestion and parking problems in and around Main Street where problems already exist

At the time of writing this report no comments have been received from Ramblers Association.

Policy:-

Government Guidance

Planning Policy Guidance 9 (PPG9): 'Biodiversity and Geological Conservation' seeks to protect and enhance sites of ecological and geological importance. A key principle is to prevent harm to biodiversity conservation interests. Where significant harm to such interests would result, alternative sites resulting in less or no harm should be considered and adequate mitigation measures put in place or compensation measures sought. Paragraph 9 states that local sites of biodiversity interest have a fundamental role to play in meeting overall national biodiversity targets; contributing to quality of life, well being of the community and in supporting research and education.

Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation states that access to local sports and recreational facilities contributes to quality of life, health and well being of people in rural areas and can be a focal point for community activities, social interaction and development of children and social inclusion, particularly where they are easily accessible by walking and cycling. Paragraph 17 states that, within open spaces, local authorities should consider the impact of any development on biodiversity and nature conservation. Paragraph 18 relates to the enhancement of existing recreation facilities and seeks to ensure compatibility with adjoining land uses, encourage better accessibility and promote better use of such areas by good design to reduce crime. Paragraph 26 states that

small scale facilities will be acceptable where they are located in or adjacent to villages to meet the needs of the local community. All development in rural areas should be well designed and sited with sensitivity to its rural location.

Local Policy

Hinckley and Bosworth Local Development Framework: adopted Core Strategy

Policy 10: Key Rural Centres within the National Forest seeks to address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Thornton in line with the council's Play Strategy and to support the building of an all weather pitch and play area behind Thornton Community Centre as supported in the Hinckley and Bosworth Cultural Facilities Audit.

Policy 19: Green Space and Play Provision seeks to ensure that all residents have access to sufficient, high quality, accessible green spaces and play areas of described standards.

Policy 21: National Forest requires the siting and scale of development to be related to its setting within the forest and respect the character and appearance of the wider countryside.

Adopted Hinckley and Bosworth Local Plan

The site is outside the settlement boundary of Thornton and designated as a recreation site on the proposals map of the adopted Local Plan.

Policy BE1: Design and Siting seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area; does not adversely affect the amenities of the occupiers of neighbouring properties and ensures that there is adequate provision for on and off street parking and manoeuvring.

BE26: Light Pollution states that planning permission will be granted for lighting schemes provided that the proposals do not unacceptably: create a nuisance to nearby residents in terms of glare: create light spillage or unnecessarily high levels of light; or affect the character of the area.

Policy NE5: Development in the Countryside states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for sport or recreation purposes and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and where necessary is effectively screened by landscaping.

Policy NE7: Sites of County and Local Nature Conservation Significance states that would damage such sites will not be permitted unless an overiding local need is identified for which no alternative site is available. Where development is permitted, the local planning authority will seek to minimise disturbance and conserve the features of nature significance or ecological interest.

Policy REC1: Recreation Sites protects such areas from alternative uses.

Policy REC4: Proposals for Recreational Facilities states that planning permission will be granted for new recreational facilities provided that: they do not have a detrimental effect upon adjacent land uses or the amenities of adjacent residents; the form, scale and design of

the proposal are in keeping with the area and do not detract from the character of the landscape; adequate parking and access is provided and not detrimental to the rights of way network; landscaping is provided and it does not adversely affect sites of ecological significance.

Policy CF1: Community Uses states that planning permission will be granted for the development of community leisure facilities where there will be no detrimental impact on: the amenities of adjoining residential properties in terms of proximity, noise, disturbance or excessive traffic generation; or the character of the area; or highway safety.

Policy T5 refers to the application of appropriate standards for highway design and parking targets unless a different level of provision can be justified.

Other Documents

The Play and Open Space Supplementary Planning Document (2008) provides additional advice on the provision of new and improved play and open space opportunities and encourages the provision of such recreational facilities.

Cultural Facilities Action Plan (2008 - 2013) Section 8.1: Key Recommendations identifies four priorities. Priority 1 seeks to improve the quality of existing cultural facilities and includes the provision of an all weather pitch and play area behind Thornton Community Centre.

Green Space Strategy (2005-2010) and Audits of Provision (2007) provide a vision for green spaces within the Borough and identify the need for improvements to areas of poor quality and/or accessibility.

Appraisal:-

As the proposed MUGA will be located within a designated recreational area, the principle of the development is considered acceptable and in keeping with the character of the site. The main considerations with regards to this application are the siting of the facility and its impact on biodiversity, drainage, residential amenity, the visual appearance of the area and highway safety.

Siting

The proposed MUGA would be located where it is considered that: harm (if any) to the meadow, and loss of species-rich grassland habitat within the site would be minimised; changes in ground levels are less pronounced so that the cut and fill operation would be minimised; access would be easily available from the village and, it would be reasonably well related to other play facilities within the site, Thornton Community Centre and the built form of Thornton.

Biodiversity and Drainage Issues

The application site is within an area of exceptionally good species-rich grassland/meadow, is a 'priority habitat' identified in the UK and Leicester, Leicestershire and Rutland Biodiversity Action Plans (BAP) and meets the criteria for designation as a Local Wildlife Site. However, as a result of the siting of the proposal it is considered that it would not have an adverse effect on the habitat overall and the loss of the lower quality habitat at the top of the field could be mitigated by steps to conserve the remaining higher quality habitat on the slope below through the implementation of an appropriate management plan. In addition, as the site is a public open space it provides an opportunity to promote greater enjoyment and understanding of the importance of the habitat for local people.

The orientation of the MUGA is such that the longer dimension runs across the top of the slope to minimise the cut and fill operation required to create a flat surface and also to minimise any changes to the drainage regime of the application site and consequently, minimise any adverse impact on the grassland species located on the slope below it. It is not considered that the construction of a swale is necessary to mitigate surface water run-off in this case given the scale of the development (approximately 274 square metres) and the availability of existing natural drainage of the site to surrounding open grassed space.

Residential Amenity

The proposed MUGA is located to the rear of Thornton Primary School and the adjacent residential gardens belonging to the properties fronting Main Street. Although the closest dwelling is approximately 55 metres from the MUGA, concerns have been raised in respect of the proximity of the facility to the gardens and the potential for the use of the facility, particularly in the evenings and at weekends, to have an adverse effect on residential amenity as a result of noise and disturbance and the potential for anti-social behaviour. The site forms part of a recreation area and therefore, there is a potential for a certain amount of noise and disturbance already, albeit the application site is not used to any great extent at the present time.

There would be a minimum separation distance of 55 metres from the MUGA to neighbouring dwellings and the applicant has confirmed that there would be a separation distance in excess of 30 metres to formal garden areas (as opposed to leased allotment land owned by the Parish Council) which is the minimum distance recommended in the Borough Council's Play and Open Space SPD. In addition, the construction of the MUGA would incorporate a noise damper system at panel fixing points to absorb sound and reduce vibration to minimise noise pollution. As a result, it is considered that any additional disturbance from the MUGA to that which could already occur from the existing use of the site is unlikely to have an adverse effect to the degree that a refusal of the application could be sustained on impact on residential amenity from noise and disturbance. The trees and hedgerow on the south west boundary of the playing field would also provide some screening of the facility from the village whilst still providing some natural surveillance.

It is considered that anti-social behaviour within the village could be reduced by the provision of an additional recreation facility. The application does not include the provision of any lighting and, therefore, the potential for any adverse effect on residential amenity from light pollution is not being considered at this time. However, a condition removing permitted development rights for the illumination of the MUGA has been included in the recommendation to ensure that the impact of any lighting on residential amenities, the character and appearance of the area and habitat can be properly assessed in the future.

Visual Appearance

The design of the MUGA and the materials used are typical of this type of development and its scale would not be out of keeping with the overall site. It would be 23 metres in length, with 2.1 metre high panels and in a location where it would be visible from Thornton Reservoir and the surrounding landscape to the north east. However, a sympathetic colour scheme is proposed (predominantly dark green, with white goal areas for contrast) and it is considered that the facility would not be a prominent feature that would be detrimental to visual amenity as it would be viewed against boundary trees and hedgerows on the south west and north east boundaries of the playing field and the existing built form of Thornton. As previously stated, a condition has been included in respect of any future illumination.

Highway Issues

The Director of Environment and Transport (Highways) does not object to the application. Whilst he and other residents in the village highlight existing parking problems in the vicinity of the school on Main Street, it is not considered that the provision of this facility would be likely to add significantly to parking problems in the area. There is a car parking area adjacent to Thornton Community Centre and a footpath link is to be constructed to the MUGA. In addition, the use of the facility is aimed at local residents and it is located such that access is available by walking or cycling.

Conclusion

There is an established need for the provision of enhanced play facilities in Thornton, the proposal would contribute to the sustainability of the village and would provide a positive contribution to the community including social and health benefits. Following evaluation of alternatives, this site has been identified by the Parish Council as being the most suitable and deliverable. It is considered that the siting of the proposal would minimise any adverse impact on the biodiversity of the remainder of the grassland/meadow. Given its scale it would be unlikely to have an adverse effect on drainage. Given the current recreational use of the site and the separation distances to neighbouring properties it is not considered that the proposal would be detrimental to residential amenity. The scale, design and appearance of the MUGA would be in keeping with the character of the site and would not have an adverse effect on visual amenity or the surrounding landscape. Adequate access would be available to the site and the use of the facility is considered unlikely to cause additional parking problems in the village.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development and biodiversity in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the sustainability of the village, and would not have an adverse effect on biodiversity, drainage, residential amenity, visual amenity, highway safety or archaeology.

Hinckley & Bosworth Borough Council Local Development Framework: adopted Core Strategy (2009):- Policies 10, 19 and 21.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, NE5, NE7, REC1, REC4, CF1 and T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: John Taggart Drawing No. 2646/1A received 27th January 2010, Foundation Details Plan received 17th December 2009.

3 Before development commences, full details of a method to protect the grassland habitat beyond the limits of the development area during the construction phase, including protective fencing of an appropriate specification shall be submitted to and

approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

4 The development shall be carried out in accordance with the following mitigation measures as detailed in the letter dated 16th February 2010 from the Leicestershire and Rutland Wildlife Trust.

i) a management plan, including monitoring details, shall be implemented during the first growing season following commencement of development to address the future conservation of, and public access and use of, the grassland habitat on the remainder of the playing field and surrounding hedgerows and scrub

ii) buffer areas of tall grassland shall be created and retained adjacent to the MUGA and hedgerows

iii) within one year of the date of commencement of development, interpretation and information about the grassland habitat shall be provided on the site and in the community

iv) within one year of the date of commencement of development, two dog waste bins shall be provided adjacent to Thornton Community Centre car park.

Full details of the above measures shall first be submitted to and approved in writing by the Local Planning Authority. The measures shall then be implemented in accordance with the approved details.

5 The materials to be used in the MUGA construction shall be dark green in colour with white goal areas.

6 Notwithstanding the provisions of Part 12, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no lighting of the MUGA hereby approved shall be installed without the grant of planning permission for such development by the Local Planning Authority.

Reasons:-

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

2 For the avoidance of doubt and in the interests of proper planning.

3 To restrict the area affected by construction works and to protect the grassland habitat beyond the development area from accidental damage during those works to accord with Planning Policy Statement 9 and policies NE7 and REC4 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure proper conservation and future management of the grassland habitat, to enhance public understanding and knowledge of the biodiversity of the site and to mitigate for the loss of part of the habitat as a result of the development to accord with Planning Policy Statement 9 and policies NE7 and REC4 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with policies BE1, NE5 and REC4 of the adopted Hinckley & Bosworth Local Plan.

6 To enable proper assessment of the impact of any future illumination of the MUGA, and any resulting light pollution, on residential amenities and the character and appearance of the area to accord with policy 21 of the adopted Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009) and policies BE1, BE26, NE5, NE7, REC4 and CF1 of the adopted Hinckley and Bosworth Local Plan (2001).

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 The applicant is advised to contact Leicestershire County Council Ecology Department (Telephone (0116) 267 0008) in respect of the scope and contents of the management plan and the requirements of the conditions attached to this planning permission.

Contact Officer:- Richard Wright Ext 5894

Item: **09**

Reference: **09/01007/FUL**

Applicant: **Crest Nicholson Operations Ltd**

Location: **Greyhound Stadium Nutts Lane Hinckley**

Proposal: **RESIDENTIAL DEVELOPMENT FOR 84 DWELLINGS INCLUDING PROVISION OF OPEN SPACE, NEW ACCESS ARRANGEMENTS AND OTHER ASSOCIATED WORKS**

Introduction:-

This is a re-submitted application that seeks full planning permission for a revised scheme for the erection of 84 dwellings including the provision of public open space and associated works at the former Greyhound Stadium, Nutts Lane, Hinckley. Members may recall that the previous application was refused on highway related grounds only and these remain the only outstanding matters to be resolved. This revised application includes an amended site layout that seeks to address concerns raised by the Highway Authority in relation to the previous

road layout and to overcome the third reason for refusal of the previous scheme, which members have subsequently agreed not to pursue at appeal. It includes additional traffic calming measures, pedestrian visibility splays, amendments to carriageway widths and surfaces, along with revised parking provision including an increase in the internal dimensions of the proposed garages to 6 metres by 3 metres with a minimum doorway width of 2.3 metres. In addition, a scheme of highway improvements to Nutts Lane for the benefit of pedestrians has been submitted to seek to overcome the second reason for refusal of the previous application.

In other respects, the application remains similar to the previous application and proposes 84 dwellings consisting of 3 x one bedroomed apartments, 6 x 2 bedroomed apartments, 15 x two bedroom houses, 39 x three bedroomed houses and 21 x four bedroomed houses. There is a mix of detached, semi-detached and terraced dwellings of mainly 2 storeys but including four 2½ storey dwellings and a 3 storey apartment block containing the 9 apartments. The application includes 13 affordable units (15.5%) consisting of 4 x three bedroomed houses and 3 x two bedroomed houses for social rent and 6 x two bedroom apartments for intermediate tenures. Two areas of informal public play and open space (POS) are included within the site (totalling 0.32 hectares) including a Local Equipped Area for Play (LEAP).

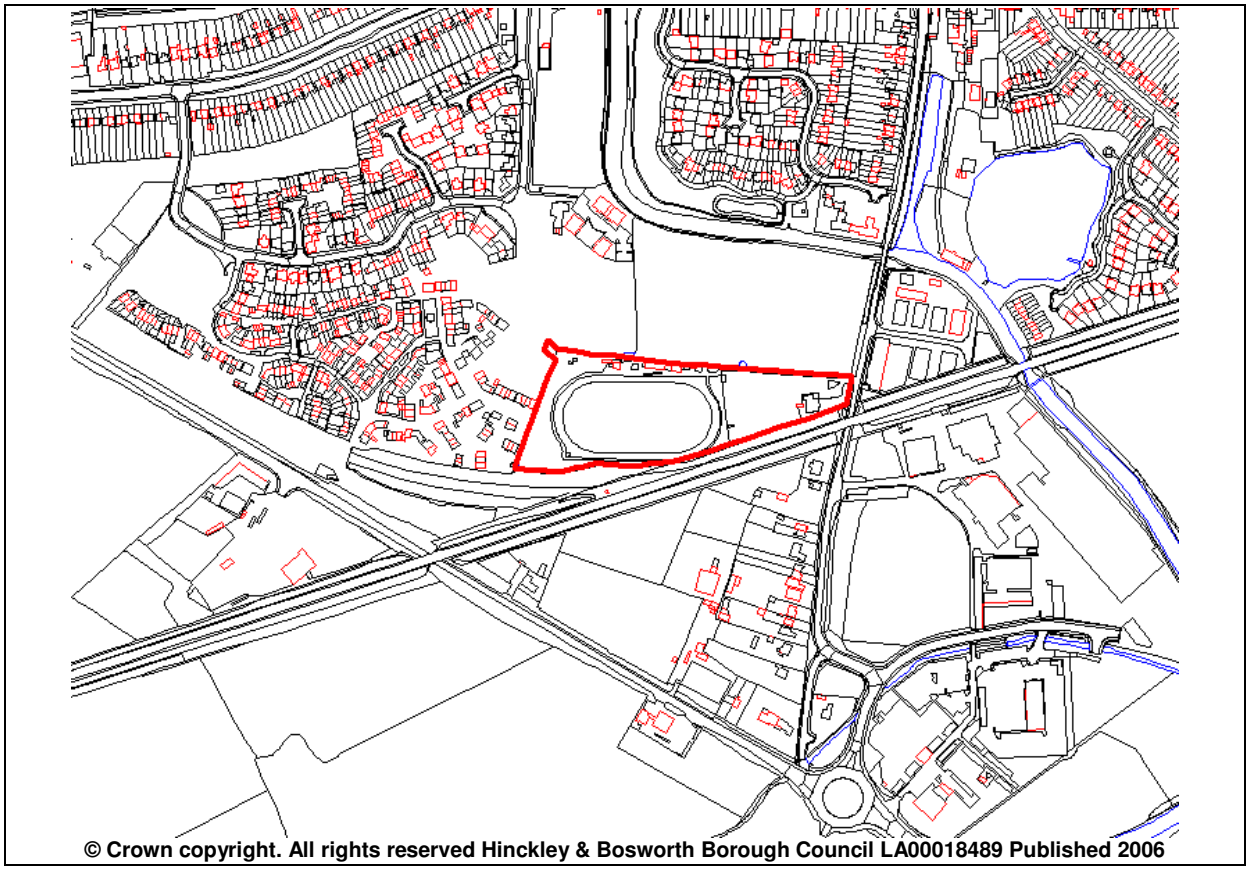
The site is roughly triangular in shape, measures approximately 2.45 hectares and would be accessed from Paddock Way on the Waterside Park development off Coventry Road. The site lies on the west side of Nutts Lane and is bounded to the east by industrial units; to the south by the railway line embankment with some residential dwellings to the south-east and fields to the south-west; to the west by the existing Waterside Park residential development; and to the north by a field with residential development beyond. The site is currently vacant following demolition of the former buildings within it. There is a large hard surfaced car park with an access onto Nutts Lane to the east of the site. There are mature hedges around the boundaries of the site.

A substantial amount of supporting information has been submitted in support of the application and includes a Design and Access Statement, Planning Statement, Economic Viability Assessment, Draft Section 106 Heads of Terms Document, Geo Environmental Assessment, Transport Assessment, Acoustics Report, Flood Risk Assessment, Ecological Assessment and Tree Survey. The Design and Access Statement provides a detailed examination of the principles and concepts that have informed the development proposal. The Planning Statement assesses the proposals against the national, regional and local policies and guidance relevant to the application. The Economic Viability Assessment outlines the financial issues in delivering the development in the context of planning obligations. The Geo Environmental Assessment provides preliminary geotechnical and environmental information relating to soil and ground water conditions. The Transport Assessment addresses access considerations relating to the site and the impact of the development in respect of the highway network and accessibility in respect of public and alternative modes of transport. The Acoustics Report assesses the noise climate and potential impacts on the proposed development along with mitigation measures. The Flood Risk Assessment identifies the site as not being located within a flood zone and focuses on the strategy for controlling run-off from the site. The Ecological Assessment reports on the various wildlife habitats within the site and its immediate setting. The Tree Survey provides the location of trees and other vegetation within the site and assesses its condition and quality.

History:-

09/00660/FUL	Residential Development Comprising 84 Dwellings, Including Provision of Public	Refused Appeal Pending	7.12.09

	Open Space, New Access Arrangements and Other Associated Works		
06/00638/FUL	Residential Development Comprising 89 Dwellings Including Provision of Public Open Space and Associated Works	Refused Appeal Withdrawn	07.12.06



Consultations:-

No objections have been received from Highways Agency.

No objections subject to conditions have been received from:-

Chief Executive, Leicestershire County Council (Ecology)
Natural England
Environment Agency
Severn Trent Water Limited
Network Rail
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)

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

a) Director of Children and Young People's Service (Education) - at present there is a surplus capacity in the local high school therefore an education contribution will not be requested for this sector. However, the local primary and upper schools are full

and forecast to remain so. Consequently, a total education contribution of £360,384 is requested, split between John Cleveland College (£139,464) and Westfield Infant and Junior School (£220,920) equating to £4,740 per house and £814 per two bedroom flats. No claim is made on one bedroomed dwellings.

b) Head of Adults and Communities (Libraries) - in respect of additional users of the existing library facilities a contribution of £5,000 is requested towards the cost of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

c) Director of Environment and Transport (Civic Amenity) - contributions are requested for new or improved civic amenity site infrastructure at the nearest site in Barwell at a rate of £45.40 per dwelling, equating to a total of £3,814.

d) Chief Executive (Ecology) recommends that green corridors are maintained and established to provide wildlife links between habitats and that the development should include the planting of native tree species.

Primary Care Trust request a contribution of £84,012 towards the provision of health care facilities at the Hollycroft Medical Centre on Clifton Way, Hinckley including an extended facility and additional staff.

The Leicestershire Constabulary Crime Reduction Officer has no objection and comments that previous suggestions for minor amendments to improve security and surveillance have been incorporated in the revised layout. Further advice is provided in respect of open public areas and the need for adequate lighting. A developer contribution of £50,904 (£606 per dwelling) is requested to address the additional impact of the development on the local policing unit and towards the provision of capital policing projects.

Leicestershire Fire and Rescue request a developer contribution of £7151.76.

Cyclists Touring Club objects to the application as Nutts Lane needs some highway improvements.

Site notice and press notices were displayed and neighbours notified, as a result of which:-

One letter has been received objecting to the application on grounds relating to access, traffic, parking and travel matters including reference to increased vehicular activity and congestion on Paddock Way and Coventry Road and lack of safety for cyclists and pedestrians on Nutts Lane which requires substantial upgrading; and

One letter has been received supporting the location of the development in principle but objecting to the land to the north as being considered as amenity green space. The letter also highlights the shortfall in housing land supply within the Borough.

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

Director of Environment and Transport (Highways)
Head of Corporate and Scrutiny Services (Green Spaces).

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. Paragraph 27 states that planning authorities should seek to bring forward sufficient land in appropriate locations to meet expected need for housing etc. and promote the more efficient use of land and the use of previously developed land back to beneficial use.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services. Paragraph 41 of the PPS indicates that at least 60% of new housing should be provided on previously developed 'brownfield' land. Targets should be set at the regional level and also at the local level to provide a target for the delivery of housing development on previously developed land (paragraphs 42 and 43). Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density. This PPS states the need for Local Planning Authorities (LPA's) to set out policies and strategies for delivering housing provision, which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 states that where LPA's cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing. Paragraph 72 states that applications should not be refused solely on the grounds of prematurity.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. LPA's should accommodate housing principally within urban areas and promote accessibility to services by public transport, walking and cycling and reduce the need to travel. Paragraph 49 suggests that reducing the amount of parking within new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages of the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS). Paragraph 10 requires flood risk assessments to be carried out to the appropriate degree.

Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 1 seeks to secure the delivery of sustainable

development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations, contributing to the regional target of 60% of additional dwellings on previously developed land. Policy 13a sets out targets for housing provision (2006 - 2026). Policy 14 sets out the regional priorities for affordable housing in line with Housing Market Assessment for the area. Policy 43 sets out regional transport objectives across the region. Policy SRS3 states that new housing provision in Hinckley and Bosworth will be made at a the level of 450 dwellings per annum and be located mainly in the urban area of Hinckley.

Local Policy

Local Development Framework - Core Strategy (adopted 2009)

Policy 1 states that to support Hinckley's role as a sub-regional centre the council will allocate land for the development of a minimum of 1120 new residential dwellings in Hinckley and seek to cater for a range of house types and sizes as supported by policy 15 and policy 16. In addition, transport improvements will be required in line with policy 5 and existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley will need to be addressed to meet the standards set out in policy 19.

In order to support additional development in and around Hinckley, policy 5 seeks: improvements to the A47/A5 'The Long Shoot' junction to provide for additional public transport priority measures; links to the existing urban area for buses, walking, cycling and local traffic. Developers will be required to contribute towards the implementation of these initiatives through developer contributions where they meet the tests set out in national guidance. New development that would prejudice their implementation will not be permitted.

Policy 15 requires an appropriate level of affordable housing to be provided. Sites within urban areas of 15 dwellings or more should provide 20% affordable housing with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16 requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and meet a minimum density of 40 dwellings per hectare on sites within and adjoining Hinckley. In exceptional circumstances, where site characteristics dictate and are justified, a lower density may be acceptable.

Policy 19 refers to standards in relation to the provision of green space and play areas.

Policy 24 refers to sustainable design and technology and the requirement for development to meet a minimum of Code Level 3 of the Code for Sustainable Homes unless it would make the development unviable.

Draft Site Allocations and Generic Development Control Policies Development Plan Document

This document identifies the site as a preferred option for future residential development. However, the document has not yet been subject to independent examination by the Planning Inspectorate, nor formally adopted. The Strategic Housing Land Availability Assessment (SHLAA, 2008) provides background evidence on the potential supply of housing land in the Borough to inform the site allocations process. The site was identified as part of this assessment as being 'brownfield' land, suitable, available, achievable and therefore deliverable.

Hinckley and Bosworth Local Plan (adopted 2001)

The site lies outside the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan but adjacent to existing residential development implemented since adoption.

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; avoid the loss of open spaces and important gaps in development which contribute to the quality of the local environment; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

The site is identified as being a REC1 recreation site on the proposals map of the adopted Local Plan but is in private ownership and is currently vacant.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC2 requires new residential development to provide outdoor play space for formal recreation.

Policy REC3 requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy RES5 'Residential Proposals on Unallocated Sites' refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy NE2 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE5 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12 'Landscaping Schemes' states that development proposals should take into account the existing features of the site and make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

Policy T5 ‘Highway Design and Vehicle Parking Standards’ refers to the application of appropriate standards for highway design and parking provision for new development.

Other Guidance

Further guidance is provided within the Borough Council's Supplementary Planning Guidance (SPG) for New Residential Development and Section 106 Strategy SPG and the Supplementary Planning Documents concerning Affordable Housing, Play and Open Space and Sustainable Design.

Leicestershire County Council document 'Highways, Transportation and Development' provides further guidance on all highway related matters.

Appraisal:-

The main considerations with regards to this application are: the principle of development, the five year housing land supply and impact on the character and appearance of the countryside; the design, layout and mix; access, parking provision and impact on the local highway network; affordable housing and developer contributions and other matters.

Principle of Development, Five-Year Housing Land Supply and Impact on the Character and Appearance of the Countryside

The application site lies outside of the settlement boundary of Hinckley as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and only allow development which would not have an adverse effect on the character and appearance of the landscape or on the local highway network or road safety.

However, the Local Authority is currently unable to secure a five year housing land supply of deliverable and developable sites based upon the most up to date (30th September 2009) East Midlands Regional Plan monitoring figures. These indicate a cumulative shortfall of 277 dwellings (equating to 4 years and 5 months of supply). Since the previous application, the Local Development Framework: Core Strategy has been adopted and allocates a minimum of 1120 dwellings within Hinckley. The Draft Site Allocations and Generic Development Control Policies Development Plan Document has recently been publicised and identifies the site as a preferred option for future residential development. Whilst this document has not yet been subject to independent examination by the Planning Inspectorate, nor formally adopted, the SHLAA (2008) informed the site allocations process and identified the site as being ‘brownfield’ land, suitable, available, achievable and therefore deliverable. Whilst it would be preferable for the site to have been developed in line with the LDF process, the approval of this application would bring forward 84 units and contribute towards the Core Strategy housing requirement for Hinckley, towards addressing the shortfall in the overall five year housing land supply and the provision of affordable housing units in an area of identified need.

Under these circumstances, and given the weight placed on maintaining a rolling five-year housing land supply as set out in PPS3 it is considered that, in this instance, this is a significant material consideration which overcomes the objection to the principle of development established by the Local Plan policies NE5 and RES5 and would contribute towards meeting the requirements of the adopted Core Strategy. There is insufficient harm identified to outweigh the shortfall in the five year housing supply.

The site is a previously used 'brownfield' site in a sustainable location and since adoption of the Local Plan, the area to the west has been developed for residential purposes. The site therefore lies adjacent to the current built form of Hinckley. In addition, the southern boundary of the site is clearly defined by the adjacent railway line and its associated embankment with mature landscaping and provides significant visual and physical separation from the countryside beyond. Under these circumstances it is considered that it would remain difficult to sustain an objection based on the impact of the development on the character or appearance of the countryside. Impact on the local highway network and highway safety is discussed later in this report.

The site is also identified as being a REC1 recreation site in the adopted Local Plan, however, it is no longer being used for recreational purposes, is unlikely to revert back to its previous use and being in private ownership is not available for public use. The proposed development would provide publicly accessible and useable space within the site.

Design, Layout and Mix

The application proposes 84 dwellings on a 2.45 hectare site equating to a net density of 38.7 dwellings per hectare (dph) excluding the public open space and exceeds the 30 dph national minimum density as set out in PPS3. Whilst policy 16 of the adopted Core Strategy seeks a density of at least 40 dph it recognises that there may be circumstances that justify a lower density. In this case, the presence of the railway line to the south and the employment area to the east are constraints to development of the site. The minimal deficiency in density is, therefore, considered to be acceptable in this case. The development follows a similar density to that of the adjacent Waterside Park reflecting its edge of town location.

As the site will have only one principal access point from Paddock Way the proposed road layout forms a large loop with built development backing onto the perimeter of the site and in centrally located blocks incorporating landmark buildings on important vistas and a number of public spaces. The street design creates a street hierarchy leading from the main access roads, shared surface loop roads, shared surface lane and foot/cycle link to Nutts Lane with traffic calming to encourage cars and pedestrians to share the space. This approach will help create a sense of place within the development.

The development proposes a mix of sizes of units from one and two bedroomed apartments to 2, 3 and 4 bedroomed houses arranged in short terraces and as semi-detached and detached properties of mainly 2 storeys with occasional 2½ storey houses, together with a 3 storey apartment block. This approach is considered to create an acceptable mix of dwelling types and tenures across the site. Eleven different house types are proposed throughout the site along with some variations of the same house type and additional features including chimneys and bay windows to create a varied and interesting street scene that will reflect the local character. The development proposes the use of a mix of building materials including brick, render and artificial stone to provide variety and interest. In addition a variety of boundary treatments including feature brick walls, metal roll top railings, timber knee rails and close boarded fencing are proposed to frame the public realm and provide privacy to individual amenity areas. The layout proposes adequate separation distances between the existing properties on the Waterside Park development and those proposed such that there will not be an adverse effect on privacy and amenity. The location of the refuse and recycling storage area provided for the apartment block is considered to be acceptable and whilst accessible, is not prominent within the street scene.

The layout proposes two main areas of public open space totalling 0.32 hectares including a LEAP and a water attenuation basin. The size of the LEAP conforms to policy requirements for the site and the informal play space exceeds the requirement. Both areas are easily accessible and well overlooked to encourage their use and with appropriate landscaping they

will contribute to the visual amenity of the development. No written comments have been received at the time of writing this report from the Head of Corporate and Scrutiny Services (Green Spaces) and these will be reported as a late item.

Access, Parking Provision and Impact on the Local Highway Network

The scheme proposes a single principal access from Paddock Way in the north-west corner of the site with a foot/cycle link to Nutts Lane to the east. This revised scheme includes proposals for highway improvements to Nutts Lane, including the creation of new footways and widening of existing footways to improve links to the town centre and bus routes, encourage travel by walking and cycling and improve pedestrian safety. The Highway Authority has indicated as part of the ongoing appeal process relating to the previous application that the proposed improvements would be acceptable to overcome the second reason for refusal and that the improvements could be secured by a Grampian condition and be subject to a separate section 278 legal agreement for works within the highway.

Where possible, on-plot parking is proposed in the form of garaging with improved internal dimensions of 6 metres x 3 metres and/or hardstanding and generally located to the sides of the properties and behind building lines to create a more attractive street scene and reduce the dominance of the car. In other areas small parking courts and parallel parking spaces have been provided including a number of visitor spaces. The development will provide the three and four bedroomed dwellings with at least two off-street car parking spaces. The two bedroomed houses will be provided with one designated space per unit with additional visitor parking spaces. The apartments will be provided with one designated parking space per unit.

The Transport Assessment considers the potential impact of the development on the local highway network and identifies that the most critical affect on the network would occur at the junction of Coventry Road and the A5 and Dodwells Road roundabout, and in particular during the A.M. peak hour where it envisages that the proposed development would result in an additional 12 vehicles approaching the junction along Coventry Road during the peak hour (an average of one vehicle every five minutes).

The Highways Agency does not object to the application and has not repeated its previous holding direction. It considers that the impacts of the proposals on the A5/A47 Dodwells Bridge and A5/Nutts Lane junctions are not likely to be material and that, whilst questions remain over the revised Travel Plan, it is accepted that it is unlikely to have a meaningful impact on the Strategic Road Network.

The Highway Authority previously considered that an existing problem of traffic congestion exists at this junction leading to queuing along Coventry Road particularly (but not limited to) the A.M. peak time. As a result the Highway Authority considered that any additional traffic from the proposed development would exacerbate the existing problem and lead to additional queuing and journey times to an unacceptable and significant degree. The formal consultation response from the Director of Environment and Transport (Highways) had not been received for the current application at the time of writing this report and will be reported as a late item to the agenda. In the absence of any indication to the contrary, it has to be assumed that the concern remains and would result in a similar reason for refusal.

Affordable Housing and Developer Contributions

As the site falls within the ‘urban area’ policy 15 of the adopted Core Strategy requires 20% affordable housing provision on the site with a tenure split of 75% social rented and 25% intermediate housing. The proposals include only 15.5% provision for affordable housing but whilst this represents a shortfall, it has been established that there are significant viability issues with the development and it is considered that this provision is the best that can be

achieved at this time. In order to maximise the provision of affordable housing on this site the developer has been requested to change the tenure mix to provide 4 x three bedroomed houses and 3 x two bedroomed houses for social rent and 6 x two bedroomed apartments for intermediate housing.

No formal open space is proposed within the site but there are existing sites within close proximity at Langdale Road Recreation Area that could benefit from developer contributions. The site is within one kilometre of the application site as required by adopted Local Plan policy REC2 and therefore a contribution for the provision and maintenance of off-site formal space of £48,411 would be requested. Both a LEAP and an overprovision of informal play space is proposed within the development attracting maintenance contributions of £60,141 and £29,468 respectively making a total public play and open space contribution of £138, 020 to meet the requirements of policies 1 and 19 of the adopted Core Strategy, policies REC2 and REC3 of the adopted Local Plan, the Play and Open Space SPD, and the Green Space Strategy and Audits of Provision.

As set out above in the consultations section, requests have been received for developer contributions to the County Council towards, education, libraries and civic amenity totalling £366,706, to the Primary Care Trust for health care facilities of £84,012 and to the Police of £50,904. The Leicestershire Fire and Rescue Service also request a contribution of £7,151.76, however, it is considered that there is no formal basis upon which to do so and, therefore, given the issue of the schemes viability, it is unreasonable to request this contribution. The response from the Highway Authority has not been received at the time of writing this report.

The applicant has submitted an Economic Viability Assessment (EVA) in respect of the proposed development, which has been independently examined to assess the validity of the information that it contains. The assessment has confirmed that the scheme cannot support the provision of 20% affordable housing and full contributions for other infrastructure and services. In addition to the affordable housing provision of 15.5%, the applicant has offered a total of £507,250 (£6038 per dwelling) in financial contributions towards the provision and maintenance of infrastructure and services to mitigate the impact of the development. In addition, the applicant has agreed to provide contributions to promote public transport in the form of the provision of bus shelters, travel packs and bus passes up to a total of £60,413, together with highway improvements to Nutts Lane as previously discussed.

Other Matters

The Environment Agency and Head of Community Services (Pollution) do not object to the application subject to a number of conditions relating to the control and management of surface water run-off, protection of ground water from pollution from potential contamination and the use of measures to protect the occupiers of the proposed dwellings from noise from commercial operations on a nearby site and the railway line.

The applicant is aware of the need to follow the recommendations within the ecological survey in respect of the ecology within and in proximity of the site and to comply with legal requirements in respect of protected species. Natural England have withdrawn their initial objection to the application as a result of the age of the submitted surveys and now recommend that in the event that planning permission is granted, that a timetable for further survey work should be submitted and agreed prior to the issue of planning permission and that no development should commence until it has been demonstrated that protected species are unlikely to be harmed or disturbed.

The application does not seek to achieve any level of sustainability above those required through the Building Regulations. It is disappointing for a development of this scale not to

consider further its potential impact on the environment, however, the EVA has established viability issues with the development and therefore this is not considered to be grounds for refusal.

Conclusion

While the application site is outside the settlement boundary of Hinckley, where policies RES5 and NE5 apply, it is considered that the lack of a 5-year housing land supply is a significant material consideration, which overcomes these policy-based objections and that residential development is acceptable in principle. Given the visual and physical separation of the site from the surrounding landscape, there would be no adverse impact on the character or appearance of the countryside.
Approval of the application would address part of the current housing shortfall within the Hinckley area as required by policy 1 of the adopted Core Strategy.

The layout, design and mix of housing is considered acceptable and would provide a high quality scheme with strong attractive street scenes and well defined public realm. Amendments have been made to the site/road layout to try to address previous issues raised by the Highway Authority and Members which resulted in reason for refusal 3 of the previous scheme. A scheme of highway improvements has been submitted in respect of Nutts Lane to address reason for refusal 2 and have been accepted by the Highway Authority in the ongoing appeal in respect of the previous decision. Given the viability issues, the level of affordable housing and tenure mix is considered acceptable in ti9s case and at the current time, along with the overall total of developer contributions being proposed.

Whilst the Highways Agency does not object to the application, at the time of writing this report, the formal consultation response from the Highway Authority has not been yet received. In view of the previous recommendation for refusal of the application, the lack of any indication from the Highway Authority that the application has addressed the issue of impact on the local highway network and Members decision to refuse the previous application on that impact, this application is also recommended for refusal on that basis.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 The applicant has failed to demonstrate that the proposal will not lead to an unacceptable, significant increase in traffic on Coventry Road towards its junction with A5 Watling Street and A47 Dodwells Road leading to additional disadvantage to road users and potential road safety hazards. The proposed development is therefore contrary to government guidance contained in Planning Policy Guidance 13: Transport; policies 1 and 5 of the adopted Local Development Framework Core Strategy; policy T5 of the adopted Hinckley and Bosworth Local Plan and guidance contained in Leicestershire County Council document 'Highways, transportation and development'.

Contact Officer:- Richard Wright Ext 5894

Item: **10**

Reference: **09/01009/OUT**

Applicant: **Jelson Limited**

Location: **Land Off London Road Markfield**

Proposal: **RESIDENTIAL DEVELOPMENT (OUTLINE) WITH ACCESS**

Introduction:-

This application seeks outline planning consent for a residential development with all matters reserved apart from the access. The site has an area of 4.26 hectares and consists of a polygon with seven sides extending from the eastern boundary of 36 London Road, to the existing field boundary opposite the junction between London Road and Chitterman Way. To the south the site extends around the boundary of Lower Grange Farm, and to the rear of the properties on Birchfield Avenue. Given the site area, at a density of 30 dwellings per hectares it is considered that the site could accommodate up to 130 dwellings, however allowing for provision of formal and informal open space, the design and access statement proposes a total of 112 dwellings.

The site consists of agricultural land and farm yard and associated buildings including some of stone construction, with mature hedgerows bordering the site and separating fields within the site. Trees are located to the southern side of the farm complex, and a copse where the site adjoins the rear gardens of properties on Birchfield Avenue. The site is located on a gradual fall in the land towards the eastern boundary.

The application is supported by a Travel Plan, Transport Assessment, Flood Risk Assessment, Ecological Survey, Planning Statement and Design and Access Statement.

The Travel Plan details the purpose of travel plans in that they seek to promote sustainable travel and reduce the reliance on the private car. It describes what a travel plan should include. The document confirms that all residents will be given a welcome pack which contains initiatives to alter the travel habits of the residents and confirms the applicant's commitment to provide a permanent Travel Plan Co-ordinator for the first three years of operation.

The Transport Assessment is written in compliance with guidance produced by the Department for Transportation and the Department of Communities and Local Government. The document considers and outlines the planning policy framework, the context of the site in relation to the local road, footpath, cycle and public transport networks. Consideration has been given to records of accidents in the area. The report documents the design requirements of the proposal and gives an estimation of the number of trips likely to result and how these would impact upon the surrounding road network. The Assessment concludes that in transportation terms there are no overriding objections to the proposed residential development.

The Flood Risk Assessment has been undertaken in accordance with Planning Policy Statement (PPS) 25 and identifies the potential sources of flood risk to the site and the effect of the development on the wider water catchment area. The report also suggests what mitigation methods should be employed to address surface water run off and, subject to these methods being adopted, concludes that the site is a preferred location for development in terms of flood risk.

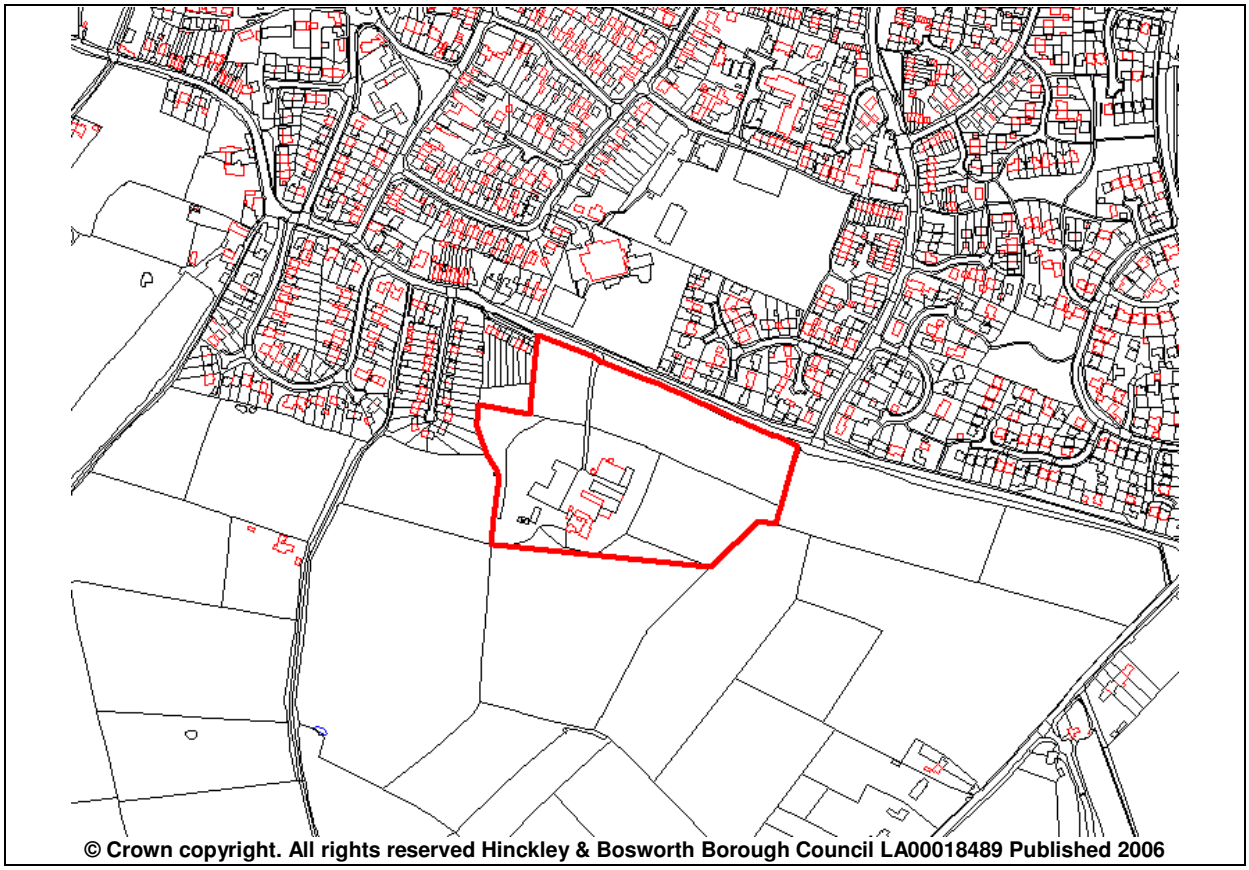
The Ecological Report presents the findings of an ecological survey carried out on the site in September 2009. The report describes the methods used in the survey, the results of the survey and makes an assessment of the nature conservation interest on the site and outlines potential ecological constraints to the proposed development. The report concludes that the habitats of the fields are not of significant nature conservation interest. The report identifies field boundary 2 as a hedgerow of importance due to the number of plant species it contains. The report recommends that further surveys be undertaken, however it concludes that it is unlikely that the presence of Great Crested Newts or roosting bats on the site would be significant enough to prevent the development.

A description of the site and proposal is provided within the submitted planning statement. This outlines the relevant planning policy guidance at national, regional and local levels. The document details other material considerations including the requirement within Planning Policy Statement (PPS) 3 on housing for Local Authorities to demonstrate and maintain a minimum five year supply of deliverable housing land. The statement also outlines what the applicant proposes as part of the proposal including provision of onsite formal and informal open space, landscaping and any required contributions required by legal agreement under Section 106 of the Town and Country Planning Act 1990.

The design and access statement appraises the site in the context of the area and provides information on distances to local services, buildings on the site, landscaping and topography of the area and the character and form of the existing settlement. From this the statement identifies the constraints of the site and the opportunities of the site. This information has fed into an indicative layout, which at an average density across the site of 30 dwellings per hectare leads the applicant to conclude that the site could accommodate 112 dwellings, with the highest density located adjacent to the northern boundary and existing settlement, and a lower density adjacent to the countryside. The statement provides indicative heights of buildings for the development, with the majority of buildings consisting of 2 storey dwellings with buildings in key locations having a height of 2.5 storeys.

History:-

87/00230/4	Residential development outline	Refused	28.04.87
85/00136/4	Residential development	Refused	19.03.85
76/00347/4	Use of land for residential development	Refused	29.06.76
76/00346/4	Use of land fore residential development	Refused	29.06.76



Consultations:-

No objection subject to conditions have been received from:-

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

Director of Environment and Transport (Highways) has requested further information relating to impact on nearby road junctions and clarification of points contained within the transport assessment.

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

a) Director of Environment and Transport (Ecology) – Notes that as a result of the development trees will be affected. These should be replaced using native species possibly to the boundary of the site to maintain the wildlife habitat.

b) Director of Children and Young Peoples Services (Education)– at present there is surplus capacity in the local primary, high and upper schools and therefore a contribution is not requested in this instance.

c) Director of Environment and Transport (Civic Amenity)– request a contribution of £34.48 per dwelling to improve facilities at the Coalville civic amenity site.

d) Director of Adults and Communities (Libraries) – Seeks a contribution towards an enhanced programme of refurbishment and other improvements to facilities including equipment and other library materials on a pro rata basis based on the figures below:-

- 1 bed house/ flat @ £27.18 per dwelling
- 2 bed house/flat @ £54.35 per dwelling
- 3/4/5 bed house/ flat @ £63.41 per dwelling

The Primary Care Trust - Have requested a contribution towards the provision of providing health care through Community hospitals, health centres, and supporting GP's, dentists, and pharmacists. The population of Leicestershire and Rutland is predicted to increase by 2.5% by 2012 and the trust is realigning its services to accommodate the increase in population and meet national targets. The nearest GP practice to the development is located on Chitterman Way, a recently extended practice which now constrains further expansion. It is therefore considered appropriate to consider directing contributions towards the next nearest surgery located Rookery Lane Groby. In this instance a per dwelling contribution would be sought based upon £583 per dwelling for one and two bedroomed properties and £1167 per dwelling for three and four bedroomed properties.

The Leicestershire Constabulary Crime Reduction Officer – New scheme should incorporate design out crime measures. Requests a contribution of £606 per dwelling.

David Tredinnick MP has objected to the proposal on the following grounds:-

- The proposal is outside the settlement boundary within a Greenfield site
- Concerns over the safety of the access from London Road
- Local infrastructure will be unable to cope
- Insufficient consultation undertaken.

Cllrs Lay and Mrs Sprason have objected on the following grounds:-

- Application is within the Countryside and therefore contrary to the Councils adopted Policies.
- Objections made less than a year ago against the Core Strategy are still valid.
- Site is too large and in excess of that proposed by the site allocations document.
- The proposal would overwhelm the current infrastructure.

Markfield Parish Council-objects to the proposal on the following grounds: -

- The location for the proposed development lies wholly within the open countryside and outside the settlement boundary
- The area lies within both the National and Charnwood Forests and includes trees, hedgerows, meadows, wildlife and a significant area of natural scientific interest.
- The Borough Council has a duty to protect the open countryside as stated within the Council's own policy document.
- Under the Core Strategy it was decided that Markfield should accommodate 80 additional dwellings; 40 of which would be classed as infill and a maximum 40 would be in the area of open countryside. The application exceeds the housing numbers required for Markfield and is therefore in contravention of the Borough Councils' Core Strategy.
- The Core Strategy was adopted after 1000 objections were received regarding development beyond the current settlement boundary; this public consultation took place less than a year ago.

- The proposed site is too large and in excess of that suggested in the Borough Councils Site Allocations Document.
- The current community infrastructure in Markfield could not cope with an additional 120 dwellings. The road network around the village could never cope with the additional traffic this scale of development would cause. This would have a detrimental impact on services expected by the current residents of Markfield.
- This application is in contravention of the recently adopted Core Strategy and if approved would invalidate the Borough Councils' own planning policy and would mean that the public consultation process was a worthless exercise and an expensive waste of money.

Site notice and Press notice were displayed and neighbours notified.

715 letters of objection have been received of which 213 were from different addresses, 492 did not supply an address, and a petition containing 108 signatures raising the following concerns:-

a) Intrusion into the countryside
b) Loss of view
c) Would overwhelm the current infrastructure (schools, health, highways)
d) Loss of village appeal
e) Site is within the National and Charnwood Forests.
f) Site is in excess of that being considered by the site allocations Development Plan Document
g) Markfield already has enough new building in the countryside
h) Detrimental impact on wildlife
i) Lack of public consultation
j) Insufficient public transport in area to cope
k) Why don't they build on brownfield land in the village?
l) Loss of property value
m) High density, two storey suburban housing is inappropriate
n) Council have refused housing applications in Hinckley
o) Loss of agricultural land
p) New school access onto London Road was said to be unsafe, Why is it ok now for houses?
q) Why do we need new houses when so many stand empty
r) Typical HBBC as long as Hinckley and Market Bosworth are protected everywhere else can take the slack
s) There are inaccuracies within the Design and Access Statement.

At the time of writing no consultation response has been received from Head of Corporate and Scrutiny Services (Green Spaces) and Director of Chief Executive (Archaeology)

Policy:-

Central Government Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Governments objectives for the planning system and how planning should facilitate and provide sustainable and inclusive patterns of urban and rural development. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that

good design is fundamental to the development of high quality new housing. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites then they should consider favourably planning applications for housing having regard to the policies in the PPS including the policies in Paragraph 69. Paragraph 69 sets out criteria against which to assess housing and these are:-

- Achieving high quality housing
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
- The suitability of a site for housing, including its environmental sustainability
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Paragraph 72 makes it clear that Local Planning Authorities should not refuse planning applications for housing development solely on the grounds of prematurity.

Paragraph 41 of the PPS indicates that at least 60% of new housing should be provided on previously developed land (brownfield sites).

Targets should be set at the regional level and local level to provide a target for the delivery of housing development on previously developed land (paragraphs 42 & 43).

Planning Policy Guidance Note 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

<u>The East Midlands Regional Plan</u>

Policy 1- Outlines the regional core objectives which includes ensuring that housing stock meets the need and extends choice of all communities in the region.

Policy 2- Promotes better design through reflecting the local, natural, and historic character, making the best use of land and locating development to provide access to the development by foot, cycle and public transport.

Policy 13a- Regional Housing provision states how many units Local Authorities should plan for over the period of the Regional Plan. Hinckley and Bosworth are allocated 9000 dwellings which equates to 450 units per year over the plan period.

Policy 44 - Sub- area transport objectives, aim to reduce the use of the car in and around Leicester and promote local public transport provision and facilities to encourage walking or cycling.

Local Development Framework - Core Strategy

The Local Plan is in the process of being replaced by the Local Development Framework (LDF) and the Core Stategy, the first of the LDF documents, has completed the formal adoption process and has been found sound by the Planning Inspectorate. Therefore this emerging Policy document should now be given significant weight in the planning process.

Spatial Objective 5: Ensuring sufficient housing is provided to meet the requirements of the East Midlands Regional Plan with the focus on development being around the Hinckley urban area with more limited development in the rural area to meet local needs.

Spatial Objective 13: Transportation and the need to travel seeks to reduce the need to travel by car.

Policy 7: Key rural centres seeks to support key centres so they can provide key services to the rural hinterland and supports housing development within the settlement boundary.

Policy 8: Key Rural centre relating to Leicester seeks to allocate land within Markfield for the development of a minimum of 80 new homes. The policy requires developers to demonstrate how the number type and mix will meet the needs of Markfield.

Policy 15: Affordable Housing: seeks provision of 40% affordable housing on housing schemes of more than 4 units in rural areas.

Policy 16: Housing Mix and Design, requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings.

Policy 19: Green Space and Play provision sets standards in relation to green space and play provision in the borough to ensure all residents have access to sufficient high quality and accessible green space and play provision.

The Local Plan (adopted February 2001)

The site is outside the settlement boundary of Markfield as defined by the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

Policy REC2 requires all new residential development to provide outdoor play space for formal recreation.

Policy REC3 New Residential Development - Outdoor Play Space for Children requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy RES5: Residential Proposals on Unallocated Sites states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5: Highway Design and Vehicle Parking Standards refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE12: Landscaping Schemes states that proposals for development should take into account the existing features of the site and make provision for further landscaping where appropriate.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Other Development Plan Documents and Supplementary Planning Guidance / Documents

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space, Sustainable Design and Affordable Housing.

The Site Allocations Preferred Options Document has recently been out for public consultation. This shows part of the application site as a preferred option for future residential development for up to 44 dwellings. This document is only part way through the adoption process with a draft version for submission expected to be issued later this year with an examination next year. Its weight is therefore limited.

Appraisal:-

The main considerations with regards to this application are the principle of the proposal, the impact of the proposal on the character and appearance of the countryside, highway safety, infrastructure improvements and National Forest and ecological issues.

Principle of Development and Five Year Housing Supply

The site is located outside the settlement boundary as defined by the adopted Hinckley and Bosworth Local Plan and is therefore considered to be within the open countryside. The countryside is protected for its own sake both by National and Local Policy. The proposed development of this site would therefore be contrary to policy NE5 and RES5 unless material planning considerations indicate otherwise.

Notwithstanding this policy objection, PPS3 places a requirement upon Local Authorities to maintain a five year supply of housing land. Paragraph 71 of this document states: 'Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable

sites, for example, where Local Development Documents have not yet been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should considered favourably planning applications for housing.'

Hinckley and Bosworth Borough Council currently has a shortfall of 277 dwellings when looking at the five year housing supply. Having regard to the advice within PPS3 this means that the application should be looked at favourably having regard to the policies within the PPS and in particular the criteria set out in paragraph 69. Those criteria are:

- Achieving high quality housing
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
- The suitability of a site for housing, including its environmental sustainability
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Achieving high quality houses

This application is in outline and therefore this is a matter that is more properly addressed at the reserved matters stage.

Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.

This is also a requirement of Policy 8 of the adopted Core Strategy. The agent has been asked to demonstrate how the development meets the housing needs of Markfield. At the time of writing this information has not yet been received and therefore the applicant has failed to meet the requirements of the policy. It should be noted that this information may be received prior to the Committee Meeting and would, if that is the case, be reported as a late item.

The suitability of a site for housing, including its environmental sustainability

Both the transport assessment and the planning statement have addressed this issue. The site is located adjacent to the settlement boundary and within walking distanced of local bus routes, shops and other services. In terms of environmental sustainability the site is a Greenfield site and the applicant has failed to demonstrate that there are not sufficient brownfield sites within Markfield to provide then housing requirement as set out in Policy 8. The national target for development on previously developed land is set out in PPS3 and is that at least 60% of new housing should be on previously developed land. The East Midlands Regional Plan gives priority to making the best use of previously developed land and vacant/under-used building and sets a regional target of 60%. The Council within the Core Strategy has a target of 40%, which is below the national and regional target. This was agreed with the Inspector at the Examination into the Core Strategy and was proposed on the basis that the development of both SUEs' for a total of 4,500 houses (50% of the total housing requirement) would be on Greenfield land and therefore the national and regional targets are not attainable. What this means is that of the remaining 4,500 houses to be provided 80% (3,600) have to be on previously developed land. Development of this site without sufficient justification and demonstration of need will compromise that target.

There is also significant concern that the development, extending into the open countryside, and being outside the settlement boundary as defined within the Local Plan and still forming

part of the Development Plan, has a significant and harmful impact on the character of the area with residential development extending into the open countryside. This is contrary to policies NE5 and RES5.

Using land effectively and efficiently

The applicant proposes an average density across the site of 30 dph (dwellings per hectare). This is the minimum density allowed under Policy 16.

Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

This Authority has an adopted Core Strategy which has set out strategic targets for housing delivery within the plan period of 2009-2026. This demonstrates that the Authority will be able to achieve its housing targets within the plan period. The Local Planning Authority is going through the LDF process to deliver its housing needs which would be compromised by this and similar development proposals. It has also issued a Consultation Draft Preferred Options Report which has been the subject of a public consultation exercise. This has identified part of this site for housing development for 44 dwellings. This applicant has indicated that they have control of this site and could if they so wished deliver that draft allocation. This proposal before Members is a significant extension of that site and provides in excess of the requirement for Markfield. Members must be aware that figure is expressed as a minimum based on a density of 30dph and cannot be taken as a finite figure for new housing development within Markfield. The minimum proposed in this application is 112 dwellings, significantly above the proposed figure. There is no justification for this increase in the size of the site, no indication that Markfield requires this number of dwellings as set out in Policy 8 of the Core Strategy. Given this fact and the significant visual harm caused by this development outside the settlement boundary, it is considered that there are strong policy objections to this development that outweigh the lack of a five year housing supply at this moment in time. Whilst it should be noted that the proposed allocation site was outside the settlement boundary, this was a significantly smaller site than currently proposed and had been identified as being the maximum required to deliver the required number of houses within Markfield.

It is considered that the proposal fails to meet the tests set out in paragraph 69 of PPS3 and that this identified harm outweighs the need for the development when set against the lack of a 5 year housing supply, albeit a small shortfall.

Impact on the Countryside

London Road provides a strong boundary between the built form of Markfield and forms the settlement boundary as defined by the Local Plan. London Road has already been breached to the west of the site by developments off Birchfield Avenue and Croftway, however there is a definite change in character between the built form and countryside defined by the finishing of the footpath, strong mature hedgerows and less formal verge to the highway edge.

The site is located within a natural dip in the landscape, however due to the location of Ratby Road and London Road, which are both elevated above the site, the site would be visible from the east and north east and would be prominent when seen against the built form of Birchfield Avenue. Travelling from the west the site would be seen as continuing the built form, however views of the countryside would be lost until past the development, changing the character of this stretch of London Road to a more urban environment. The proposal would extend into the countryside onto a green field site, beyond that considered acceptable

under Local Plan Policy NE5 and would have a significantly harmful impact on the character of this area.

It is considered that the proposal would have a detrimental impact on the character of the countryside at this location, contrary to policy NE5 and PPS7 that indicates that the quality and character of the wider countryside should be protected for its own sake.

Impact on Highway

Approval for the proposed access is sought as part of the application. At the time of writing the report Leicestershire County Council as highway authority are seeking further clarification of the effect that the development would on the nearby road junctions but have not raised objections to the principle of the scheme or the proposed access. Further comments will be reported as late items.

Infrastructure Improvement

Contributions have been requested towards libraries, open space provision and maintenance, civic amenity provision, and Leicestershire Police Authority.

Director of Adults and Communities (Libraries) seeks a contribution towards an enhanced programme of refurbishment and other improvements to facilities including equipment and other library materials on a pro rata basis as detailed above in the report.

Director of Environment and Transport (Civic Amenity)– request a contribution of £34.48 per dwelling to improve facilities at the Coalville civic amenity site.

A contribution is required towards the provision and maintenance of on or off site open space in accordance with Policies REC2 and REC3 and supplementary Planning Document on Play and Open Spaces Developer Contributions. The applicant has indicated within the Design and Access Statement that the site will contain an area of informal and formal open space in accordance with the Policy. A contribution, worked out on a pro rata basis, based on the total number of dwellings and the area of formal and informal open space provided within the site would be included within the Section 106. The site is within 400m of the open space at Mayflower Close and if insufficient on site open space is provided, the off site contribution sought will go towards the maintenance and improvement of this facility in accordance with the Council's Green Space Strategy and Audit of Provision Document.

The Leicestershire Policy Authority have requested a contribution towards the maintenance of service across Leicestershire. As different areas of Policing are based at different locations and distributed across the County as required, monies would be used to support the service as a whole. For example monies could be used to increase efficiencies associated with patrol, detection and prevention of crime, provide additional vehicles and other required resources, and provide where appropriate CCTV cameras. The contribution has been worked out on a pro-rata basis per dwelling and a contribution is therefore requested on the basis if £606 per dwelling.

National Forest and Ecological Issues

The site is located within the National and Charnwood Forests and comments have been received expressing disappointment that no tree survey has been submitted with the application. The trees on the site are located towards the southern boundary, around the farmhouse and adjacent to the western boundary and are not subject to any statutory protection. The rest of the site comprises open farm land and farm buildings with hedgerows. None of the trees are protected. Only indicative layouts have been submitted and without a

formal layout it is not possible to assess what trees are to be lost, however it is considered that any loss of vegetation can be compensated for within a landscape proposal to be submitted with and assessed at the reserved matters stage.

The submitted ecological report recommends further surveys to be undertaken at the appropriate time of year for bats, barn owls and great crested newts specifically, however concludes that it is not anticipated that, if species are found this would prevent development. Protection areas can be incorporated into the final layout proposal and the further surveys should be submitted with any reserved matters application with the appropriate mitigation measures. A condition is recommended to that effect.

Objections have been received stating that the application would detrimentally affect an area of natural scientific interest. No locally or nationally designated site of ecological or scientific interest were identified as being affected by the development by either the applicants survey or the Leicestershire Ecology department.

Other Matters

Objections have been raised on the grounds of loss of views and loss of property value. These are not material considerations that can be considered in determination of this application.

Conclusion

It is considered that the proposal for residential development would, encroach into and detrimentally harm the character of the countryside, contrary to Policies NE5 and RES5. However, Government policy requires Local Authorities to have a continuous five year housing supply which is a material consideration in determining this application. Hinckley and Bosworth presently are not meeting that supply and significant weight has to be given to this requirement. Part of the site has been proposed as a preferred location within the forthcoming Site Allocations DPD. Whilst this document is still being prepared and carries less weight, this site has been considered through this process for a future housing site. It is considered that the additional encroachment into the countryside that would result from this application would unnecessarily use Greenfield land and would not use land effectively or efficiently. It is considered that this authority is sufficiently advanced within the site allocations document and the adopted Core Strategy for the 5 year supply to be met through this process. It is therefore considered that this harm outweighs the lack of a five year housing supply and it is therefore recommended that the application be refused.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 The applicant has failed to demonstrate that there is a need within Markfield that justifies the development of this greenfield site. In addition to this the site is visually prominent, outside the adopted village settlement boundary and its development for housing will harm the character of the area and the village. The proposal is therefore contrary to advice within PPS3, the East Midlands Regional Plan, Core Strategy Policy 8 and policies NE5 and RES5 of the Local Plan.

2 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities, library facilities, health care facilities, highways and civic amenity of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

Contact Officer:- Sarah Humphries Ext 5680

Item: **11**

Reference: **10/00019/FUL**

Applicant: **Mr A West**

Location: **6 The Ridgeway Burbage**

Proposal: **DEMOLITION OF GARAGE AND ERECTION OF ONE NEW DWELLING.**

Introduction:-

This is a full application for the demolition of a detached garage and its replacement with a single dwelling at 6 The Ridgeway, Burbage.

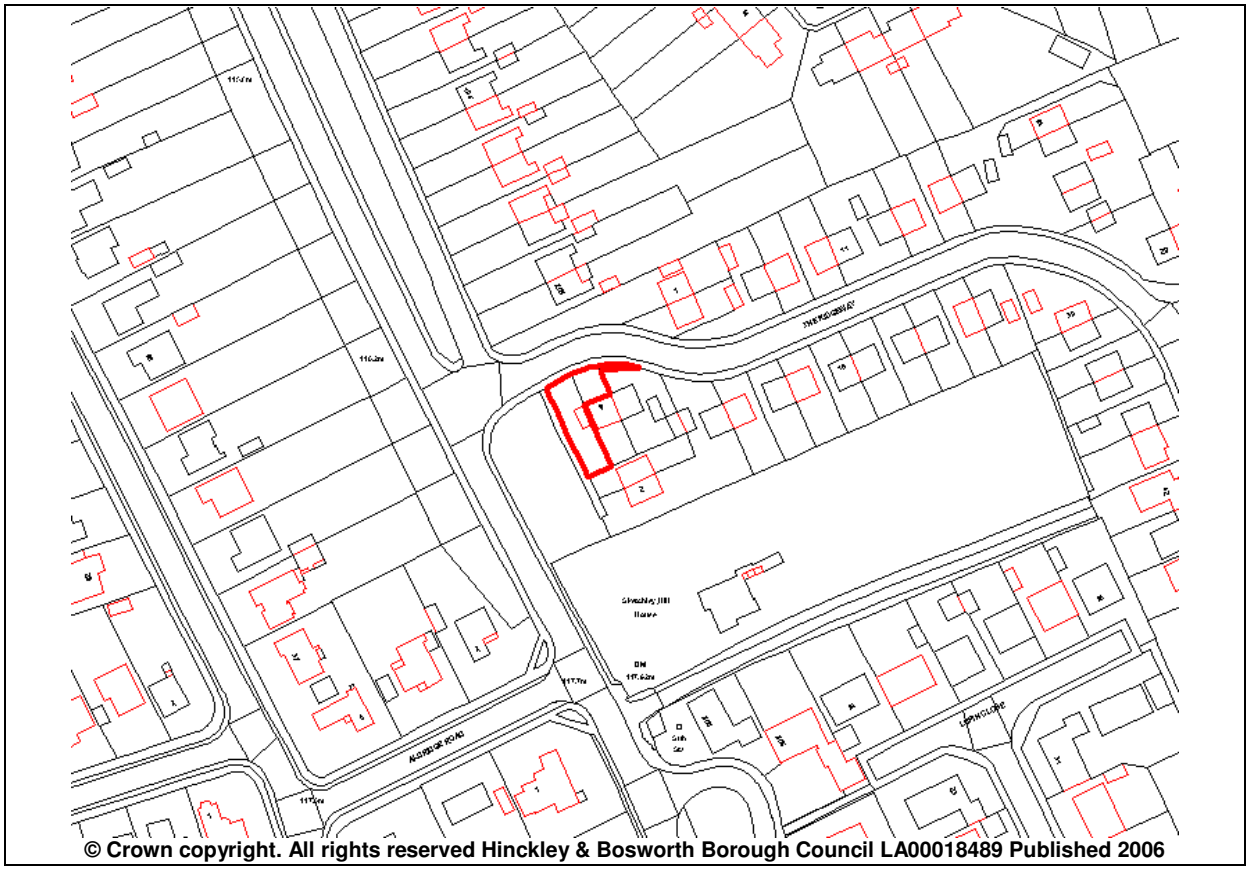
The existing property, No 6 The Ridgeway comprises an extended red brick semi-detached property, which occupies a double width end plot. To the western side is a detached flat roofed garage and amenity space and to the front is a gravelled driveway. Beyond the western boundary, which comprises a timber, close boarded fence (staggered in height lowering towards the front boundary) is a pedestrian footpath and small grassed area, which separates the property from the busy Rugby Road. This area accommodates a number of mature trees, thus screening the side of the property from Rugby Road. The existing southern facing garden is large and sweeps around the western side of the property. It is enclosed by a 1.8 metre high close boarded fence. Properties on The Ridgeway comprise a similar design to that of the application property, with the majority of them being semi-detached, sharing common architectural features and fenestration detail, and follow a uniform building line. Accordingly there is a strongly definable residential character within the area. The properties along Rugby Road are of more traditional design.

The application proposes to sub divide the plot, and build a detached dwelling on the site of the existing garage which will be demolished and side amenity space. The proposed dwelling has a vertical emphasis, resultant of the narrow plot and incorporates architectural features and fenestration detail of the surrounding properties. Across the frontage of the plot there will be 4 parking spaces, 2 for each property, and to the rear will be a small garden measuring 63 squared metres, enclosed by a 1.8m high close boarded fence. Pedestrian and vehicular visibility has been provided to the front. The existing access will serve the proposed dwelling and a new access is proposed for the existing.

The Design and Access Statement submitted in support of the application has justified the design of the dwelling and ensured that the proposed and existing accesses are compatible with County Highway design standards.

History:-

81/00628/4	Kitchen and Dining Room Extension	Approved	21.07.81



Consultations:-

No objection has been received from Head of Community Services (Pollution).

No objections subject to conditions have been received from:-

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

The waste minimisation and recycling officer has suggested that there may be insufficient space for the various recycling bins/bags.

At the time of writing the report no response has been received from:-
Burbage Parish Council
Neighbours
Site Notice.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the

planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing.

Local Development Framework Core Strategy

Policy 4 seeks to ensure that development within Burbage respects the local character, builds on its sense of place and helps to deliver new housing.

Adopted Hinckley and Bosworth Local Plan

The site is within the settlement boundary for Burbage as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 favours the development of unallocated sites for housing so long as the plot is within the settlement boundary and the siting, design, and layout of the development does not conflict with other policies of the Local Plan.

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, design, density, materials and architectural features; has regard to the safety and security of individuals and property; incorporated landscaping to a high standard; ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities; does not adversely affect the occupiers of neighbouring properties and ensures an adequate degree of privacy and amenity and sufficient garden areas with boundary treatments that reflect existing features in the area.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities on and off site required to serve the development.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new development, unless a different level of provision can be justified.

Policy REC3 refers to Play and Open Space and requires new development to provide outdoor informal space and equipped play space for children's play.

Other Guidance

Further design guidance is contained in the Borough Council's adopted Supplementary Planning Guidance (SPG) on New Residential Development, which states that the layout of new dwellings should ensure the careful integration of new buildings with existing site features and landscaping and be designed to complement the character of the surrounding built form.

Play and Open Space Supplementary Planning Document (SPD) adopted September 2008 provides background information and justification for figures relating to informal and formal play and open space provision and maintenance across the Borough.

Appraisal:-

The main issues in respect of this proposal are the principal of the development, impacts on visual amenity and the character of the street scene, impacts on residential amenity, highway safety and Infrastructure Requirements.

Principal of Development

This site is situated within the settlement boundary of Burbage, as such the principal of a new dwelling in this location is considered acceptable.

Visual Amenity and Character of the Street Scene.

Despite being detached, the proposed dwelling is of a form, scale and design which is similar to and characteristic of existing dwellings on The Ridgeway. The fenestration design and the swept head brick arch detail with render infill panels included within the design takes reference from existing properties.. The western elevation, which will be partially visible from Rugby Road, has been designed to include windows with render infill panels. This will assist in breaking up what would otherwise be a bland elevation. Although pitched roofed porches are common in The Ridgeway, the porch proposed is considered over fussy in its detail, and amended plans illustrating a simplified version have been requested. The SPG on New Residential Development does not encourage car dominated frontages, as proposed. Accordingly amended plans have been requested, reducing the number of spaces by one and introducing some landscaping to soften the impact.

Impact on Residential Amenity

The dwelling adheres to all of the separation distances contained within the Supplementary Planning Guidance on New Residential development. There is a single first floor landing window facing the side elevation of number 6 The Ridgeway, however this is to be obscurely glazed. The windows to the front and rear do not face any other property and the windows to the western elevation face Rugby Road and are a distance of approximately 70m from the rear of the facing property. In respect of overshadowing, as the proposal accommodates the same front and rear building lines as the adjacent property (number 6) there will be will be no overshadowing or loss of light. The amenity space to the rear of the property is substandard in terms of its size and length. The SPG on new residential development suggests a garden depth of 12.5m and a size of 80m2 for a three bed property. In this case, the garden is approximately 10m long and has an area of 63m2. However, as the property occupies a relatively central position within the village and is close to a public amenity space, this reason alone would not substantiate refusal of the application.

Highway Safety

The new access arrangements proposed incorporate 2m x 2m pedestrian visibility splays and a vehicular visibility splay to the eastern side. These are in accordance with Leicestershire County Highway standards. Although 5 off road parking spaces have been provided to the front, their layout is considered to result in poor design, adversely impacting upon the street scene. Accordingly amended plans have been requested, to reduce the number to 4 in order for additional landscaping to be provided. Although the number of spaces provided will not be strictly in accordance with guidance in the Highways, Transportation and Development document, as it is preferable for four bed dwellings to be provided with at least three off road parking spaces, it is considered that the improvements to design within the street scene outweigh the need for the additional space.

Infrastructure Requirements

In accordance with Policy REC3 financial contributions will be requested towards the provision and maintenance of play and open space for children at Featherstone Drive recreational area which is within 400m of the application site. In accordance with Policy REC3 a contribution is required towards the maintenance and provision of additional facilities based upon the figures and formulae within the adopted Play and Open Space SPD. In this case, and in accordance with the SPD, it is appropriate to request contributions towards a 10 year maintenance period, totalling £433. Likewise using the relevant formula the cost required towards provision totals £817.80 with the total contribution required equating £1250.80.

Conclusion

The dwelling proposed is considered to be in keeping with the mass, scale and design of the surrounding properties on The Ridgeway and is not considered to have any material impacts on either visual or residential amenity or on the character of the street scene. The amended frontage and reduced number of parking spaces proposed will, it is considered, result in an improved visual impact, whilst providing an adequate number of off road parking spaces. Accordingly the proposal is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, location and highways provision, there are considered no material impacts on either visual or residential amenity, on the character of the street scene, or on highway safety. Therefore the proposal is considered acceptable.

Local Development Framework, Core Strategy 2009 : Policy 4
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, REC3, NE12

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:- 05A received by the local planning authority on the 10/2/10, 01 and 03A received by the local planning authority on the 13/2/10, 04C; 06A received by the local planning authority on the 25/2/10 and the Design and Access Statement received by the local planning authority on the 13/2/10.

4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space

Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority.

5 Before the first occupation of the dwelling hereby permitted the vehicular access and parking areas as shown on the approved plan reference 04C and 06A shall be laid out and surfaced with a hard bound porous material (not loose aggregate) for a distance of at lease 5 metres behind the highway boundary and shall so be maintained at all times.

6 Before first occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained at all times.

7 No development shall take place until full details of the soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

8 The approved soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons:-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt

4 To ensure adequate provision of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space.

5 To ensure that adequate off-street parking and turning facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

6 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

7 In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 It is a criminal offence to damage or destroy a bat roost. Therefore, if the tree is mature and has hollow cavities and/or is covered with ivy, or has suitable places in which bats might roost, we recommend that it be surveyed for bats before any work is carried out to the tree. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. It is therefore recommended that works to trees/ hedgerows is done outside of the bird-nesting season - i.e. between the end of August and beginning of March. If work to the tree is to be undertaken during the bird breeding season it is recommended that a suitably qualified ecologist survey the tree/hedgerow for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.

6 In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1250.80 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Contact Officer:- Eleanor Shaw Ext 5691

Item: **12**

Reference: **10/00020/FUL**

Applicant: **Mr Robert Maloy**

Location: **Land To The Rear Of 75 Station Rd Earl Shilton Leicester Leicestershire LE9 7GE**

Proposal: **ERECTION OF 8 DWELLINGS AND ASSOCIATED WORKS**

Introduction:-

This application seeks full planning permission for the erection of 8 x two bedroom dwellings on land to the rear of the Earl Shilton Constitutional Club at 75 Station Road, Earl Shilton

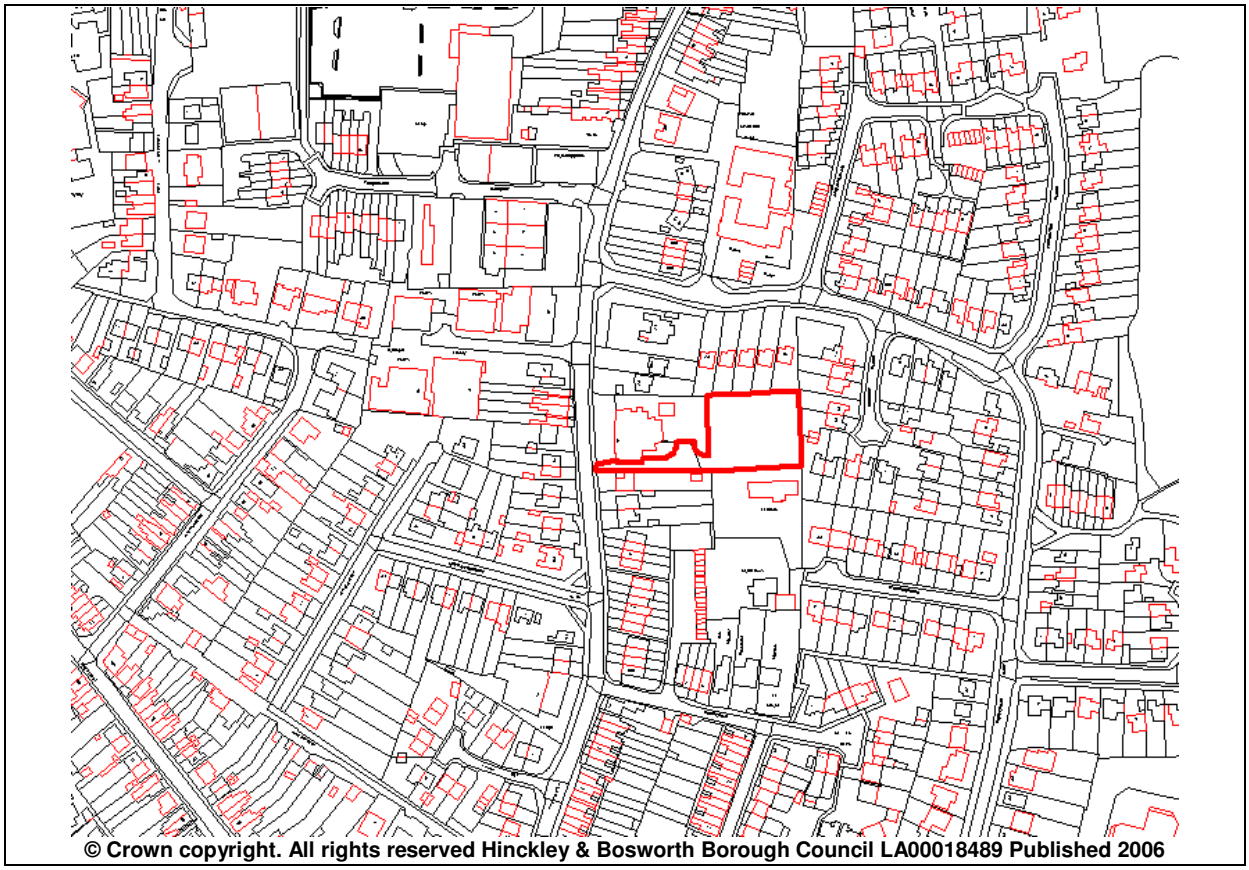
with a shared private access along the south side of the club. The application was initially made for the erection of 9 dwellings but, following discussions with the agent, amended plans have been received and plot 9 has been deleted from the scheme. The proposed dwellings would be arranged in two blocks of four terraced, two storey houses with private rear amenity areas backing on to the east boundary of the site and two parking spaces provided to the fore of each dwelling. Where inadequate screen fencing currently exists, new 1.8 metres high fencing will be erected to protect the privacy of neighbouring properties. The application also indicates the provision of a formalised parking area for patrons of the club to the rear of the premises.

The gross site area including the access measures approximately 0.18 hectares, the net developable site area is approximately 0.15 hectares. There is an existing club fronting Station Road to the west of the site and two storey residential properties to the north, east and south. The site is currently used, in part, for occasional informal parking for the club but the majority of the site is vacant and in the process of being cleared of overgrown vegetation. There is a brick wall of approximately 2 metres in height along the south boundary of the site with 77 Station Road. There is a line of tall conifer trees along the south boundary of the site with Oaklands and part of the east boundary, along with timber fencing of various height around the south, east and north boundaries with neighbouring dwellings.

A Design and Access Statement has been submitted in support of the application and advises that the design brief was to provide low purchase price, open market starter housing to meet an identified demand. It states that the proposed layout provides the most effective land use for development of the site providing adequate private amenity and two tandem car parking spaces for each dwelling along with a shared private access drive to the dwellings and improved parking for use by patrons of the club. The houses are designed with the end terrace units having a front and rear gable to reduce the elevation profile and with render detailing to add visual interest. Additional character and interest is provided by the canopies over the front doors. In order to avoid any overlooking, the first floor side elevation windows (bathrooms and staircases) to plots 1 and 8 are to be fitted with obscure glazing. Private rear garden lengths and separation distances are in line with supplementary planning guidelines. Rear pedestrian access is provided to all plots. Frontage parking areas will be broken up by areas of landscaping.

History:-

No relevant planning history.



Consultations:-

No objections subject to conditions have been received from:-

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

Leicestershire County Council has the following comments:-

a) Director of Children and Young People's Service (Education) - at present there is a surplus capacity in all schools therefore an education contribution is not requested.

b) Head of Adults and Communities (Libraries) - in respect of additional users of the existing library facilities a contribution of £54.35 per 2 bedroom dwelling is requested towards the cost of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

c) Director of Environment and Transport (Civic Amenity) - contributions are requested for new or improved civic amenity site infrastructure at the nearest site in Barwell at a rate of £45.40 per dwelling

d) Chief Executive, LCC (Ecology) recommends that green corridors are maintained and established to provide wildlife links between habitats and that the development should include the planting of native tree species.

Environment Agency refer to standing advice.

Site notice posted, neighbours notified, 11 letters of objection have been received raising the following concerns:-

a) loss of parking for club and increase in on-street parking, detrimental to highway safety and amenity of neighbours
b) noise and mess from development construction
c) loss of privacy and amenity from overlooking and comings and goings
d) increase in traffic
e) loss of light
f) overdevelopment of the site
g) will increase flooding/drainage problems
h) overbearing and visually intrusive impact on neighbouring properties
i) unacceptable/inadequate access in terms of length, width and visibility
j) devaluation of property
k) loss or relocation of existing recycling facilities within the site
l) land should be used for play space for children
m) additional houses not required, better suited to bungalows
n) development will not meet Building Regulations
o) bin collection point will be an eyesore.

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

Earl Shilton Town Council
Head of Community Services (Pollution).

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' in paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. Paragraph 27 states that planning authorities should seek to bring forward sufficient land in appropriate locations to meet expected need for housing etc. and promote the more efficient use of land.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that local planning authorities should accommodate housing principally within urban areas and promote accessibility to services by public transport, walking and cycling and reduce the need to travel.

Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 43 seeks to improve safety across the region and reduce congestion.

Local Policy

Local Development Framework - adopted Core Strategy (2009)

Policy 2 states that the council will support development within the Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings and to address existing deficiencies in quality, quantity and accessibility of green space and play provision within Earl Shilton.

Policy 19 refers to standards in relation to the provision of green space and play areas.

Adopted Hinckley and Bosworth Local Plan (2001)

The site is within the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy BE1 states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; avoid the loss of open spaces and important gaps in development which contribute to the quality of the local environment; have regard to the safety and security of individuals; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy NE12 ‘Landscaping Schemes’ states that development proposals should take into account the existing features of the site and make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Policy REC3 requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Other Policy Documents

Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

The Supplementary Planning Guidance (SPG) on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

The Play and Open Space Supplementary Planning Document (SPD) (2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Appraisal:-

The main considerations with regards to this application are the principle of development; impact on the character and appearance of the area; the design and layout; access and impact on highway safety; impact on neighbouring properties, developer contributions and other matters.

Principle of Development and Impact on Character and Appearance of the Area

The site is located within the settlement boundary of Earl Shilton, in a sustainable location, close to the centre of the town. Government guidance in PPS1, PPS3 and PPG13 promotes sustainable urban development that makes more efficient use of land, particularly 'brownfield' sites, with good accessibility and close to community facilities and infrastructure. Policy 3 of the adopted Core Strategy and policy RES5 of the adopted Local Plan both support the provision of housing within the settlement boundary. The principle of residential development is, therefore, considered to be acceptable.

The site is surrounded on three sides by residential properties, it has not been well maintained, parts of it remain overgrown and it is poor in terms of visual appearance. The proposed development would not be out of character with its surroundings and would improve the sites appearance by providing a high quality development, including landscaping to enhance its appearance and improved car parking facilities for the club. Under these circumstances, it is not considered that the proposed development would have an adverse effect on the sites character or appearance.

Design and Layout

The proposed development would provide for the more efficient use of this vacant or underutilised land. PPS3 suggests that new residential development should provide densities of between 30 and 50 dwellings per hectare. In this case, 8 dwellings would provide a net density of 53 dwellings per hectare (gross density 44 dwellings per hectare). Whilst this would be slightly higher than guidance in PPS3, the site is close to the centre of the town and the density is not considered to represent overdevelopment of the site. This density would also be in keeping with existing developments of terraced dwellings in proximity to the site on Station Road. The development is not of a size to require a mix of house types to be provided and the proposed houses are aimed at the more affordable end of the open market.

Following discussions with the agent, the application has been amended to delete plot 9 and move plots 1 - 8 forward to provide additional rear garden areas. The proposed amended layout is considered to be acceptable and would provide acceptable separation distances to existing development whilst providing adequate private amenity spaces and car parking spaces for each of the proposed dwellings. Ornamental landscaping is proposed within the

development to break up the parking areas and to enhance the appearance of the development.

The design of the dwellings is considered to be acceptable and provides interest in the form of gables to the front and rear elevations on the end terrace units together with canopy porches to the fore. Additional detail is provided within the gables in the form of stained timber strips with white render infill, and this detail is repeated on the canopy porches. Brick headers and cills are provided to add further interest to the elevations. Meters are discreetly located to avoid prominence.

Highway Issues

Access to the site would be via the existing private road to the south side of the club and be shared with the dwellings. The width of the proposed access narrows to approximately 3.8 metres at a distance of approximately 10 metres behind the highway boundary as it passes a single storey extension on the south elevation of the club. The Highway Authority raise concerns in connection with the potential for manoeuvring and two way traffic at the proposed access, however, taking into account the potential for improvement to the existing access in terms of visibility and the provision of improved car parking and turning facilities for the existing uses, there would be a gain in highway terms and on that basis the proposal is considered acceptable by the Highway Authority. Visibility to the south from the access is restricted by an existing brick wall and, therefore, pedestrian visibility splays have been shown on the amended plan.

The club is located close to the centre of the town and therefore accessible by public transport, cycling and walking. A total of 33 car parking spaces are indicated on the amended plans for use by patrons of the club. Given the limited existing informal parking and turning arrangements at the rear of the club, it is considered that the proposals would not result in any loss of existing spaces and turning facilities and that the formalised parking area would encourage more usage and reduce on-street parking, particularly as the proposed dwellings could provide additional surveillance in this area. Adequate off-street car parking of two tandem spaces would be provided for each of the 8 dwellings. The amended plans provide 6 metres manoeuvring space for the car parking areas.

Impact on Neighbouring Properties

The application site is on a ground level approximately 1 metre higher than the dwellings on Equity Road East to the north of the site. The proposed layout would provide a minimum separation distance of approximately 14 metres from plot 8 to the main rear elevations of these neighbouring dwellings (13 metres from the site boundary and an additional metre within the site) and would meet the Council's SPG on New Residential Development for a house with two storeys. Whilst the proposed development would be to the south of the dwellings on Equity Road East and they are on a slightly lower ground level, the design and layout of the proposed development would be such that the occupiers of these neighbouring dwellings would face a side elevation of less than 10 metres width at a distance of 14 metres and a roof plane that would slope away from the boundary of the site. In addition, these adjacent dwellings are orientated at a slight angle to the site so that the impact of the development would also be reduced.

The separation distance to the adjacent dwellings backing onto the site to the east on Derwent Close would be over 25 metres in line with the Council's SPG on New Residential Development. The separation distance from the end terrace of plot 1 to the dwelling to the south (Oaklands) would only be approximately 7 metres. However, given the presence of a line of tall conifer trees along the boundary within the curtilage of Oaklands, the proposed development would have minimal impact on the amenities provided by the windows on the

elevation facing the application site. In addition, the main amenity aspect of Oaklands is to the south and west of the dwelling. The front elevations of the proposed dwellings would be in excess of 25 metres to the houses on Station Road.

In order to avoid any overlooking, the first floor side elevation windows (bathrooms and staircases) to plots 1 and 8 would be fitted with obscure glazing. New 1.8 metre high timber fencing would be provided where necessary to protect the privacy of neighbouring dwellings, particularly along the boundary with those on Equity Road East where it is currently inadequate. Overall and on balance, the design and layout is considered to meet acceptable separation distances and respect the amenities of neighbouring properties.

Developer Contributions

The applicant is aware of the requirement to provide contributions towards the provision and maintenance of informal public play and open space to mitigate the impact of the development on such facilities and meet the requirements of policies 2 and 19 of the adopted Core Strategy, policy REC3 of the adopted Local Plan and the Council's Play and Open Space SPD and the Green Space Strategy and Audits of Provision. The applicant has indicated that in order to avoid the additional cost of completing a legal agreement, he would prefer to provide the contribution in the form of a one-off lump sum payment. In this case, the contribution required would be £10,006.40 (£1250.80 x 8) and could be used to improve and maintain informal play and open space at the neighbourhood park off Wood Street, Earl Shilton and/or informal local open space at Borrowdale Close, Earl Shilton.

Whilst the County Council have requested developer contributions for libraries and civic amenity, the scale of the development does not hit the threshold for contributions, therefore, none have been requested from the applicant in this case.

Other Issues

Neighbours have raised drainage issues in respect of surface water draining from the site into their gardens, which have a lower ground level, and the previous installation of a land drain to try to resolve the situation. Severn Trent Water Limited have recommended a condition requiring details of surface and foul water drainage of the site to be submitted for approval prior to commencement of development, should planning permission be granted and this has been included in the recommendation.

The Head of Business Development and Street Scene Services (Waste Minimisation) requires the provision of a collection area for waste and recycling containers adjacent to the public highway and this has been shown on the amended plans.

Conclusion

The site is within the settlement boundary of Earl Shilton where residential development is normally acceptable in principle. The proposals will make more efficient use of a vacant plot of land and acceptable access can be provided. The design and layout of the site is considered to be acceptable and would provide adequate separation distances from existing development, adequate private amenity space for each of the proposed dwellings together with parking and turning facilities for the proposed dwellings and the users of the club. The layout and design of the development would not have an adverse effect on the character or appearance of the street scene or wider area, or the amenities of the occupiers of neighbouring properties. The development would make a contribution towards the provision and maintenance of public play and open space to mitigate the additional use of such facilities. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- That the Director of Community Services be granted delegated powers to issue planning permission subject to no significant additional objections being received before the end of the consultation period expiring on 19th March 2010 and the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary, and would not have an adverse effect on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety and would contribute to the provision and maintenance of public play and open space.

Hinckley & Bosworth Borough Council Local Development Framework - Core Strategy (2009):- Policies 2 and 19.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RES5, NE12, NE14, T5 and REC3.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:1250 scale, Block Plan Dwg.No. TPD07/10, Floor Plans Dwg.Nos. TPD07/05 & TPD07/06 and Elevations Dwg.No. TPD07/07A received by the Local Planning Authority on 3rd February 2010; Site Access Layout Plan Dwg.No. TPD07/09B and Site Layout Plan Dwg.No. TPD07/04C received by the Local Planning Authority on 4th March 2010.

3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the north elevation of plot 8 or the south elevation of plot 1unless prior permission for such development has first been granted by the Local Planning Authority.

6 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

7 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority.

8 Before first occupation of any of the dwellings hereby approved, car parking and turning provision shall be made and marked out in accordance with the approved details submitted on Site Access Layout Plan Dwg.No. TPD07/09B and Site Layout Plan Dwg.No. TPD07/04C for both the dwellings and Earl Shilton Constitutional Club. The car parking and turning spaces so provided shall not be obstructed and shall thereafter permanently remain available for parking and turning.

9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

10 Before first occupation of any dwelling hereby permitted, the access drives and any turning space shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) in accordance with the approved details submitted on Site Access Layout Plan Dwg.No. TPD07/09B and Site Layout Plan Dwg.No. TPD07/04C and shall be so maintained at all times thereafter.

11 Notwithstanding the details submitted on Site Layout Plan Dwg.No. TPD07/04C, prior to commencement of development further details of the materials to be used for the surfacing of the proposed car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

12 Before first occupation of any of the dwellings hereby permitted, 2.0 metres by 2.0 metres pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and once provided shall be so maintained at all times thereafter.

13 The side elevation windows to the dwellings hereby approved shall be obscure glazed as indicated on the approved Elevations Plan Dwg.No. TPD07/07A received by the Local Planning Authority on 3rd February 2010 and once provided retained as such at all times thereafter.

Reasons:-

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

2 For the avoidance of doubt and in the interests of proper planning.

3 To enable the Local Planning Authority to fully assess the development in the light of the ground and finished floor levels of the site to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7 To mitigate the impact of the development and ensure the adequate provision and maintenance of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that adequate off-street car parking and turning is provided to reduce the possibilities of the development leading to on-street parking problems in the area to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

9 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

10 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of road safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

11 To ensure that the development has a satisfactory appearance and in the interests of sustainable drainage to accord with policies BE1 and NE14 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 25.

12 To ensure that an adequate line of vision is available in the interests of road safety to accord with policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

13 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 In relation to Condition 7, in this case a developer contribution of £1250.80 per dwelling will be required towards the provision and maintenance of off site public play and open space in lieu of on site provision.

6 The proposal is situated in excess of 45 metres from the public highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

7 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3056782.

Contact Officer:- Richard Wright Ext 5894

Item: **13**

Reference: **10/00040/FUL**

Applicant: **Mr Dave Clayton**

Location: **Caterpillar Uk Ltd Peckleton Lane Desford**

Proposal: **INSTALLATION OF A CARBONACEOUS LIVE FIRE TRAINING UNIT**

Introduction:-

This application seeks full planning permission for the erection of a carbonaceous live fire training unit and associated storage building at Caterpillar Ltd, Peckleton Lane, Desford. The application relates to an area within the existing Caterpillar complex, located to the north of Peckleton Lane. The application seeks permission for the siting of three shipping container style units arranged in an 'H' shape to the north east of an existing building, with two smaller units, measuring 5.9m by 3m and a height of 2.3m, sited to the north west of the 'H' block, providing storage for the materials to be burnt in one and a room scenario in the other. The proposed units forming the 'H' block would measure 12m by 12m and stand 3.3m high. A third unit, 3m square with a height of 2.3m, would be located adjacent to the existing warehouse which would have a power supply in which to charge the breathing equipment used in the training exercises.

The units would provide a training facility for Leicestershire Fire and Rescue. The unit would be used to demonstrate how fires behave in certain circumstances and teach fire officers how to deal with the different scenarios. Fires would be lit in the containers and vents would control how the fire behaves allowing operators to simulate different conditions officers may face when tackling real life situations. It is proposed that timber and MDF will be burnt, in two

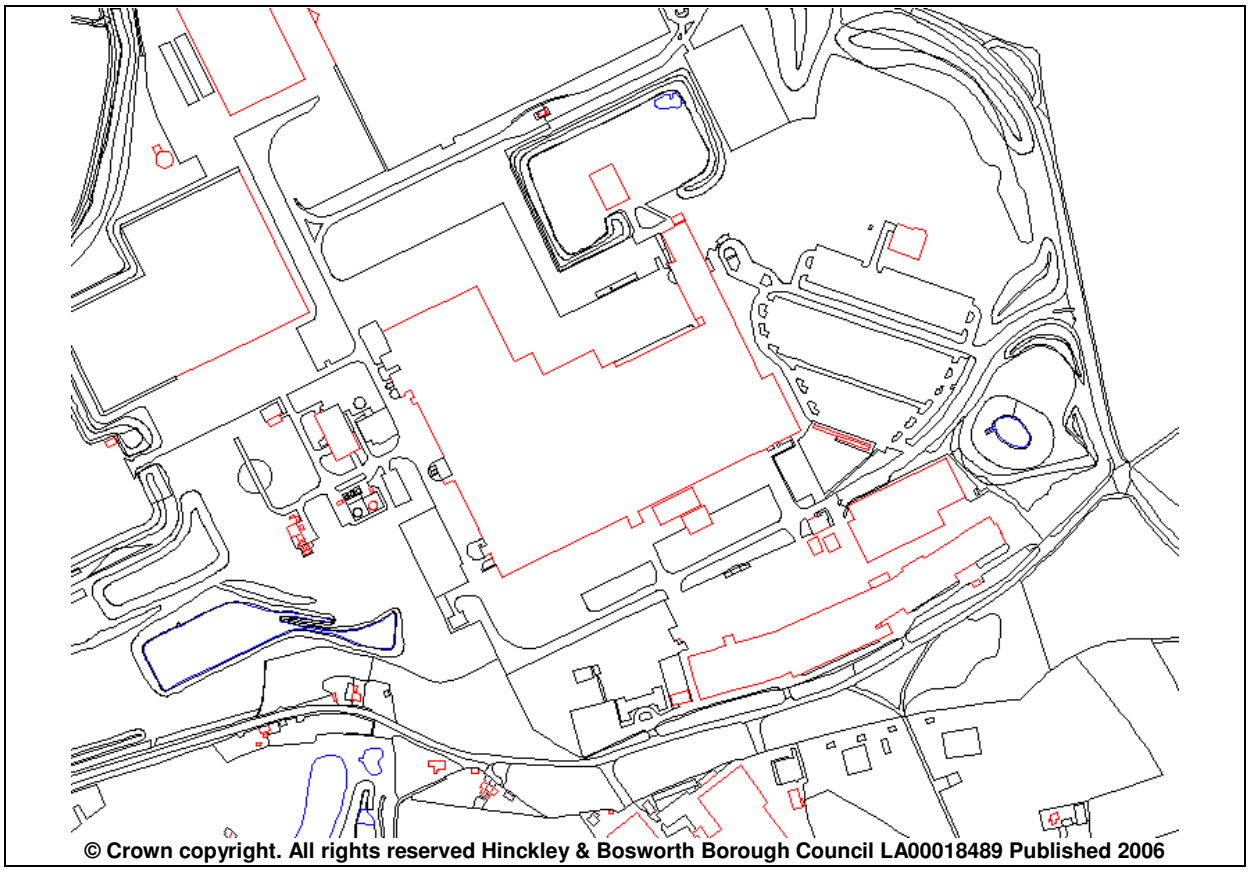
firings lasting no longer than 45 minutes per day. It is anticipated that two training days per week will occur with occasional training at the weekend for retained staff.

The siting of the proposal would be on the northern side of the existing caterpillar site and separated from the edge of Desford by an area of open space and distance of approximately 330 metres. The nearest residential property is located approximately 250 m east from the proposal.

The application is supported by a design and access statement, which provides details of how the proposal is to operate including proposed days of the week and firing times and that the applicant is committed to liaising with the community regarding firing times.

History :-

Caterpillar benefit from numerous planning applications granted to enable the site to adjust to changes to manufacturing processes. The only relevant application to this application was a similar scheme refused in August 2009 (09/00476/FUL) due to insufficient information to demonstrate that the proposal would not harm the amenities of nearby residents. Since the application was refused the Council's Environmental Health Officer has visited a similar training unit located at Birmingham International Airport and has liaised with the applicants to understand the impact the use may have.



Consultations:-

No objection has been received from Head of Community Services (Land Drainage)

No objection subject to conditions have been received from:-

Head of Community Services (Pollution)
Parish Council.

Desford Parish Council raises the following objections:-

a) Prevailing winds from the south and west will carry smoke fumes towards the village
b) Concerns over the substance to be burnt and the effect on the immediate environment and general health and well being of the community
c) Concerned that the monitoring will not be guaranteed or up held
d) Application fails to show the proximity to local sports and educational facilities
e) Number of residents have experienced difficulties in logging objections and viewing plans online
f) Concerned about proximity to educational facilities including primary school, located 400m away, a children's nursery located 400m away and the community college
g) Concerns on the health of residents especially those with breathing difficulties.
h) Damage to vehicles and having to alter daily habits
i) Pollution of the bridle path located on the northern perimeter of the site.

Site notice and Press notice were displayed and neighbours notified.

22 letters of objection / support have been received raising the following concerns:-

a) Can fire test be postponed if weather conditions are not favourable?
b) It is unreasonable and inconsiderate to have to endure smoke and fumes with only 4 hours space between tests two days a week.
c) Why do they have to test 2 days a week? Why can't they do one test per day?
d) After 12 months who determines what happens? Will another Planning permission be required?
e) Proposal is located 400 m from the boundary with Desford Community Primary School, what effect will it have on students, staff and parents?
f) It is unreasonable for residents to alter habits in case the proposal detrimentally effects them.
g) Proposal will have a detrimental impact on the environment and surrounding wildlife.
h) The proposal is located too close to residential properties
i) The smell of smoke and noise would be detrimental to the amenities of neighbouring properties.
j) Insufficient information has been submitted to enable a full appraisal to be made.
k) How long is the agreement between Caterpillar and the fire service?
l) Why has no Environmental Impact assessment been submitted?

At the time of writing the report comments have not been received from Peckleton Parish Council

Policy:-

<u>Local Plan Policy</u>

The application site falls outside the Desford settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of development and seeks development that safeguards the existing environment, complements the character of the surrounding area, and does not adversely affect the occupiers of neighbouring properties.

Policy NE2 will not support development that would be likely to cause material harm through the pollution of air or soil.

Policy NE5 considers all development within the countryside and seeks to protect the countryside for its own sake however supports development where it is important for the local economy and cannot be provided within or adjacent to existing settlements, and where it would not have an adverse impact on the appearance or character of the landscape.

Policy EMP1 considers existing employment sites throughout the borough. The Caterpillar site falls under criterion a) of the policy which seeks to retain these sites for employment purposes.

Appraisal:-

The main considerations with regards to this application are the visual impact of the proposal on the character and appearance of the surrounding area, and the impact of the development on the amenities of nearby residents.

Visual Impact on Character and Appearance of the Area

The application site relates to a small section of an existing industrial complex occupied by Caterpillar which consists of a number of large industrial warehouse buildings with associated areas of hard standing between them. The site contains other shipping and portacabin type accommodation, providing temporary and flexible accommodation. Due to its location and association with the Caterpillar site, it is considered that the proposed buildings required for the fire training facility would not be out of character with other buildings on the site. It is therefore considered that the proposed development would not have an adverse visual impact on the character and appearance of the area.

Impact on Amenities of Nearby Residents

The unit would be used to train Fire Officers in how to deal with different scenarios they might face when attending fire emergencies. To do this fires within the units must be lit and smoke is expelled into the surrounding environment through vents designed to control airflow through the containers to create different fire scenarios. Some pollution will therefore occur as a result of the proposal, however how much material harm this will cause is influenced by a number of factors including the distance of the development to residential properties, strength and direction of the wind at the time of burning, number and duration of burnings and any landscape features between the proposal and residential properties.

The nearest residential property is located due east of the application site, approximately 250 m in distance. Other properties forming the edge of the main built up area of Desford are located 330 m to the north. Separating the application site and these properties is mainly flat open space planted with small saplings, with a small bund adjacent to Peckleton Lane. The area of planting would help disperse any smoke and fumes blown in this direction.

It is however considered that the distance between the proposal and the nearest residential properties will allow the majority smoke and fumes to disperse naturally. However, this will depend upon the strength and direction of the wind at the time. It is considered that for the smoke to carry to the properties there would have to be strong southerly or westerly wind blowing at the time as the burning. It is unlikely that this will occur during every burning, and

therefore whilst there may be the odd occasion when smoke is thick enough to cause a nuisance to nearby properties, it is not considered, given the proposed four burnings a week that this would be material enough to warrant a refusal of planning permission at this time.

The Council's Environmental Health Officer has requested that planning permission be granted for a temporary period to allow the impacts to be monitored. The Fire and Rescue Service have also been asked, and have agreed to keep a weather log at the time of the burnings. It is considered that with this information the impacts will be able to be conclusively assessed. Therefore the grant of a temporary consent is considered appropriate in this instance.

Other Issues

The proposal will help Fire Officers train to deal with fire scenarios so that they minimise the risk to themselves and others in the event of a real emergency. To comply with Government Legislation governing the training of Fire Officers, training facilities as proposed are required within easy reach of the force using them. It is considered that the proposal provides a valuable community service.

The application is located within a designated Employment site. It does not affect the employment use of the site and is still controlled by Caterpillar. It is not considered that the proposal would restrict the employment capabilities of the site and would therefore be considered acceptable.

Objections have been received questioning the length of the agreement caterpillar have with Leicestershire Fire and Rescue. This is not a material planning consideration and therefore is not information that the applicant has to provide. Other objections have questioned why an Environmental Impact Assessment (EIA) was not required. The requirements for submission of an EIA are set out within Schedule 1 and 2 of the Environmental Impact Regulations. This application falls below the thresholds within both schedules and therefore no assessment is required.

Conclusion

Whilst there are concerns expressed regarding the effect of the smoke and fumes likely to be generated by the proposal on the nearby residents, given the specific way in which the unit is to be operated it is considered unlikely that, the use would significantly materially effect residents on a regular basis. However, it is recommended that the proposal be granted a temporary permission for twelve months in order that any impact can be adequately monitored and assessed.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its limited use, distance from nearby properties and appropriate appearance, the proposal would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE2, NE5, and EMP1

1 The use and buildings hereby permitted shall be discontinued and the land restored to its former condition on or before 17th March 2011 unless a subsequent planning application for its retention is submitted and approved by this date.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
CAT/P/09/101 A received 10.01.10

3 The proposal hereby permitted shall be implemented in accordance with the details contained within Schedule 6- 'Provisional Operating Rules' of the submitted design and access statement receive 18th January 2010.

Reasons:-

1 To enable the impact of the use to be monitored during this period to ensure that the proposal does not detrimentally affect the amenities of nearby residents in accordance with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

2 For the avoidance of doubt and in the interests of proper planning.

3 To mitigate any impact of the proposal on the amenities of local residents in accordance with policies BE1 and ENV2 of the adopted Local Plan.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

Contact Officer:- Sarah Humphries Ext 5680

Item: **14**

Reference: **10/00043/DEEM**

Applicant: **Hinckley & Bosworth Borough Council**

Location: **Land Adjacent 147 Wykin Road Hinckley**

Proposal: **ERECTION OF ONE DWELLING (OUTLINE WITH ALL MATTERS RESERVED)**

Introduction:-

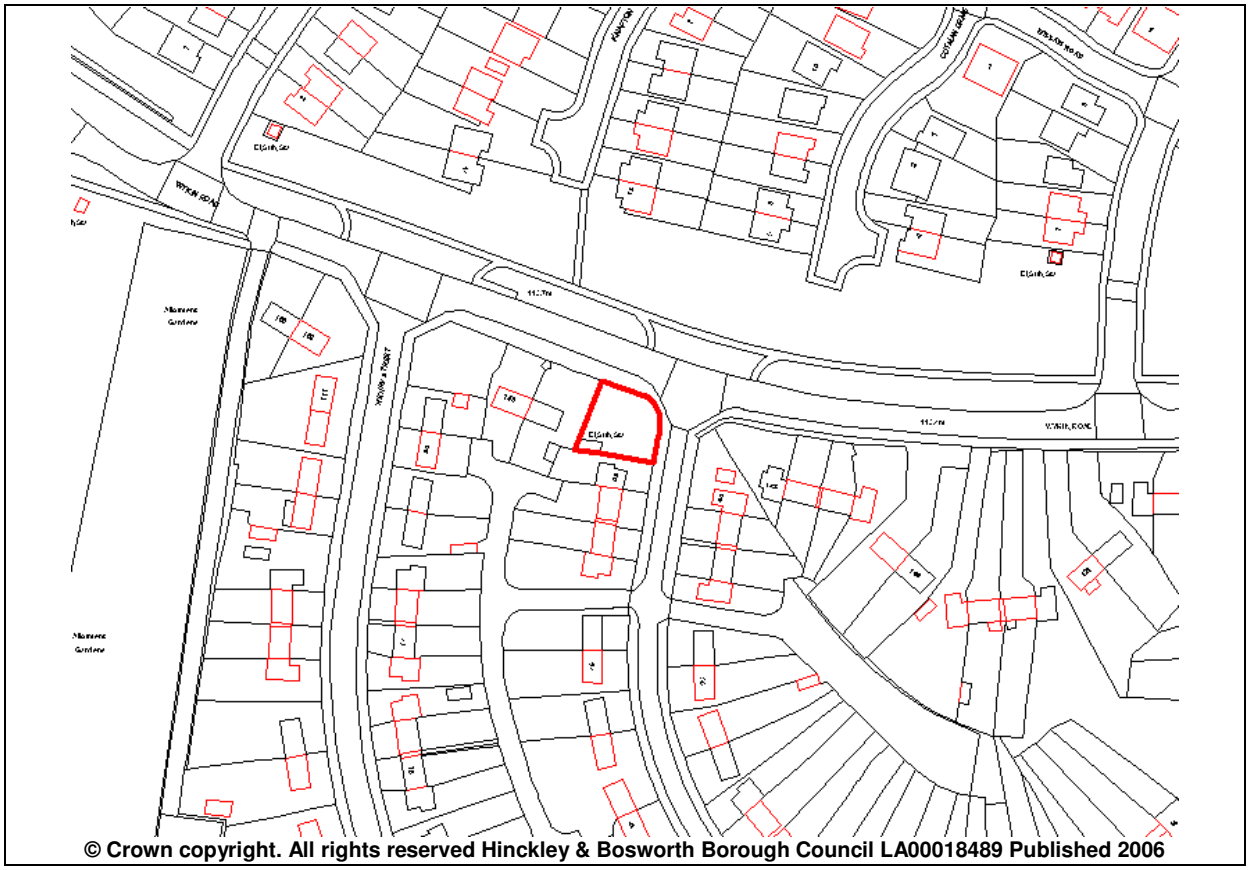
This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992). The application seeks outline planning permission, with all matters reserved, for residential development located on a corner plot at the junction with Gwendoline Avenue and Wykin Road, Hinckley. The land is currently in the ownership of the Borough Council, who are the applicants and is currently a grassed area.

The site is surrounded by residential properties to the south, east and west. The side elevation of 59 Gwendoline Avenue stands to the south and the side elevation of a single storey garage at 147 Wykin Road stands to the north with the side elevation of the property beyond that. A 2 metre high fence forming the front/side garden boundary of 60 Gwendoline Avenue stands to the east. Wykin Road stands to the north of the site with an area of open space beyond that. The surrounding properties are generally of similar character, comprising of two storey, semi-detached, hipped roof dwellings interspersed with terraces of four with projecting gables built in approximately the 1950's. The majority of nearby dwellings are set back from the roadside and are rendered, painted in various colours but predominantly painted grey, white or cream.

Whilst all matters are reserved, the design and access statement submitted in support of the application gives details of the site appraisal which identifies how the site can accommodate a single two-storey, dwelling. The dwelling would be in scale with adjacent properties and be constructed of materials to complement the surroundings. An indicative plan has been submitted showing siting including access and parking.

History:-

74/00015/4-	Retention of store-	approved	25.06.74



Consultations:-

No objection subject to conditions has been received from Head of Community Services (Land drainage & Pollution)

Director of Highways, Transportation and Waste Management (Highways), subject to consideration of standing advice.

Head of Business Development and Street Scene Services (Waste).

Two letters of objection have been received from neighbouring properties on the following grounds:-

- additional parking and highway problems
- flooding and over-capacity of sewage system
- overbearing impact.

At the time of writing this report no comments have been received from Severn Trent.

Policy:-

Central Government Guidance

Planning Policy Statement 1- Sustainable Development and Climate Change, outlines the government's objectives for the land use planning system with a focus on protecting the environment.

Planning Policy Statement 3- Housing explains how the government's objectives on housing such as providing housing in suitable locations which offer a good range of community facilities with access to jobs and key services can be delivered through the planning system. Planning Policy Statement 3 states this can be achieved through the effective use of land which includes the opportunity for housing provision on surplus public sector land. It states priority for development should be given to previously developed land, in particular vacant and derelict sites.

Local Plan Policy

The site lies within the Hinckley settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy RES5 relates to residential development on unallocated sites and supports the principle of development providing the site is within the settlement boundary and complies with other policies of the Local Plan.

Policy BE1 requires the design and siting of new development to be of a high standard of design, incorporate a high quality landscaping scheme, have regard to highway safety and the amenities of neighbouring residents.

Policy IMP1 requires new developments to contribute towards infrastructure and facilities to serve the development commensurate with the scale and nature of the proposal.

Policy REC3 ensures that there is an adequate standard of play and open space to serve new residential development.

Policy T5 requires new development to apply the highway design standards as published by Leicestershire County Council.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to new residential developments gives guidance on the design of new residential development and the separation distances that are required to ensure privacy and adequate amenity spaces for the new dwellings.

The Play and Open Space Supplementary Planning Document sets out the Council's Play and Open Space strategy and justification from policy and government guidance.

Supplementary Planning Document on Sustainable Design aims to promote sustainable developments within the Borough.

Appraisal:-

The main considerations with regard to this application are the principle of a dwelling in the proposed location, the impact on the street scene and character of the area and amenities of neighbouring residents and the impact on highway safety and parking.

Principle of Development

The site is located within the settlement boundary of Hinckley within an existing residential area. Policy RES5 allows new residential development on unallocated sites within the settlement boundary providing the design, mass and siting of the proposal comply with other policies within the adopted Hinckley and Bosworth Local Plan. In addition the application site is an unused, derelict piece of Local Authority owned land and Planning Policy Statement 3

states consideration should be given to housing development on surplus public sector land and in particular vacant and derelict sites. The principle of housing development is therefore considered acceptable.

Neighbours amenity

The application site is bounded on the western and southern boundaries by the side elevations of 147 Wykin Road and 59 Gwendoline Avenue. The side elevation of 147 Wykin Road, facing the site contains no windows. The northern elevation of the proposed dwelling stands forward of the front elevation of 147 Wykin Road by 1.8 metres but any proposed windows would be positioned at an oblique angle separated by a distance of 10.6 metres. This prevents overlooking and the privacy of this property is ensured. This neighbouring property has objected on the imposing nature of the scheme however only the northern portion of the proposed dwelling would be visible and only from the front garden of 147 Wykin Road and would not be visible from any windows on this property. This relationship is not considered to result in an imposing or overbearing impact on this adjacent property.

The side elevation of adjacent property 59 Gwendoline Avenue stands adjacent to the sites southern boundary with the two opposing elevations separated by a distance of 4.6 metres. The side elevation of No.59 contains an obscured glazed window at first floor leading to a landing and one at ground floor providing a secondary window to the kitchen. This elevation also includes a side door. This obscured glazing ensures privacy to this property and the openings are not considered to be principal windows to habitable rooms. This combined with the northerly position of the proposed dwelling and separation distance would result in a development which would not adversely impact on the amenity of this property.

60 Gwendoline Avenue stands to the east of the site but is situated on a corner plot and the eastern elevation of the proposed dwelling would face onto the side garden of this property. A two metre high boundary fence stands on this boundary separated from the proposed dwelling by a distance of 18 metres which is considered adequate to ensure the amenity of this property.

Highway safety and parking

The Director of Highways, Transportation and Waste Management does not object to the development in principle but has recommended a number of standard highway related considerations. However, the application is for outline residential development only with all matters reserved and therefore the layout, access, hard landscaping, car parking provision, visibility splays etc. would be submitted for approval as part of any subsequent reserved matters application. Details of layout, access arrangements and hard landscaping are required by condition 2 of the recommendation. Details of parking provision, drainage, finished floor and ground levels and boundary treatments are required by condition 3 of the recommendation.

Concerns relating to intensification of parking will be addressed through the provision of adequate on site parking.

Impact on the street scene and character of the area

The site is currently a grassed corner plot surrounded on all sides by residential properties with the exception of the area to the north which is an area of open space standing beyond the adjacent roadway. The proposed scheme will alter the open character of the site but the dwelling constructed of similar materials, scale and design as adjacent properties would complement its surroundings. These elements will be considered in the reserved matters application. The loss of this area of open space is mitigated by the large area of open space

to the north and its loss is not considered detrimental to the character of the area or street scene.

The indicative plans show the proposed dwelling to have buildings lines in line with adjacent property 59 Gwendoline Avenue aiding in the proposals assimilation in the street scene. The plan also indicates an area of landscaping on the majority of the eastern boundary and on the northern boundary. The composition of this landscaping will be considered in the reserved matters application but will provide a softening of the development when viewed from adjacent roadways.

The development of the site will bring this vacant, unused piece of land into productive use and is unlikely to have an adverse impact on the street scene or character of the area if sited and designed satisfactorily.

Other issues

The application site is located within 400m of Wykin Park and Preston Road and the proposed development does not include any on-site play and open space provision. Wykin Park is identified as an area of formal open space. Due to the size of the development, contributions will be sought toward improvements for informal children's play space under Local Plan Policy REC3.

The comments from the Head of Business Development and Street Scene Services (Waste) regarding the storage of waste will be addressed through the reserved matters application.

Concerns raised over flooding and sewage capacity on site will be addressed with Severn Trent whose comments are still pending.

Conclusion

The principle of new dwelling on the site is considered acceptable. The relationship between surrounding dwellings is such that a two storey dwelling with adequate off street parking could be accommodated on the site without adversely affecting the amenities of neighbouring residents or highway safety. The scheme with satisfactory siting, design and materials is considered not to have an adverse impact on the character of the area of street scene.

RECOMMENDATION :- That Committee agree to the development being carried out under Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan would be acceptable in principle and would not have an adverse impact on the street scene or character of the area, neighbours amenity or highway safety and parking.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, IMP1, REC3 and T5

1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later that two years from the date of approval of the last of the reserved matters to be approved.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
ii) The scale of each building proposed in relation to its surroundings.
iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iv) The access arrangements to and within the site for vehicles, cycles and pedestrians.
v) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building materials
ii) The provision to be made for vehicle parking on the site
iii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iv) The provision to be made for screening by walls and fences
v) The floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site.
vi) The provision to be made for the storage of refuse and/or recycling facilities.

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

4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

5 The ridge height of the proposed dwelling shall not exceed that of the neighbouring property of 59 Gwendoline Avenue.

6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Plan 01 received on 22nd January 2010.

Reasons:-

1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

4 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure the development has a satisfactory external appearance in accordance with Policy BE1 of the Hinckley and Bosworth adopted Local Plan.

6 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 Condition 4 relates to play and open space requirements. In this instance a contribution of £1250.80 is required towards the provision of off-site public open space. This can be provided by a one-off payment or secured by the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990.

6 This application is an outline application with all matters reserved and whilst an indicative plan has been submitted this has not been approved with this decision.

Contact Officer:- David Kiernan Ext 5898

Item: **15**

Reference: **10/00060/ADV**

Applicant: **Hinckley And Bosworth Borough Council**

Location: **Richard Roberts Dyers Ltd Southfield Road Hinckley**

Proposal: **ERECTION OF SEVEN POSTER SIGNS AND 1 BANNER SIGN**

Introduction:-

This is an application for advertisement consent to display seven poster signs and one banner sign on the western boundary of a large vacant employment site on Southfield Road, Hinckley.

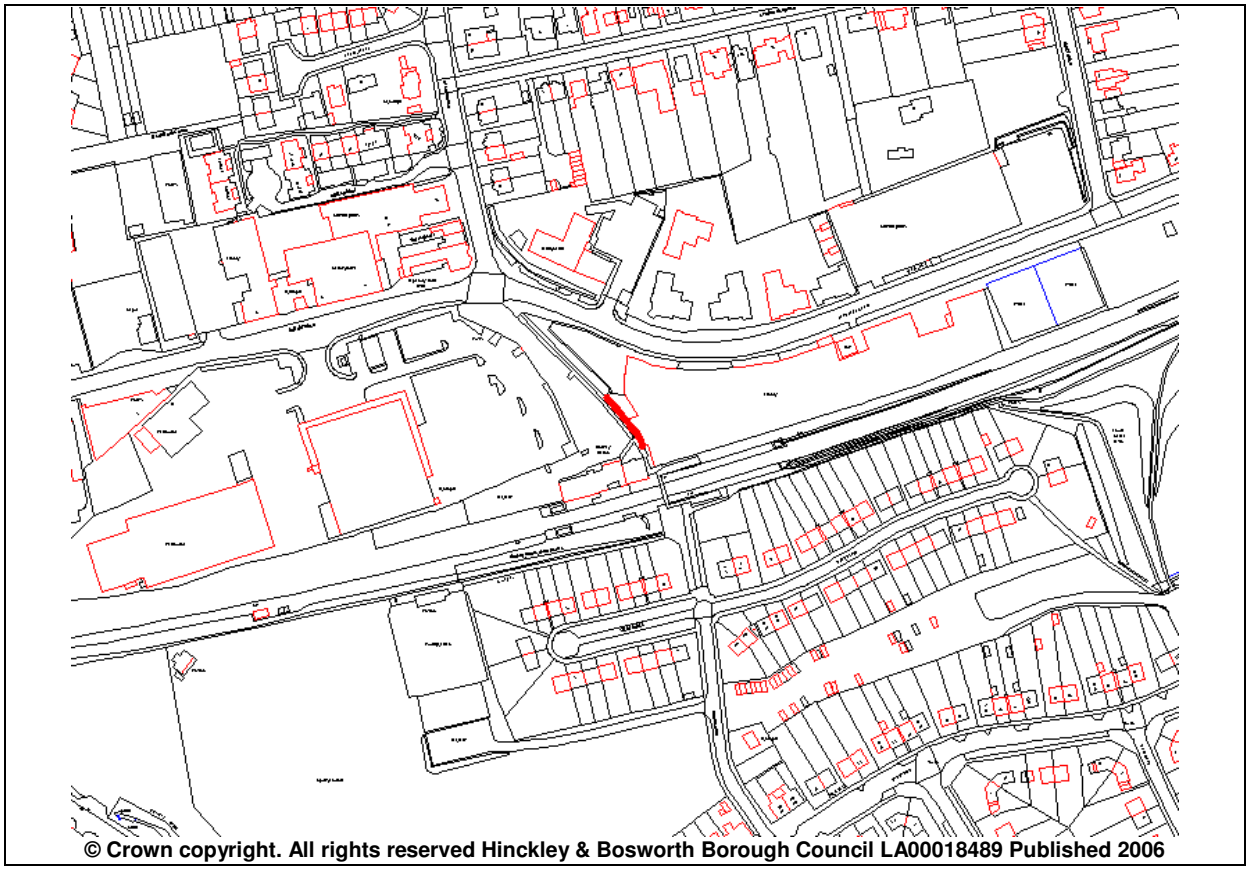
The applicant for this proposal is Hinckley & Bosworth Borough Council.

The proposed advertisements will be attached to a wall which once formed an elevation of the former Richard Roberts Dyers Ltd building. The wall currently has boarded up windows and doors, it is proposed to utilise these areas of boarding for the display of the advertisements. The wall forms the western-most boundary of the overall site and stands adjacent Station Yard facing towards Tesco's car park on Hawley Road. A public footpath runs adjacent the proposed site and leads to Hinckley Train Station and the footbridge to Burbage. Station House, 1 and 3 Station Yard stand to the south west and form commercial premises and Station Taxi's stand to the north west.

The proposed advertisements will contain various images of Hinckley, an information board, a welcome sign and a map of the Town Centre.

History:-

None relevant.



Consultations:-

No response has been received from the Cyclist Touring Club.

Neighbours were notified and a site notice posted but no response has been received at the time of writing this report.

Policy:-

National Policy Guidance

Planning Policy Guidance 19 (PPG19) explains that the main purpose of the advertisement control system is to help those involved in outdoor advertising to contribute positively to the appearance of an attractive environment in cities, towns and the countryside.

Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007 provides additional guidance on the determination of advertisement consent applications advising decisions should based on their impact on public safety and visual amenity.

Local Plan Policy

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area; avoid the loss of vegetation and features that contribute to the local environment and minimise the impact of the development on it; incorporate landscaping to a high standard; have regard to the safety of individuals and property and not adversely affect the occupiers of neighbouring properties.

Appraisal:-

The main considerations for the determination of this application are the impact of the proposed advertisements on highway safety and visual amenity.

Highway safety

The proposed signage stands adjacent a public footpath leading to and from Hinckley train station and will be non-illuminated having a limited projection (20mm) from the façade of the wall on which it stands. The proposed signage faces toward the car park for the train station and Tesco, situated approximately 70 metres from the nearest roadway (Hawley Road). This distance from the nearest highway combined with a non-illuminated design is considered to have no adverse impact on highway or public safety.

Visual amenity

The proposed signage will stand in the place of existing boarded up openings on the western boundary wall of the site. This elevation currently provides a negative and run-down impression of the town to those travelling to and from the train station and users of the footbridge. The proposed advertisements will replace these plain wooden boards with advertisements which incorporate bright and vibrant images of the town and include a large map directing visitors around the town centre. These advertisements will add colour and interest to a 29.7 metre section of this elevation and improve the overall aesthetics of the area resulting in an overall improvement to visual amenity.

Conclusion

The display of 7 poster signs and a banner sign at this location is not considered to adversely affect public or highway safety and would serve as an improvement to the areas visual amenity and would be acceptable.

Recommendation:- Consent to Display Advertisements subject to the standard advertisement conditions contained within the Notes on the rear of the Advertisement Consent Decision Notice

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that the proposed advertisements would be in accordance with the development plan and would not harm public safety or visual amenity.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

Contact Officer:- David Kiernan Ext 5898

Item: **16**

Reference: **10/00062/FUL**

Applicant: **Mr Keith Lynch**

Location: **12 Salisbury Road Burbage**

Proposal: **EXTENSIONS AND ALTERATIONS TO DWELLING**

Introduction:-

This is a full application for the erection of a two storey front extension. The application property comprises a large, detached, extended property of 1980's design situated on a substantial, mature vegetated plot. The property is set back from the road, with a driveway to the front, and southern side. There is a partially integral double garage to the left hand side of the property, which juts out past the northern elevation, and a flat roof canopy which extends along the front elevation and wraps around the property to the northern side. The plot is situated on a bend in a quiet service road; with the property sitting at a right angle to this. Adjacent to the southern boundary is a public walkway which provides access to Seaton Close. The rear garden bounds gardens of properties to either side, the south and western boundaries are maturely vegetated, with the northern boundary comprising a 1.8m high close board timber fence.

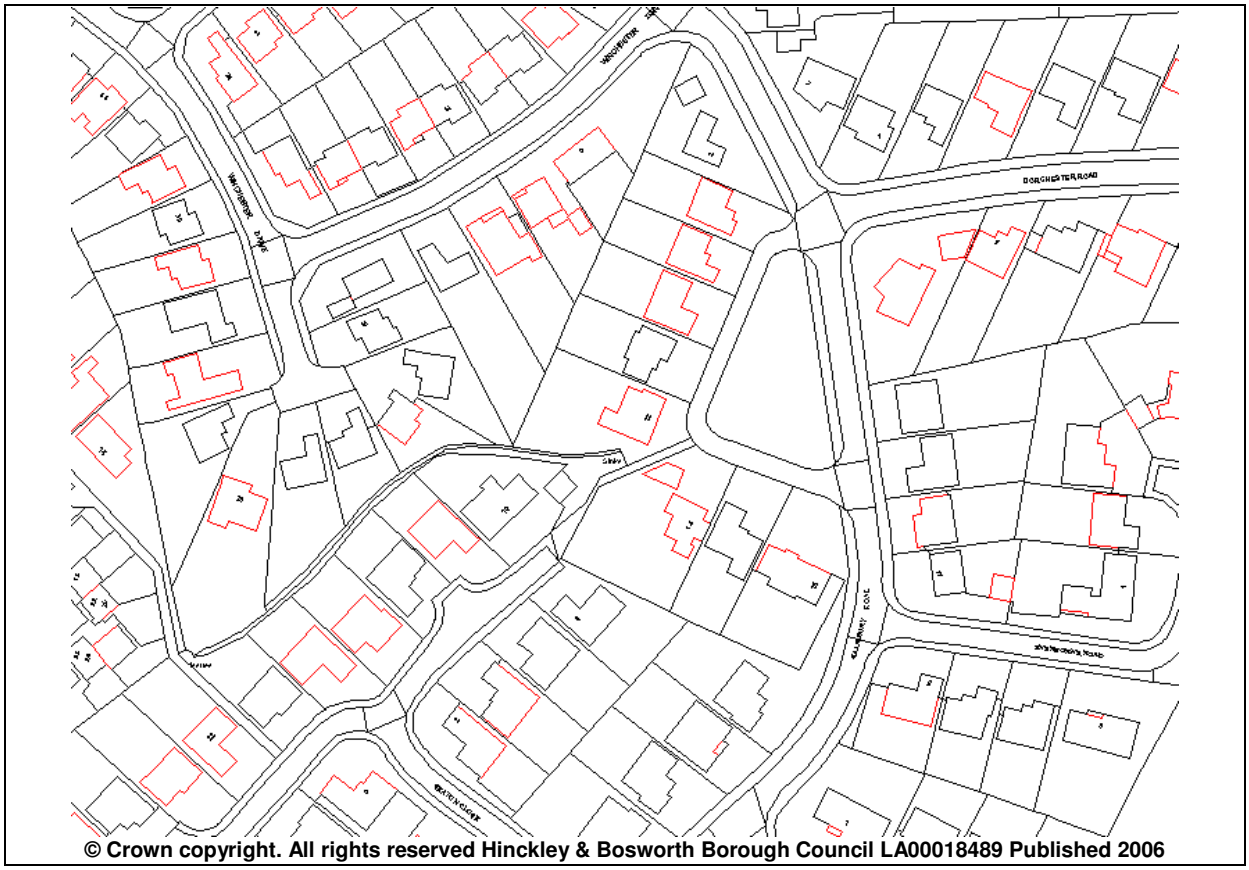
The property is situated on a large residential estate. Surrounding properties are of a similar scale, accommodate similar plot sizes and follow a relatively uniform building line, but their individual design differs. The area has a green character.

The application proposes a centrally positioned two storey gable extension. This will project 2.5m from the principal elevation of the property. At ground floor it will provide a canopy porch and to first floor, an extension to the fourth bedroom.

This application is before Committee as the Applicant is a Member of the Council.

History:-

00/00990/FUL	Single Storey Side Extension	Approved	8.11.00



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Consultations:-

No Objections have been received from:-

Head of Community Services (Land Drainage)
Burbage Parish Council

Director of Community Services (Ecology) have suggested that a Watching Brief be maintained throughout the course of the development.

Policy:-

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among other things. The guidance also contains specific criteria concerning the scale and size of side and rear extensions.

Appraisal:-

The main considerations in this case are the impacts of the proposal on the character of the street scene and the design of the property, and on residential amenity.

Street Scene and Design

In respect of front extensions, the SPG on House Extensions contains no specific guidance on the design of these. Accordingly the general principals of this document will be followed. The guide seeks to ensure that the scale of extensions are compatible with the principal dwelling, that their materials are sympathetic, that they incorporate general architectural features and roof styles, and that they do not form the dominant part of the property. In this case, although the proposal will project from the front elevation, giving it a dominating appearance, due to its dimensions and overall scale, it is not considered to detract from the principal elevation of the property. Further, its roof design, and the materials proposed, are in keeping with those of the application property, and its central position will result in a more balanced front elevation. Although the proposal will project beyond the original front building line for this row of properties, the majority of dwellings to the North have already extended beyond this, thus establishing the principal. Further, given its corner position on this quiet service road, the prominence of the proposal in the street scene will be marginal, and thus there are considered to be no material impacts on its character.

Residential Amenity

There is a single window to the front elevation, which serves a bedroom; however, as the application property does not directly face any other properties, there will be no impacts in terms of overlooking. The extension does project beyond the front building line of the adjacent property to the north; however as the application property is a substantial distance from this, there will be no impacts in terms of overshadowing.

Other Issues

Although the proposal will result in a loss of some of the parking space to the front of the property, the remaining space, and that provided by the garage is considered sufficient for this size of property.

Conclusion

Given the design, scale and position of the proposal, there are considered to be no material impacts on either the character of the street scene, or on residential amenity. Accordingly, the proposal is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. As a result of the design, scale and location of the proposal there are considered no material impacts in terms of either visual or residential amenity, or on the character of the street scene. Therefore the proposal is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos: KP/30/1; KP/30/2; KP/30/4 Received by the Local Planning Authority on the 27/1/10

Reasons:-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. If any such species are discovered before or during the works, the works must be suspended and the local office of Natural England contacted for advice.

Contact Officer:- Eleanor Shaw Ext 5691

Item: **17**

Reference: **10/00103/FUL**

Applicant: **Martyn Smith**

Location: **Holly House Farm Brascote Lane Newbold Verdon Leicester Leicestershire**

Proposal: **EXTENSIONS AND ALTERATIONS TO DWELLING.**

Introduction:-

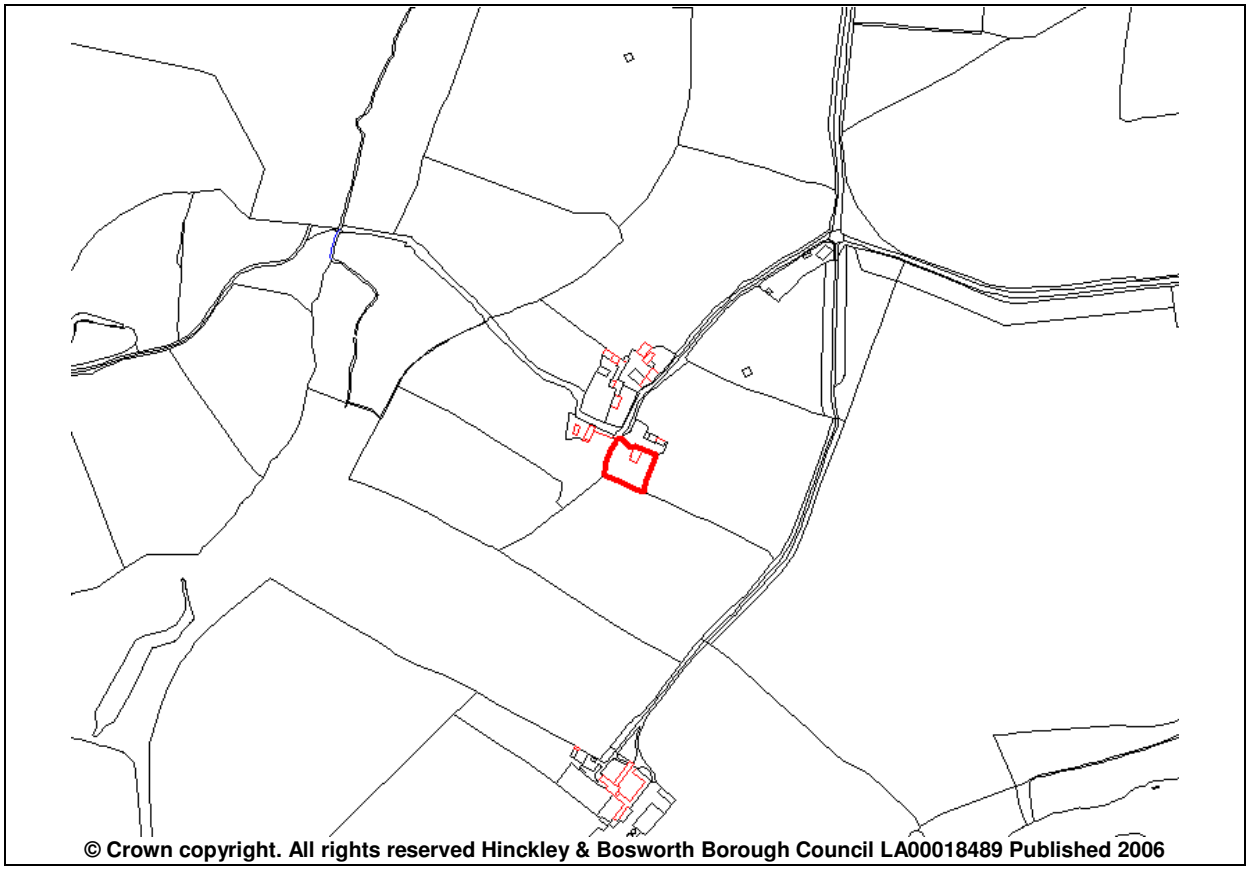
This is a full application for the erection of a single storey side and rear extension. The application property comprises a large, detached two storey property of 1970's design situated on a substantial, mature plot. The property was originally approved as an agricultural dwelling but the restriction on its occupation was lifted in 2005. The property is set back from Brascote Lane, with an existing driveway to the northern end of the site. There are two single storey conservatory extensions at either end of the dwelling, the northern one is to be removed as part of the proposal. The rear elevation currently has two large first floor platforms erected which are accessed through bedrooms but these are shown as being removed on the proposal and replaced with 'Juliet' style balconies. The large outbuilding to the north of the site is the subject of a further planning application for alteration to a dwelling and is considered elsewhere on this agenda.

The plot is situated at the end of Brascote Lane surrounded by countryside. The nearest residential property is Manor Farm which is located to the north west of the site across the lane.

The application proposes a single storey side and rear extension which has a maximum height of 4.2 metres to the ridge. The proposal will project 12.9 metres from the rear elevation of the property providing a new entrance area, breakfast kitchen area and utility room. Amended plans have been requested and should an amended scheme be received, it will be reported as a late item.

History:-

10/00101/FUL	Alteration to cottages to form one dwelling reported elsewhere on this agenda.	Pending consideration	
05/00053/CLU	Certificate of Lawful Use for non compliance with agricultural occupancy condition attached to planning permission 77/1132/4	Approved	30.03.05



Consultations:-

No objections received from Head of Community Services (Land Drainage)

At the time of writing this report no response has been received from:-

Newbold Verdon Parish Council
Neighbours
Site Notice.

Policy:-

Local Plan Policy

The site is within the countryside as identified within the adopted Hinckley and Bosworth Local Plan.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted where the proposal does not have an adverse affect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, and is effectively screened by landscaping.

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among other things. The guidance also contains specific criteria concerning the scale and size of side and rear extensions.

Appraisal:-

The main considerations in this case are design, the impacts of the proposal on the countryside and the relationship with planning application 10/00067/FUL.

Design

In respect of side and rear extensions, the SPG on House Extensions provides guidance and seeks to ensure that the scale of extensions is compatible with the principal dwelling, that their materials are sympathetic, that they incorporate general architectural features and roof styles, and that they do not form the dominant part of the property. In this case, the proposed extension will project from the rear elevation of the existing dwelling by 12.9 metres, the scale of the proposal whilst subordinate in height to the main dwelling, is considered to be excessive in length and therefore out of character with the existing dwelling.

The two proposed 'Juliet' balconies located over two existing bedroom windows on the rear elevation of the dwelling will face countryside and will create no privacy issues.

Effect on the Countryside

The position of the existing outbuilding will provide some shielding of the side of the proposed extension from the countryside to the north, although it will be visible from the west as the boundary to the adjacent field is open. The majority of the 18.4 metre side wall of the proposal will also be visible through the existing access from Brascote Lane. The current scale of the proposal therefore impacts negatively upon the visual amenities of the area.

Residential Amenity

Planning Application 10/00101/FUL seeks consent to alter former cottages to a detached dwelling on land adjacent to this site. The building has been used as an ancillary storage building to this adjacent dwelling for the past 30+ years. If the above application is approved, there would be an issue with the first floor windows in the western elevation which will face the rear garden area of the existing dwelling creating a significant overlooking issue And the relationship of the parking area to the rear garden area of the existing dwelling, Holly House Farm. These issues could not resolved by landscaping alone.

The proposed extension, if approved would be located approximately 10 metres from the front elevation of the outbuilding, the guidance contained within the adopted SPG on household extensions suggests that where windows of a habitable room faces a blank wall, the distance between them should be 12 metres. If the length of the extension is reduced then this relationship may become more acceptable.

Conclusion

The design of the proposal projecting 12.9 metres from the rear elevation is considered to be excessive and out of keeping with the dwelling and the area. Whilst it is accepted that the extension is submitted in an attempt to ensure that the dwelling retains a private rear garden area should application 10/00067/FUL be approved, it is not considered that this is justification for approval of this scheme.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 In the opinion of the Local Planning Authority the proposed development will by virtue of its size and location have a materially detrimental and incongruous impact on the character and appearance of the existing dwelling, the street scene and the character of the countryside, therefore it conflicts with policy BE1 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance on House Extensions.

Notes to Applicant:-

1 List of plans used in the determination of this application:-
Drawings B09/11/E01B submitted on 10 February 2010, and B09/11/P01B submitted on 15 February 2010.

2 The applicant is advised that an amended scheme may be acceptable.

Contact Officer:- Louise Forman Ext 5682

Item: **18**

Reference: **10/00101/FUL**

Applicant: **Martyn Smith**

Location: **Holly House Farm Brascote Lane Newbold Verdon**

Proposal: **ALTERATIONS TO COTTAGES TO FORM ONE DWELLING.**

Introduction:-

This is a full application for the conversion of a redundant rural building associated with Holly House Farm to a separate 5 bedroomed dwelling. The scheme includes parking for three vehicles and a private garden area within the proposal site and shows three parking spaces for the adjacent dwelling.

The building is a traditional brick and tile construction and is located to the northern side of the former Holly House Farmhouse. The main part of the building is three storey with a two storey element to the rear (northern) elevation and single storey elements at both ends (east and west).

The site is accessed from the existing access to the farmhouse off Brascote Lane which terminates just beyond the access. It is intended that the access will be improved and a shared turning area will be provided within the site which will serve the six parking spaces proposed (3 for each dwelling).

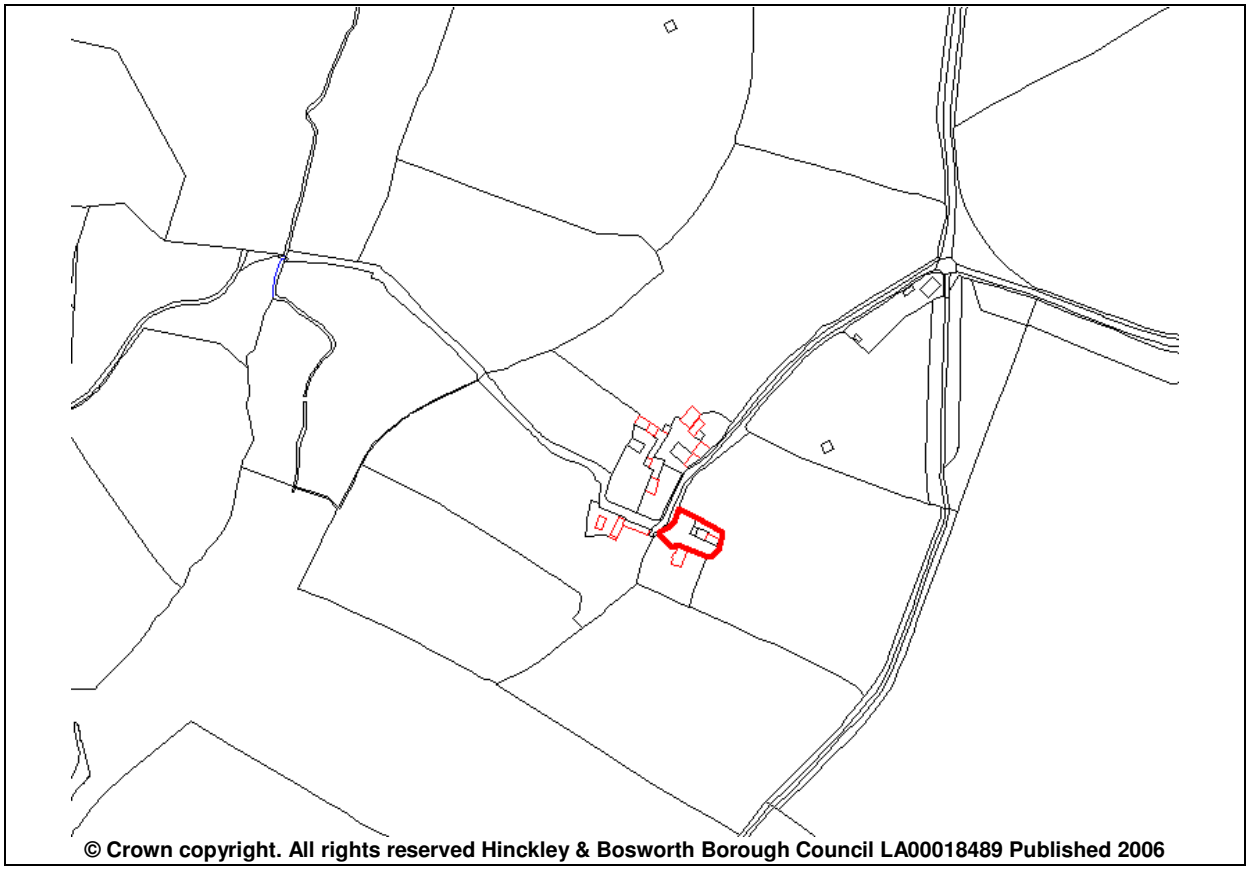
A Design and Access Statement submitted with the application states that the building has never been an agricultural building, it was originally a row of three cottages inhabited until the 1960's. Many internal features such as staircases, cupboards and fireplaces are still evident within the building. It states that the building has more recently been used as domestic storage for the adjacent farmhouse and is located within garden land. It further goes on to state that the design proposal will enhance the rural building with the removal of external render from existing brickwork, the retention of the plain clay roof tiles and only minimal changes to the external appearance.

A Structural Survey report has been submitted with the application, the report states that the oldest parts of the building date from about two hundred years ago. The walls are single skin solid brick construction. Lime ash floors exist over joists throughout the second floor and in part on the first floor and appear to be in a reasonable condition. A cellar is present under part of the two storey element but it is proposed that this be in-filled. The roof appears to be in a reasonable condition with slight sagging. The walls have no significant cracks apart from the rear wall which has a diagonal crack which it is assumed is associated with local subsidence and it is suggested that this elevation be underpinned to provide a slightly deeper and wider footing. The brick arches above the windows and doors are in need of repair. The report concludes that the structural repairs required for the proposed works are considered to be minimal and the building is capable of refurbishment to domestic accommodation without significant rebuilding or reconstruction.

A Protected Species Survey has been submitted which states that there was no evidence of bats using the building as a roost site, there was evidence of birds nesting in the building previously but there was no suitable vegetation for nesting at the time of the inspection as it had been removed during the winter period. There was no evidence of any other protected species using the site.

History;-

10/00103/FUL	Extensions and alterations to dwelling - reported elsewhere on this agenda.	Pending consideration



Consultations:-

No objections received from The Head of Community Services (Pollution)

The Head of Community Services (Land Drainage) suggests notes on soakaway and permeable paving

The Waste Minimalisation and Recycling Officer suggests note on collection from boundary.

Site notice and press notice were displayed and neighbour notified.

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

The Director of Environment and Transport (Highways)
The Director of Environment and Transport (Ecology)
The Director of Chief Executive (Archaeology)
Newbold Verdon Parish Council.

Policy:-

Central Government Guidance

Planning Policy Statement 4 Planning for Sustainable Economic Growth supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development.

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside

where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Regional Policy

The East Midlands Regional Plan in Policy 6 considers the priorities for development in rural areas. It states that development in such areas should maintain the distinctive character of rural communities. Policy 26 seeks to protect and enhance the Region's natural heritage and states that damage to natural assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result.

Local Policy

Local Development Framework - Adopted Core Strategy (2009)

Spatial objective 13: Transportation and the need to travel seeks to reduce the need to travel by car.

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1 requires high quality design which compliments or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy BE20 stipulates a number of criteria which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. Conversion of the building is not permitted if it can only be achieved by significant adaptation or rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3 requires the appropriate level of informal public open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

Other Documents

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

The Play and Open Space Supplementary Planning Document (adopted September 2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required. It requires contributions towards informal open space that is within 400 metres of the application site.

Appraisal:-

The main considerations with regard to this application are the principle of development, ensuring that the design proposals respect the character of the building and countryside location and the relationship of the development with the existing property.

Principle

This is an unusual application in that this rural building does not appear to have been used for agricultural purposes at any time in its history. It is clear that the building's original purpose was separate domestic accommodation in the form of cottages but this use ceased in the 1960's. This application is to reinstate that use but for a single dwelling only. It's current use is ancillary domestic storage in connection with the occupation of the adjacent dwelling which was granted planning permission in 1977 as an agricultural dwelling. The restriction on that properties occupation solely by an agricultural worker was lifted in 2005. Irrespective of the history of the building and its ancillary domestic use, this application still falls to be considered against policies relating to the conversion of rural buildings within the countryside.

The re-use of rural buildings is supported by policy BE20 subject to confirmation that the building is structurally sound, this is currently being verified and will be reported as a late item. The application has not been supported by an alternative uses report to provide justification that other alternative uses have been considered in preference to residential use. Policies EC6 and EC12 in PPS4 - Planning for sustainable economic growth support this approach. The agent has been requested to supply this information and should it be received, it will be reported as a late item.

In terms of principle, the issue of whether or not the building should be permitted to be used as a separate unit from the adjacent dwelling which shares the site needs to be addressed. The site is within an area of countryside where policy seeks to protect the countryside for its

own sake but the building already has some domestic characteristics and the site is laid out as garden. Policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. In this case, the proposal is considered to accord with this policy because it will preserve an attractive rural building located within a residential curtilage. The effect on the wider countryside is therefore minimal.

Design and impact on residential amenity

Policy BE20 allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. The building is attractive and worthy of retention subject to confirmation of its structural stability. Since this building has had previous domestic usage, it already has some characteristics of a dwelling and is sited within land which is an established garden. The proposal includes the reinstatement of chimneys which were removed when the cottages ceased to be occupied. The only extension proposed is the slight raising of the eastern, single storey roof to a 30 degree pitch which is considered to be acceptable.

The proposal respects the existing openings and characteristics of the building with two additional windows, and a glazed screen in place of a small window. The proposal also includes roof lights to the main roof and single storey elements. The alterations are considered acceptable but it is considered that further information regarding the materials and design of any windows, either new or replacement, would need to be submitted for consideration in order to ensure that the buildings character is retained if the application is approved.

The first floor south facing windows which serve bedrooms face the rear garden area of the adjacent dwelling, and whilst there is no view into the rear windows, the adjacent dwelling has two balconies on its rear elevation which will be clearly visible. The first floor windows to the converted building would be located 9m from the side boundary of the proposed dwelling and would look directly into its immediate private amenity space. The applicant has submitted a separate planning application for extension and alteration of the adjacent dwelling which proposes a large single storey extension on its northern side with pitched roof which projects by 12.9 metres from its rear elevation. The extension will create a effective screen to the proposed boundary for this proposal in this application and is intended to shield the rear garden from the view. The extension to the adjacent dwelling is considered elsewhere on the agenda, however in its current form it is considered to be excessive in length and an amended scheme has been requested. Currently, the application is recommended for refusal. Consequently, without a scheme which will protect the private amenity space of the adjacent dwelling, this proposal is also considered to be unacceptable. It is considered that the implementation of a landscaping or boundary treatment scheme could not provide an adequate form of screening.

The three parking spaces proposed to serve the new dwelling are located immediately to the side of the garden of the existing house. There is concern that the movement and noise associated with vehicles manoeuvring within this area could be harmful to the ability of the residents in the existing house to enjoy the private amenity space to the rear of their property. Again the extension proposed, if it were by itself acceptable, could successfully mitigate against this impact.

Access Arrangements

This application proposes utilisation of the existing access. The Director of Highways Transportation and Waste Management (Highways) has been consulted and his comments will be reported as a late item.

Ecology

The Director of Community Services (Ecology) has been consulted on the submitted ecological report to ensure that the proposal has no detrimental effect on any protected species, his observations will be reported as a late item.

Infrastructure Improvements

The site does not meet the requirements identified in Policy REC3 and the Supplementary Planning Guidance on play and open space due to its location and as such, no contribution can be sought for the additional dwelling on site.

Conclusion

The conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that the buildings are capable of conversion in structural terms and the proposal as amended is considered to have no greater impact on the openness and appearance of the countryside than the previous use. Evidence is still awaited in respect of the viability of alternative uses for this building.

The previous history of the building being separate dwellings has a bearing on this application albeit from over 30 years ago. However, the relation of the first floor windows in the southern elevation of this building and the rear garden area of the adjacent, Holly House Farm, is not considered to be acceptable and this together with the relationship of the parking area for the proposed dwelling to the existing dwelling means that at present the application is recommended for refusal. If amendments are received to the application for extensions to the existing house which are considered acceptable then it may well be that this results in this application being acceptable subject to the applicant being able to demonstrate there are no viable alternative uses.

RECOMMENDATION :- REFUSE, for the following reasons :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

1 The relationship between the first floor windows in the southern elevation of this building and the rear garden area of the adjacent dwelling, Holly House Farm, is considered to cause significant overlooking to the rear garden of that property and as such the proposal does not accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

2 The relationship between the proposed parking area for the new dwelling and the rear garden of the adjacent dwelling, Holly House Farm, would result in noise and disturbance to that property arising from the manoeuvring of vehicles within that area. As such the proposal does not accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3 The applicant has failed to demonstrate that there is a viable economic use for the building and therefore the proposal does not accord with Policies EC6 & EC12 of PPS4 - Planning for Sustainable Economic Growth.

Notes to Applicant:-

1 List of plans used in the determination of this application:-
Drawings B09/08/E01C and B09/08/P01B submitted on 10th February 2010

Contact Officer:- Louise Forman Ext 5682

Item: **19**

Reference: **10/00123/FUL**

Applicant: **Mr Martin Conroy**

Location: **30 Chapel Hill Groby**

Proposal: **REPLACEMENT OF EXISTING CLOSE BOARDED FENCE WITH BRICK WALL.**

Introduction:-

This application is being taken to committee as it has been submitted by a Council employee.

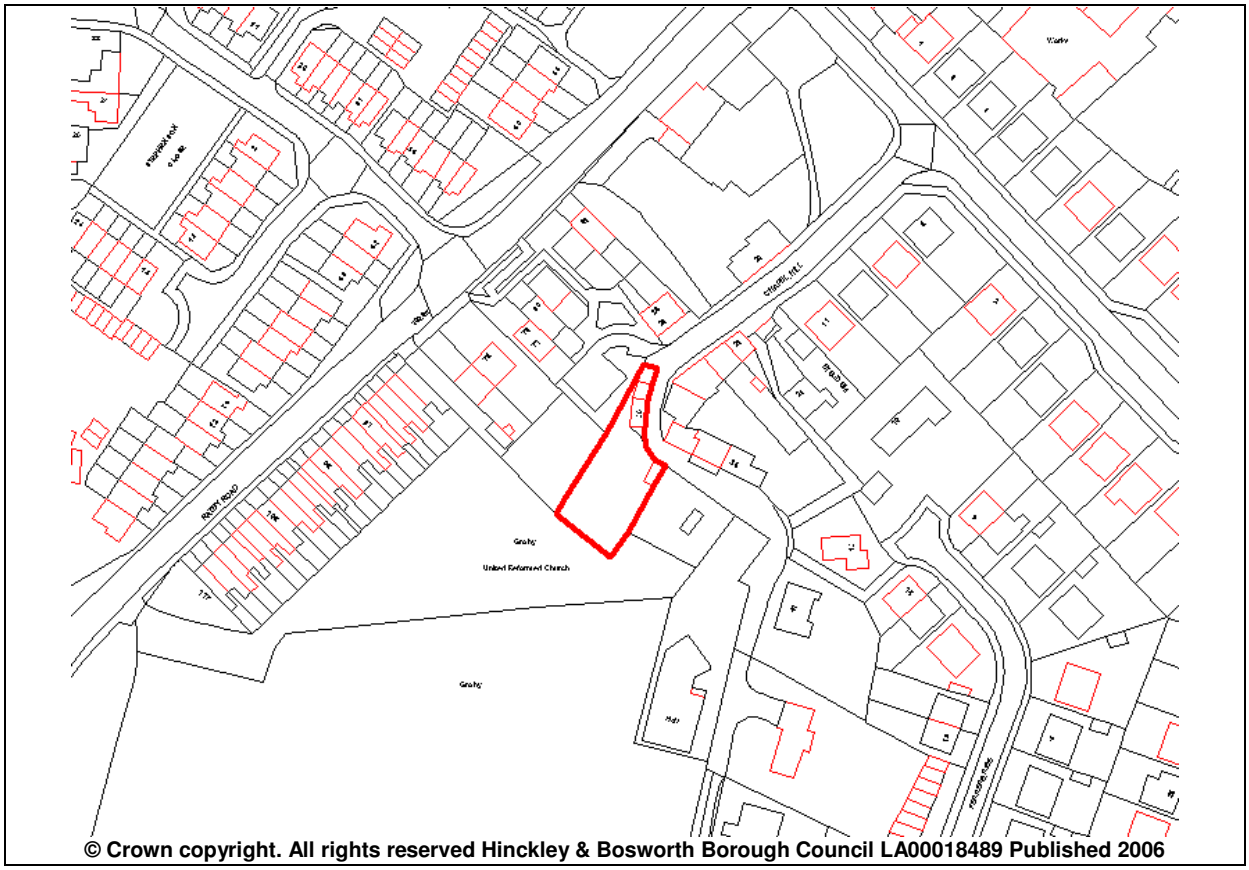
This is a full application for the replacement of 1.8m high close board timber fence with a 1.8m high solid brick wall at 30 Chapel Hill, Groby.

The application property comprises a white rendered cottage which fronts the cobbled street of Chapel Hill, it is situated in the Groby Conservation Area. The property has a large garden that is located to the side of the property (south). The garden is currently enclosed from Chapel Hill by a 1.8 m high timber fence, this runs adjacent to the highway. The area is predominantly residential in character with allotments to the south.

Chapel Hill comprises a mix of property styles, including traditional cottages and newer infill development.

The proposal is to replace the close boarded timber fence with a 1.8 metre high traditional brick wall built with reclaimed bricks that match the surrounding properties. The wall will be constructed on the back edge of the footpath adjoining the property utilising the English Bond method of construction with sand/cement mortar; the wall will feature a blue engineering brick damp proof course and will be capped with traditional copings. Two piers will be constructed both ends of the wall.

The Design and Access Statement submitted in support of the application states that stone and brick walls in Groby have traditionally played a key role in providing a sense of enclosure in the heart of the Conservation Area.



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Consultations:-

Groby Parish Council have no objections to the application.

Policy:-

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: compliment or enhance the character of the surrounding area with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; and incorporate landscaping to a high standard.

Policy BE7 'Development in Conservation Areas' states that development proposals should preserve or enhance the special character of the area, and that planning permission for proposals which would harm that special character or appearance will not be granted. The following considerations should be taken into account:- the siting of proposals, their overall scale, design and proportions, and the materials and finishes to be used.

Appraisal:-

The main issue with regards to this proposal is the impact on the character of the street scene and the Conservation Area.

The existing boundary treatment whilst in relatively good condition is not a typical feature within the Conservation Area. However, red brick and stone are common features of the Conservation area, with many enclosures comprising solid walls. Whilst this wall measures 6.85 metres long and is 1.8 metres high, due to the use of the reclaimed bricks with traditional copings utilising English Bond construction it is considered to enhance the

character of the Conservation Area and the street scene. Furthermore it is considered that a brick boundary wall will require less maintenance and therefore retain its attractive appearance and result in an improvement within the street scene. Therefore the proposal considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, position and materials proposed, there are considered no material impacts on either the visual amenity or character of the street scene or on the character of the Conservation Area. Therefore the proposal is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before any development commences, representative samples of the types and colours of materials to be used on the proposed wall shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:' Proposed Brick Wall - Street Elevation' 'Proposed Brick Wall - Garden Elevation' Siteplan scale 1:100 received by the local planning authority on the 18/2/10

Reasons:-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt

Notes to Applicant:-

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

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date.

Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Eleanor Shaw Ext 5691