HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY TAYLOR WIMPLEY UK Ltd AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF 84 DWELLINGS INCORPORATING ACCESS, PUBLIC OPEN SPACE, BALANCING POND, PUMPING STATION AND ASSOCIATED EARTHWORKS, LANDSCAPING, CAR PARKING AND OTHER ANCILLARY WORKS AT LAND ADJACENT TO THE GREYHOUND STADIUM, NUTTS LANE, HINCKLEY, LEICESTERSHIRE.

HBBC REFERENCE: 11/00368/FUL

THE PLANNING INSPECTORATE REFERENCE: APP/K2420/A/12/2174133

RULE 6 STATEMENT: JULY 2012

1.0 Section 1: Introduction

1.1 This Rule 6 statement outlines Hinckley and Bosworth Borough Council's statement of case in relation to the appeal against the refusal of full planning permission for the development of 84 dwellings incorporating access, public open space, balancing pond, pumping station and associated earthworks, landscaping, car parking and other ancillary works on land adjacent to the Greyhound Stadium, Nutts Lane, Hinckley (our reference 11/00368/FUL).

1.2 This Rule 6 statement provides a description of the appeal site, details of the proposed development, the planning history of the site and background to the appeal before going on to provide a summary of the key issue and evidence that will be submitted by the Council.

2.0 Section 2: Site Description and Proposal

2.1 The appeal site is roughly rectangular in shape measuring approximately 2.6 hectares and bounded by mature hedgerows with a single field-gate access from Nutts Lane. The site is bounded to the north of the site by the Ashby Canal, to the east by industrial units and to the west by residential development. The Ashby Canal is a designated Conservation Area and the site abuts the Conservation Area boundary. To the south of the site lies the former greyhound stadium, currently under construction for residential development, following the grant of planning permission (ref: 09/01007/FUL). The site is located outside the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

2.2 The application proposes 84 dwellings consisting of 15 two bedroomed units; 60 three bedroomed units; 3 four bedroomed units and 6 two bedroomed flats over garages. The application includes 17 affordable units (a 20% contribution) consisting of 12 social rented and 5 shared ownership dwellings. There is a mix of detached, semi-detached and terraced dwellings of 2, 2.5 and 3 storey proportions proposed on site. A new access is proposed to the east of the site from Nutts Lane and car parking is interspersed within the site to provide at least 1 car parking space per dwelling. A pumping station and balancing pond are proposed to the south western corner of the site and swales are in linear blocks through parts of the site (swales are a sustainable drainage solution in the form of a low level ditch). Public open space is proposed to the north of the site bordering Ashby Canal, with landscaping to the south and interspersed within the site.

3.0 Section 3: Site History

3.1 The site has been subject to three outline planning applications, all which have been recommended for refusal by the Borough Council. The most recent of these applications (ref: 06/00786/OUT) for residential development with means of access was tested at a public inquiry before an Inspector, and was later dismissed.

3.2 The second reason for refusal for application ref: 06/00786/OUT was the following:-

"In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and that sufficient improvements works will be provided for Nutts Lane, to the potential detriment of highway safety. In addition, the applicant has insufficiently developed integrated transport measures within the Transport Assessment. Accordingly, it is therefore contrary to Policies BE1 and T5 of the adopted Hinckley and Bosworth Plan."

3.2 Applications ref: 00/01214/OUT for residential development was refused and ref: 99/00154/OUT for residential development and means of access was also refused.

4.0 Section 4: Background to the Appeal

4.1 The full planning application was valid on 19 May 2011. The application was reported to the Planning Committee on 13 December 2011 and was subsequently deferred until 7 February 2012 committee. The application was refused in a decision notice dated 9 February 2012 for the following reason:

"In the opinion of the Local Planning Authority the impact of the development would lead to an increase in pedestrian movements which with the lack of provision of an appropriate safe pedestrian route and crossing, together with the narrow width of the canal bridge and the lack of a proper footway across the bridge would be to the detriment of pedestrian safety. As such the proposal is contrary to Saved Policy T5 of the Hinckley and Bosworth Local Plan and to central government guidance contained within Planning Policy Guidance 13 (PPG13) Transport."

5.0 Section 5: Evidence to be submitted by the Council

5.1 The Local Planning Authority will describe the site and relevant planning history of the site, the character of the surrounding area, and the background to the appeal application including consultation responses and representations received.

5.2 The Local Planning Authority will describe the planning policy framework contained within the development plan as it relates to the appeal site. This will involve reference to the relevant policies within the Adopted East Midlands Regional Plan, policies within the Adopted Core Strategy (2009) and saved polices contained within the Adopted Hinckley and Bosworth Local Plan (2001).

5.3 Reference will be made to Central Government Planning Policy and the fact that the previous Planning Policy Guidance 13 has now been superseded by the National Planning Policy Framework.

5.4 The Local Planning Authority will provide evidence that demonstrates that development of the site fails to comply with Saved Policy T5 of the Hinckley and Bosworth Local Plan 2001 to substantiate the reason for refusal.

5.5 In general the evidence submitted will demonstrate how and why the appeal proposals and supporting documentation as submitted conflict with Central Government and Local Planning Guidance.

5.6 The Local Planning Authority will recommend conditions should the Inspector be minded to allow the appeal and grant planning permission.

6.0 Section 6: Documents to which the Local Planning Authority may refer

6.1 The following is a list of documents that may be referred to or put in evidence at the inquiry:

- All relevant central government guidance
- Relevant development plan policies

- The consultation responses received in respect of the planning application
- Any relevant case law and appeal decisions
- Any other relevant documentation.

7.0 Section 7: Publication of Appeal Documentation

Within the Third Party Notification letter dated 16 May 2012, it informed all interested parties that all appeal documentation would be available to view on the Council's website and provided them a direct link.