

**DEVELOPMENT CONTROL AND REGULATORY BOARD****10TH OCTOBER 2019****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2019/0541/04 (2019/CM/0104/LCC) – 2 nd May 2019
PROPOSAL:	Erection of warehouse unit to be used for waste transfer purposes.
LOCATION:	Watling Street, Burbage, LE10 3AR (Hinckley and Bosworth Borough)
APPLICANT:	Mr Hunt.
MAIN ISSUES:	Locational guidance and policy considerations; impact upon the countryside; amenity; ecology; highway safety, and landscape.
RECOMMENDATION:	REFUSE for the following reasons: (i) the development would not be in accordance with development plan policies relating to the location of waste management facilities and there is no overriding need for this type of development to outweigh countryside protection policies; (ii) insufficient information on the effects of the development on noise to assess satisfactorily the impacts. (iii) insufficient information on the effects of the development on biodiversity to assess satisfactorily the impacts. (iv) insufficient information on the effects of the development on highway safety to assess satisfactorily the impacts.

Circulation Under Local Issues Alert Procedure

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PART B – MAIN REPORT

Location of Proposed Development

1. The application site is located on land to the north of the A5 in the hamlet of Smockington, approximately 2.5km from the south-eastern edge of the Hinckley/Burbage conurbation. There is no settlement boundary for Smockington in the Local Plan. The application site is approximately 1,925m² in size within an area designated as countryside. The site is bounded by, and directly accessed off, the A5 on the southern boundary. The site is on the opposite side of the A5 to residential buildings and a barn converted into office units. To the west of the site is a waste operation permitted by the County Council in 2013 (reference 2013/0254/04) and to the east and north are agricultural fields.

Description of Proposal

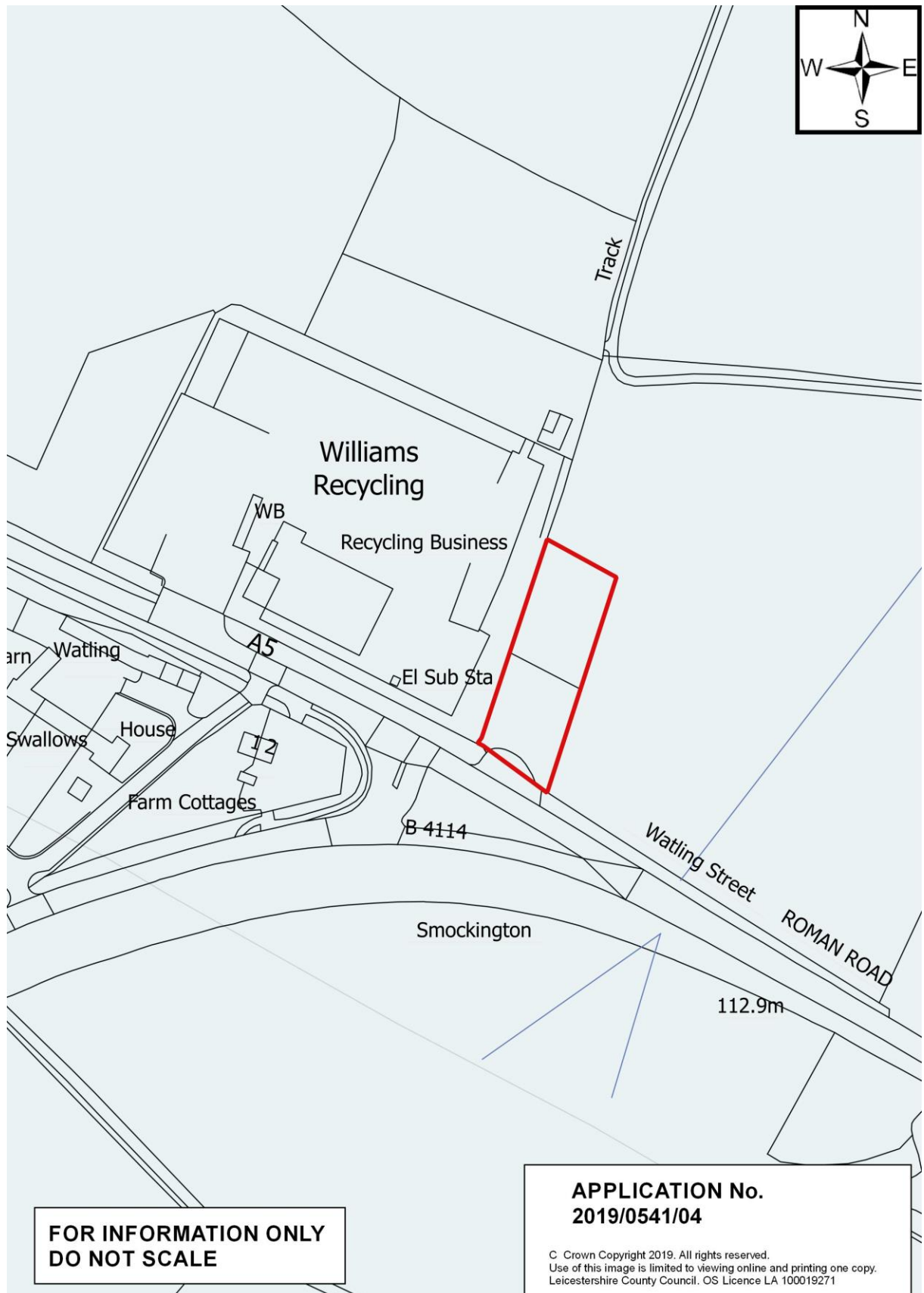
2. The application proposes the erection of a new building in the northern part of the site. The building would measure 23 metres by 20 metres with a maximum roof height of 8.3 metres. The building would have a curved roof and would be finished with silver grey coloured walls, a grey roof and anthracite grey doors and windows. Three car parking spaces would be provided to the immediate south of the proposed building. The site would be surrounded by two-metre-high green palisade fencing. The proposal also contains the retention of the hedgerow on the eastern side and additional landscaping on the northern boundary.
3. The application states that the purpose of the building is for the compaction and onward transfer of waste plastics. No information has been supplied on the site's potential throughput. The site would employ two people and would result in four HGVs entering and exiting the site per week. The proposed hours of operation at the site would be 0800-1700 hours Monday to Friday. There would be no operations on Saturdays, Sundays or Bank Holidays.

Planning Policy

Development Plan Policies

4. The development plan in this instance consists of the Leicestershire Minerals and Waste Local Plan (September 2019), the Hinckley & Bosworth Core Strategy (December 2009) and the Hinckley & Bosworth Site Allocations and Development Management Policies DPD (July 2016). The relevant policies and proposals are set out below.
 - *Policy W1: Waste Management Capacity* of the adopted Leicestershire Minerals and Waste Local Plan (LMWLP).
 - *Policy W4: Non-strategic Waste Facilities* of the LMWLP.
 - *Policy W5: Locating Waste Facilities* of the LMWLP.

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- *Policy DM1: Sustainable Development of the LMWLP.*
- *Policy DM2: Local Environment and Community Protection of the LMWLP.*
- *Policy DM3: Strategic Green Infrastructure of the LMWLP.*
- *Policy DM5: Landscape Impact of the LMWLP.*
- *Policy DM7: Sites of Biodiversity/Geodiversity Interest of the LMWLP.*
- *Policy DM8: Historic Environment of the LMWLP.*
- *Policy DM9: Transportation by Road of the LMWLP.*
- *Policy DM11: Cumulative Impact of the LMWLP.*
- *Policy DM1: Presumption in Favour of Sustainable Development of the Hinckley & Bosworth Site Allocations and Development Management Policies DPD (SADMP).*
- *Policy DM4: Safeguarding the Countryside and Settlement Separation of the SADMP.*
- *Policy DM6: Enhancement of Biodiversity and Geological Interest of the SADMP.*
- *Policy DM7: Preventing Pollution and Flooding of the SADMP.*
- *Policy DM10: Development and Design of the SADMP.*
- *Policy DM17: Highways and Transportation of the SADMP.*
- *Policy DM18: Vehicle Parking Standards of the SADMP.*
- *Policy DM20: Provision of Employment Sites of the SADMP.*

National

5. The revised National Planning Policy Framework (NPPF) was published 19 February 2019 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution).
6. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.

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Consultations

Environment Agency

7. No response received.

Highway Authority

8. The site access is immediately off the A5 trunk road, which is under the jurisdiction of Highways England. The Highway Authority does not believe the proposed development would result in a significant impact on the county highway network.

Highways England

9. Highways England has determined that the proposal is not expected to have a significant impact on the Strategic Road Network (SRN) in terms of traffic. However, the review of the Design & Access and Planning Statement document (DAPS, document ref. 403-WSB-DAPS) submitted in support of the proposal has raised some safety concerns that will need to be addressed by the applicant. A review of Personal Injury Collision (PIC) records highlighted five PICs over the last 5-year period available, two of these involving vehicles waiting to turn right into the adjacent business to the development site. The proposed development is likely to suffer from the same issue of vehicles having to stop on the A5 northbound carriageway to turn right into the site. It is therefore requested that the applicant demonstrates the suitability of visibility available at the access by conducting a survey at the site. The outcomes of the survey should be submitted for review.
10. Although the DAPS document indicates that activities at the site could include the storage of materials outside, no indication of where these would be placed has been provided. Any external stored materials could impact on the expected manoeuvres of HGVs and result in vehicles not being able to make manoeuvres internally to the site, leading to potential reversing movements from the A5 into the site and/or manoeuvring within the hardstanding outside the boundary fence. Either situation could impact on the free flow of traffic along the A5 and increase the risk of collisions. In order to avoid this, specific areas to be used for outdoor storage should be identified. Also, to determine whether outdoor storage of materials would result in unsafe movements being made while accessing and egressing the site, updated swept path analysis drawing should be submitted for review.
11. Further to this, there are concerns that the hardstanding area outside the boundary fence could be used for parking or ad-hoc storage of material. This could impact on movements to/from the site and result in site operations encroaching onto the SRN and should therefore be avoided. Measures to prevent this should be identified.

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12. Although the developer indicates that this business and the adjacent business will be operating independently, there is the risk that materials etc. will be transported between the sites, as they would be undertaking what seems to be very similar functions. It is, therefore, recommended that the applicant confirms if this is the case, identifying any expected movements of vehicles and/or materials between the two sites, and demonstrate how this is proposed to be conducted without impacting on the safe operation of the SRN.
13. The applicant should confirm whether any changes to the existing T-junction access off the A5 is proposed as part of the application. Given the location of the site adjacent to the SRN, details of the boundary treatment, drainage and lighting strategies should be submitted in support of the proposal, although these matters can be resolved through condition.

Hinckley and Bosworth Borough Council - Planning

14. The site is within the countryside outside of any settlement boundary albeit located adjacent to an existing waste management facility (Williams Recycling Ltd) of which it was once part. It is therefore identified as previously developed land (PDL). Despite its recent long-term use as an employment site, it does not benefit from such a designation within the Employment Land and Premises Review 2013. The use of PDL for employment uses is supported by DM20 of the SADMP and the NPPF, therefore the principle for development of employment use on the proposed site is accepted subject to the development satisfying all other material considerations.
15. Although it is acknowledged that the site was originally used as part of the recycling centre adjacent and has had a long-standing commercial use, the site is not a designated employment site and therefore it will need to meet the criteria of Policy DM4 in particular criteria b) or c). Should it be considered either of these criteria have been met, the scheme should also then satisfy points i) – v). The design of the development would need to be in keeping with the rural landscape surrounding the site and its key sensitivities and values. It is noted from the plans provided that the building is set back in to the site, limiting its view, the additional landscaping denoted on the plans is also welcomed by the Council. With regards to the above, it is noted from the application form that it is anticipated the proposed development would only create 2 full time jobs.

Hinckley and Bosworth Borough Council – Environmental Health Officer

16. A noise impact assessment should be carried out incorporating all proposed operations and items of plant and equipment on site. The EHO recommends, if planning permission is granted, to attach conditions relating to the construction of the development, the lighting of the site, the investigation and remediation of the land for contamination, litter and hours of operation.

Lead Local Flood Authority

17. The proposal falls outside of the LLFA's remit for a bespoke response, so they refer to their standing advice.

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Leicestershire County Council – Archaeological Advice

18. No objection subject to conditions for an appropriate programme of archaeological mitigation.

Leicestershire County Council – Ecological Advice

19. Aerial photographs suggest that the site is currently overgrown with scrub, which provides a potential habitat for badgers. There is therefore a strong possibility that badgers may be present in or adjacent to the application site and may be impacted by the development. It is recommended that a badger survey of the site is carried out and submitted before the planning application can be determined. It also appears that there may be existing buildings on site to be demolished. It is recommended that the buildings are assessed against the criteria for 'when a bat survey is needed' in the Bat Protocol. If the buildings fall within the requirements for a survey (based on their structure) a bat survey of the property is carried out and submitted before the planning application can be determined. This should involve an external and internal inspection of the building by an appropriately licensed bat worker. Depending on the results of this, an emergence survey may also be required. Emergence surveys can only be carried out between May and mid-September.
20. The development will also involve the removal of a large area of scrub. It is recommended that landscaping is designed to replace or retain some scrub as compensation for that lost; this could be achieved through the retention and widening of boundary hedgerow features, or the creation/retention of an area of scrub at the rear of the site.

Leicestershire County Council – Landscape Advice

21. The proposal would have limited adverse impact on the landscape character of the area. The hedgerows and hedgerow trees which border the proposed development provide a valuable screen, have amenity value, provide valuable wildlife habitat and should be retained wherever possible, measures should be put in place to safeguard and replace (if necessary) any trees or hedgerow. A detailed landscape scheme should be provided that includes details of the proposed ground preparation, plant and seeding specification (if required), plant protection and maintenance and management measures.

Burbage Parish Council

22. Object to the planning application due to serious concerns over the traffic movements so near to the road junction opposite the site.

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Warwickshire County Council – Highway Authority

23. No objection.

Wolvey Parish Council

24. Object on the grounds of highway safety. The parish council considers the erection of an industrial warehouse will create additional traffic in and around the junction arising from vehicles visiting and leaving the proposed premises and will increase the pressure on this junction which will exacerbate the problem of what it considers to be an already busy and dangerous junction.

Wigston Parva Parish Meeting

25. No response received.

Publicity

26. The proposal has been advertised by neighbour letters dated 15th May 2019, a site notice posted on 24th May 2019, and a notice in a local newspaper published on 22nd May 2019. No representations have been received within the prescribed period.

Assessment of Proposal

27. The relevant consideration in the determination of this proposal is the acceptability or not of the location for this new development and the effects of it on amenity, ecology, the highway, and landscape.

Policy and Location

28. In general terms the proposed development conforms with national and local objectives (policy W1) to help reduce waste disposal and move the management of waste up the hierarchy, although as a transfer station with no sorting taking place on site there is no direct contribution to these matters but transfer stations are an integral part of the waste management process.
29. One of the principal aims of the Minerals and Waste Local Plan is to direct new waste developments to specific areas of the County and to suitable priority locations. Given the size of the site and the proposed throughput of the operations it is considered that the site does not meet the criteria of a 'strategic' site and, therefore, policy W4 is the starting point for assessing its suitability in terms of location and policy W5 for the type of land upon which the proposal would be located.

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30. Policy W4 for non-strategic sites is the starting point for assessing its suitability in terms of location. In terms of the locational principles for non-strategic sites, policy W4 seeks to locate sites (in part) in or close to the main urban areas of Coalville, Loughborough/Shepshed, Hinckley/Burbage, Market Harborough or Melton Mowbray or within major growth areas. The site would be located approximately 2.5 kilometres from the south-eastern edge of the Hinckley/Burbage conurbation and therefore does not meet criterion (i) of policy W4.
31. Policy W4 also allows for sites outside of the above areas for which a countryside location is necessary. The only bullet point this proposal could meet is bullet point (d), where the result would be transport, operational and environmental benefits and there is an overriding need for the development that cannot be met in the urban areas. The application expressly states that “the operation will work in isolation to the Williams Recycling Centre” (the Williams Recycling Centre being the waste site to the immediate west of this proposal), therefore, there can be no benefits from co-location. No reasons have been demonstrated why the development cannot be accommodated in the urban areas and there is no overriding need for the development in this rural location. On the latter point, the Minerals and Waste Local Plan sets out that up to 2031 there are sufficient operational waste operations to handle the waste streams that this proposal would manage. Therefore, it is considered that the site does not accord with the requirements of policy W4.
32. Policy W5 is only utilised if the terms of policies W3 and W4 (where relevant) have been met, which it is considered they have not. Notwithstanding this in respect of policy W5, the application sets out the uses of the land that have taken place on the land - a garage and filling station until 1985 and then used by Hunt Brothers as it's registered office and postal address with a HGVs operator's licence until March 2018. It appears that there is no lawful use for this land for any employment provision and the land does not benefit by being recognised by Hinckley & Bosworth Borough Council (HBBC) as part of their employment provision. However, HBBC describes the land as once being part of the adjacent waste operations. Further investigation on this point shows that when the CLUED for waste operations (reference 2010/0707/04) was submitted, and subsequently granted by Leicestershire County Council for land to the west this site was excluded from the application and described as a disused petrol filling station. Therefore, the land is not considered to have lawfully formed part of the adjacent waste operations (or even to have been used to an extent where a CLUED could have been obtained for this use).
33. The NPPF defines what previously developed land is and makes clear that this excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. The filling station buildings have all been removed from the site and much of the site is now scrub. Some containers appear to be on the site but these have been partially obscured by vegetation. Therefore, it is considered that the land should be considered greenfield. This does not mean that planning permission cannot be granted for development on a greenfield site, but the preference should always be given to developing previously developed sites.

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34. The NPPF requires planning to contribute to the achievement of sustainable development. The Minerals and Waste Local Plan was drawn up with the principle of locating waste sites in a sustainable pattern of development, i.e. near to arisings. The application refers to the adjacent waste site setting a precedent (albeit to do with new buildings in this countryside location). The application also sets out that the land to which this proposal relates forms part of a much larger development that will impact on the countryside – the land is contained within the Hinckley & Bosworth Borough Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) 2018 as a potential area for development (site reference LPR27). However, this document only identifies potential land for development. It does not mean that planning permission would or should be granted for development. The granting of planning permission at the adjacent waste site was done as an exception to the policy acknowledging the established and unenforceable use of the site (CLUED reference 2010/0707/04) and the SHELAA concludes the potential large development to be non-deliverable.
35. This proposal does not meet the locational principles of the Waste Core Strategy and it is considered an unsustainable rural location unsuitable for further waste expansion (in terms of a new site). Policies DM4 and DM20 of the Hinckley and Bosworth Site Allocations and DM Policies document seek to protect the countryside from unsustainable development and to allow the development of greenfield sites only when it has been demonstrated that there are no suitable alternative sites in locations other than greenfield. As set out above it is considered that this location is not sustainable but could be acceptable against bullet point c) of policy DM4 but with only two jobs being created it cannot meet the criterion of significantly contributing to economic growth. As to policy DM20, the site (as a whole) does not meet any of the criteria which would allow a new use on the land. Even if part of the site were to be classed as previously developed land, this would not be of sufficient scale to meet this policy (and even if it did this would not override the failure to meet key waste spatial policies). Therefore, the proposal fails to meet the terms of policies DM1 (x2), DM4 and DM20.

Amenity

36. The nearest residential property to the site is that to the south west, some 60 metres away on the opposite side of the A5. Given the design of the development, the types of waste being handled, and the location of the A5 between the development and the nearest residential properties it is considered unlikely that the proposal would generate unacceptable impacts from noise, dust, odour or illumination. However, this is not proven and the actual noise impacts of the proposal both from activities outside and within the proposed building have not been assessed as part of this application and have not been provided by the applicant despite a request to do so. The noise impacts of the proposal are fundamental to determining the proposal and, therefore, without this information the scheme cannot be determined favourably. Similarly, no information has been provided in relation to proposed lighting for the site but in this case, it is considered that the impacts from lights could be managed through condition if the application were to be granted. In terms of dust and odour the type of waste operations and materials proposed to be managed would be unlikely to generate such emissions that further assessment is required.

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37. The Environmental Health Officer has raised the matter of contaminated land because of the former use of the site as a garage and filling station. The application does not address the issue of contaminated land and thus, it is not known if any remediation of the land has taken place prior to this application or whether those works are to an acceptable standard. If planning permission were to be granted, conditions should be attached requiring a contaminated land scheme to be submitted and then, if required, remediation to take place. Without the noise assessment, the impact on amenity would be unacceptable and would not accord with policies DM2 and DM10 (of the SADMP).

Ecology

38. The application does not contain any assessment of the ecological value of the land to which this proposal relates. Leicestershire County Council's ecologist states that a badger survey and, potentially a bat survey are required. These are both reasonable requests given the current status of the land, although it is acknowledged that no buildings are present on site but there are containers that have been present for quite some time and are not in pristine condition. No survey(s) has been forthcoming despite being requested and thus the effect of the proposal on biodiversity is unknown and thus unacceptable. The relevant guidance states that without these surveys the application cannot be granted planning permission. Therefore, the proposal is unacceptable and does not meet the terms of policies DM3, DM7 (of the LMWLP) and DM6.

Highway

39. Access to the proposed unit would be direct from the A5 trunk road. This forms part of England's Strategic Road Network (SRN) and is, therefore, under the jurisdiction of Highways England. Although the proposed use would only generate four HGVs a week, Highways England have raised a number of highway safety concerns with the proposal that need to be addressed before planning permission could be granted. These additional details have not been provided by the applicant (although the opportunity to do so has been offered to the applicant) and thus it is not possible to conclude that the impacts of the proposal on the A5 is acceptable. On the basis of this, it is not possible to conclude that the development accords with policies DM9 and DM17. It should be noted that car parking provision appears acceptable and does not conflict with policy DM18.

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Landscape

40. The proposed development would be located immediately adjacent to an established medium-sized waste operation. The building would be of a similar design and colour to the main building on the adjacent operational waste site but of a smaller scale. The existing and proposed landscaping would assist in lessening the visual impact of the proposal and thus the impact of the development on the landscape would be acceptable. However, as referred to above, there is no demonstrated need for this development in the countryside and the landscaping proposed does not override the lack of compliance with the development plan in other respects. If planning permission was granted, the provision of landscaping details and the replacement of any hedgerow/trees lost as a result of the construction of the development should be required by condition. This landscaping, subject to the use of native species, would also assist in the development providing a net gain to biodiversity. Subject to this the proposal is considered to have an acceptable impact on the landscape and accords with policies DM2 and DM5.

Other Matters

41. The site is located within flood zone 1, land with the lowest probability of flooding, and subject to it being built as per the LLFA's standing advice there is no concern that this will exacerbate flooding and thus the terms of policies DM2 and DM7 of Hinckley and Bosworth's SADMP are met. Advice provided on archaeological matters is that some archaeological investigation would be required but that this could be dealt with by condition and thus subject to such a condition the development is acceptable against policy DM8. Policy DM11 seeks to ensure that the impacts of a development through different impacts from the same proposal or in combination with existing developments is considered. Immediately adjacent to the site is an existing waste facility. However, in the absence of a noise assessment and highway details, it is not possible to assess these potential cumulative impacts and therefore the proposal does not meet the terms of policy DM11.

Conclusion

42. The proposed development would be located in an area designated as countryside, where development is controlled to a greater extent than on previously developed land. The location of the site is outside the preferred areas for locating waste management facilities and is considered to be unacceptable for the form of development proposed. It has not been demonstrated that there is an overriding need for the development that would overcome its location and no evidence has been supplied as to why it cannot be accommodated in the County's urban areas. Therefore, it is considered that the planning application is contrary to policies W4 and DM1 of the LMWLP, and policies DM4 and DM20 of the SADMP.
43. In the absence of any demonstrable assessment of the impacts of the proposal on the A5, biodiversity and noise. the application cannot be found acceptable on these matters due to conflict with policies DM2, DM3, DM7, DM9, and DM11 of the LMWLP, and policies DM6, DM10, and DM17 of the SADMP.

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44. The impacts of the proposal on odour and dust (although not assessed are unlikely to arise from the type of operations and the waste types proposed), illumination, contaminated land, landscape and flooding are likely to be acceptable, or at least the impacts are likely to be able to be mitigated, subject to appropriate conditions.
45. Overall, the development is not considered to be in accordance with the development plan; there are no overriding reasons for the development in the proposed location and there are no material considerations that would outweigh the fundamental policy concerns listed. Consequently, the application should be refused for these reasons.

Recommendation

1. REFUSE for the reasons as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of

How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework, which advises that planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible. The applicant has been afforded the opportunity to provide the additional information required to overcome the impacts upon the A5, badgers and bats, and noise but has declined to do so.

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REFUSE, for the following reasons:

1. The proposed development is outside of the preferred locations for non-strategic waste facilities, as set out in policy W4 of the Leicestershire Minerals and Waste Local Plan. On the basis of the evidence provided with the submitted application, it has not been demonstrated that: it is necessary to locate the facility in this more dispersed location; there is an overriding need for the development; and this need cannot be met in the preferred locations of policy W4. It is considered that this proposal is an unsustainable development in the countryside for which the benefits are not sufficient to outweigh this unacceptability. Therefore, the proposal would be contrary to policies W4 and DM1 of the LMWLP, and policies DM4 and DM20 of the SADMP.
2. Lack of information in relation to the noise impacts of the development to demonstrate that the development would not have an unacceptable impact upon residential amenity and would be contrary to policies DM2 and DM11 of the LMWLP, and policy DM10 of the SADMP.
3. Lack of an appropriate ecological survey to demonstrate that the development would not harm biodiversity and would be contrary to policies DM3 and DM7 of the LMWLP, and policy DM6 of the SADMP.
4. Lack of evidence to demonstrate that the development would not have an unacceptable impact upon highway safety and would be contrary to policies DM9 and DM11 of the LMWLP, and policy DM17 of the SADMP.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the following applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPLUSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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