

PLANNING COMMITTEE

29 May 2012

RECOMMENDATIONS OF HEAD OF PLANNING
ON APPLICATIONS FOR DETERMINATION BY
THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01
Reference: 12/00058/FUL
Applicant: Mr & Mrs Ellis
Location: Barr Lane Higham On The Hill
Proposal: RETROSPECTIVE CHANGE OF USE OF BUILDING FOR DIY LIVERY USE, RETENTION OF HORSE WALKER AND USE OF LAND FOR THE KEEPING OF HORSES
Target Date: 20 April 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as it has a site area in excess of 0.5 hectares.

Application Proposal

The application seeks retrospective planning permission for use of the buildings on site as a DIY livery, retention of the horse walker and use of the land for keeping horses.

The Site and Surrounding Area

The site has an area of 5.34 hectares and is located on the eastern side of Barr Lane. The site consists of open fields separated into individual paddocks. There is a concrete block of 10 stables on the site to the north-west corner and these are 22 metres wide, 10 metres deep and approximately 3 metres high. The stables are approached by an existing access track that runs for a length of approximately 100 metres behind the boundary hedge alongside Barr Lane.

There is a horse walker adjacent to the stables. This is 10 metres in diameter and 6 metres high.

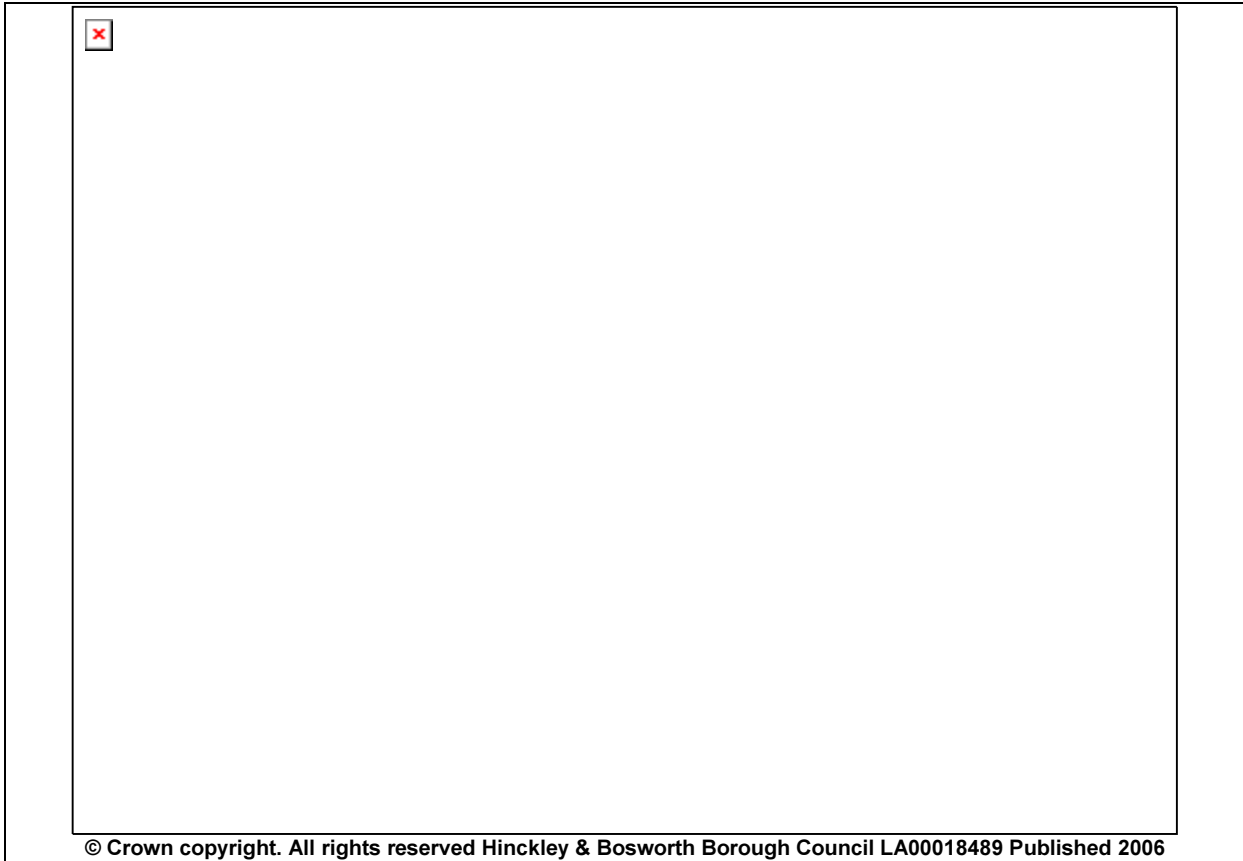
There is an open barn located just beyond the access to the site and set approximately 90 metres from the stable block.

Technical Documents submitted with application

A Design and Access Statement has been submitted which indicates that there will be no change in the external appearance of the building as a result of the change of use.

Relevant Planning History:-

11/00870/CLU	Certificate of Lawful Use for livery yard	Refused	09.01. 12
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Consultations:-

No objection subject to conditions have been received from:-

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

No comments have been received from:-

Higham on the Hill Parish Council
Ramblers Association
Neighbour consultation and site notice.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development - criteria a, g and i

Policy NE5: Development in the Countryside - criteria b and c and criteria i to iv

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

None relevant.

Other Documents

Leicestershire County Council 6C's Design Guide

Appraisal:-

The main considerations with regards to this application are the principle of development, the layout and scale of development, residential amenity, accessibility and impact on the highway.

Principle of Development

The application site is located within the countryside, outside of the settlement boundary of Higham on the Hill, and therefore subject to the provisions of Policy NE5. Policy NE5 supports development in the countryside where it is for reuse of existing buildings and also for sport or recreation purposes. Following the release of the NPPF only limited weight can be attached to criterion a-c of Policy NE5 because of conflict with the NPPF presumption in favour of sustainable development and supporting rural communities. However, criteria i to iv of Policy NE5 are considered to be relevant. The NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. It further promotes the development and diversification of agricultural and other land-based rural businesses.

In respect of categories i to iv of Policy NE5, the use does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and surroundings and is unlikely to generate a significant amount of traffic.

The principle of use as a DIY livery is therefore considered acceptable in the countryside.

Layout and Scale of Development

The use will be contained within existing buildings which were formerly in agricultural use. The stable block and associated access track are positioned alongside the boundary to the west of the site, set behind the existing hedgerow that borders Barr Lane. The buildings are typical of other agricultural buildings and in keeping with the character of the area. The horse walker is set alongside the stable block and the car park area and as such the built form is sited towards Barr Lane and retains the openness to the rear of the site.

Residential Amenity

The use of the site for keeping horses is considered to be an acceptable use within the countryside. As this is a DIY livery there is likely to be more activity with general comings and goings and an increase in vehicular movements with visitors to the site. However, as the provision is for 10 stables this is not considered to be a particularly intensive use of the site and visits are likely to be spread out throughout the day. There are dwellings and farm

houses within the immediate vicinity, principally two dwellings opposite and two further along Barr Lane to the south of the site. There is adequate parking within the application site to accommodate visitors to the livery and any impact on the amenities of neighbours is considered to be minimal.

Accessibility and Impact on the Highway

Barr Lane is a narrow lane of insufficient width for two vehicles to pass. Following initial concerns about blocking the lane, further drawings were submitted to demonstrate that there is an area within the site that is sufficient to accommodate all visitors to the livery. There is an existing area for vehicles to park in front of the stables to the western corner of the site. This measures approximately 220 square metres and the Director of the Environment and Transport (Highways) considers it sufficient to meet the needs of the development.

The Director of the Environment and Transport (Highways) has no objections to the application subject to measures to tarmac the access and to remove the gates which they have indicated should be carried out "prior to commencement of development". Initial comments indicated that a condition was required to ensure there is adequate parking on-site. This was submitted by the applicant and considered to be acceptable. The requested conditions require the surfacing of the entrance for a distance of 10 metres and the repositioning of the gates to set them back within the site by a minimum of 10 metres. These conditions are not considered reasonable as this is an existing access track that runs behind the boundary hedge. It does not extend a sufficient distance into the site to allow for 10 metres of tarmac or repositioning of the gates.

There is sufficient distance along this section of the road in front of the access gates to enable a vehicle to pull in to enable the gates to be opened. Whilst the distance in front of the gates is unlikely to be sufficient for a vehicle towing a horse trailer, any stopping on the highway is likely to be limited to the time taken to open the gates and as the road only provides access to a few properties beyond the site, any traffic passing the access is likely to be minimal.

The proposals are considered to be satisfactory in terms of highway safety.

Conclusion

The proposals are considered to be an acceptable use within the countryside. As a result of the scale and layout and access and parking provision the development is not considered to have a significant adverse impact on the character or appearance of the site, on residential amenity and on highway safety. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting and nature of use of the development it is not considered to have a detrimental impact on visual amenity or character of the countryside, residential amenity or highway safety. Accordingly the development is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 criteria a, g and i, NE5 criteria b and c and T5.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250, Block Plan at 1:500, Plan and Elevation of Horse Walker at 1:200 received by the local planning authority on 24 February 2012 and site plan indicating parking provision at 1:2500 received by the local planning authority on 12 March 2012.

Reasons:-

- 1 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Anne Lynch Ext 5929

Item: 02

Reference: 12/00240/FUL

Applicant: Mr Peter Smith

Location: Market Bosworth Parish Hall 25 Park Street Market Bosworth

Proposal: EXTENSIONS AND ALTERATIONS TO PARISH HALL

Target Date: 14 May 2012

Introduction:-

This application was deferred from the meeting of the Planning Committee on 1 May 2012 for a site visit.

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

Application Proposal

This is a full application for the erection of a two storey extension to the front of the existing parish hall together with single storey extensions to the eastern and western side of the main hall.

The proposed two storey extension will be built in front of the main hall and will wrap around the western side. This will accommodate a new entrance lobby, kitchen and eating area at ground floor together with meeting rooms and an office at first floor. The single storey extension on the western side will house storage areas and cloakrooms and the two single storey extensions proposed to the eastern side of the main hall will provide additional entrance lobbies, toilets and a plant room.

This scheme differs from the previously withdrawn scheme in that there is no al fresco dining area proposed to the front of the eating area (adjacent to Park Street) and part of the two storey extension to the western side of the building has been reduced to single storey.

This application is to be read in conjunction with planning application 12/00223/CON for Conservation Area Consent to demolish the existing entrance lobby and toilets to the front of the parish hall. This application follows previously withdrawn applications 11/00269/FUL and 11/00297/CON. These were withdrawn to enable resolution of highway matters.

The Site and Surrounding Area

The site is an existing parish hall located to the north east of the Market Bosworth Market Place, within the Conservation Area. The application site extends to 658 square metres, the majority of which is occupied by the parish hall building. The land at the rear of the building is used as a children's play area and the building is set back from the highway path by 5.3 metres. There is an existing vehicular access to the site in the south eastern corner together with a pedestrian access to the front. There is a 1m high hedge to the front boundary and a 1.8 metre close boarded fence and hedge along the western boundary.

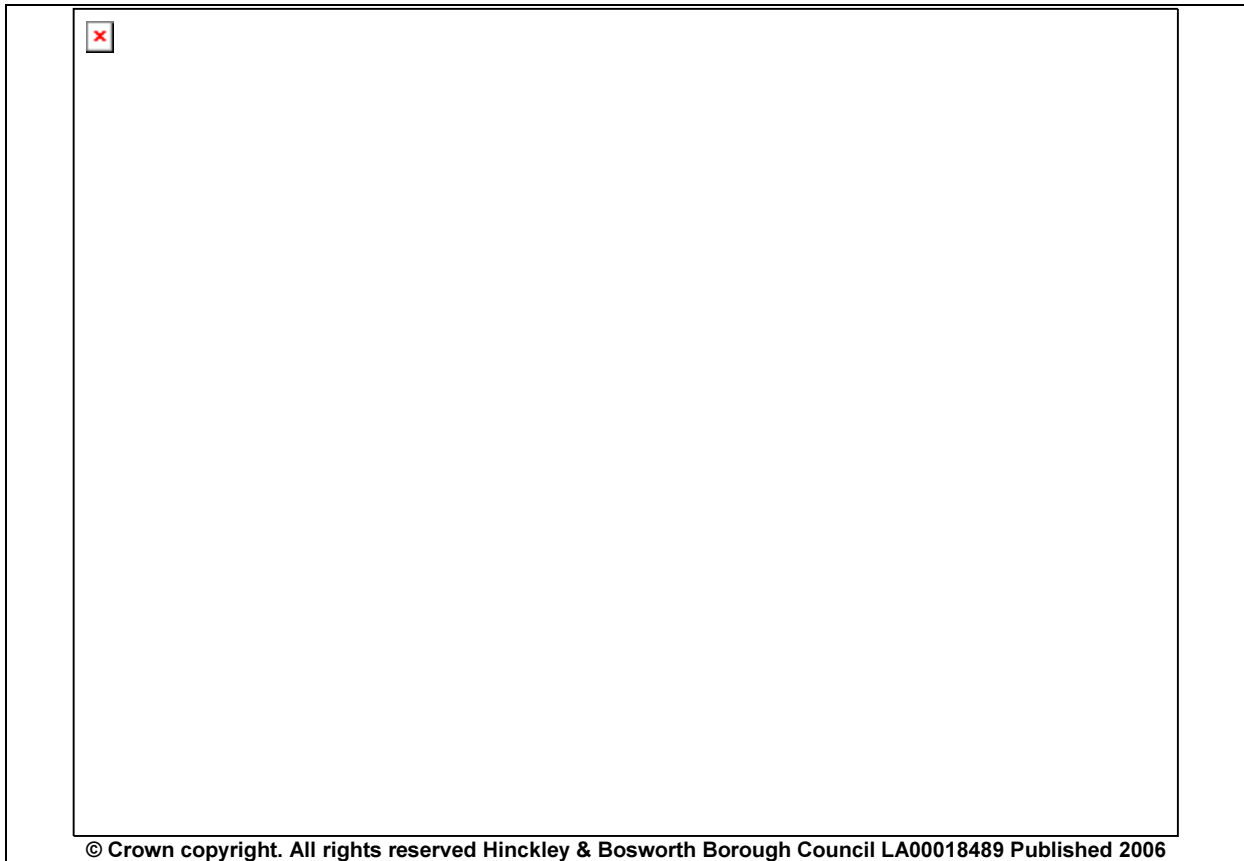
There are two vehicular accesses that run either side of the parish hall which serve dwellings to the rear. The area to the front of the parish hall is laid to paving slabs and tarmac and has a disabled ramp leading up to the main entrance lobby. The area surrounding the site is residential in nature and there are listed buildings immediately to the east and opposite the parish hall.

Technical Documents submitted with application

Design and Access Statement
Conservation Area Statement
Biodiversity Statement

Relevant Planning History:-

11/00296/FUL	Extensions and alterations to Parish hall	Withdrawn	19.05 11
11/00297/CON	Demolition of existing single Storey wc's and entrance lobby to facilitate extensions and alterations to parish hall	Withdrawn	19.05 11



Consultations:-

No objection has been received from the Head of Community Services (Land Drainage).

No objection subject to conditions has been received from the Director of Environment and Transport (Highways).

Head of Community Services (Pollution) has requested further details/clarification of the proposed activities within the building, details of the opening times of the café, whether any music will be played externally and for details of any external lighting and ventilation. In addition various conditions have been suggested.

Market Bosworth Parish Council has raised parking concerns in relation to potential construction traffic. They have suggested that a notice be erected directing hall users to use the Rectory Lane car park.

David Tredinnick MP has raised an objection to the application on the following grounds:-

- a) that the application will have an adverse impact on the residential amenity of nearby residents
- b) the proposal will have an adverse impact in terms of traffic, parking and general highway safety.

Site notice and Press notice were displayed and neighbours notified. Four letters of representation have been received. These raise the following issues:-

- a) lack of parking in the area and general highway safety concerns
- b) the two storey extension to the front of the parish hall will result in overlooking

- c) concerns over the validity of the parking survey conducted
- d) will result in an increased use of the building
- e) impacts on the adjacent listed buildings.

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

Directorate of Chief Executive (Archaeology)
Police Architectural Liaison Officer
Historic Buildings Panel
Market Bosworth Society.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development

Local Development Framework Core Strategy 2009

Policy 11 Key Rural Centres Stand Alone

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy T5: Highways and Parking Standards

Other Material Policy Guidance

Market Bosworth Conservation Area Appraisal

Appraisal:-

The main considerations with regards to this application are the principle of development, design and impact upon the character and appearance of the area and Conservation Area, impacts upon residential amenity and highway safety and other matters.

Principle of Development

The development proposes extensions to an existing community facility within the settlement boundary of Market Bosworth, where there is a presumption in favour of development. The proposed development will ensure the retention and extension of facilities at an existing community facility and allow more functions to be undertaken at the site. The NPPF recognises the importance of sustaining and enhancing such an asset and this proposal is considered to be in line with these provisions. The existing parish hall is well established within the conservation area of Market Bosworth. Therefore the principle of development is considered acceptable.

Design and preservation or enhancement of the Conservation Area

The existing main hall has a ridge height of 6.8 metres. The ridge height of the proposed two storey extension is 7.5 metres, thereby giving a difference in ridge heights of 0.7 metre. The design of the proposed two storey extension will continue to provide a symmetrical appearance to the parish hall frontage, albeit at two storey level. No objections have been raised by the Conservation Officer in relation to the design and scale of the proposed two storey extension and preservation and enhancement of the Conservation Area and impact upon the Listed Buildings located adjacent to, and opposite the site. The scale and height of the proposed extension respects the dwellings adjacent to the site, and the extensions proposed to the parish hall will be set significantly below the ridge of 31 Park Street to ensure that this Listed Building remains prominent within the streetscene. The parish hall will not be sited any closer to the boundary with 31 Park Street, thereby allowing the existing spacing between buildings along the Park Street frontage to be retained and respected. By virtue of its two storey extension the parish hall will also be sited no further forward in the street scene than 31 Park Street, thus reducing the impact of new development upon this Listed Building. Although the two storey extension to the side of the parish hall will project closer to the gable end of 15 Park Street to the west it will still retain a separation distance of 10.3 m within the Park Street frontage, thereby affording sufficient space for this key building (15 Park Street) to retain its visual prominence. The prominence of this building (15 Park Street) within the Conservation Area will be further improved by the setting back of the two storey extension from its front building line by 4metres reflecting the intentions of with paragraph 131 of the NPPF.

The proposed roof design with a steep pitch and a roof slope punctuated by a gable projection and hipped roof feature, together with first floor windows set above the eaves utilises design features that are locally distinctive to existing dwellings along the Park Street frontage, including the Listed Buildings. The additional detailing including the re-used stone portico entrance, stone cills and lintels, timber rafters, stone corbelling to the gable ends, ridge detailing and double windows at first floor level further reflects the use of locally distinctive design features of neighbouring properties within the Conservation Area. A condition is suggested requesting samples, colours and finishes of all materials of construction to ensure the development is in keeping with, and preserves the character of the Conservation Area and to ensure they are in keeping with materials on the existing parish hall building.

It is considered that the introduction of the new roof between the existing main hall and the two storey front extension will provide a continuous ridgeline between these two parts of the building and allow them to blend into one another and into the Conservation Area. The single storey extensions proposed to the side of the parish hall are of similar scale to the existing lean-to brick extensions and will provide a continuous built form with occasional window and door openings which are characteristic of the existing building.

Based on the above appraisal, by virtue of its design, scale, height and detailing, the development is consistent with the intentions of the NPPF, which states that developments shall add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping. Further the proposal would be an improvement on what exists currently and would therefore be an enhancement to the character and appearance of the Conservation Area in line with paragraph 137 of the NPPF and would not be detrimental to the Listed or important buildings adjacent to site. The proposal is therefore considered compliant with the intentions of criteria a and b of Policy BE1 and Policy BE7 of the Local Plan.

Impact on Neighbours

The proposed two storey and single storey extensions will face onto a blank gable end of 31 Park Street, thereby resulting in no loss of residential amenity. There is a habitable ground floor window in the eastern elevation of 15 Park Street to the west. However given the separation distance of 12 metres from the wall of the proposed two storey extension to this habitable room window and its relationship being to the east of the window, the potential for overshadowing and loss of light to this room is not considered material and would not warrant refusal of the application.

At the meeting of the Planning Committee on 1 May 2012 concern was expressed about the overbearing impact upon the occupiers of the dwellings to the south on the opposite side of Park Street. At the closest point there is a straight line separation distance of 16 metres between the proposed front elevation and the front elevation of the dwellings on the south side of Park Street. Whilst the scale of the street facing façade of the building will increase as part of this proposal the increase is considered to be minor. The existing parapet to the front elevation is 5.5 metres high. The eaves line of the proposal is 5.4 metres and the ridge height of the proposal rises to 8 metres. It is important to note that the roof design of the proposal is such that the eaves front Park Street and as such the highest part of the proposal (the ridge) is set back some distance from the front elevation and Park Street. Given that the eaves height of the proposal is comparable with that of the existing façade and giving due consideration to the roof form, the proposal is not considered to result in any material impact on the amenities currently experienced by the occupiers of the dwelling on the south side of Park Street.

Accordingly the proposal is considered to be in accordance with criteria i of Policy BE1 of the Local Plan.

Highway Issues

The Director of Environment and Transport (Highways) has raised no objections to the proposed development subject to conditions. Whilst the highway concerns of Members have been discussed further, a recommendation of no objection is maintained.

The Director of Environment and Transport (Highways) has confirmed that parking survey was conducted by the applicant as part of the earlier application (11/00269/FUL). Highways have advised that the survey confirms that there is plenty of capacity in the evening when the hall is at its busiest. Highways have carried out their own CCTV survey on a Wednesday between the hours of 12pm -12am to monitor the impact on one of the busier nights and maintain that there is adequate parking availability in the locality and accordingly raises no objection.

The surveys both illustrate that the Parish Hall is not currently causing a highway problem, as traffic appears to flow freely along Park Street even when the hall is in use. There is no evidence that parking associated with the hall on Park Street is obstructive, dangerous or illegal. The current scheme is of a reduced scale in comparison with the former, thus reducing the potential numbers of people who could use the hall at a single time. It is reiterated that the previous highway objection was finely balanced, and following the amendments to the scheme, the survey work undertaken and the proximity of public car parking, the proposal is now considered, on balance to be acceptable from a highway safety point of view subject to conditions. Further, paragraph 32 of the NPPF states that to warrant a refusal on highway grounds there needs to be a severe impact on highway safety. In this finely balanced case, the impact is not considered to be so severe and therefore warrant refusal, and thus to do so would be contrary to the NPPF.

Four conditions have been suggested, one relating to the setting back of any access gates, barriers, bollards and chains and one relating to construction parking which are both considered necessary and will be imposed. The third requires cycle parking provision. The submission of these details have been requested from the applicant and if submitted will overcome the need for this condition. The final condition requires the cafe element of the proposal to always remain ancillary to the Parish Hall. If this was to occur it would raise various planning issues, and may require the submission of a separate planning application. To confirm that the café will remain as ancillary, the agent has been requested to provide a statement confirming this. Any additional details received will be reported as a late item.

Therefore, subject to the imposition of the above conditions the proposal is considered compliant with the intentions of Policy T5 of the Local Plan.

Other Issues

Demolition and Construction

Due to the siting of the development within the Conservation Area and the proposed phased schedule of works put forward with the application, two conditions are suggested to protect the character and appearance of the Conservation Area. Conditions are also suggested that request a contract for demolition and construction works be entered into with the relevant development contractor, and an agreed phasing management plan will be agreed with the Local Planning Authority prior to any development commencing. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy or unsafe state.

Pollution

The additional details required by Head of Community Services (Pollution) have been requested and once received will be reported as a late item. The suggested conditions are related specifically to the application for demolition.

Conclusion

By virtue of its scale, height, massing, siting, detailing and proposed materials, the development is considered to enhance the character and appearance of the Market Bosworth Conservation Area. Further, the development will have no material impacts in terms of residential amenity or highway safety. The proposed development ensures the retention and re-use of a key community building within the Conservation Area and results in the expansion and extension of a local community facility, thereby improving the range of services within the settlement. Accordingly the development is consistent with the intentions of the NPPF and with the intentions of criteria a, b and i of Policy BE1 and Policy BE7 and T5 of the Local Plan.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan, would not materially harm the character or the appearance of the surrounding area, would preserve the character of the Conservation Area and will have no material impacts in terms of residential amenity or highway safety. Therefore the proposal is considered acceptable.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 11.

Hinckley and Bosworth Borough Council Local Plan (2001):- BE1, BE7 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: Drg Nos:- 09948 – PL03 Rev E, 09948 – PL01 Rev D, 09948 – PL02 Rev D received by the Local Planning Authority on the 19 March 2012
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions 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 Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 5 Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 6 No development shall take place until a timetable for the scheduling of construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 7 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 8 All vehicular access gates or other such obstructions at the access of the site including but not limited to barriers, bollards or chains to be erected shall be set back a minimum distance of 5 metres from the highway boundary and shall be erected so as to open inwards only.
- 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 construction works shall be parked within the site.

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 policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the site is not cleared unnecessarily and development commences promptly, to protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 7 To protect the character and appearance of the Conservation Area in the interests of visual amenity to accord with policy BE7 of the adopted Hinckley and Bosworth Local Plan.
- 8 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 in accordance with policy T5 of the 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 adopted Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Shaw Ext 5680

Item: 03
Reference: 12/00223/CON
Applicant: Mr Peter Smith
Location: St Peters Church Hall 25 Park Street Market Bosworth
Proposal: PART DEMOLITION OF BUILDING
Target Date: 14 May 2012

Introduction:-

This application was deferred from the meeting of the Planning Committee on 1 May 2012 for a site visit.

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

Application Proposal

This application is for Conservation Area consent to demolish the single storey toilets and entrance lobby to the front of the existing parish hall.

Members are advised that this application is to be read in conjunction with planning application 12/00240/FUL for the erection of a two storey extension to the front of the existing parish hall together with two single storey extensions to the eastern side of the main hall and a single storey extension to the west of the main hall. This application follows previously withdrawn applications 11/00269/FUL and 11/00297/CON.

The Site and Surrounding Area

The site is an existing parish hall located to the north east of the Market Bosworth Market Place, within the conservation area. The application site extends to 658 square metres, the majority of which is occupied by the parish hall building. The land at the rear of the building is used as a children's play area and the building is set back from the highway path by 5.3 metres. There is an existing vehicular access to the site in the south eastern corner together with a pedestrian access to the front. There is a 1 metre high hedge to the front boundary and a 1.8 metre close boarded fence and hedge along the western boundary.

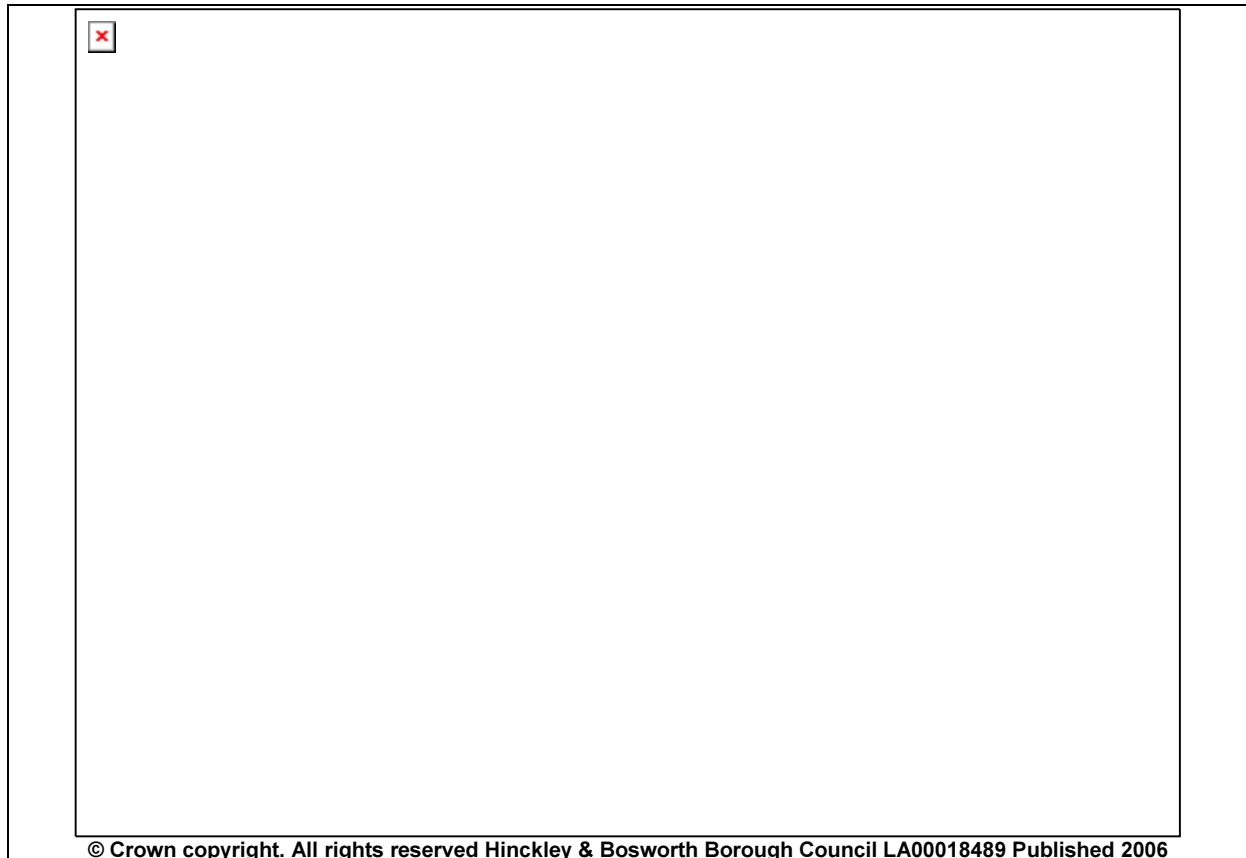
There are two vehicular accesses that run either side of the parish hall which serve dwellings to the rear. The area to the front of the parish hall is laid to paving slabs and tarmac and has a disabled ramp leading up to the main entrance lobby. The area surrounding the site is residential in nature and there are listed buildings immediately to the east and opposite the parish hall.

Technical Documents submitted with application

Design and Access Statement
Conservation Area Statement
Biodiversity Statement

Relevant Planning History:-

11/00296/FUL	Extensions and alterations to Parish hall	Withdrawn	19.05.11
11/00297/CON	Demolition of existing single Storey Wc's and entrance lobby to facilitate extensions and alterations to parish hall	Withdrawn	19.05 11



Consultations:-

Head of Community Services (Pollution) has requested further details/clarification of the proposed activities within the building, details of the opening times of the café, whether any music will be played externally and for details of any external lighting and ventilation. In addition various conditions have been suggested.

Market Bosworth Parish Council has raised parking concerns in relation to potential construction traffic. They have suggested that a notice be erected directing hall users to use the Rectory Lane car park.

David Tredinnick MP has raised an objection to the application on the following grounds:-

- a) that the application will have an adverse impact on the residential amenity of nearby residents
- b) the proposal will have an adverse impact in terms of traffic, parking and general highway safety.

Site notice and Press notice were displayed and neighbours notified.

Four letters of representation have been received. These raise the following issues:-

- a) lack of parking in the area and general highway safety concerns
- b) the two storey extension to the front of the parish hall will result in overlooking
- c) concerns over the validity of the parking survey conducted
- d) will result in an increased use of the building
- e) impacts on the adjacent listed buildings.

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

Historic Buildings Panel
Market Bosworth Society.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None Relevant.

Local Development Framework Core Strategy 2009

None Relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE8: Demolition in Conservation Areas

Other Material Policy Guidance

Market Bosworth Conservation Area Appraisal

Appraisal:-

The main consideration with regards to this application is the impact of the development upon the character and appearance of the Conservation Area.

Impact on the Conservation Area

This proposal involves the demolition of the front section of the parish hall within the Conservation Area. This site is identified with the Market Bosworth Conservation Area Appraisal as a site that requires improvements to its frontage.

Policy BE8 Demolition in Conservation Areas must be considered against the NPPF and weight attributed to the policy according to its consistency with it. The policy is considered to be both consistent with both the overarching intention of the NPPF and statutory requirements within Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of that area.

The proposal to demolish the front elevation of the parish hall is considered acceptable in principle, as the development ties in with planning application 12/00240/FUL which is for a replacement scheme. This replacement scheme proposes development within the areas of the site that are identified for demolition. It is considered that the proposals in place, to replace the demolished buildings will preserve and enhance the character and appearance of the Conservation Area.

Given the siting of the development within the Conservation Area, two conditions are suggested to ensure that the character and appearance of the Conservation Area is preserved and protected. The conditions request a contract for demolition and construction works be entered into with the relevant development contractor and an agreed phasing management plan be agreed with the Local Planning Authority prior to any development commencing. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy or unsafe state.

Other Issues

Objections raised in relation to this application

It should be noted that objections a – e detailed in the consultations section of this report and those received from the Parish Council and David Tredinnick MP are material to planning application 12/00240/FUL for the extensions and alterations proposed to the parish hall and have been assessed in that separate report.

Removal of Hedgerow

The proposals to demolish the front elevation of the parish hall involves the removal of part of the hedgerow forming its front boundary with the highway. Although this is an established low level hedge line within the Conservation Area, the removal of a small section is not considered to have an adverse impact on the character of the Conservation Area. For clarification, planning permission is not required for the removal of a hedge within a Conservation Area.

Pollution

In respect of the demolition, various conditions have been recommended by Head of Community Services (Pollution). These seek to restrict the hours of demolition, ensure that there will be no burning on site and that there will be further controls over the disposal of potentially hazardous materials. These issues are all dealt with under other statutory controls and are not considered as reasonable or necessary to make the application acceptable. Therefore the suggested conditions will not be imposed.

Conclusion

The proposed demolition involves the removal of buildings which are not particularly attractive within the Conservation Area, as such their loss is not considered to be detrimental to the character and appearance of the Market Bosworth Conservation Area. There is a comprehensive replacement scheme under consideration (12/00240/FUL), which if approved will enhance the character and appearance of the Conservation Area. The impact of demolition upon the Conservation Area and the potential for construction to follow within a reasonable timeframe can be controlled by condition to ensure that the cleared site does not blight the Conservation area for a long period of time. The application is therefore recommended for approval subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that the demolition of the building would not be detrimental to the character and appearance of the Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policy BE8.

- 1 No demolition shall take place until a timetable for the scheduling of demolition has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

Reasons:-

- 1 To ensure that the site is not cleared unnecessarily, protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 04
Reference: 12/00157/FUL
Applicant: Mr Daniel Martin
Location: Land South Of Leicester Lane Desford
Proposal: ERECTION OF WIND TURBINE INCLUDING ACCESS TRACK AND ASSOCIATED INFRASTRUCTURE
Target Date: 11 May 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member.

Application Proposal

This application seeks full planning permission for the erection of 1 no. two bladed 275 kilowatt turbine with a 18 metre blade radius and 32 metre blade diameter on a 55 metre monopole, anchored by eight guyed wire ropes to four mounting points, measuring a maximum of 71 metres to blade tip.

The monopole is made from steel and the blades are vinylester reinforced fibreglass and both are proposed to be finished in a light grey colour (RAL 7035).

There is also a fenced compound to 2.5 metres in height, containing the transformer and a prefabricated control house which measures 3 metres in width by 3 metres in length to 3 metres in height which is to be positioned adjacent to the base of the turbine.

There is already an existing access to be utilised, and a new permanent hardcore access track is proposed along the south eastern periphery in close proximity to the existing hedgerow up to the turbine, control house and transformer compound.

The turbine is to be connected into the local electricity distribution network via a new substation building situated in the adjacent field. The connection is to be made by the installation of approximately 210 metres of buried cable, buried to a depth of 1.35 metres which will run directly from the turbine across the field to the proposed external switch station, through a metering point and then on to the substation.

During the course of the application the applicant provided additional information regarding the 'Best Practice Precautionary Working Methods' to be employed on site and re-consultation was undertaken with Natural England and the Directorate of Chief Executive, LCC (Ecology).

The applicant provided a plan and additional information to confirm the exact distances between the nearest residential property, that being the Croft, Leicester Lane.

During the course of the application the applicant has provided three additional viewpoints:-

- a) from the rear of the properties located to the south of Leicester Lane;

b) from the public footpath from the rear of the properties to the south of Leicester Lane;

Re-consultation was undertaken with those original neighbouring dwellings located to the south of Leicester Lane.

c) from the southern iron age site.

Re-consultation was undertaken with English Heritage.

The Site and Surrounding Area

The turbine is proposed to be sited in an arable field of approximately 6 hectares in size and is surrounded by other pastoral and arable fields, bounded by hedges and hedge row trees with the host Farm located due South. A small area of woodland is located along Leicester Lane approximately 245 metres to the north east of the proposed wind turbine and the turbine is located approximately 85 metres from the south west of the footpath R97.

The nearest residential properties are located to the east, along the south of Leicester Road. Bosworth Community and Sports College is sited to the north west and Leicester Lane runs to the north east of the field. The proposed site lies approximately 1 km to the south east of Desford and south-west of Kirby Muxloe.

The application site lies outside of the current settlement boundary of Desford, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as open countryside.

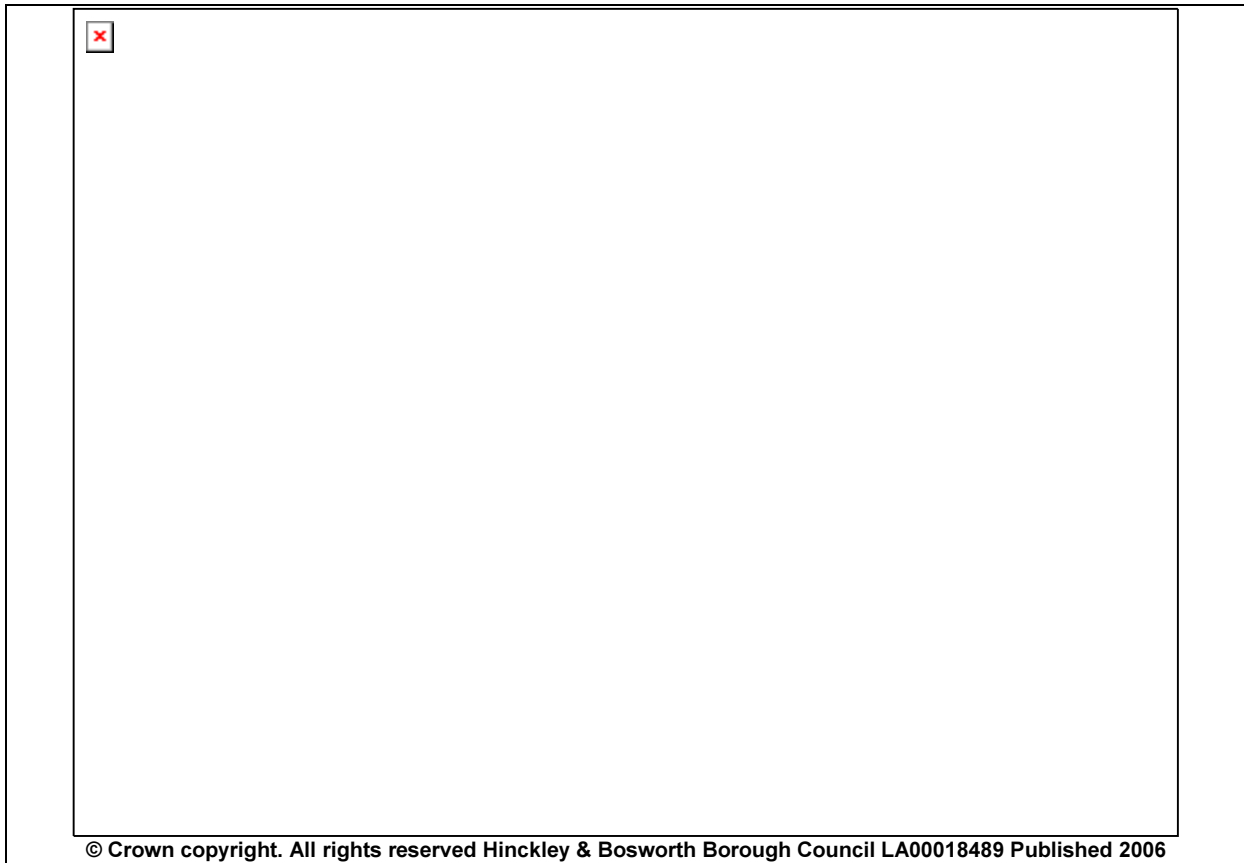
Technical Documents submitted with application

Planning Supporting Statement incorporating a Design and Access Statement
Ecological Walkover Study
Shadow Flicker Calculations
Cumulative Visual Impact Assessment
Noise Impact Assessment
Photographic Supplements (Viewpoints)

Relevant Planning History:-

None relevant.

An application was approved by this committee at Park House Farm (ref: 11/00329/FUL) in July 2011 for two turbines of exactly the same specification – two bladed, 275 kw with the same blade tip height of 71 metres. The Park House Farm turbines are set to be located approximately 1.6km from the south of this application site and have not yet been implemented.



Consultations:-

Health and Safety Executive and the Environment Agency do not wish to formally comment on this application.

No objections have been received from:-

- NERL Safeguarding
- MOD Safeguarding
- Natural England
- English Heritage
- Joint Radio Company
- Severn Trent Water Limited
- Police Architectural Liaison Officer
- Charnwood Borough Council
- Peckleton Parish Council
- Director of Environment and Transport (Highways)
- Director of Environment and Transport (Rights of Way)
- Head of Community Services (Land Drainage)
- The Council's Conservation Officer.

No objection subject to conditions from:-

- Blaby District Council
- East Midlands Airport
- Director of Chief Executive (Archaeology)
- Directorate of Chief Executive, LCC (Ecology)
- Head of Community Services (Pollution).

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

Western Power Distribution
Kirkby Muxloe Parish Council
RSPB.

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

- a) would be less than 500 metres from an unconnected household where children live and horses are kept
- b) would be within 600 metres of other residences including a children's care home
- c) would be approximately 700 metres away from Bosworth Academy on Leicester Lane which has over 1300 pupils
- d) would be within 1 km of around 300 residential properties
- e) the turbine would be in a clear view from the village of Desford
- f) would directly impact upon local people using well established amenities such as footpaths, bridleways and a field used by a model aircraft club
- g) growing body of research about the detrimental impact in terms of health and well-being, particularly of children who live near or are exposed to them for long periods of time
- h) the potential harmful effects of exposure to wind turbines, including noise and sleep loss are well known and there is an increasing link to photosensitive epilepsy through the 'flicker effect'
- i) it is increasingly agreed that a safe distance between wind turbines and residential properties is 1.5 to 2 miles, and it is less in this case
- j) safety and proximity to B582 Leicester Lane which is already a notoriously dangerous road with numerous accidents, including a number of fatalities over the last three years and the turbine would inevitably be a further hazardous distraction on this busy and dangerous road
- k) health, well-being and quality of life issues is in addition to the growing scepticism about the positive contribution it is claimed inshore wind turbines make in environmental terms; given the low generating levels of such facilities it is difficult to argue that this is in anyway a sustainable proposal, particularly as this application includes the construction of an access track – it would take at least 15 years for this wind turbine to pay back the carbon footprint created by its own construction
- l) the Borough Council did not consult Bosworth Academy on this proposal and has not consulted the community of Desford much more widely in respect of a major planning application with the potential to have a detrimental impact upon the lives of a large number of local residents and the Borough Council needs to extend the scope of its consultation processes to ensure that as many people as possible are able to have their say on an issue that affects them so directly
- m) despite very limited consultation, a significant number of local residents have submitted objections and I trust that the planning committee will be made fully aware of the views of residents and that their views are given primary consideration.

Attachment have been provided entitled 'The Effects of Wind Turbines on Children', 'Wind Turbines and their effects on Autistic Individuals', 'Wind turbines and photosensitive epilepsy' and 'Light Pollution and Wind Turbine Flicker Effect'.

Desford Parish Council raise the following objections:-

- a) closeness of the turbines to residential properties; within the range of some 280 properties, with Bosworth College and a children's care home within 1000 m
- b) a larger number of people will be exposed to the hazards of flicker and the noise

- c) Hinckley and Bosworth Borough Council and DPC have a duty of care to residents; turbines have been known to cause distress and health problems to particularly susceptible individuals (e.g. autistics)
- d) proximity to Leicester Lane is a serious concern as the lane is recognised locally and by County Highways as a dangerous road and is to be equipped in the coming financial year with driver-activated speed warning signs, following on from the 40 mph limit
- e) a recent accident; a car left the lane at the exact corner from which the turbine is to have access; to add a turbine 'springing into view' from either direction could certainly lead to further driver errors and more accidents
- f) there is a footpath across the proposed turbine field – the presence of the turbine and its associated noise could reduce its usage and as there is no pavement on that part of Leicester Lane to Desford, this could lead to more people choosing to walk the road rather than using the footpath.

One letter of support has been received.

185 letters of objection have been received raising the following concerns:-

Need, Policy and Financial Benefit

- a) in the East Midlands we are about 25% above our 2020 wind energy targets
- b) a report in the Daily Telegraph on 16 April 2012 states that ministers are now concerned that turbines are blighting rural areas as a result of the policy inherited from the previous government whose policy was "unbalanced in favour of onshore wind"; Conservatives are determined to scale back support for onshore wind power because they are so unpopular in rural areas and because of the enormous cost being added to fuel bills as a result of subsidising so many types of 'green' energy
- c) the Companion Guide to PPS22 states that Local Authorities should not reject planning applications simply because the level of output is small, however the UK planning system is clear in that it requires the benefits to be assessed against any harm that the proposal may do. The NPPF makes a number of presumptions in favour of renewable sources of energy but it is also very clear that this is only if the impact is or can be made acceptable. How can a development which offers such miniscule contribution to government target outweigh the various negative impacts to the community
- d) the East Midlands Regional Plan is also clear that environmental, economic and social impacts must be addressed satisfactorily; this includes effects on the visual landscape, visual impact and the cumulative impact of other wind turbine projects
- e) the applicant does not live at Coton Farm; the application is misleading in that most of the fields on this farm are let out to other farmers
- f) it is claimed that the power generated is for use at Coton Farm and the running of the farm and the impression that the farm is using significant quantities of fossil fuels which are damaging the environment. On questioning the applicant could not offer an answer in respect of the time of heavy plan and machinery is being run of fossil fuels, the machinery does not run on electricity
- g) the report has conflicting message – is the power generated primarily for the applicant's family or is it for a commercial venture – if the latter the claimed power output figure realistic as the report suggests that in reality they are considerably lower, therefore does the end product justify the means?
- h) page 7 within the design and access report is therefore inaccurate or the time has not been taken to seek evidence of electricity usage; if the applicant is being made on the basis of reducing the farm's footprint, the applicant should at the very least be prepared to satisfy himself as to the accuracy of the information regarding the energy requirements of the farm. To claim that the applicant is fulfilling planning criteria in the absence of reliable information is a simple attempt to exploit the planning procedure

- i) would have been better off having household solar panels which serve a more useful purpose. It would be well maintained that solar power in this case would be as, or more, helpful towards solving the Country's energy problems without causing local difficulties of loss of amenity
- j) the output of this turbine is fairly small and the wind is below the recommendations; why are three turbines necessary?
- k) the actual generating capacity will be lower as the 275 kw is a maximum; the average domestic power shower consumed 10 kw as such at best the power generated is very slight
- l) other wind farms have been found to hardly generate any useful electricity and have been heavily subsidised
- m) the applicant has no greater need than the next man to replace the fuel that runs their property
- n) profit is the only motive for this application; the wind turbine is generating far too much power for the purposes set out in the application and will go directly into the national grid and therefore it is not a private requirement but a commercial venture
- o) the turbines are erected as money making schemes and do not serve to protect the environment or produce economic power; no wind no power is ridiculous, they are a complete economic no brainer
- p) will the electricity be going to a communal fund for the benefit of the 258 residents and the local amenities? gives no advantages to the local people and the village.

Visual Impact

- a) visual impact will have a catastrophic impact; eye sore; intrusion into the countryside; blot on the landscape; loss of countryside view; lovely area of Desford would be ruined; light pollution into the countryside
- b) the structure is generally very imposing on the landscape locally and will have a significant visual impact upon many households; particularly dominating the eastern side of the village; The closest dwellings and school premises would all bear significant impacts
- c) turbine would adversely affect the look of the approach to Desford from the A47
- d) Desford village is set in beautiful landscape and is an historic village, having this wind turbine would destroy this; destroying beautiful English landscape
- e) no structures presently stand any higher than the church in Desford and the proposed development will completely overshadow the village
- f) if church spires as imposing then a moving turbine would be extremely imposing; page 38 then states that wind turbines do not represent a visually intrusive feature
- g) should be constructed in isolated areas away from settlements
- h) on the basis that the turbine is accepted to have "significant" visual impact upon our household, question why an Environmental Impact Assessment was not deemed necessary by HBBC? Surely this is owed as a great duty of care?
- i) the report claims that an appropriate landscape visual fit is achieved; this is difficult to reconcile when there are no other tall structures in this area and begs the questions as to whose opinion this is?
- j) the report makes reference to slight visual interruptions but there would be significant visual impacts it is therefore not logical or sensible to draw such a conclusion
- k) there is a complete contradiction as the report relating to visual impact states that houses within 500 m will suffer significant visual impact, but page 9 of the design and access statement claims that the site includes no undue disturbance at neighbouring properties
- l) the turbine is located furthest from the applicant's farm so their property will have a few negative impacts as possible
- m) the report states that the proposed location secures the least impact on neighbouring properties but this is only in terms of the applicant's property. Simply because the

location secured least impact on neighbouring properties does not therefore make that impact acceptable

- n) there are already two wind turbines sited close to the edge of the village, this adds to the cumulative effects; Desford is in danger of being encircled by turbines
- o) the Cumulative Visual Impact Assessment report admits that “significant” combined visual effects, in particular from various residences on Leicester Lane to the south-west of Desford; the report admits that the turbine is likely to be a “prominent feature” for those within a radius of less than 2 km – Bosworth College and various residences are well within 1km; the report describes the Coton House Farm development as “relatively small scale” this is very subjective and is big enough to have an unacceptable visual impact
- p) on the basis of the landscape and visual assessment therefore identified a significant number of households for whom there would be significant impact, why has no further attempt been made to assess the visual impacts other than from the desk-top study?; Residential amenity surely should be of the highest importance and therefore should be taken seriously
- q) the reports and studies admit that there would be significant combined visual effects from stretches of Leicester Lane
- r) the cumulative visual impact report ignores the data in the other report and seeks to make its own illogical conclusion, playing down the applicant’s own findings
- s) How many more applications for turbines will there be in the village –taking up every bit of spare land
- t) any further turbines close to the village will have a significantly detrimental visual effect on the entire village
- u) a recent application for a white roof on a building at the College was refused on the grounds of visual impact on the local environment – the visual impact of a wind turbine is considerably more than this
- v) proximity to the National Forest, Bradgate Park and the Vale of Belvoir
- w) it would be prudent to have the views of the Rural England and Natural England agencies
- x) inadequate information supplied by the applicant to clearly demonstrate the visual impact upon the setting; local views would be from say 100 metres; more accurate photographic information illustrating the true 360 degree visual impact should be provided with additional views from the village and local roads; the photo visuals should show the turbine inset and not a red line indicator which depicts little in terms of the true impact
- y) concerned that the visual impact of the proposed development has been conducted as a “desk-based” appraisal, how can the author have an understanding of the visual impact upon the community if they have not necessarily visited the site or area; The visual impact assessment admits that it does not represent the level of assessment that would have been undertaken had an EIA been requested; it states that it is suitable to provide relevant high-level information but strongly disagree as will have a significant visual impact
- z) the photograph of the obscure view of the superimposed wind turbine from Leicester Lane is a gross misrepresentation of the un-obscured view which would actually be seen from a significant portion of Leicester Lane
- aa) the application should be withdrawn or held in abeyance until further information is provided which clearly shows the true impact; on the basis of what is presently shown the scheme cannot either be acceptably assessed or reasonably determined by local representatives or officers.

Wildlife

- a) adverse effect on the wildlife in the area; potential to cause distress to local animals and wildlife
- b) very little regard has been given to ensure the safety and wellbeing of bats and birds and even less still to badgers
- c) full approval should be obtained from the RSPB and other environmental authorities

- d) no environmental assessment is available to view against this application
- e) Natural England's Technical Information Note TIN051 which recommends a 50m buffer zone, the report states that the closest hedgerow is 52 m, the guyed tower and the four guys are integral parts of the turbine and as such would be closer to the hedgerow as such does not comply with the TIN051 and would be potentially damaging to the bats as other parts of the turbine
- f) birds: there is a red kite which is a protected species which flies above the adjacent gardens and presumably would be affected by the proposed turbine; considerable number of bird deaths due to them being hit by the rotating blades, particularly as there are to be a number of supporting ropes upon which birds will perch
- g) bats: turbine will be lit at night and would be detrimental to the bats and it is stated that one of the factors currently making the site suitable for bats is the fact that there is no artificial lighting; a much more reliable and in depth bat survey should have been carried out; find it difficult to believe that this is based on a person who saw the bat and identified it
- h) badgers: there was badger activity in the field where the turbine is to be located and in the adjacent field, which means that a further study as to badger movement will need to be carried out if the application is passed; no badger activity was identified as the alternative site next to the applicant's house
- i) Great Crested Newts: there was a good prospect of them being present with 0.79 and the alternative site scored 0.8, a 0.01 difference yet it was considered that the site has excellent suitability, difficult that this is based on such tiny difference in figures
- j) the Ecological Walkover Study
- k) the report claims that there are hedgerows and abundant mature trees, this is misleading as the hedge is only 1.5 metres high in place and at times is sparse and some virtually demolished as a result of traffic accidents
- l) walkover assessment may have been based upon one visit and best practice dictates that surveys should cover the whole season as bats are generally most active during late spring, summer and into early summer and no surveys were carried out at blade height
- m) there is no evidence to suggest the ecological assessment was carried out in an adequate manner; no reference to the number of visits and at what time of the year. Based on the inadequate nature of the report the application should be refused
- n) the location selection criteria are extremely suspect, with the Applicant on one occasion claiming that land furthest from his house was the only possible location and yet stating on another occasion that the selection process followed the Walkover Survey (which incidentally did not appear to favour one site over the other)' there is nothing ecologically to suggest that this site is any more suitable than the alternative site and that there is scope that an alternative site should have been selected, the reasoning for this is that this site has been chosen purely on the basis that it is as far from the applicant's house as possible.

Distances

- a) the nearest property is less than 500 m from the proposed mast which is too close
- b) 350 metres may be the industry guideline recommended minimum separation distance for a turbine of this height, it is a minimum and a guideline and not a legal requirement
- c) turbines should be more than 1 km from residential houses
- d) the distance to the nearest residential property may or may not be safe to rely upon
- e) thought that current medical opinion is that no residence or school should be closer than 2 km to a wind turbine
- f) Hinckley and Bosworth Borough Council members have recently debated imposing a 2 km separation distance and whilst not adopted it shows that there is grave concern over turbines being situated inappropriately
- g) request that the Authority determines a 'safe zone' for young people's health and education is 1000 metres between Bosworth Academy and the wind turbine

- h) it is not an appropriate development near to housing development and educational facilities; HBBC has a duty of care to residents and schoolchildren; Wind turbines to be built this close to schools is the height of irresponsibility
- i) located too close to houses, footpaths and bridleways and Bosworth College (would have a detrimental impact on the villagers, students and visitors)
- j) the College is set to extend its age range starting at age 11, how can it be responsible or safe to place a wind turbine so near to so many youngsters, especially when the health risks are not yet understood
- k) located too close to a children's care home – they do not need the added health risks or risk of sleep loss caused by the turbine; HBBC has a duty of care to children in care
- l) believe that the turbine is too close to a large number of residents in Desford and the surrounding area such that the noise nuisance will be intolerable
- m) the turbine is too close to a footpath which is the only safe pedestrian way to the main part of the village and the school – there is no pavement along the B582 and the road is very dangerous as revealed by County accident figures
- n) the applicant has provided incorrect distances in relation to proximity to hedges, public roads and footpaths as such it is not possible to identify the exact proposed location of the turbine; is it safe to rely upon and make decisions based upon such inaccurate and inconsistent data? Discrepancies relate to major blunders, not minor errors
- o) the Wind Turbines (Minimum Distances from Residential premises) Bill is currently going through the House of Lords and is considering a distance of 1500 metres for a turbine of this size; there is also a Bill going through the House of Commons that recommends best practice set-back distances shall be expressed by ten times the turbine rotor diameter. It would seem premature to grant consent that subsequently may be found to contravene the law
- p) guidance in Scotland is advisory and not mandatory and states that the actual desirable separation distance will be dependent on a range of factors including topography, safety issues, noise, shadow flicker, shadow throw and the size of the turbines. In Wales there is a 'typical separation distance' of 500m, Carmarthenshire County Council will not permit wind farms within 1500 m of a residential dwellings and Torrington District Council in Devon within 600 m
- q) the turbine is 453 metres from the closest dwelling ETSU-R-97 is used to justify the position of the turbine, but the basis it uses is open to interpretation, as discussed in a report by acoustic consultants, New Acoustics dated July 2005 who suggest a minimum distance of 2000 metres between dwelling and turbine.

Noise and Disturbance

- a) contrary to Policy BE7 of the Local Plan – detrimental impact on surrounding properties and landscape features due to noise and other forms of nuisance
- b) noise pollution; ruining the peace and quiet; Audible noise through the “swooshing” of blades; combined ambient noise from all the turbines
- c) low and high frequency sound waves; underlying infrasound's; high frequency heard by animals, low frequency felt as vibrations; Pets would be distressed by vibrations from the turbine; Do not want to see, hear or feel the vibrations which can effect health
- d) flicker of sun/moon light of the blades – affects in and out-doors
- e) it is un-realistic to calculate a roughness length of .04 – the terrain between the wind turbine and Bosworth academy is around 0.1 and 0.2; as such the noise would not be spread over the kind of terrain suggested
- f) it is common knowledge that wind turbines despite their advanced design, create an audible and disturbing humming sound when in operation
- g) a website states that frequently used turbines sound like a gas fire in a living room – the monotonous noise of a turbine at these levels would be intolerable

- h) there is a risk of local residents suffering from the noise effects of the turbine, including the noise upon the college also; detrimental impact on surrounding properties due to noise and other forms of nuisance
- i) sounds are already heard from activities from between 100 metres to 4 km away; the village is already at time very noisy with traffic coming through on the main road, having this turbine would increase that as there would be an extra audible noise which would carry on into properties
- j) Desford is often windy, so this noise is likely to be more than just an irritation and is likely to cause emotional distress and illness to people and animals
- k) impact upon students – those with hearing, concentration or other special needs problems; Research has indicated that there are potential issue for learners created by such wind turbines; it needs to be indicated which research into the effect of wind turbines Bosworth College should consider in order to review the proposal, particularly the effects of infrasound and light flicker on student's learning and behaviour
- l) several authorities consider that BS4142 should be used in assessing the noise emanating from turbines and in determining their distances from dwellings accordingly; this advocate a minimum distance of 1000 metres
- m) the ground absorption coefficient could be higher than predicted in frozen or waterlogged conditions
- n) it is not possible to directly measure wind shear and has been measured by a temporary 10 mast and therefore the accuracy of this information is questionable
- o) hedges could have reduced the background noise to the location could have produced significantly higher background noise than there would be at nearby houses
- p) the somewhat outdated ETSU-R-97 regulations should be rewritten so that they have the effect of protecting the public rather than empowering the energy companies
- q) ETSU-R-97 does not seek to protect neighbours' amenity and allows a 5dB (A) increase in sound level for a turbine which is considered to be a noticeable change in sound level and in practice are likely to be far greater due to the local environment
- r) noise data is flawed, does not satisfy the ETSU guidelines, the amplitude modulation are not well understood and that the prediction of the effect is not currently possible
- s) a full seven days of reliable data has not be provided in accordance with the guidelines, the application cannot be approved on this flawed evidence, it is likely that the background noise level is less than the results from these flawed observations; if there was a genuine desire to ensure that noise levels will not adversely affect the community, a more lengthy investigation under varying conditions would have been undertaken
- t) Monitoring Points: Only one out of the four monitoring points was actually on the property itself and is a farm and runs a business from the premises, so it not really representative of most other properties in the area and would have a higher background noise levels than an average dwelling; The other 3 monitoring points were in fields adjacent to dwellings but not on properties themselves, and the ETSU-R-97 states that background noise measurements should be take in amenity areas that residents use for rest and relaxation, therefore the locations fail to meet these guidelines; The noise of the turbines will be more noticeable from properties on Forest Rise than the measurements taken from a lower point in a field nearby suggest (Measurement Point 2) as there would be nothing to obstruct the sound of the turbine; The receptors placed to measure the background noise were not placed as they should have been; Would have not caused any hardship or inconvenience to request our permission for a meter to be sited in our garden
- u) Malfunctioning: One of the receptors malfunctioned during the assessment, which was not repeated. The only monitor that was located on an actual residence malfunctioned and fails to comply with the guidelines so should not be relied upon; The noise levels as position 2 were removed from the assessment as they were higher than expected and therefore possibly bringing into question the accuracy of the metres
- v) Duration of Assessment: Noise assessment was carried out over the absolute minimum period in the middle of December and is not representative of all year round conditions;

tests should be carried out over a number of weeks and within the summer months when weather conditions are generally much calmer; Noise levels being measured over a very short time and in a very confined set of conditions therefore not giving a true representation of the true background noise at any given time of the year and therefore is misleading; the ETSU guidelines require that monitors should be in place long enough for representative wind speeds up to 12m/s to be taken into account and the wind speeds were not observed during the survey and does not comply with the ETSU requirements

- w) Shadow flicker: Bosworth College appears to be NNW of the wind turbine so within the critical zone for shadow flicker; The shadow map provided shows between 10-29 hours of shadow flicker per year upon the College
- x) shadow flicker has the effect of strobe lighting which can cause disturbances and seizures in people with particular conditions such as epilepsy
- y) the cumulative long-term effects of shadow flicker might meet the criteria of a significant nuisance
- z) despite the 10 time the rotation diameter research suggests that this is insufficient to eliminate shadow flicker and is an area where the scientific evidence base could be re-addressed and some countries have adopted quantitative guidance with limits on the flicker; Denmark sets a minimum fixed radius of 500 – 1000 m and Germany's limit is 30 hours per year
- aa) smaller turbines have a faster rotation, increasing the effect of shadow flicker
- bb) it is usually to propose mitigation such a shut down strategy, but there is no proposal in the plan to monitor or mitigate against flicker
- cc) shadow receptors are shown to have been sited at the college but there is no evidence that they have measured indoor shadow flicker which has a more significant effect, the guidelines suggest that flicker should be assessed indoors from the centre of windows
- dd) the software used to make the shadow flicker calculations makes certain assumptions about the sizes of windows which do not apply to particular homes. The recommendations stated that it should not exceed 30 hours per year, even if the software presumptions were correct, the report makes it clear that the figures only give a theoretical maximum and find it wholly unacceptable to rely on what amounts to an inaccurate predictions based on incorrect assumptions.

Health and Safety

- a) vibrations will cause a variety of health problems; Some medical experts believe that wind turbines can cause heart problems, headaches, and tinnitus, nausea and panic attacks; Sleep disturbance
- b) will sue if it affects health
- c) green spaces are required to keep a balance for our mental health
- d) 'wind turbine syndrome' is a cluster of clinical symptoms such as sleep disturbance, headaches, tinnitus, ear pressure, dizziness, vertigo, nausea, visual blurring, rapid hear rate, irritability, problems with concentration and memory, panic and quivering. People at notable risk for this are those with migraine disorder and a history of balance and motion sensitivity; affects the body's various balance organs, including the vestibular organs of the inner ear
- e) noise sensitive individuals make up approximately 15% of the general population, and noise sensitivity can make a difference to noise tolerance making noise less tolerable to sufferers which can in turn create aggressive behaviour
- f) the constant noise produced has a detrimental impact upon children, but especially those with special needs
- g) children with autism, ADD, ADHD are particularly vulnerable and noise sensitive to the negative effects of intrusive noise. The noise created by wind turbine could definitely cause interruptions in their ability to learn, concentrate, think and function. Severe interruptions in the person's ability to concentrate and focus and increases in aggressive behaviours and could potentially lead to increased violent crime

- h) 5% of children of people with epilepsy have shown reactions to flickers from 2.5 to 3 hz, flash frequency is a critical factor and should be kept to below 3 flashes per second
- i) noise can negatively affect the physical and mental well being of all children; learning abilities can all be affected by intrusive noises
- j) audible noise was classified as 'moderately loud' and an 11 decibel increase for noise-sensitive people increases that noise perception to 'very loud'
- k) the DEFRA review 'low-frequency noise and its effects' is certain that noise can be an issue for some people living close to wind farms; consistent disturbances day and night will lead to stress related illness and lowers there wellbeing; Low frequency vibration at large distances (10km) even from small turbines, so issued could be more sensitive for those living much closer, low frequency noise therefore should be taken seriously
- l) higher noise limits are likely to prove more problematic in rural regions, because of quieter background noise
- m) the blade passing frequency modulates well audible, higher frequency sounds and thus created periodic sound
- n) it has been shown from a 60m high wind turbine that infrasound signals could be detected at all stations, the turbines generated low frequency sound and acoustic signals at considerable distances from the wind farms
- o) noise would also negatively affect children and adults who are severely hearing impaired and have a cochlear implant and the constant noise from the turbines would severely inhibit the ability of a person with a cochlear implant to process sound, especially speech
- p) the cardiovascular system, central nervous system, memory, language processing and cognition as well as learning abilities can all be affected by intrusive noises such as those made from wind turbines
- q) residences living near wind turbines have observed that, often late in the afternoon or evening the turbine sound acquires a distinct 'beating' character, the rhythm of which is in agreement with the blade passing frequency and that this effect is stronger for modern wind turbines
- r) seizures as a result of the flicker – risk does not diminish significantly until the distance exceeds 100 times the height of the hub of the turbine – to fully protect epileptic students of Bosworth Academy that would be 5.5 km
- s) turbines should not be located within 2000 metres of any household; Medical opinion is that wind turbines should not be built within 1.5 miles of homes and schools and the proposed site is within 500 m of a household, 600 metres of a children's care home and 700 metres of the college and 1 km of around 280 houses and other local amenities
- t) a paper in the British Medical Journal dated 24 April 2012 attributes this reluctance on the part of the Government to the fact that they are more concerned about the profits of the energy companies than people's health. The author refers to a growing number of cases where people living near wind farms are having to leave their homes because they cannot tolerate the ill effects that are well documented, and that all applications within 2km of peoples homes should be halted until there is conclusive evidence
- u) the Environmental Review Tribunal in Ontario in 2011 concluded that the question is not longer if they cause harm, but to what degree; an increasing number of countries are now carrying out further research and it is concerning that the British Government is to date failing to take the matter seriously
- v) a general approach in this country seems to be that if we do not have conclusive evidence that turbines do cause health problems then we should disregard the growing health complaints despite there being no conclusive evidence that turbines do not cause problems
- w) health risks are not fully understood; there are a number of reports and studies on health issues directly attributable to wind turbines. Although they are not conclusive at this stage they cannot be dismissed lightly by saying that they are not yet proven
- x) risk to lives is unjust and completely contrary to public interest, people's health should not be trivialised or ignored simply because we do not yet have conclusive evidence either

way; Surely it would be more prudent to be cautious in these circumstances until we can be absolute certain that there are no adverse health risks

- y) loss of a piece of blade; The Government's Health and Safety laboratory for the Health and Safety Executive states that blades shattering can result in pieces being thrown up to 1.3 km, given the number of homes, school playing fields and roads within 500 m this is a serious risk.

Highways

- a) the turbine would be clearly visible from Leicester Lane which is a dangerous road and the wind turbine would provide a major distraction which will lead to further accidents; It is completely un-realistic and dangerous to accept that drivers would not at least momentarily be distracted by a moving wind turbine
- b) in the summer the flicker of the sun between the blade movements will add to the distraction
- c) the roadway is unlit and therefore the movement of the turbines will be disorientating to drivers
- d) the Road has seen 14 accidents including 2 fatal in the last 3 years; a number of recent accidents in close proximity to the access track
- e) despite the 40 mph speed limit, during peak periods this is a fast and dangerous road; following a recent accident the report in the Leicester Mercury confirmed that the driver was convicted of travelling along the Lane at 68 mph
- f) the police now site their mobile speed cameras on Leicester Lane quite regularly at the point of the proposed access to the turbine site and is presumably selected on the basis of concerns for safety along the stretch of road
- g) the viewpoint 1 is misrepresentative of the view on this road, and is wholly unreliable; photograph taken behind a strategically placed tree; The turbine would be in full view of motorists along the length of the hedge, include the gaps between; Allowing the developer to misrepresent the situation in this way shows a complete disregard for the community and road users
- h) distraction to users of the B582; there are various gaps in the hedge to show this
- i) the proposed site of the Electrical Substation, is in line with the point at which cars often leave the road following road accidents, it is therefore likely that in addition to the potential for serious injury that the supply of electricity will be disrupted
- j) advice states that the distraction from a wind turbine application should be ignored as a reason to object to wind turbines as motorists face a lot of other distractions e.g. flashing adverts, but that is not in a rural situation
- k) in a safer, straighter part of the road just about the corner the County Council stated that "do not litter" notices should be removed as they were a distraction to motorists – it cannot be true both ways, if a small static sign is a dangerous distraction, a moving turbine springing into sight between trees is more so
- l) heavy vehicles accessing this track on a dangerous bend during the construction process is an accident waiting to happen
- m) the Council should consider its duty of care towards the road users in the area and refuse the application upon highway safety.

Transmission

- a) radio interference caused by rotating carbon fibre blades
- b) already lost television reception from the Waltham transmitter as a result of recent changes and the wind turbine application if installed could well affect the viewing capability from the Sutton Coldfield transmitter as it is in direct line with this transmitter
- c) mobile phone reception in the area is very poor, the turbine will not help this situation
- d) concerned that the applicant simply states that the necessary enquiries have been made to avoid loss of television transmission, mobile phone; the use of a mobile phone when

working from home and the internet are our ability to earn an income and would be severely affected.

Consultation and awareness of the application

- a) local people are unaware of the proposed plan; no formal notification of this application
- b) the notification process – a letter dated 3 April was not received until the 10 April and was only circulated to a limited number of residents. A site notice was not displayed until the 13 April following a resident reporting it missing to the Council and allows only a limited timescale for other members of the public to submit their objections; this application ought to have been communicated to the wider community
- c) given that the school has only just returned from it's Easter recess the governors have not been able to gather all the information, research and opinion; without time to establish a relationship with the developer how can we better understand the wider issues and satisfy ourselves that the School has met their statutory duties?
- d) the site notice has not enabled residents and other interested parties adequate opportunity to consider the matter; The short consultation period to comment could also go against those affected; Little time to give out opinions
- e) applications which affect the wider community must go through a different consultation process
- f) why did the applicant not see fit to hold some sort of consultation process with members of the Desford community to make them fully aware of the project and to give residents an opportunity to ask questions and seek assurances; there has been a deliberate attempt on the part of the applicant to draw as little attention to this project as possible in order to allow it the maximum chance of being approved with minimum objection; the applicant has sought to exploit the planning procedure in this way with total disregard for the wellbeing of the community
- g) the population of Desford knows everything about this planning application, do not set a time limit on objections; the consultation process should be extended by a few months
- h) Surely it is a duty of care of the Council to administer information to all relevant dwellings within the radius affected
- i) no consultation was undertaken with the model aircraft club; another example of a deliberate attempt to keep the proposed development shrouded in secrecy
- j) wonder if the lack of communication would have worked towards permission being granted
- k) current process is totally unacceptable as the wider community is not being protected
- l) not convinced that local opinion will have much effect
- m) this is a prime example of 'The Kings New Clothes' where everyone, especially planning people dare not disagree and therefore conclude that were powerless to stop this from going ahead
- n) residents of Leicester Lane have only just learnt about the Park House Farm application
- o) there appears to have been no approach to the Highways Agency for their input on site access, road conditions, accidents and flicker distraction
- p) the planning committee should undertake a site visit to this application in order that they can understand the impact, magnitude and serious implications the passing of the application would have on the community and environment in general.

Other

- a) wind turbines should not be installed to the detriment of the community concerns; Mr Cameron's views on the big society and the wider community issues
- b) urge to consider other sites rather than this one
- c) why can't the turbine be located closer to the farm house?

- d) the potential theft and additional vandalism as other areas where wind turbines have been installed have experienced; potential for copper theft which is set to be buried, especially in this economic climate
- e) quality of the students learning
- f) impact on amenities; local residents would suffer a loss of amenity as the proposed site is close to a bridleway, and ancient and much used footpaths and model aircraft club; impact upon running on the paths; if these people stopped these activities, Desford would become yet another soulless place to live
- g) the application is putting a considerable mental strain on families considering the impact on their own particular circumstances
- h) de-value of property prices is a major factor in the current economic climate; Council should have a duty to consider this as it is a community issue; How can de-valuation of property prices not be taken into account when the main benefit for this particular case is the financial benefit to the applicant
- i) some people may not be able to even sell their homes; the applicant will have completely destroyed many people's financial situations with the sole purpose of enhancing his one;
- j) Photomontages are cosmetic and the one relating to Leicester Lane is totally unrealistic; if installed would be similar to those already installed on the side of motorways
- k) the reports provided are not independent and must not be construed as inferring it meets laid down guidelines
- l) set a precedent for further wind turbines in Desford and on this site if given
- m) the planning application for Park House Farm should not be used as a precedent for this application, the cases are very different – few objections, no residences other than the farm itself were within 1km, the power was for farm use, no school children's care home, parts of the village, highways, village/local amenities were affected. This application should be rejected
- n) model aircraft club – real danger of collision with blades
- o) the power cable would be laid under the public footpath – what will happen to the right of way?
- p) I trust that the process with the council can be relied upon to be robust enough to ensure that this follows a democratic, legal, fair and equitable process
- q) if the proposal is approved some way should be found of monitoring the situation so that the turbine is removed if its effects are harmful
- r) Hinckley and Bosworth Borough Council needs to assess its stance on allowing wind turbines near schools and children's homes, as well as residences
- s) aviation: question whether the airport has fully understood that Park House Farm turbines have been approved and if comments have been made in isolation or not?

Suggested Conditions

One letter of representation has stated that in the event of the application being passed there should be conditions attached:-

- a) Medical safeguards - need to establish if there is greater risk to health or increase in bad behaviour at the College or the care home or additional detriment to the health of the local children living close to the turbine. If there is then the turbine should be removed and some sort of compensation or payment for remedial care put in place. The responsibility would either lie with the applicant or the borough and would need to be resolved but the condition should be put in place.
- b) Noise – the noise made by the turbine should be measured over appropriate time and a suitable range of wind speeds and heights immediately after installation and annually thereafter by an independent body or HBBC and remedial action should be taken if the noise level rises over 5 Db (A) above that at installation and should be at the applicant's expense.

- c) Reception – there is a risk of television, radio, microwave and maybe other reception in the residences nearby being affected by the proposed turbine which would be difficult to determine in advance if this would happen. The quality of reception in nearby residences should be expertly assessed before and after installation of the wind turbine and any remedial action taken, paid for by the Applicant and needs to be ongoing as the turbine might be there for 20/25 years and technologies change.
- d) Road Accidents - should road accidents occur on the part of the B582 Leicester Lane in circumstances which strongly suggest that the turbine is a significant contributory factor, the turbine should be removed.

As a result of the re-consultation with the originally consulted neighbouring dwellings along Leicester Lane the consultation period remains open at the time of writing and closes on 31 May 2012. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

Kyoto Protocol: The UK has set targets to generate 15% of electricity from renewable energy sources by 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050.

The National Planning Policy Framework (NPPF) March 2012

Planning for Renewable Energy: A Companion Guide to Planning Policy Statement 22 (PPS22) – whilst PPS22 was revoked by the NPPF the companion guide continues to be in force for consideration pending a review by the Department for Communities and Local Government.

Parsons Brinckerhoff Report March 2011

Government Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 39: Regional Priorities for Energy Reduction and Efficiency
 Policy 40: Regional Priorities for Low Carbon Energy Generation

Local Development Framework Core Strategy 2009

Core Strategy Spatial Objective 12

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy BE12: Scheduled Ancient Monument and Nationally Important Archaeological Sites
 Policy BE27: Wind Power
 Policy NE2: Pollution
 Policy NE5: Development in the Countryside
 Policy NE6: Sites of Special Scientific Interest
 Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Document (SPD): Sustainable Design

Other Material Policy Guidance

The Hinckley and Bosworth Landscape Character Assessment 2006 defines the borough of Hinckley and Bosworth by a number of character areas. The site lies within the Forest Hills Character Area which is summarised as an area which is more resilient to change due to the evolving nature of the landscape. It also states that:-

- a) this is a changing landscape of lesser sensitivity due to the large areas of new woodland planting and extensive restoration schemes which have yet to mature. Opportunities exist within the landscape for continuing improvement to existing settlements and their settings
- b) the siting and design of new development should complement the existing settlement pattern of the Forest Hills area
- c) implement management strategies for new woodland areas to maximise habitat and amenity value within the area
- d) promote Environmental Stewardship schemes to reinforce the green infrastructure of new woodlands and existing hedgerows
- e) investigate the possibility of using National Forest initiatives within the wider area.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon the visual landscape, impact upon residential amenity and other associated impacts.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF. Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities (LPAs) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It says LPA's should:-

- a) have a positive strategy to promote energy from renewable and low carbon sources
- b) design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- c) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- d) support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
- e) identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should:

- a) not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
and
- b) approve the application if its impacts are (or can be made) acceptable.

In addition, paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- a) promote the development and diversification of agricultural and other land-based rural business.

More specifically, the Companion Guide to PPS22 recognises that renewable energy projects and those in particular for harnessing wind energy by wind turbines make a significant contribution to electricity supply systems in the UK. In addition, it states that the UK is particularly well placed to utilise wind power, having access to 40% of the entire European wind resource. With regards to location requirements this guide states that the successful introduction of renewables in all parts of England will involve the installation of different kinds of schemes in different contexts, from rural areas to densely populated areas.

At a regional level, Policy 40 of the East Midlands Regional Plan provides guidance and specific on-shore wind generation targets for the region to meet by 2010 and 2012 which would contribute to the overall EMRP target, of generating 20% of energy by 2020 from renewable resources.

At a local level Core Strategy Spatial Objective 12 on climate change and resource efficiency seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies.

The application site lies outside of the current settlement boundary of Desford, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as open countryside. Policy BE27 specifically deals with wind power and is considered to supersede any constraints of Policy NE5 in this case.

Policy BE27: Wind Power states that planning permission for wind farms and individual wind turbines will be approved where:-

- a) the Council is satisfied that the proposal is capable of supporting the generation of wind power
- b) the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints
- c) the proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance
- d) the structure is located a minimum distance that is equal to its own height away from any public highway or publically accessible area
- e) the proposal would not involve the erection of overhead power lines to connect it to the national grid that would have an adverse impact on the landscape of the area.

Policy BE27 is considered to have limited conflict with the NPPF and as such should be given weight in consideration of this application. This is with the exception that Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that where impacts can be addressed and made acceptable the development should be allowed.

The accompanying Design and Access Statement states the proposed turbine is intended to produce a clean renewable and sustainable form of electricity production to support and strengthen the applicant's existing farm business with the excess being exported directly to the local electrical distribution network. It is estimated that the turbine would result in a saving in excess of 313 tonnes of CO2 per year, would reduce the overall carbon footprint of the farm, would support the continued viability of the farm through diversification for an agricultural business, the electricity would be sold back to the grid, providing small additional revenue to the farming business and would contribute to the government's renewable energy strategy.

In response to neighbouring letters of objection raising concerns over the need for wind power and the financial gains for the farmer only, given the advice contained within paragraph 98 of the NPPF, there is no requirement for the applicant to prove whether the renewable energy is needed, and the NPPF is supportive of the diversification of agriculture. As such whether the landowner is making a financial benefit without incentives being offered back into the community is not relevant to the determination of the application.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, regional and local level and it is considered that the proposed erection of one 275 kilowatt wind turbine would contribute to the overall outputs of renewable energy, whilst also bringing benefits to the existing farm and wider rural community, consistent with national and local planning policy. Accordingly whilst there is no in-principle objection to the use of renewable, wind energy, which is a national, regional and local priority, this must be carefully balanced against all other planning matters being adequately addressed.

Impact upon the Visual Landscape

Concerns have been expressed regarding the dominance and significant adverse visual impact of the wind turbine upon the countryside, households and village as a whole. In addition, letters of representation have also referred to the gross misrepresentation of the photographs and that the turbine would actually be seen from a significant portion of Leicester Lane.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

Paragraph 5.4 within the Companion Guide PPS22 states that local planning authorities should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning applications, and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects. Paragraph 5.19 also states that factors to consider in analysing the landscape and visual effect of individual applications include:-

- National designation
- Landscape character areas

- Landscape sensitivity
- Landscape and visual analysis
- Cumulative effects

At a local level, whilst Saved Policy BE27 is generally supportive of wind power development this is providing, amongst other criteria that proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints.

In addition, Criteria a) of Policy BE1 is consistent with the NPPF and as such should be given weight in consideration of this application.

National designation; Landscape character areas; Landscape sensitivity

The site falls within 'Character Area 94: Leicester Vales' and the National Landscape Classification sets out the key broad characteristics of the area. At a more localised level, the Hinckley and Bosworth Character Assessment identifies the area as being the 'Forest Hills Character Area'. This states that there is a changing landscape of lesser sensitivity and an area which is more resilient to change due to the evolving nature of the landscape. As such it is considered that the site does not afford any specific protection through any national designation such as an Area of Outstanding Natural Beauty and that the area is not considered to be particularly sensitive.

Landscape and visual analysis and Cumulative effects

In respect of landscape and visual analysis the application has been accompanied by a Zone of Theoretical Visibility (ZTV) plan which assesses the potential visual impact of the proposed development and assumes a worst case scenario without trees, hedges and buildings. It concludes that the proposal for a single wind turbine in an agricultural landscape means that the impacts are generally expected to be more significant in close proximity to the site and reduce rapidly with distance. Up to 5 km from the site, the turbine would be visible from much of the area and in the 5 – 10 km distance band; the visibility of the turbines would reduce, due to topography.

In addition to the ZTV, photographs have been provided from viewpoints to help aid the likely landscape and visual effects of the proposal. Nine specific viewpoints have been chosen which show both the landscape as existing and proposed within the turbine to provide direct comparative images. None of the images provided suggest that the turbine would be visually prominent, due to distance topography and existing landscape features such as trees and hedgerows.

Following letters of objection, the applicant has provided additional viewpoints from the vicinity of the closest residential dwellings to the south of Leicester Lane and re-consultation has been undertaken with these properties in order that a more fully informed opinion of the visual impact can be given.

The immediate landscape is characterised by hedge lined arable fields and scattered broad leaved trees – ranging in size. The topography within the immediate vicinity also varies, the adjacent highway drops in the vicinity, and rises again to the north towards the College and Desford and also to the east towards the residential dwellings along Leicester Lane. As such the site itself sits lower than the immediate surrounding landscape and is vegetated by hedgerows and scattered trees. To the north east of the turbine there is a small broad leaved woodland which also provides some additional screening.

The turbine is proposed to be finished in a light grey colour, which is considered to blend in with the sky and surrounding landscape background, which reduces visibility both over mid and long range distances.

Cumulative impact may occur as a result of more than one scheme being constructed in a particular area and is defined as the combined effect of all the developments taken together. The applicant has confirmed that the study was commissioned as a desk-based cumulative assessment and the report is a cumulative assessment (i.e. considers broad cumulative landscape and visual effects). The report considers potential cumulative effects with other wind turbine developments within the area and should not be interpreted as identifying individual landscape or visual effects. The study did not set out to establish individual landscape or visual effects and is only a high-level cumulative study.

An application was approved by this committee at Park House Farm (ref: 11/00329/FUL) in July 2011 for the erection of 2 no. 275 kw turbines with the same blade tip height of 71 metres. This wind turbine application was considered in the context of Park House Farm wind turbines (located 1.6km away to the south) and four others within a 25 km radius study area. The application has been accompanied by a Cumulative Visual Impact Assessment. It is agreed that this turbine is considered to generally contribute to the minor part of any cumulative impact landscape and visual effect which may arise. Therefore the additional changes to landscape character and views from a visual perspective that would cumulatively arise in considering the closest approved wind turbine sites are considered to not be of such a significant nature to warrant resisting this proposal.

Charnwood Borough Council have stated that given its slender tower, it is considered that although the turbine will add to the number of turbines viewed in the panorama in this location, it is not considered that the overall view would be of a wind farm landscape and therefore the conclusion is that there would not be significant or serious harm to the Charnwood Forest and surrounding landscape.

In summary, it is considered that wind turbines have to be tall structures to be effective and located away from features which could interfere with the wind speed and flow across the site, which often results in them being prominent within the landscape. As such, it is acknowledged that there would be a change and an impact upon the visual appearance of the area. The ZTV has stated that up to 5 km from the site, the turbine would be visible from much of the area. However, given that the site has not been identified as being a national designation or having a sensitive landscape at a local level, it is not considered that there would be any significant harm caused by the erection of a turbine within this location. Whilst turbines have been permitted and some implemented within 25 km of the site, it is considered that this turbine would contribute to a minor part of any cumulative impact upon the landscape which may arise. The existing topography and landscape features in comparison to the surroundings ensures that the turbine is sited in an un-elevated position and affords the benefit of some screening by hedgerows, scattered trees and a broad leaved woodland. The design and materials of the proposed turbine are considered to be acceptable for the nature of the development and within this landscape. As such the proposal is considered to be in accordance with Saved Local Plan Policies BE27, BE1 and central government guidance contained with the Companion Guide to PPS22 and overarching intentions of the NPPF.

Further matters for consideration are the visual impact of the proposed development upon areas of designated and historical landscape.

Impact upon Designated Landscapes

The closest site of Special Scientific Interests (SSSI) is Botcheston Bog, located over 1.4 km away and there are no special protection areas of special areas of conservation within 10 km of the proposed turbine locations.

At a local level Saved Policy NE6 states that planning permission will not be given for proposals which would damage SSSI's unless it can be demonstrated that no other suitable sites are available for the development proposed and the development is of such overriding national or international need that it exceeds the level of importance for nature conservation or geological interest. This policy is considered to have no or limited conflict with the NPPF and therefore should be given weight in consideration of this application.

The application has been accompanied by an Ecological Walkover Study which has been considered by both Natural England and the Directorate of Chief Executive, LCC (Ecology).

In respect of badgers and bats Natural England is satisfied that there is not likely to be any issues in relation to the need for further survey work to be carried out apart from a check prior to commencement and that the turbines siting has ensured that distances from hedgerows and trees in the surrounding would not impact upon locally roosting bats. In addition the Directorate of Chief Executive, LCC (Ecology) has confirmed that the application will not impact on any designated sites of ecological importance.

During the course of the application Best Practice Precautionary Working Methods have been provided by the applicant and both Natural England and the Directorate of Chief Executive, LCC (Ecology) are satisfied that providing these methods are put in place neither considers that there would be any issues with Great Crested Newts and this proposed development.

Following concerns raised by letters of representation the applicant has confirmed that the Ecological Walkover Survey was undertaken on Thursday 3 November 2011 (am). The Directorate of Chief Executive, LCC (Ecology) has also confirmed the following:-

- a) the ecology report submitted by the applicant is in accordance with Natural England's (NE) guidance
- b) the application is for a single small turbine, and as such a detailed ecological survey is not required to be submitted as long as NE's guidance regarding the siting of the feature is followed
- c) it will have minimal impact on badgers or great crested newts, and the impacts can readily be mitigated to negligible
- d) there are no reasons to object to the siting of this turbine on ecological grounds
- e) it should be noted that NE do not identify any risk from guy-ropes, and that their guidance is related to the distance between blade tip and ecological feature such as a hedge or tree, which should be at least 50m
- f) the Great Crested Newt habitat suitability index methodology used by the ecologist, grades ponds depending on a score derived from an assessment of various ecological factors. In the methodology, a pond scoring between 0.7 and 0.79 is accepted as being graded as 'good' and one scoring more than 0.8 as excellent
- g) it is not necessary to comment on the alternative siting suggested by the neighbour.

In summary, for the reasons discussed above it is considered that the scheme would not result in any unacceptable impacts upon Sites of Special Scientific Interest given the distance, or protected species and the current procedures have been followed. As such the proposal is considered to be in accordance with Saved Local Plan Policy NE6 and central

government guidance contained within the Companion Guide PPS22 and Circular 06/2005 and overarching intentions of the NPPF.

Impact upon the Historical Landscape

Paragraph 48 within the Companion Guide to PPS22 states that special care will be needed if proposed sites for wind turbines should happen to be near listed buildings or conservation areas.

At a local level, Saved Policy BE27 states that planning permission for wind farms and individual wind turbines will be approved where amongst other criteria the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints. Saved Policy BE12 states that planning permission will not be granted for development which would adversely affect a Scheduled Ancient Monument; this is considered to have high degree of conflict with the NPPF and as such should have little weight in the determination of this application.

The historical landscape of the local area includes Bury Camp and the Scheduled Iron Age site to its South.

Viewpoints were provided and additional viewpoints requested from the applicant which were submitted for consideration to English Heritage who are satisfied that the viewpoints provide a sense of the impact on the landscape as a whole and demonstrates relative dominance in view from near the south of the iron age site. Accordingly English Heritage are satisfied that there is enough data to be reasonably confident that there will not be a substantive adverse impact on the significance of the scheduled monuments.

In summary, for the reasons discussed above it is considered that the scheme would not result in an unacceptable impact upon local heritage assets and the historical landscape. As such the proposal is considered to be in accordance with Saved Local Plan Policy BE27 (and Saved Local Plan Policy BE12) and central government guidance contained within the Companion Guide PPS22 and the overarching intentions of the NPPF.

Archaeology

The scheme has been considered by the Directorate of Chief Executive (Archaeology) who states that the proposed development lies in the vicinity of finds and features dating to prehistoric, Roman and medieval periods. These include Roman finds recorded c.200m to the south, prehistoric enclosures c.300m to the south-west and Barons Park, a former medieval deer park, with its associated earthworks and other features lies directly to the north-east. As such there is a probability that archaeological remains would be affected by the proposed development. As such the Directorate of Chief Executive (Archaeology) has recommended conditions to ensure that any archaeological remains present are dealt with appropriately. It is therefore recommended that this condition be imposed.

Impact upon Residential Amenity

Criteria i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties and is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

Proximity to Neighbouring Residents

Concerns have been expressed that the nearest property is less than 500 m from the proposed mast which is too close and should not be located within 2000 metres of any household and that the proposed site is located close to a children's care home, college and 1 km of around 280 houses and other local amenities. In addition representations have also referred to a number of Bills in relation to the minimum distances between turbines and residential properties.

The Wind Turbines (Minimum Distances from Residential Premises) Bill was at the second stage of reading on 10 June 2011, however this has been discontinued and as such this Bill will make no further progress. In respect of the Bill going through the House of Commons, this is not a material consideration as the Bill will still need to continue its passage through the House of Commons before receiving Royal Assent.

In respect to guidance in Scotland, that is not relevant to planning applications in England and this Authority does not have an adopted plan policy which requires a minimum distance, like the others Local Authorities mentioned may have.

Paragraph 50 within the companion guide to PPS2 states that a fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. The nearest residential property is located approximately 453 metres away. The height of the turbine to the tip of the blade is 71 metres, plus the 10% equates to 78.1 metres. As such the proximity to the nearest residential property is well in excess of this requirement.

Paragraph 51 does however states that the minimum desirable distances between wind turbines and occupied buildings calculated on the basis of the expected noise levels and visual impact will often be greater than that necessary to meet safety requirements. These matters are dealt with elsewhere within this report.

In summary, as such the distance between a turbine and occupied properties is not purely assessed in terms of the distance, but in terms of the potential impacts. As such the distance alone is not a material planning consideration.

Shadow Flicker

The potential for shadow flicker can be calculated and is addressed in the Companion Guide to PPS22. Under certain combinations of geographical position and time of day the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate the shadow flicks on and off. The effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site.

The likelihood of this occurring, the duration and effect depends upon the following factors:

- a) the direction of the residence relative to the turbines
- b) the distance from the turbines
- c) the turbine hub height and the rotor diameter
- d) the time of year
- e) the proportion of daylight hours in which the turbines operate
- f) the frequency of bright sunshine and cloudless skies and
- g) the prevailing wind direction.

Only properties within 130 degrees either side of north relative to the turbines can be affected at these latitudes in the UK. Turbines do not cast long shadows on their southern side. The further the observer is from the turbine, the less pronounced the effect will be. There are several reasons for this:

- a) there are fewer times when the sun is low enough to cast a long shadow
- b) when the sun is low it is more likely to be obscured by either cloud on the horizon or
- c) intervening buildings and vegetation
and
- d) the centre of the rotor's shadow passes more quickly over the land reducing the duration of the effect.

Paragraph 76 within the Companion Guide to PPS22 states that shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within 10 rotor diameters of a turbine. Standards dictate that shadow flicker for dwellings within 500 m of the turbine position should not exceed 30 hours per year or 30 minutes per day.

To ensure the guidance on shadow flicker contained in 'Planning for Renewable Energy: A Companion Guide to PPS22' was up-to-date, the Government commissioned consultants Parsons Brinckerhoff – following a competitive tender – to carry out a research project to update its evidence base on shadow flicker. The report was published in March 2011 and concluded there are not extensive issues with shadow flicker in the UK. The report found the current government guidance on shadow flicker, which states impacts only occur within 130 degrees either side of north from a turbine, is acceptable. It also found it is widely accepted across Europe that potential shadow flicker is very low more than 10 rotor diameters from a turbine.

The turbine has 32 diameter blades and therefore the potential shadow flicker effect could be felt up to 320 metres from the turbine. The nearest residential properties are located to the east along Leicester Lane, Desford the closest of which is 453 metres away. The accompanying shadow flicker calculations calculated the impacts upon Forest View Farm, Stud Farm and the Bosworth Community and Sports College. The accompanying documentation shows that none of the neighbouring properties exceed the maximum shadow hours per day or year. There are no properties anywhere near the recommended maximum shadow flicker levels as demonstrated in the report supporting the application. Forest Farm 0:00 hrs; Stud Farm 6:06 hrs; College 7:28 hrs per year is the worst case scenario.

Turbines can also cause flashes of reflective light which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey, semi-matt finishes are often used for this and therefore the colour finish proposed is considered acceptable to reduce this impact.

The NPPF states that Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable, and for the reasons stated above it is considered that there are no significant impacts as a result of the shadow flicker.

In summary, it is considered that the provisions of Saved Policy BE27 and requirements within the Companion Guide to PSS22 are satisfied in this respect.

Noise

Letters of representation have stated that the because the turbine is too close to a large number of residents in Desford and the surrounding area, that the noise nuisance will be

intolerable and that there is a risk of local residents suffering from the noise effects of the turbine, including the underlying infra-sounds.

Saved Policy BE27 states that planning permission for wind turbines and individual wind turbines will be approved where the proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance.

Paragraph 41 within the companion guide to PPS22 states that noise levels from turbines are generally low, and under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. In respect of low frequency noise (infrasound) paragraph 45 within the companion guide to PSS22 states that there is no evidence that ground transmitted low frequency from wind turbines is at a sufficient level to be harmful to human health.

The application has been accompanied by a Noise Impact Assessment which assesses the noise potential of the 275kw wind turbine against 'The assessment and rating of noise from wind farms' 1996 published by ETSU on behalf of the DTI. This document is the industry standard document that is used against which all wind farms and wind turbines in the UK are assessed in respect of potential nuisance from noise.

Background noise readings were undertaken at four locations within the vicinity of the proposed turbine to ascertain an average background noise level. Predicted noise levels for the proposed turbine and also a turbine at Park House Farm were then amalgamated to produce a maximum combined noise level.

The noise report has been considered by the Head of Community Services (Pollution) against the guidance contained within ETSU-R-97 and he is satisfied that the guidance has been adhered to. The Head of Community Services (Pollution) does not feel that the development is likely to cause significant noise and recommends conditions to ensure that noise readings shall not be exceeded and requests schemes to be submitted should there be any complainants or breaches.

Concerns have been raised in respect of the location of the noise measurement locations and accuracy of the readings and predictions.

The Head of Community Services (Pollution) has confirmed that the monitoring locations were chosen as they were adjacent to the nearest residential premises and so if noise was acceptable at this point then premises further from the turbine should be impacted upon less as noise reduces over distance. The other locations were chosen to assess and ensure protection to the main residential area of Desford. The noise limits recommended are different at each location and so are specific to the location itself and its differing background level i.e. residential area, working farm etc. The Head of Community Services (Pollution) has no issue with using monitoring locations adjacent to residential premises rather than on them so long as they are representative, which they are considered to be in this case. If noise limits can be achieved closer to the turbine, once they travel those extra few meters the noise will further reduce.

In respect of concerns raised about the timeframe for undertaking the background noise and implications of changing seasons the Head of Community Services (Pollution) states the following:- ETSU-R-97 states that 7 days is acceptable. This is the relevant guidance and therefore the manner in which the monitoring has been undertaken is considered to be acceptable. Background noise on a calm summers evening would not be affected by the turbine as it would not be operating during still conditions. The noise of the traffic will be relatively constant throughout the year owing to the distant hum of the M1 and localised traffic. Wind in trees and vegetation will mainly be present during spring and summer

months when people are most likely to be using their gardens. Such noise will help mask any from the turbine. The monitoring was undertaken over a good spread of wind speeds and so reflected the variation of background noise during various wind speeds. ETSU-R-97 does not require monitoring over varying seasons.

The monitoring period did not measure wind speeds at 12m/s during daytime and 11 and 12m/s at night time. For these wind speeds the consultant used the same noise level as the preceding wind speed (11m/s daytime and 10m/s night time). This represented a worst case scenario as when the wind speed increases you would expect noise to increase also. By using the same noise level for lower wind speeds, the consultant is in fact offering further protection to the residents.

In respect of questioning the accuracy of the data the Head of Community Services (Pollution) states that it should be noted that the daytime measurements at Position 2 showed a cluster of higher than expected noise levels at low wind speeds. As these occur over short periods of time it was considered that this data is not consistent with the general noise climate in the area and consequently has been removed from the assessment. Such a cluster is likely to have been associated with a local, short lived activity e.g. use of a power tool or barking dog. To leave these in would have increased the background level and therefore increased the noise limits. The consultant has responsibly removed this data to ensure that such a skew does not occur and that local residents are adequately protected. This issue has nothing to do with equipment malfunction. Malfunction does occur when using electronic equipment; please note it was a battery issue that led to the previously discussed reduction in monitoring duration and not the noise meter that malfunctioned. The meters are all of the type that would be expected for such monitoring and had all been calibrated and there is no issue with the accuracy.

Head of Community Services (Pollution) also states that as previously indicated, due to a battery malfunction at Position 4 the data was truncated to the first five days of the survey. It is correct that at one location (Forest View Farm, a working farm and isolated residence) 7 days of monitoring has not been undertaken. The full 7 days of monitoring was undertaken at 3 other locations which represent the locations of the main residential areas in Desford. ETSU-R-97 only requires monitoring up to wind speeds of 12m/s). ETSU-R-97 accepts the methodology of wind speed measurement as used by the consultant through a temporary mast at 10m and so the measurements are accurate.

The Head of Community Services (Pollution) accepts that the understanding of amplitude modulation is not full at present as described in ETSU-R-97 and as such has recommended a condition to require investigation should issues arise.

The NPPF states that Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable and for the reasons stated above it is considered that there are no significant impacts in respect of a noise, however a condition is imposed should issues arise.

In summary, it is considered that the provisions of Saved Policy BE27 are considered to be satisfied in this respect. Appropriate conditions should be imposed in accordance with ETSU-R-97 in relation to noise to protect the amenity of residential properties in the area. As such the proposal is considered to be in accordance with Saved Policy BE27 and central government guidance contained with the NPPF and the Companion Guide PPS22.

Other Issues

Highway Considerations; Access and Distractions

Saved Policy T5 is considered to have no or limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

Transporting wind turbines can often be seen as causing traffic congestion and there may be issues with the routes proposed, therefore the scheme has been considered by the Director of Environment and Transport (Highways) who has no objection subject to a condition requiring a routing strategy to be submitted.

Objections have been received on the basis that the turbine would be clearly visible from Leicester Lane which is a dangerous road and the wind turbine would provide a major distraction. The letters of representation state that Leicester Lane has seen 14 accidents including 2 fatal in the last 3 years including a number of recent accidents in close proximity to the access track.

Paragraph 54 within the companion guide to PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attentions and that at all time drivers are required to take reasonable care to ensure their own and other's safety. The guide therefore states that wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

Following the number of representations received, the Director of Environment and Transport (Highways) has provided further information to state that the average speeds on Leicester Lane are recorded at 42/43 mph so marginally above the speed limit, but acknowledges that some drivers may go faster still. The accident data quoted is considered to be a little misleading, and that Leicestershire County Council usually look at accidents in the immediate vicinity of the access, in which case there have been 3 accidents in the last 5 years, all classed as "Slight" and all involving vehicles losing control on the bend and nothing to do with turning traffic. The access would have excellent visibility in both directions; drivers would also have good forward visibility and be able to see a vehicle turning into or out of the access. The development once completed is only likely to generate a small number of vehicular movements, perhaps less than the existing agricultural use.

As such the Director of Environment and Transport (Highways) has therefore re-confirmed that they are no grounds to object to the development.

In summary, it is considered that the provisions of Saved Policy T5 are satisfied in this respect.

Public Rights of Way

Concerns have been expressed within letters of objection that local residents would suffer a loss of amenity as the proposed site is close to a bridleway, footpath and model aircraft club.

As stated within paragraph 57 of the companion guide to PPS22 there is no statutory separation between a wind turbine and a public right of way, although often fall over distance is considered an acceptable separation. The fall over distance is 71 metres and the proposed footpath is located 93 metres from the turbine.

In respect of bridleways, paragraph 56 of the companion guide to PPS22 states that whilst a 200 metre exclusion zone could be deemed desirable (as suggested by the British Horse Society following internal consultations) that it is not a statutory requirement.

In addition, the scheme has been considered by Director of Environment and Transport (Rights of Way) who states that footpath R97 is sited outside of the fall-over distance for the turbine and therefore users would not be adversely affected by the proposed development.

In summary, it is considered that the provisions of Saved Policies BE27 and T5 are satisfied in this respect.

Safety and Health Risks

Letters of representation have stated that some medical experts believe that wind turbines can cause any number of health issues and issues arising from icing.

In response to health risks paragraph 77 within the Companion Guide to PPS22 acknowledges that around 0.5% of the population are epileptic and that of these 5% are photo-sensitive, and of these less than 5% are sensitive to lowest frequencies of 2.5 – 3 Hz, and that a fast moving three blade machine would give rise to the highest level of flicker frequency which is below 2 Hz.

In respect of emission from a wind turbine, paragraph 65 within the Companion Guide to PPS22 states that turbines produce electromagnetic radiation which is at a very low level and presents no greater risk to human health than most domestic appliances.

As previously discussed in respect of low frequency noise (infrasound) paragraph 45 within the companion guide to PSS22 states that there is no evidence that ground transmitted low frequency from wind turbines is at a sufficient level to be harmful to human health.

In relation to icing of the blades, the Companion Guide to PPS22 states that the build up of ice on turbine blades is unlikely to present problems on the majority of sites in England and that very few accidents have occurred and there has been no example of an injury to a member of the public and that experience indicated that properly designed and maintained wind turbines are a safe technology.

Paragraph 49 of the Companion Guide to PPS22 states that experience indicates that properly designed and maintained wind turbines are a safe technology and that the very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines and that there has been no example of injury to a member of the public. Paragraph 50 goes on to state that the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. However it states that many blades are composite structure with no bolts or other separate components and therefore blade failure is most unlikely.

The turbine proposes to shut down at wind speed of 25 m/s to ensure the safe operation of the machinery. The turbine is controlled by its own computer system which provides both operational and safety functions. Wind turbines also continuously monitor their own performance and if vibrations caused by component imbalances are detected or connection to the electricity grid infrastructure is lost, all turbines are capable of emergency stops.

The guidance contained at a national level does not indicate that there are any significant safety or health risks as a result of wind turbines and on this basis it is considered that there would be minimal risks to the health and safety of neighbouring residents, properties and animals.

Electromagnetic Interference

It is recognised in the Companion Guide to PPS22 that wind turbines can potentially affect electromagnetic transmissions in two ways; by blocking or deflecting line of sight radio or microwave links, or by the 'scattering' of transmission signals. The Planning Support Statement includes a Telecommunications Assessment which states that as a standard procedure a request was sent to OfCom to identify any telecommunication link paths in the vicinity of the proposed turbine, and the turbine was then sited to ensure that there is no telecommunication interference to nearby links and operator setback distances have been adhered to. The Joint Radio Company has confirmed that they do not foresee any potential problems based on known interference scenarios on the basis of the information provided.

Accordingly it is considered that there would not be any significant electromagnetic interference as a result of the proposed development, however it is considered necessary to impose a condition to ensure that a protocol be put in place should a complaint be received from residential dwellings.

Aviation

East Midlands Airport has examined the scheme from an aerodrome safeguarding aspect and considers it does not conflict with safeguarding criteria and therefore have no objection to the proposals, subject to a condition being imposed which requires the applicant to notify the LPA in consultation with East Midlands Airport within 1 month, of the turbine commencing operation. NERL Safeguarding states that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria and the Ministry of Defence raises no objection. Following concerns raised by a neighbouring property, the Aerodrome Safeguarding Officer at East Midlands Airport has confirmed that their consultation response takes into consideration cumulative impacts.

Absence of an Environmental Impact Assessment (EIA)

Letters of representation have queried the requirement for an EIA. The proposed development was formally screened by this Local Planning Authority in October 2011 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether it constituted EIA development and if an Environmental Statement was required with any potential planning application that was to be submitted for consideration. The thresholds within Annex A of Circular 02/99 state that an "EIA is more likely to be required for commercial development of five or more turbines, or more than 5 MW of new generating capacity". The proposed generating capacity of the proposed turbine is 275 KW, which would fall well below the identified threshold of 5 MW. It is therefore considered that the proposed development falls within Schedule 2 but is not an EIA development, thereby meaning that an Environmental Statement is not required in this case.

Based on the information provided it was concluded by this Local Planning Authority that the proposed wind turbines were not EIA development and therefore an Environmental Statement was not required.

Precedent for Further Development

It has been stated by an objector that if this development is permitted then it will result in further development of this nature and scale. It should be noted that a planning application would be required for any future wind turbine developments and such an application would be considered on its own merits. In addition an important point of note is that future wind

turbine development would have to take into account the cumulative impact of wind turbine development within a specific spatial area.

Similarly this application is not being recommended for approval on the basis of the Park House Farm wind turbines application.

Letters of Representation

In respect of other letters of representations received which have not already been addressed within the report above:-

A right to a view is not a material planning consideration.

De-valuation of property prices is not a material planning consideration.

In respect of the notification process, only those residential properties which adjoin the site are directly notified and given 21 days to comment and a site notice which was posted after the letters were sent out allows 21 days for any other interested parties to make their representations. This is a statutory requirement and given the later date of the site notice being displayed actually allows additional time for the directly consulted neighbours. This scheme is not categorised as a 'major application' and letters of representation have been received and considered in the determination of this report up until the 14 May 2012. Additional re-consultation has been undertaken with the originally consulted residents along Leicester Lane allowing them to make any additional comments on the additional viewpoint by 31 May 2012.

In respect of the letter of representation of Blaby District Council they stated there was no objection subject to appropriate conditions being imposed to protect the amenities of residents in Blaby from possible noise and associated disturbance. The scheme has analysed the impacts from residents within the vicinity and concluded that there are no significant impacts, as such there is un-likely to be any impacts upon residents of Blaby.

In respect of the suggested conditions from letters of representation - medical safeguards, noise, reception and road accidents each condition has been considered and it is not considered that road accidents and medical safeguards can be controlled via way of a planning condition. Conditions have to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects to be compliant with Circular 11/95. It is not considered that compensation of payment for remedial care of removal of the turbine based on road accidents would meet these tests as such the conditions could not be imposed. Necessary conditions are suggested in respect of noise and electromagnetic interference.

Conclusion

In conclusion, the NPPF clearly states that the purpose of planning is to help achieve sustainable development and that development that is sustainable should go ahead without delay— a presumption in favour of sustainable development should be the basis of every decision.

There is specific planning policy support for renewable energy projects both at national, regional and local level. It is considered that the wind turbines would contribute towards offsetting the carbon of their agricultural operations at the farm itself, whilst also contributing to the overall outputs of renewable energy targets for the East Midlands Region. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts.

The scheme has been assessed from its landscape and visual impacts, including cumulative impacts and impacts upon areas of historical and designated landscapes, impact upon residential amenity in relation to noise and shadow flicker and other associated impacts including highway and public rights of way considerations, health and safety risks, electromagnetic interference, aviation and the absence of an EIA and precedence for further development.

The scheme is not considered to cause any significant impacts in respect of these considerations and there are no other material impacts identified, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

As such the proposal is considered to be in accordance with Saved Local Plan Policy BE27 and central government guidance contained within the NPPF and the Companion Guide PPS22.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION : - That subject to no new significant material observations being received by the end of the consultation period expiring on the 31 May 2012, the Head of Planning shall be granted delegated powers to grant planning permission for the development subject to the following condition. If any new significant material observations are received which have not already been addressed then these issues will be considered at 26 June Planning Committee:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it constitutes a renewable energy project that contributes towards the regional renewable energy targets for the East Midlands Region, it would not be detrimental to the visual landscape, to sites of historical or scientific importance, to species of ecological conservation or to the detriment of residential amenity or highway safety.

It is considered that the proposed development of a 250kw wind turbine in this countryside location addresses all of the key issues raised in the Companion Guide to PPS22 in regard to operation and maintenance, noise, landscape and visual impact, safety, ecology, proximity to infrastructure, electromagnetic interference, shadow flicker and aviation. It will result in a form of development that will allow the applicant to reduce the carbon emissions of their agricultural operations, to produce electricity from a clean and sustainable source for the applicant and their agricultural operations and will contribute towards the supply of electricity into the National Grid.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Spatial Objective 12.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 (criteria a and i), BE12, BE16, BE27, NE2, NE5 (criteria i-iv), NE6 and T5.

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

export of electricity to the grid from the wind farm hereby permitted shall be provided to the local planning authority within one month of the date of this taking place.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Land Ownership Boundary ref: 11-165-PL001; Site Layout Plan ref: 11-165-PL002;; Elevations; Prefabricated control housing and external transformer compound ref: 11-165-PL004; DND substation, metering cabinet and external switch station ref: 11-165-PL005; Project Control housing with external transformer compound; DND substation, metering cabinet and external switch station – back and side elevations ref: 11-165-PL007 received by the Local Planning Authority on 16 March 2012.
- 3 No development hereby permitted shall commence until full details of the colour and finish of the turbines, control house, transformer compound, and air safety lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 No development hereby permitted shall commence until full details of all external lighting and air safety lighting have been submitted to and approved in writing by the Local Planning Authority. The air safety lighting details should include a 25 candela omni – directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200 ms to 500 ms duration at the highest practical point. The development shall thereafter be carried out in accordance with the approved details.
- 5 No development hereby permitted shall commence until a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. This shall include details relating to:
 - a) the control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase
 - b) the control of dust including arrangements to monitor dust emissions from the development site during the construction phase
 - c) measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase
 - d) measures to control mud deposition offsite from vehicles leaving the site
 - e) the location and size of temporary on site parking
 - f) the control of surface water drainage from parking and hard-standing areas
 - g) the use of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site
 - h) the means by which users of public rights of way would be protected during the construction period.

The development shall be carried out in compliance with the approved Construction Method Statement.

- 6 No development hereby permitted shall commence until a programme of archaeological work including a Written Scheme of Investigation have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 7 No development hereby permitted shall commence on site until details of the routing of construction traffic has first been 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 approved route at all times.

- 8 Prior to the First Export Date, a compliant and mitigation scheme, shall be submitted to and approved in writing by the Local Planning Authority detailing a protocol for the investigation and alleviation of electromagnetic interference, including to television reception, caused by the turbines hereby permitted. In the event of any compliant being received from residential dwelling such complaints shall thereafter be dealt with in accordance with the approved protocol.
- 9 Prior to the First Export Date, the access road shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
- 10 Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it, the wind turbine operator shall, at its own expense, employ an independent consultant to assess the level of noise emissions from the wind turbine at the complainant's property. Details of the assessment and its results by the independent consultant as to whether a breach of the noise limits as specified in Condition 16 of this permission, has been established shall be reported to the Local Planning Authority as soon as the assessment is completed.
- 11 Should the Local Planning Authority upon the receipt of the assessment confirm an established breach of the noise limits, as stated in condition 10, the wind turbine operator shall, within 28 days propose a mitigation scheme to the Local Planning Authority. The mitigation scheme shall include details to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. The mitigation scheme shall be activated and retained thereafter by the operator in accordance with the approved details.
- 12 On the written request of the Local Planning Authority, following a complaint to it considered by the Local Planning Authority to relate to regular fluctuation in the turbine noise level (amplitude modulation), the wind farm operator shall at its expense employ an independent consultant approved in writing by the Local Planning Authority to undertake an assessment to ascertain whether amplitude modulation is a contributor to the noise complaint. If the said assessment confirms amplitude modulation to be a contributor to the complaint, the developer shall submit a scheme to mitigate such effect. Following the written approval of the scheme and the timescale for its implementation by the Local Planning Authority the scheme shall be activated forthwith and thereafter retained.
- 13 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of the first export of electricity to the grid from the wind turbines hereby permitted, when the use shall cease and the turbines, control house, transformer compound and turbine laydown area shall be removed from the site in accordance with Condition 15.
- 14 If any the wind turbine hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme including details of:
 - a) decommissioning and works for the removal of the wind turbine
 - b) decommissioning and works for the removal of all other ancillary equipment and structures
 - c) works for the restoration of the site

- d) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of the 6 month cessation period. The scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.
- 15 Not less than one year prior to the expiry of this planning permission a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of all site decommissioning works, including how the turbines and ancillary equipment would be dismantled and removed from the site, the depth to which the turbine foundations shall be removed below ground level, along with details of site restoration and a timetable of works. The Decommissioning Method Statement shall be carried out as approved.
 - 16 The noise limits detailed within tables 6 and 7 of the PDA noise report ECE/NC/7233 Revision 1 dated 23 January 2012 as submitted as part of the application, shall not be exceeded. The monitoring locations shall be those detailed in section 4.3 of the report ECE/NC/7233 Revision 1 dated 23 January 2012 as submitted as part of the application.
 - 17 Wind speed (measured at metres per second) wind direction and power generation data of the turbine shall be monitored at all times at a height of 10 metres and all information gathered shall be provided to the Local Planning Authority at its request. All data gathered shall be retained for a period of not less than 2 years.
 - 18 The development hereby permitted shall be carried out in strict accordance with the 'Best Practice Precautionary Working Methods' received by the Local Planning Authority on 17 April 2012.
 - 19 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.
 - 20 All cables within the development site between turbines and from the turbines to the substation shall be set underground in accordance with the site location plan ref: 11-165-PL002 received by the Local Planning Authority on 16 March 2012.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity in accordance with Policies NE5 (criteria i-iv) and BE1 (criteria a) of the Hinckley and Bosworth Local Plan.
- 4 In the interests of aviation safety in accordance with Policies T5 and BE1 (criteria a) of the Hinckley and Bosworth Local Plan.
- 5 To ensure best practices throughout the constructional phase of the development are used in accordance with Policies NE2 and BE1 (criteria i) of the Hinckley and Bosworth Local Plan.

- 6 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 7 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.
- 8 In order to ensure adequate mitigation of any impacts due to electromagnetic interference resulting from the turbine or their operation in accordance with the companion guide to Planning Policy Statement 22.
- 9 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.
- 10-12 To ensure that the turbine operates in accordance with the parameters set out in the Noise Report and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with Policies BE1(criteria i) and NE2 of the Hinckley and Bosworth Local Plan.
- 13 The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policy BE1 (criteria a) of the Hinckley and Bosworth Local Plan.
- 14 In the interests of visual amenity in accordance with Policies BE1(criteria a) and NE5 (criteria i-iv) of the Hinckley and Bosworth Local Plan.
- 15 The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policy BE1 (criteria a) of the Hinckley and Bosworth Local Plan.
- 16&17 To ensure that the turbine operate in accordance with the parameters set out in the Noise Report and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with Policy BE1 (criteria i) and NE2 of the Hinckley and Bosworth Local Plan.
- 18 In the interests of reducing impacts to great crested newts (if present) in accordance with the NPPF.
- 19 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 of the Hinckley and Bosworth Local Plan.
- 20 In the interests of visual amenity in accordance with Policies BE1 (criteria a) and NE5 (criteria i-iv) 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.

For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001)

- 6 Works associated with the laying of the underground cable, the Rights of Way Inspector, Mr. A. Perry, should be notified prior to the commencement of the works. Mr. Perry is based at the County Council's Northern Area Highways Office, Mountsorrel and can be contacted on 0116 305 0001. If the applicant is unable to assure the safety of users of the footpath while these works are being undertaken, he will need to apply to the County Council for an Order suspending public rights for an agreed period. Requests for Temporary Diversion and Stopping Up Orders for the Hinckley & Bosworth area should be submitted to the County Council's Southern Area Highways Office, Croft. A minimum period of 8 weeks should be allowed for the relevant Order to be processed and a suitable alternative route would need to be identified and signed on the ground.

Any other damage that may be caused to the surface of the footpath while the development is being carried out will also be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.

The applicant would be responsible for ensuring that free access can be exercised safely by pedestrians at all times along footpath R97 during construction works, and that its surface is maintained in a satisfactory condition for this purpose. Particular attention should be given to ensuring that no materials are stored on the line of the footpath, and that it is not used as a vehicular access to the application site.

No additional structures either of a temporary or permanent nature should be erected across footpath R97, without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the Highway Authority would be obliged to require its immediate removal.

- 7 In relation to Condition 6 the Written Scheme of investigation shall include an assessment of significance and research questions and:-
- a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment

- c) the provision to be made for publication and dissemination of the analysis and records of the site investigation
- d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) the provision to be made for archive deposition of the analysis and records of the site investigation
- f) timescales for the completion of the above
- g) nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

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

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Contact Officer:- Ebony Mattley Ext 5691

Item: 05

Reference: 12/00208/COU

Applicant: Mr Keith Anderton

Location: The Barn Willow Stables Wykin Lane Stoke Golding

Proposal: CHANGE OF USE FROM AGRICULTURAL BUILDING TO FORM ONE DWELLING INCLUDING ALTERATIONS

Target Date: 14 May 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as it has been called in by Councillor Ward due to the possible impact of the development on the character and amenity of the area and neighbouring properties.

Application Proposal

This application seeks full planning permission for the change of use of a former agricultural building to one dwelling including alterations. The scheme includes the rebuilding of part of the barn roof, the use of existing openings and the insertion of a number of additional conservation velux type windows. The scheme will create a two bedroom single storey dwelling with amenity and two parking spaces in an existing yard area.

An amended plan has been submitted to correct errors on the existing elevations, and provide amended/additional details in respect of the proposed windows and boundary treatments. Given the minor nature of the amendment/additional details no additional consultation has been undertaken.

The Site and Surrounding Area

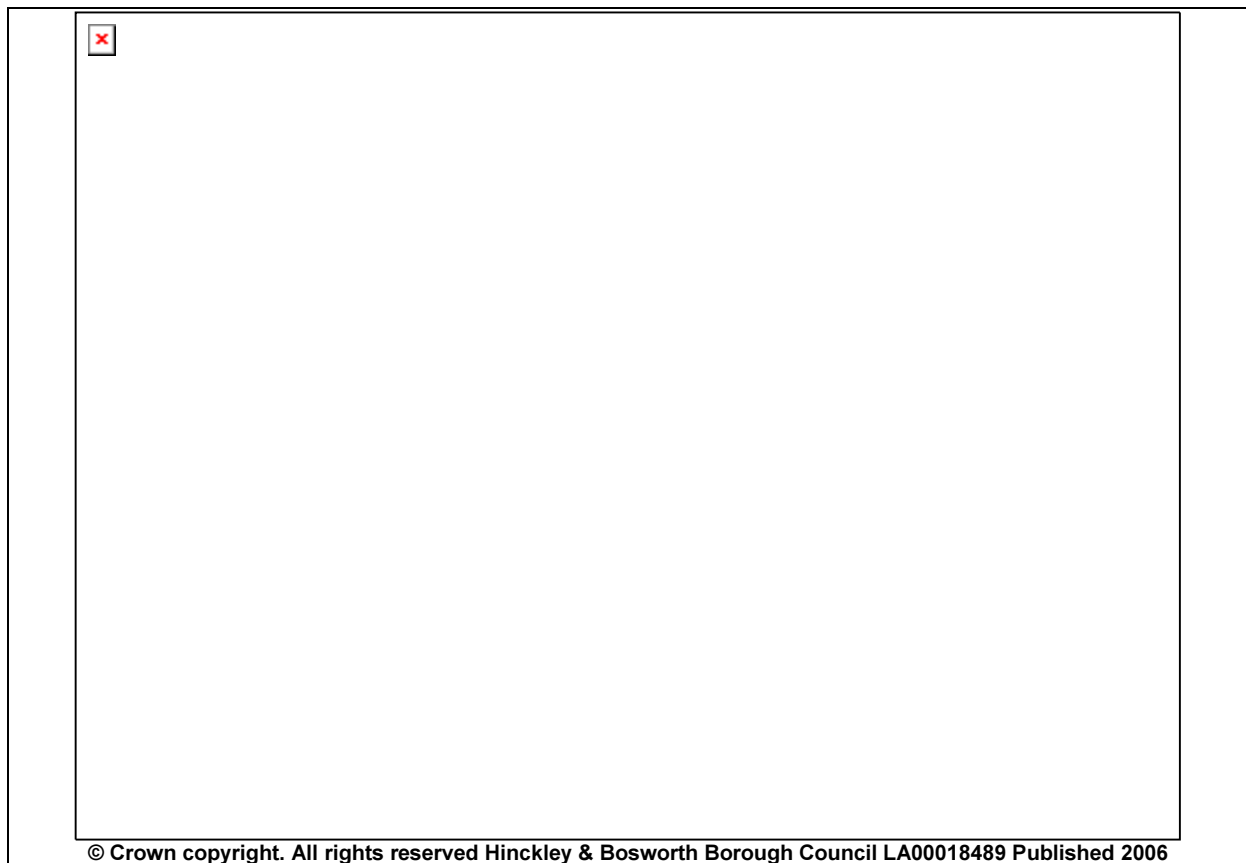
The site is located in the countryside to the south of Stoke Golding on the north east side of Wykin Lane. The barn is constructed of red brick and stone walls with a red plain clay tiled pitched roof. The south east (rear) of the building and the north east (side) of the building form the site boundaries. The north west and south west elevations face into an internal hardstanding yard. There is an existing access off Wykin Lane which also serves as an agricultural access to fields beyond. Other than Willow Farm Cottage which lies to the west, the site is surrounded by agricultural fields.

Technical Documents submitted with application

Design and Access Statement
Marketing Report
Letter reporting the Structural Condition of the Building
Bat and Owl Survey Report

Relevant Planning History:-

10/00044/UNUSE	Change of Use of Barn	Closed	13.05.10
09/00223/UNUSE	Change of Use of Barn	Closed	20.05.09
07/01120/FUL	Replacement of part of agricultural barn roof and installation of two windows	Approved	02.01.08



Consultations:-

No objections have been received from:-

Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from Head of Community Services (Pollution).

Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that the site is not in a location where services are readily and safely accessible by walking, cycling or public transport. No objections are raised in respect of the geometry or width of the access which at 3.5 metres is considered to be acceptable.

Stoke Golding Parish Council object to the application on the following grounds:-

- a) with the approval and development of the Convent site and other developments the housing requirements of the Core Strategy have been met
- b) errors on 'existing' plan drawing
- c) error in Design and Access Statement - access not shared with adjacent dwelling
- d) adverse impact on the amenity of future occupiers from use of shared access for farming activity
- e) approval of application would overrule previous planning decision
- f) building has never been a stable but has been used as a workshop and storage area
- g) details of the water/sewage treatment process should be submitted for approval prior to this application being approved
- h) the barn is not within the 30mph zone as stated.

Stoke Golding Heritage Group objects to the application on the following grounds:-

- a) the pond in the adjacent paddock is sufficiently close to be affected by works to surface and soil drainage
- b) the building has never been used as stables
- c) no measurements or scales are provided on the plans to enable an informed comment
- d) not within the 30 mph zone
- e) if approved, a condition should be imposed to retain and conserve the pond and its immediate surroundings as a potential habitat for Great Crested Newts.

Site notice posted and neighbours notified, two letters of objection and four letters of support have been received.

The objection letters raise the following issues and concerns:-

- a) size of window openings in side elevation not as previously permitted
- b) window fitted in side elevation opens outwards in breach of previous condition on planning permission
- c) driveway is not shared with Willow Farm Cottage it is a legal right of way for Stoke Fields Farm and used for transportation of livestock and other agricultural activities which will affect amenity of any future occupiers
- d) concern over potential infilling of pond and impact on any Great Crested Newts
- e) error on location plan of blue edge
- f) building is an old cow shed used for storage and workshop not stables
- g) boundary dispute
- h) contrary to development plan

- i) inadequate access
- j) inadequate drainage
- k) interference with adjacent property
- l) loss of privacy
- m) loss of view
- n) bats and owls are present around site and survey carried out at wrong time of year
- o) advertised for commercial use but covenant prevents such use
- p) building clearly seen from Wykin Lane, not well screened
- q) concerns regarding the structural condition of the building.

The letters of support make the following comments:-

- a) an extra bungalow in Stoke Golding is badly needed
- b) the barn conversion will enhance and be an asset to the area
- c) other barns in Stoke Golding have permission for residential use.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy Regulations 2010

Local Development Framework Core Strategy 2009

Policy 11: Key Rural Centres Stand Alone

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
Policy BE20: Reuse and Adaptation of Rural Buildings
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Conversion of Rural Buildings
Supplementary Planning Document: Play and Open Space Guide

Appraisal:-

The main considerations in respect of this application are the principle of development, the structural condition of the building, the layout and design and impact on the character and appearance of the building and the surrounding countryside, the amenities of neighbouring properties, highway safety, biodiversity, play and open space and other matters.

Principle of Development

The site is located outside any settlement boundary and is in the countryside as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map. The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and encourages the conversion of existing buildings. The NPPF also provides for isolated homes in the countryside where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting. Saved Policy NE5 of the adopted Local Plan also provides a presumption in favour of the change of use, reuse or extension of existing buildings subject to a number of criteria being satisfied. Whilst only limited weight can be afforded to Policy NE5 following the release of the NPPF, the criteria of the policy are still considered to be compliant with the principles of the NPPF. In addition, Saved Policy BE20 of the adopted Local Plan also provides a presumption in favour of the reuse and adaptation of rural buildings subject to a number of criteria being satisfied. Policy BE20 is considered to be highly compliant with the NPPF and can therefore be given weight in the determination of the application.

Core Strategy Policy 11 allows for the allocation of land for the development of a minimum of 60 new homes in Stoke Golding. Whilst the minimum number has been met through dwelling completions and commitments following the approval of previous planning permissions, the approval of an additional dwelling over the minimum requirement will not have a significant impact on housing numbers or the spatial vision for Stoke Golding. In any case as the Authority is unable to demonstrate a 5 year land supply the NPPF states that relevant policies for the supply of housing should not be considered up to date. As such, whilst the policies with the Core Strategy and the Local Plan may accord with the NPPF, where they relate to housing supply they are unable to be considered up-to-date and their requirements are outweighed by the policies within the Framework.

The adopted Supplementary Planning Guidance: Conversion of Rural Buildings encourages commercial, industrial or recreational use of rural buildings in the first instance but recognises that residential uses are also viable. In this case, the applicant has submitted evidence to demonstrate that over a twelve month marketing period for commercial use whilst some interest was generated no offers were received. The evidence concludes that due to its size, location and construction there is no local demand for commercial use of the buildings. It should be noted that the NPPF does not require this sequential process to be carried out as previous advice did.

The Director of Environment and Transport (Highways) recommends refusal of the application on the grounds that Wykin Lane is substandard in terms of its width, lighting and pedestrian footway provision and the applicant has failed to demonstrate that the proposal is in a location where services are readily and safely accessible by walking, cycling and public transport. However, both national guidance in the NPPF and adopted Local Plan Policies NE5 and BE20 support the conversion of existing rural buildings, which by implication will often be in isolated rural locations, and therefore the proposals are considered to be acceptable in principle, subject to compliance with the policy criteria and all other planning matters being appropriately addressed. An assessment of the acceptability of the proposals against the criteria of Policies NE5, BE20 and BE1 is discussed in the following sections of this report.

Structural Condition

A structural engineers report has been submitted to support the application. This suggests that the structure of the building is generally sound and whilst certain works will be required to enable a residential use, renovation works are possible. The report highlights a potential problem achieving headroom and concludes that either the roof level would have to be

raised, or, the floor level would have to be lowered. Notwithstanding these conclusions the applicant has sought additional opinion and other methods are available to achieve the desired headroom without raising the roof or lowering the floor to any significant degree. In view of the uncertainty in respect of how adequate headroom in the building will be achieved it is considered to be reasonable and necessary to require the submission of a method statement for prior approval to address this issue if planning permission is approved in order to ensure conformity with criterion b of Policy BE20.

Layout, Design and Impact on Character and Appearance

The scheme proposes the conversion of the existing building including the area that was granted planning permission for rebuilding in 2007. No extensions are proposed therefore the proposals are in accordance with criteria d of Policy BE20. The scheme utilises all the existing openings and new openings are limited to five new conservation style roof lights which are required to improve amenity for the future occupiers. As a result of the use of stained timber doors and window frames of simple design reflecting the size of the existing windows and openings and the use of conservation style timber framed roof lights, their inclusion is not considered to have any detrimental impact on the character, appearance or setting of the building or the surrounding landscape, particularly given the inward facing nature of the development and is therefore considered to accord with criteria a and c of Policy BE20, criteria i and ii of Policy NE5 and criterion a of Policy BE1. In order to prevent future extensions or alterations that would significantly alter the rural form, character or appearance of the building it is considered to be reasonable and necessary in this case to remove permitted development rights from the dwelling to accord with criteria c and d of Policy BE20.

The layout provides for a private amenity area to the front of the building and two car parking spaces are provided to serve the proposed dwelling. The amenity area is located within the internal courtyard area and is to be screened from Wykin Lane by the existing 1.8 metre high stone wall and enclosed from the shared access by new 900mm high post and rail fencing. The shared access is also used for agricultural machinery and operations which have the potential to have a detrimental impact on the amenity of the future occupiers of the conversion, therefore additional planting is considered to be necessary to further screen and separate the amenity area from the shared access in order to accord with criterion e of Policy BE20 and criterion h of Policy BE1. In addition, additional planting would help to screen and enhance the appearance of the development to accord with criterion iii of Policy NE5, criteria a to d inclusive of Policy NE12 and criterion e of Policy BE1. Therefore, if planning permission is approved, a condition requiring the submission of a landscaping scheme for prior approval is considered to be reasonable and necessary in this case.

A consultation response refers to an existing window in the northeast elevation opening outwards over third party land in breach of a condition on the previous planning permission. This issue has been addressed by the use of a similar condition.

Amenity of Neighbouring Dwellings

Willow Farm Cottage is located approximately 25 metres to the south west of the application building. As a result of the separation distance, the existing 1.8 metres high timber panel fencing along the boundary and the single storey scale of the proposed dwelling, no adverse impact on the amenity of the occupiers of the adjacent dwelling from either overbearing impact or overlooking or loss of privacy will result. The residential use of the shared access for one dwelling will not have any material impact on the amenities of the occupiers of the adjacent dwelling in terms of disturbance from comings and goings given the existing uses of the access. The proposals are therefore considered to be in accordance with criterion i of Policy BE1.

Highway Safety

The site is located outside and to the south of the settlement boundary of Stoke Golding and notwithstanding the statement in the Design and Access Statement is located outside the 30 mile per hour restricted zone. Again notwithstanding the Design and Access Statement the access is shared with Stoke Fields Farm (not Willow Farm Cottage as stated) and is used for access to the fields beyond for agricultural machinery and livestock. The access is adequate in terms of its width and visibility for the proposed use and adequate parking for two cars to serve the proposed dwelling is provided within the curtilage. The Director of Environment and Transport (Highways) confirms that the width of the access at 3.5 metres is adequate to serve the proposal and does not object to the application on the grounds of inadequate access. The proposal is therefore considered to be in accordance with criterion f of Policy BE20, criterion iv of Policy NE5 and criterion g of Policy BE1 and Policy T5.

Biodiversity

A Bat and Owl Survey Report has been submitted to support the application. Notwithstanding consultation responses that suggest that bats and owls are present around the site, the survey concludes that there were no signs of occupation of the building and the potential for roosting bats was very low and no evidence of owl activity was found. The pond in the adjacent paddock was assessed as having good potential for Great Crested Newts but even if they were present they would not be affected by the proposed works. As a result, it states that no further surveys or mitigation measures were considered necessary. Consultation responses refer to the survey being conducted at the wrong time of year and that as the buildings are regularly swept out no evidence of activity would be apparent. However, the survey also points out that the buildings have low potential for roosting. The Directorate of Chief Executive (Ecology) considers that the report is satisfactory and that the application will have no impact on any recorded designated sites of ecological importance. The proposals are therefore unlikely to have any adverse affect on protected wildlife and are therefore in accordance with criterion g of Policy BE20.

Play and Open Space

The request for any developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The site is located within 400 metres of a local equipped open space at Stoke Golding Recreation Ground on Hall Drive. The additional residential unit proposed triggers a requirement for a contribution towards the provision and maintenance of play and open space facilities to mitigate the impact of the creation of an additional household using these facilities, in accordance with Policy REC3 of the adopted Local Plan the guidance of the Supplementary Planning Document on Play and Open Space which sets out how the contribution is worked out in relation to the size and scale of the development. As the scheme results in a net gain of one dwelling, in this instance, a total amount of £1250.80 is required with £817.80 towards the provision of equipment and facilities, and £433.00 towards maintenance on a 10 year period. The quality of the spaces has been considered within the Green Space Strategy Audits of Provision 2007 update which awarded Hall Drive local equipped open space a quality score of 27.6%. The document also provides a cost estimate of £50,000 to improve the quality and accessibility of the facility for children's play provision. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is therefore justified in this instance to

comply with the CIL Regulations and Saved Policy REC3 criterion a. The contribution has been secured by the submission of a completed legal agreement in the form of a unilateral undertaking.

Other Matters

Consultation responses make reference to details approved under a previous planning permission, however, this application must be considered on its own merits and in accordance with current national guidance and local plan policy.

Consultation responses make references to boundary disputes, loss of view and restrictive covenants on the land title which are not material to the determination of the application. The applicant's agent has confirmed that the applicant has title to all the land within the application.

A private package treatment plant is proposed to dispose of foul drainage. No details have been submitted with the application and therefore it is considered to be reasonable and necessary in this case to require the submission of full details to ensure satisfactory drainage of the site and to prevent pollution of any surface or ground waters in the vicinity should planning permission be approved to accord with Saved Policy NE14 of the adopted Local Plan.

Conclusion

The conversion of rural buildings for residential use is acceptable in principle and the building is in a structurally sound condition. As a result of the proposed layout, design and appearance the development will not have any adverse impact on the rural character or appearance of the building or the surrounding landscape or be adversely affected by adjacent activities. The proposals will not have any adverse impact on the amenity of neighbouring properties, highway safety or biodiversity and a legal agreement has been submitted to secure appropriate developer contributions. The proposals are considered to be in accordance with Policy 11 of the adopted Core Strategy, Saved Policies NE2, NE5, NE12, NE14, BE20, BE1, REC3 and T5 of the adopted Local Plan and the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would not have any adverse impact on the rural character or appearance of the building or the surrounding landscape or be adversely affected by adjacent activities and would not have any adverse impact on the amenity of neighbouring properties, highway safety or biodiversity and would contribute to the provision and maintenance of public play and open space.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 11.

Hinckley and Bosworth Borough Council Local Plan (2001):- policies BE1 (criteria a, c, e, g, h, i), BE20 (criteria a to g inclusive), NE2 (criterion b), NE5 (criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE14, REC3 (criterion a) 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: Site Location Plan; Block Plan; Plans and Elevations Drawing No. 28/07/11-02 Rev C received by the Local Planning Authority on 10 May 2012.
- 3 This permission relates to conversion of and alterations to the existing building as submitted in detail in the approved plans and in no way gives consent for extensive demolition and rebuilding of the existing building. Prior to any development commencing, full details of the method by which the existing structure is to be supported and retained whilst the works for conversion and alterations hereby permitted are carried out and constructed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statements.
- 4 Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of any new materials to be used on the external elevations of the barn conversion as part of the approved development 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 The development hereby permitted shall be implemented in accordance with the door, window and conservation roof light details submitted on the approved plan Drawing No. 28/07/11-02 Rev C.
- 6 The windows on the north east elevation shall either open inwards or be non-opening only and shall be maintained as such at all times thereafter.
- 7 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 - H inclusive and Part 2 shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 8 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.
- 9 Notwithstanding the submitted details, no development shall commence 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:
 - a) full details of the means of enclosure and boundary treatments
 - b) hard surfacing materials
 - c) planting plans
 - d) written specifications
 - e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - f) implementation programme.

- 10 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.
- 11 The car parking and turning facilities shown within the residential curtilage shall be provided before the dwelling hereby approved is first occupied and shall permanently remain available for such use at all times thereafter.
- 12 Prior to any development commencing on site, full details of the proposed private sewage treatment plant shall be submitted to and approved in writing by the Local planning Authority. The development shall then be implemented 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 For the avoidance of doubt and in the interests of proper planning.
- 3 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the character and appearance of the building and ensure satisfactory development to accord with policies NE5 (criteria i and ii) and BE20 (criteria b and c) of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 4 To ensure that the development has a satisfactory external appearance to accord with policies BE1 (criterion a) and BE20 (criteria c and d) of the adopted Hinckley & Bosworth Local Plan.
- 5 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the agricultural character and appearance of the building and their setting to accord with policy BE20 (criterion c) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the use of the windows does not impinge on the neighbouring land to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of preserving the agricultural character and appearance of the buildings and to accord with Policies BE1 (criterion a) and BE20 (criterion c and d) of the Hinckley and Bosworth Local Plan.
- 8 To ensure the protection of future occupiers of the development hereby approved to accord with policy NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 9 To enhance the appearance of the development to accord with Policies NE5 (criterion iii) and NE12 (criteria a, b and c) of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.

- 11 To ensure that adequate off-street parking and turning provision is made available within the site to accord with Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To avoid pollution of the water environment to accord with Policy NE14 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This application is subject to a legal agreement in the form of a unilateral undertaking to secure a developer contribution of £1250.80 towards the provision (£817.80) and maintenance (£433) of off-site public play and open space.
- 6 In relation to conditions 8 and 9, 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.
- 7 The private treatment plant proposal will require the consent of the Environment Agency and must comply with the Agency's conditions.
- 8 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Contact Officer:- Richard Wright Ext 5894

Item: 06
Reference: 12/00294/FUL
Applicant: Mr D Clarke
Location: 2 Southfield Road Hinckley
Proposal: INSTALLATION OF FLUES (RETROSPECTIVE)
Target Date: 30 May 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is related to an employee of the Council.

Application Proposal

This application seeks full planning permission for the retention of a stainless steel flue and 5 other flues at 2 Southfield Road, Hinckley. The stainless steel flue is located on the north eastern elevation and emerges from the building at a height of 2.6m above the ground level and projects above the eaves height by 1.6m. The flue has a diameter of 200mm and serves a clean burn, multi fuel stove within the building. The other flues are located to the rear of the building on the south western side and project from the roof by 0.7m.

The work has already been undertaken and the flues are in position so this is a retrospective application.

Amended plans have been received to show the existing other flues on the property. A re-consultation has been undertaken for 14 days.

The Site and Surrounding Area

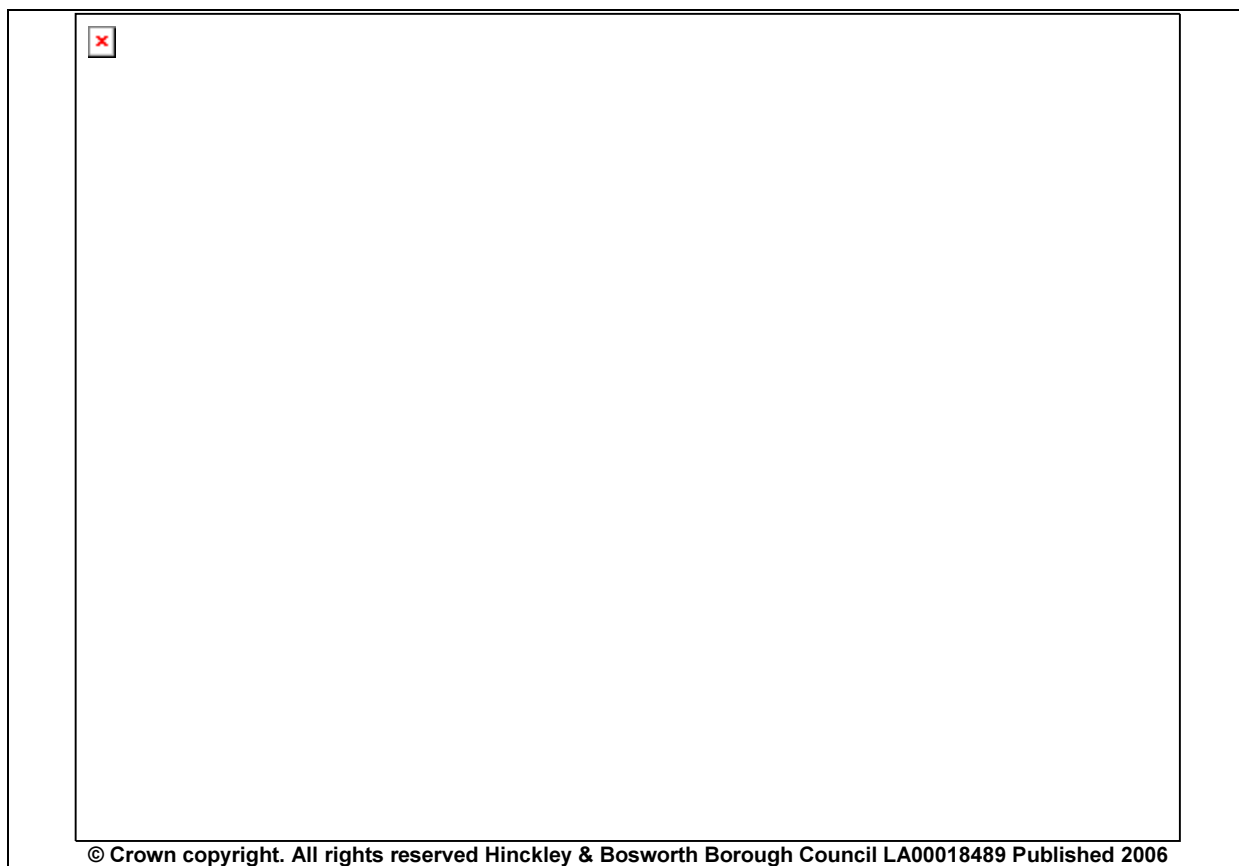
2 Southfield Road is a show room and offices for Dave Clarke Heating and Plumbing. This is a detached two storey building with a showroom and demonstration area. The fuels are connected to multi fuel stoves within the showroom area and demonstration areas. The application site is generally a residential area although there are pockets of commercial within the vicinity of the site (Manchester Hosiery at the junction with Queens Road and Southfield Road and Units off Parsons Lane), the immediate properties to the north are two storey semi-detached dwellings with a detached two storey dwelling to the south. Southfield Road is one of the main routes through Hinckley.

Technical Document submitted with application

None relevant.

Relevant Planning History:-

None relevant.



Consultations:-

Head of Community Services (Pollution) states that they have been investigating an enforcement complaint for over a year during which time officers have been called out 4 times to witness smoke. Officers were able to visit on two occasions but no significant problems were noted on the site. Whilst there are concerns that nuisance would be an issue if all burners were lit at the same time, the level of contact from the complainants over the year suggests that there may not be a significant detriment to the amenity of the area whilst the stoves have been in regular use.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010

Regional Policy Guidance East Midlands Regional Plan 2009

None Relevant.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE2: Pollution

Appraisal:-

The main considerations with regards to this application are the principle of development, design and scale; pollution; and impact upon neighbouring amenity.

Principle of Development

The flue is attached to an existing building within the settlement boundary of Hinckley. The principle of alterations to an existing building is considered acceptable providing the proposal complies with other relevant policies within the Adopted Hinckley and Bosworth Local Plan.

Design and Scale

The flue to the northeast elevation is a stainless steel 20cm diameter cylindrical flue with a cap on the top. The flue emerges from the building at 2.6m above ground level and 6.5m behind the front elevation. It then has a height of 3.3m projecting 1.3m above the eaves height but is lower than the ridge height. As such it is not visible from views from the south or south west. To the north number 52 Park Road partially screens views of the side elevation from the north-east. It is therefore not until you are level with the front of 50/52 park road that the flue is visible.

It is considered that due to its set back and minimal height the proposal is not overly dominant on the building and as a consequence does not have an adverse impact on the streetscene.

The flues on the south western elevation are located 19.5m from the front elevation and due to the proximity of the neighbouring dwelling at 2c Southfield Road, and the application building views are very limited. With the limited height of the flues, it is not considered that this element of the proposal would detrimentally affect the character or appearance of the property or streetcene.

The number of proposed flues due to their siting, minimal up-stand and appearance is not considered to result in a proliferation that would have a detriment impact upon the character or appearance of the building or the area as a whole. Accordingly the application is considered to be in accordance with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

Pollution – Air Quality

The applicant has stated the all the burners within the building comply with DEFRA regulations regarding clean air. Whilst an enforcement case has been open with Environmental Heath, it has not been possible to substantiate the complaint within the year it has been investigated. The applicant has been asked to provide information on how often the burners have been in use over this period, especially when one or more have been lit simultaneously. It is considered that given the length of time the flues have been investigated by Head of Community Services (Pollution) and the low number of complaints the proposal would not detrimentally result in a nuisance caused by air pollution to neighbouring residents surrounding the site and therefore the proposal is considered to comply with Policy NE2 and paragraph 109 of the NPPF.

Impact on Neighbours

Due to the scale and nature of the proposal it is not considered that the development would result in any overbearing impact on the neighbouring properties, namely 52 Park Road and 2a Southfield Road. The impact of any air pollution is considered above. It is therefore

considered that the proposal would not have an adverse impact upon the amenities of neighbouring occupiers and is therefore considered to be in accordance with Policy BE1 i of the adopted Hinckley and Bosworth Local Plan.

Conclusion

The flues are not considered to adversely impact the character or appearance of the building or area. It is not considered that the flues and attached appliances would result in an impact on air quality to the detriment of the amenities of neighbouring residents and due to their size and siting they do not result in overheating development. The proposed flues are therefore considered to comply with Policies NE2 and BE1 criteria a and i of the Hinckley and Bosworth Local Plan and the aims of the NPPF.

RECOMMENDATION:- Permit subject to no significant material objections being received prior to the expiry of the consultation period on 28 May 2012 and to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting and scale of the flues, the proposals are not considered to have an adverse impact on the appearance and character of the dwelling or streetscene nor the amenities of neighbouring residents.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 (criteria a) and NE2.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 12/41 01, 02, 03, received 4 April 2012 and drawing 12/41 04A received 11 May 2012.

Reasons:-

- 1 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 07

Reference: 12/00288/DEEM

Applicant: Hinckley And Bosworth Borough Council

Location: Unit B Fleming Road Hinckley

Proposal: THE ERECTION OF A TWO STOREY SIDE EXTENSION AND REPLACEMENT ALUMINIUM WINDOWS AND DOORS TO AN EXISTING OFFICE BUILDING, THE LOWERING OF THE EXISTING FLOOR LEVEL AND PART CLOSURE OF AN EXISTING CROSS DECK WAREHOUSE WITH NEW CLADDING AND ASSOCIATED ROLLER SHUTTER AND PERSONNEL DOORS, PALISADE FENCING, GATES AND CCTV CAMERAS, TOGETHER WITH PARKING FOR AMENITY SERVICES VEHICLES TO CREATE AN OPERATIONAL HEADQUARTERS FACILITY FOR COUNCIL SERVICES WITH ANCILLARY WASTE TRANSFER FACILITY

Target Date: 31 May 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

Full planning permission is sought for extensions and alterations to create an operational headquarters facility for Council services, with an ancillary waste transfer facility.

The site has previously operated as a cross dock warehouse facility, with associated offices to the front of the warehouse. The buildings are currently vacant and have been stripped back to the shell by the vendor.

The proposed works include:-

The erection of a two storey side extension projecting 5.1 metres in width by 5.65 metres in height to the existing office to the front of the site, including replacement panelling and aluminium windows and doors.

The warehouse to the rear is currently open sided and is set to be separated into three distinct parts:-

- a) an 'internal' store which is set to be provided with new cavity walling and brick work to the external elevations and one new roller shutter door and the lowering of the existing floor level
- b) a 'covered' store which proposes new palisade gates and fencing

- c) a store (open sided but with the canopy above) is to be subdivided into six waste storage bays, which will include an ancillary waste transfer facility.

The existing canopy is set to be retained over the length of the warehouse.

In respect of the proposed vehicle maintenance building, two new roller shutter doors are proposed in existing openings, with the exception of existing openings in the southern elevation which are proposed to be bricked up with brickwork to match the existing and a new window and door inserted into existing openings the eastern elevation.

An existing fuel tank and gas bottle store are proposed to be re-located from an existing site to the rear of the site and an existing vehicle maintenance building and wash area are set to be retained.

The gas bottle store measuring 3.1 metres in length by 3.7 metres in width and 2.45 metres in height is set to be constructed with mesh walls and roof with double lockable gates. The fuel tank measuring 3 metres in length by 4 metres in width to 3.1 metres in height comprising a pre-constructed unit with integral bunding and is set to be finished in painted steel.

The two existing site accesses are set to be retained and a designated one way route provided around the site, to ensure one entrance is for access and the other for egress. A new pedestrian access and crossing to allow navigation towards the reception is proposed to the front elevation along with 22 no. car parking spaces, 2 no. disabled car parking space, 10 no. motorcycle spaces and a cycle area is proposed for the office car park and an additional 5 no. car parking spaces adjacent to the internal store. CCTV cameras are also proposed.

Existing palisade fencing and gates are to be retained to the front boundary of the site and existing fencing is set to be retained to the eastern and western boundaries. A new fence and sliding gate are proposed in lieu of an existing fence and gate to the eastern elevation to allow access for amenity service vehicles and a new sliding gate with the existing fence on the western elevation to allow egress for the service vehicles.

The existing concrete yard slab will be retained and made good where necessary and appropriate and the front car park area will be retained made good and extended where necessary in matching material. The scheme does not involve any additional soft planting; however trees and shrubs within existing planted beds will be retained and enhanced where necessary.

During the course of the application the applicant has provided a Transport Statement and Travel Plan and re-consultation has been undertaken with the Director of Environment and Transport (Highways).

The Site and Surrounding Area

There are two existing accesses which are set to be retained to the northern periphery and the site is currently secured at all boundaries the boundary with existing palisade fencing.

The nearest residential properties are located to the south of the site along Coventry Road. There is an existing small bank and number of mature tree specimens to the southern boundary.

Beyond this is an area of separation between the site and residential properties to the south containing a number of mature tree specimens which are subject to the Hinckley and Bosworth Borough Council Town and Country Planning Act – Hinckley Coventry Road, Tree

Preservation Order 1997. Those trees are identified as 'G1' do not relate to the application site.

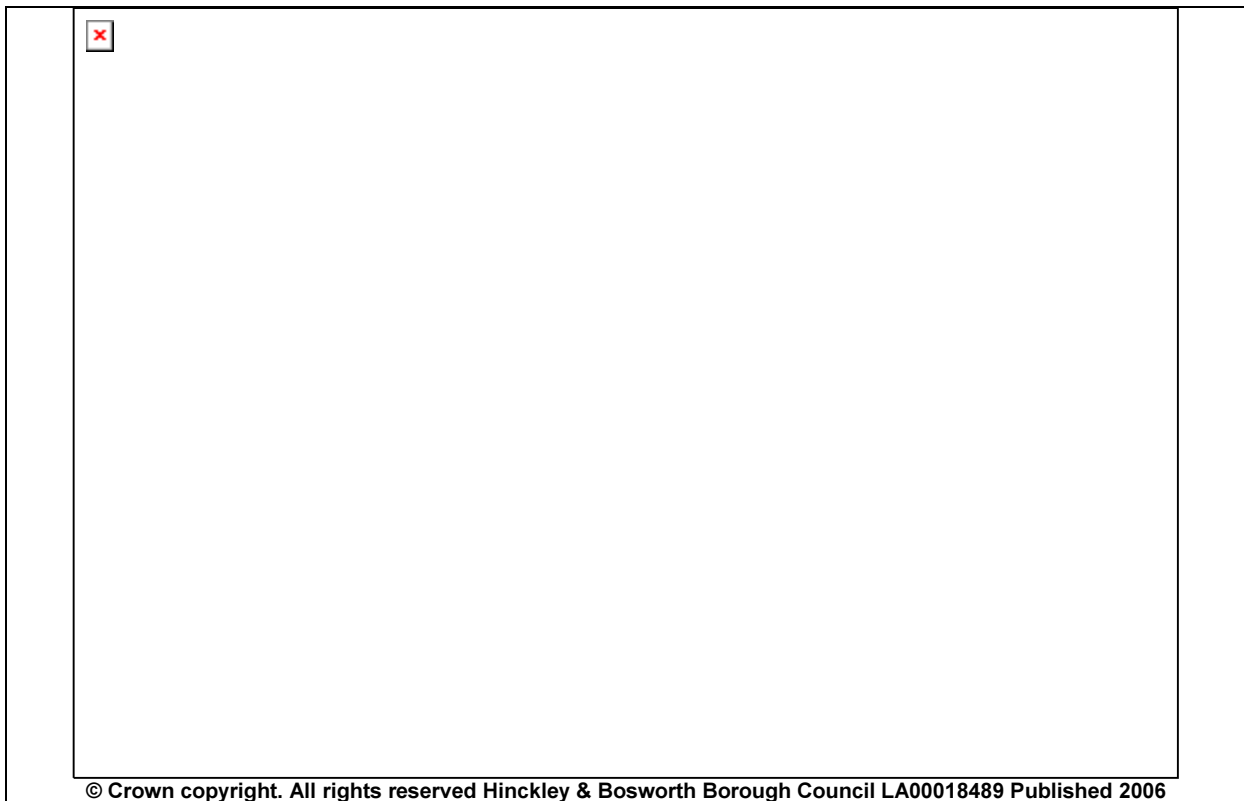
The site is located within the Harrowbrook Industrial Estate which is a designated as an employment area and is located within the settlement boundary of Hinckley, as defined in the Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

A Design and Access Statement
Tree Survey
Ecological Survey
Bat Survey
Phase 1 Desk Study Report (land contamination)
Environmental Noise Impact Survey Report

Relevant Planning History:-

05/01114/FUL	Warehouse extension to existing factory	Approved	12.12.05
87/00658/4	Erection of boundary fence and use of land for trailer parking	Approved	28.07.87
78/00126/4	Erection of industrial unit for the manufacture of packaging machines	Approved	21.03.78
74/00493/4	Warehouse and ancillary office for Bullen's Transport Ltd	Approved	23.07.74



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Consultations:-

No objections have been received from:-

Severn Trent Water Limited
Environment Agency
Directorate of Chief Executive, LCC (Ecology)
Head of Community Services (Land Drainage)
Waste Planning Authority
The Borough Council's Arboricultural Consultant

No objection subject to conditions from:-

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

Site notice displayed and neighbours notified.

One letter of objection has been received raising the following concerns:-

- a) the re-location of the wash point – a more cost effective way saving public money is the use of a screen and septic tank which has been used in many commercial vehicle sites – it reduces noise, spray and the spread of dirt
- b) impact upon residents:- the existing bun and line of trees, - the lower branches have disappeared just leaving a trunk which offers little acoustic value; the wooden fence to the rear of the estate with the residents is breaking down in parts and in one place has been replaced by a metal railed fence
- c) who is to be responsible for the bund or tree line? If it is in multiple ownership/responsibility Hinckley and Bosworth Borough Council should be the owners and establish a maintenance scheme the cost of which could be covered from the sale of the Middlefield site, along with a levy on the businesses whose premises back onto the bund and tree line
- d) issues of safety following a reasonably significant increase in vehicular traffic in and out of the industrial estate; It is time for Hinckley and Bosworth Borough Council to stand up LCC Highways and insist on a more co-operative approach; you only have to look at the Nuts Lane development
- e) Hinckley and Bosworth Borough Council have given consideration as to the access and egress of vehicles into the industrial estate which is reasonable, but it fails to address the potential of collisions caused by vehicles leaving the Dodwells as speeds in excess over 30 mph to go down Coventry Road and ignore the flashing 30 mph sign
- f) Hinckley and Bosworth Borough Council could do a number of things to see steps to reduce the risk:-
 - push to get the Speed Camera Vehicle located near to the industrial estate, it has been agreed that the Camera Van will at some stage be deployed on the Coventry Road on the south side of the canal
 - budget comes into most things but with the anticipated financial benefits from the proposed move, Hinckley and Bosworth Borough Council could afford to cover the cost of deployment for many times
 - this would serve to let motorists know that they cannot flout the law and would suffer consequence of doing so; speed watch figures from last year show a very large number of vehicles travelling well in excess of 35 mph, which is the apparent deviation allowance

- Hinckley and Bosworth Borough Council could even fund the installation of a Dummy Cameral, which could if need be activated later.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy NE17: Protection of the Water Environment from the Development of Contaminated Lane

Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians

Policy T10: Secure Cycle Parking Facilities

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Employment Land and Premises Study identifies Harrowbrook Industrial Estate as category 'A':- A key/flagship employment area which should be retained for 100% employment use.

The Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies document (WDF Core Strategy).

Appraisal:-

The main considerations with regards to this application are the principle of development, layout, scale and design, impact upon residential amenity, environmental considerations, highways considerations and ecology,

Principle of Development

Harrowbrook Industrial Estate is an established designated key local employment area and the site is therefore subject to the controls of Saved Policy EMP1 of the Local Plan. Policy EMP1 states that where employment sites are of importance to the economy of the Borough, and their operation presents no significant environmental problems the Borough Council will actively seek to ensure the retention of employment uses on this site. The site is also

identified in the Employment Land Study to be retained for employment use at a rate of 100%.

The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Policy EMP1 is considered to have limited conflict with the NPPF when considered in the context of the Employment Land and Premises Review (2010).

In summary, the site is an industrial estate and as such the principle of an operational headquarters facility with an ancillary waste transfer facility is considered acceptable. There is no in-principle objection to the use and the proposed extensions and alterations, subject to all planning matters being adequately addressed.

Layout, Scale and Design

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. Criteria a) – i) of Policy BE1 - Design and Siting of Development is considered to have limited conflict with the NPPF and as such should be given weight in consideration of this application.

The general layout of the site is largely set to remain un-changed – with the office building to the front of the site and ancillary operations to the rear including the retention of the vehicle maintenance building and vehicle wash area.

In respect of the office building facing Fleming Road this currently consists of blue and buff bricks with part removed brown framed windows and doors, complete with white infill panels.

The two storey office block to the front of the site is set to be extended to the eastern elevation by approximately 5.1 metres in width by 5.65 metres in height, in line with the footprint and height of the existing office building.

The materials proposed for the existing office and proposed extension are blue and buff brickwork to match the existing building and the scheme proposes panelled and aluminium double glazed window and door units polyester powder coated finish colour RAL 7012 with a glazed canopy porch entrances. The proposed new windows reflect the proportions of the existing adjacent openings. The panelling and aluminium units will incorporate the Hinckley and Bosworth Borough Council corporate colours. By virtue of the extensions siting, scale and proportions it is considered to reflect that of the existing office building and overall the external alterations to the office building are considered to be a visual improvement over that of the existing.

In relation to the warehouse to the rear, the scheme effectively subdivides the existing warehouse into three distinct elements, although the scale of the scheme remains un-changed. The existing cross dock warehouse and separate maintenance building consist of buff facing brick with brown profiled metal cladding and the previous roller shutter arrangement and external doors have been previously removed. The scheme proposes new brickwork and new palisade fencing and gates. The changes are relatively minor in comparison to the scale of the proposal and intend to use materials to match the existing brickwork. The roller shutter doors and pedestrian doors are considered acceptable in scale and would not be visually prominent from the north or south of the site given their positioning to the side.

In respect of the proposed vehicle maintenance building, two new roller shutter doors are proposed in existing openings, existing openings in the southern elevation are proposed to

be bricked up with brickwork to match the existing and a new window and door inserted into existing openings the eastern elevation. Given that the openings already exist it is not considered that there would be any significant changes upon the external appearance of this building.

The Gas bottle store and fuel tanks to be re-located to this site are considered small in scale and will be positioned to the rear of the bays and would not be visible from the north due to the building itself providing screening and due to the presence of mature screening to the rear.

In relation to hard landscaping, the existing concrete yard slab will be retained and made good where necessary and appropriate and the front car park area will be retained made good and extended where necessary in matching material. Existing footpaths will be extended to incorporate the new side extension and will provide appropriate access where necessary to allow access from the disabled parking bays and defined pedestrian cross point within the car park. In respect of soft landscaping, trees and shrubs within existing planted beds will be retained and enhanced where necessary.

In summary, the proposed office extension accords with the general siting and scale of the existing office building, both of which as a result of the proposed works would represent a visual improvement over the existing external appearance of the building. The works proposed to the warehouse building and vehicle maintenance are considered to be relatively minor and the footprint of the building is not to be altered. The proposed works would not be visually prominent and the materials proposed are intended to replicate those used on the existing building and is therefore considered acceptable for this industrial estate setting. The scale, design and materials of the gas bottle store and fuel tanks is also considered acceptable for this industrial setting. As such, the scheme is considered to be in accordance with guidance contained with the NPPF and Saved Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

Criteria i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties and is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The nearest residential properties are located to the south of the site along Coventry Road. An objection has been raised in respect of the bund and line of trees to the rear of neighbouring properties.

The environmental noise impact assessment submitted as part of the application detailed that conclusions could not be made on the attenuation afforded by the existing bund or fence on reducing noise impact on adjacent residential properties. Calculations on limited measurement were used to predict such attenuation. In addition, the line of site was unsure from first floor windows of houses on Coventry Road to the site which also affected the understanding of attenuation from the bund and fence. Further investigation and monitoring could have been undertaken to fully understand the attenuation afforded by the bund and fence. However, the report concluded that based on the predicted attenuation afforded by the bund and fence, that this was not necessary.

The Head of Community Services (Pollution) has reviewed the monitoring results and cannot find any reason to disagree with the conclusion provided within the environmental noise impact assessment. The report detailed that increasing the height of the existing fence and double skinning the laps would improve attenuation. The Head of Community Services

(Pollution) also states that this option could be used as a contingency plan should complaints arise during operation and although not justified as a requirement to which they would recommend a planning condition, they feel that improvements to the fence as discussed within the report and above should be considered by the applicant to offer maximum attenuation to residents on Coventry Road.

In respect of external lighting a condition is recommended to secure the full details including a layout plan with beam orientation and a schedule of equipment proposed in the design luminaire type, mounting height, aiming angles and luminaries profiles. As such any potential impacts upon residential amenity will be mitigated at this stage.

In response to the neighbouring letter of objection, the applicant is prepared to repair the existing fencing along the boundary. Some works are proposed to a small section of the existing bank to be cut back and re-graded and infilled with concrete slab. The 25 no. Leyland cypress and 1 no. Corsican pine to the southern border fall within the application site and within the applicant's ownership.

In summary, the proposed works are considered to have minimal impacts upon the amenity of neighbouring residents. As such, the scheme is considered to be in accordance with guidance contained within the NPPF and Saved Policies BE1 (criteria i) and Policy BE26 of the adopted Hinckley and Bosworth Local Plan.

Environmental Impacts

Saved Policy NE17 is considered to be generally consistent with the NPPF and as such has limited conflict with it.

The application has been accompanied by a waste transfer station working plan, desk study report (land contamination) and environmental noise impact assessment which have been considered by the Head of Community Services (Pollution) who raises no objection subject to the imposition of conditions.

The first condition was "Asbestos removal shall be undertaken in line with current legal requirements and best practice to ensure that the contamination of land on site does not occur. A method statement and post removal report shall be submitted to and approved in writing by the LPA."

When considered in light of the guidance in circular 11/95 the condition is found to be unreasonable and un-necessary for the purposes of planning as it seeks to deal with the removal of asbestos which is a matter for which there are other legislative controls. In addition Policy NE17 provide no justification for the imposition of this condition as this relates to the protection of water from contamination.

The second condition requested was "If during development, contamination not previously identified is found to be present at the site, no further development shall take place until a 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."

Circular 11/95 makes it clear that un-identified contamination can only be controlled where there is a suspicion of contamination. No evidence has been provided by the applicant or the Head of Community Services (Pollution) to raise such a suspicion. The condition would therefore be unreasonable and for that reason should not be imposed.

In summary, it is not considered necessary to impose such conditions and the scheme is considered to be in accordance with guidance contained with the NPPF and Saved Policy NE17 of the adopted Hinckley and Bosworth Local Plan.

Highway Considerations

Saved Policies T5, T9 and T10 are all considered to have no or limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The accompanying Design and Access Statement has confirmed that the site will operate a strict one way system, with vehicles entering the site via one entrance and leaving via the other. Pedestrian access to the site will be via a new gated entrance within the existing boundary fence. A designated pedestrian crossing point will then provide safe access from the boundary across the car park area to the front of the office block where the main entrance and secondary entrance are located. Non operational car parking will be provided to the front of the office block, complete with two disabled parking bays located adjacent to the main entrance. The route from the disabled bays to the entrance will be fully accessible with provision for motorcycle and cycle parking to be adjacent to the office block.

It is considered that this arrangement ensures that pedestrians and vehicles and operational and non operational works remaining separate where possible.

The Director of Environment and Transport (Highways) considered the scheme and raised no objection subject to the imposition of a condition requiring that a Transport Statement and Travel Plan have been provided. This was submitted by the Council and was considered to be acceptable and therefore no condition is required.

In response to the letter of objection advising of a number of ideas to improve highway safety, the Director of Environment and Transport (Highways) has stated that it is not reasonable to expect a developer to address pre-existing highway problems except where we have clear evidence that the proposed development would exacerbate these existing problems. The Director of Environment and Transport (Highways) has confirmed that in this case, no evidence has been submitted to demonstrate that speeding is a problem on Coventry Road and even if it had been, that it is not possible to link this to the proposed development, the Highway Authority therefore would not be able to demonstrate that this development would exacerbate speeding on Coventry Road.

In summary, it is not considered that there would be any significant impacts upon highways safety and the scheme encourages walking and cycling and secure cycle parking facilities. Accordingly the development accords with Saved Policies T5, T9 and T10 of the adopted Hinckley and Bosworth Local Plan.

Biodiversity and Ecology

The application has been accompanied by a Tree Survey Report detailing trees of a moderate and low quality that are to be retained and those to be removed. Two trees along the southern border (T3 and T5) and three to the northern border (G16) have been identified as weak and of no remaining life expectancy and therefore are recommended for removal. The remainder of the trees have been identified as being of moderate and low quality and the 25 no. Leyland cypress and 1 no. Corsican pine to the southern border are set to be retained. The Report also sets out the proposed works to each tree.

The trees proposed for removal are not considered to be worthy of protection, the recommended works to the retained trees are considered acceptable and the development is

not considered to significantly impact upon the Root Protection Areas of Crown Spread of the existing trees and therefore no further consideration or condition is required.

The application has been accompanied by an ecological statement and bat survey statement which have been considered by the Directorate of Chief Executive, LCC (Ecology) who states that the site was checked for signs of roosting bats, nesting birds and great crested newts and there were no signs of these protected species during the survey and no recommendations were necessary. As such the Directorate of Chief Executive, LCC (Ecology) is satisfied that protected species will not form a constraint to this application, however as it is now the bird-breeding season there is potential for birds to exploit the building to nest in, and should birds be nesting within the building work a note to applicant has been included stating works must be postponed in the area until the young have left the nest.

In summary, it can be concluded that the proposal will not have any adverse impacts upon any sites of ecological importance or protected species. Accordingly it is considered acceptable in relation to guidance contained within the NPPF.

Conclusion

In conclusion, the principle of extensions, alterations and works to this proposed use within an established industrial estate is considered acceptable. It is considered that there would not be any significant material impacts upon visual amenity, residential amenity, protected species or highway safety. The land contamination, asbestos and lighting in terms of the potential risk to the environment will be assessed through details secured by planning conditions. There are no other material impacts which have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity, protected species or highway safety.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, BE1, BE26, NE17, T5, T9 and T10.

- 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 following details: Location Plan Drawing No. (LP) 02 Rev C; Block Plan Drawing No. (LP) 03; Proposed Site Plan Drawing No. (D) 01 Rev A; Proposed Floor Plans of Office Area and Part Storage Area Drawing No. (D) 02

Rev A; Proposed Office Area Elevations Drawing No. (D) 04; Proposed Main Building Elevation Drawing NO. (D) 03 Rev A; Proposed Vehicle Maintenance Building Plan & Elevations Drawing No. (D) 06 and Measurement of Land & Levels Drawing No. (SY) 04 received by the Local Planning Authority on 5 April 2012.

- 3 The types and colours of materials to be used on the external elevations of the proposed development shall be strictly those specified within the submitted application.
- 4 Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaires profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.
- 5 Before the first use of the development hereby approved, the car parking, disabled car parking, and motorbike car parking provisions shall be carried out in accordance with the submitted plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car and motorbike parking, respectively.
- 6 Prior to the development first being brought into use details showing covered cycle storage facilities shall first be submitted to and approved in writing by the Local Planning Authority, and the approved cycle spaces shall not be obstructed and shall thereafter permanently remain available cycle parking, respectively.

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 (criteria a) of the adopted Hinckley and Bosworth Local Plan.
- 4 In order to mitigate against any potential impacts upon residential amenity in accordance with Policy BE1 (criteria i) and Policy BE26 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking facilities are available and to encourage alternative transport choice in accordance to accord with Policies T5, T9 and T10 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate cycle parking facilities are available and steps are taken to encourage alternative transport choices in accordance to accord with Policies T5, T9 and T10 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If it does not already do so surface water runoff from access, roads, parking, turning, loading and fuelling areas shall be routed through suitably sited fuel/oil separators before discharge to receiving waters.
- 6 If it is the bird-breeding season during works, there is potential for birds to exploit the building to nest in, and should birds be nesting within the building, work must be postponed in the area until the young have left the nest.
- 7 The site will require an Environmental Permit which will need to be applied for and granted prior to the commencement of any waste activities on site.

The applicant is advised to contact a member of the Birmingham, Lichfield and Tamworth Waste Team for further information on permitting (Team Leader Jane Woodhall 01543 444161).

The Environmental Permit will determine the requirements for the site drainage and the condition of the surface where waste is stored - This is more than likely to be an impermeable surface with sealed drainage.

Any areas used for the maintenance of plant and equipment should only be carried out on an impermeable surface with sealed drainage. Spill kits should also be available in case of spillage.

The storage of oil needs to be compliant with the Control of Pollution (Oil Storage) Regulations 2005.

Contact Officer:- Ebony Mattley Ext 5691