

**PLANNING COMMITTEE**

**11 November 2014**

**RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER**

**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:** 14/00475/OUT  
**Applicant:** Mr Terry McGreal  
**Location:** Land Off Dorchester Road, Sherborne Road and Illminster Close Burbage  
**Proposal:** Residential development (outline - access only)  
**Target Date:** 9 September 2014

**RECOMMENDATION:** - Grant subject to conditions and S106 obligations.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application and representations have been received from occupiers of more than five properties.

Application Proposal

Outline planning permission is sought for residential development with access. All other matters are reserved. The indicative layout suggests that the development could be approximately 73 dwellings.

20% affordable housing is proposed which based on 73 dwellings would provide 15 affordable dwellings and 58 private market dwellings.

Vehicular access is proposed from Dorchester Road, Sherborne Road and Illminster Close to the west of the site.

The indicative layout suggests a mix of dwellings with formal and informal play and open space located to the centre of the site.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered by mature hedgerows. The site is approximately 5.6 hectares in size. It lies adjacent to, but beyond existing residential development to the east of Burbage. The site itself is mostly flat and level. The topography of the area changes rising up to the south west towards the centre of the village of Burbage which is located approximately 800 metres from the site.

Access would be formed from the existing cul-de-sacs of Dorchester Road, Sherborne Road, and Illminster Close which connect to Salsbury Road. The Leicestershire Round public right of way runs south east across the site and is accessed from the end of Sherborne Road.

The site falls outside of, but adjacent to, the settlement boundary of Burbage, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

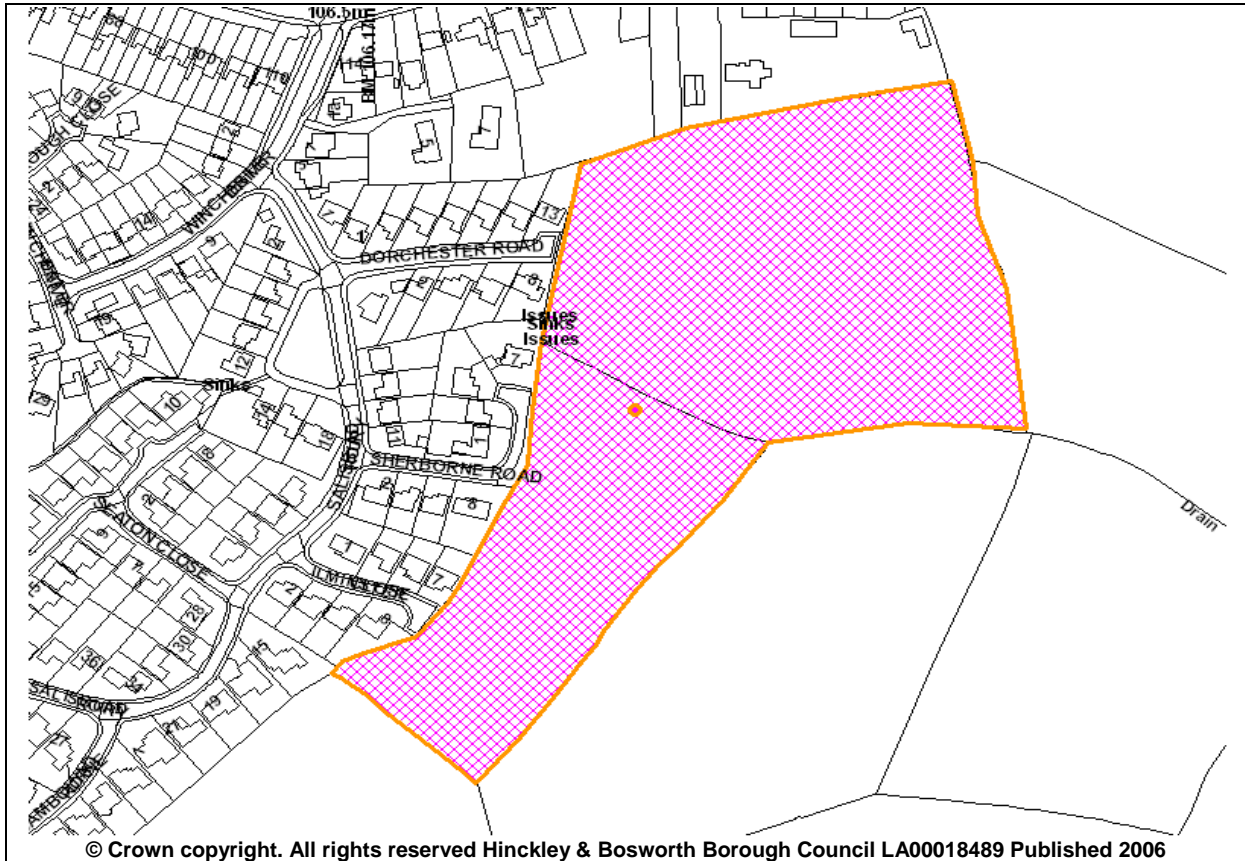
Technical Documents submitted with application:-

Design and Access Statement

Planning Statement  
Ecology Report  
Flood Risk Assessment  
Planning Statement  
Archaeology Survey  
Transport Statement  
Landscape Visual Impact Assessment.

**Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection subject to conditions has been received from:-

- Environment Agency
  - Severn Trent Water
  - Leicestershire County Council (Highways)
  - Leicestershire County Council (Public Rights of Way)
  - Leicestershire County Council (Minerals)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Archaeology)
  - Environmental Health (Pollution)
  - Environmental Health (Land Drainage)
  - Head of Business Development and Street Scene Services (Waste Minimisation)
- Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Burbage Parish Council has raised the following objections:-

- a) The site is located outside of the settlement boundary and is an unallocated greenfield site.
- b) The site is located in an area of separation and the proposal is therefore contrary to the Burbage Village Design Statement.
- c) The site is located in an area which is important to the people of Burbage whose leisure and recreational land has been gradually eroded through recent development activity
- d) Hinckley & Bosworth Borough Council's Landscape Character Assessment states that open countryside abuts the core of the village to the east, enhancing the rural character of the settlement. In addition, the close relationship between the village and open landscape to the east is of key importance and this should be protected and preserved. This is reinforced by the Burbage Village Design Statement which seeks to preserve the remaining green fields that embrace the view of St Catherine's Church which is highly valued by residents.
- e) This development would have a severe and deleterious impact on the character of Burbage resulting in an adverse urbanising effect of the landscape, resulting in harm to the intrinsic character and beauty of the open countryside contrary to the requirement of Saved Policy NE5 and Paragraph 17 of the NPPF.
- f) The individual character of the village should be maintained and the rural vista should be protected to meet the leisure and recreational needs of the community.
- g) Residents feel strongly that the existing settlement boundary should be maintained and the remaining green fields around the village should be retained.
- h) By developing this area for housing the benefits, both social and environmental, will be lost forever. The proposal is not considered to be in accordance with sustainable development objectives of the NPPF, especially in relation to Section 8 'Promoting Healthy Communities'.
- i) The proposed area for development would extend the settlement boundary unacceptably towards the M69 corridor resulting in a major loss of open space and valuable agricultural land.
- j) The site is identified in HBBC's Strategic Housing Land Availability Assessment as 'having significant heritage potential'. It is possible the site may prove undevelopable due to the significance of heritage assets and that the site is unsuitable because development would be detrimental to the relationship between the village and the open landscape which is of key importance as defined by the Landscape Character Assessment.
- k) The adopted Core Strategy Issues, Vision and Objectives (paragraph 3.29) aim to preserve and enhance natural habitat and biodiversity with a strong need to provide protection and enhancement. Core Strategy Policy 4 also states that it seeks to protect and preserve the open landscape.
- l) Public footpath (U56) part of Leicestershire Round runs through the site at present provides access to a continual span of agricultural open space and open countryside for local residents to enjoy. It is extensively used and valued by many in recreational activities. This development would change the character of the footpath and harm the recreation resource contrary to Burbage Village Design Statement where wildlife habitats should be protected and enhanced.
- m) Policy NE5 of the Local Plan 'Development in the Countryside' states that 'the countryside will be protected for its own sake, however planning permission may be granted only where it does not have an adverse effect on the appearance of character of the landscape and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.' This development will have an adverse impact on the character of the neighbourhood. The character of the village is defined not just by its buildings, walls and trees but also the spaces and views between them as they contribute to the setting and these characteristics should be maintained.
- n) The NPPF core planning principles include:- allocation of land for development should prefer land of lesser environmental value; encourage the effective use of land by reusing

land that has been previously developed (brownfield land) provided that it is not of high environmental value; conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations; empower local people to shape their surroundings. This development proposal does not support any of these core planning principles.

- o) The Hydrology & Hydraulic Modelling Report presented with this application confirms the Environment Agency do not currently hold a hydraulic model of the Soar Brook tributary at this location and therefore cannot provide any modelled flood levels for the extent of floodplain area and there are real concerns for the risk of flooding on this site and the adjacent area if the development is allowed.
- p) The vehicular traffic associated with the proposed development will result in an unacceptable adverse impact upon the amenities, not only for those properties immediately adjacent to the proposed site, but also for all occupiers of dwellings in Dorchester Road, Sherbourne Road, Illminster Close, Salisbury Road, Cambourne Road, Seaton Close, Sapcote Road, Ashburton Close and Winchester Drive.
- q) There are a number of serious highway concerns as the road network surrounding the proposed site is already extremely congested at peak times. The exit route from the proposed site would lead on to either Sapcote Road (B4669) or onto Hinckley Road (B578) via Woodland Avenue, both of which cause great concern for road and pedestrian safety as speeding traffic causes problems along Sapcote Road particularly at the bends and the junction with Winchester Drive; the Woodland Avenue junction with Hinckley Road is notoriously dangerous, with limited visibility and on street parking causing further problems in this area.
- r) The feeder roads to the proposed development site are totally unsuitable for heavy construction traffic routing and will cause an unacceptable level of noise and disturbance that will be significantly detrimental to the amenities enjoyed by the occupiers of neighbouring properties.
- s) The community feeling is strongly against this application proposal and Burbage Parish Council supports the principles behind the Government's Localism Act in devolving planning decisions to the local community.

Councillor Michael Mullaney has raised the following objections:-

- a) Access to the new development will be via three cul-de-sacs which are not suitable to become general thoroughfares and it will require only a few cars parked on these roads to inhibit access by emergency service vehicles. The added traffic on these roads is a safety concern for residents currently living in them, especially those with children or elderly relatives.
- b) The proposal will lead to more traffic congestion, in particular the difficulty that residents face gaining access to Sapcote Road from Winchester Drive. Additional vehicles will lead to further delays, frustration and risk taking by motorists. At the very least this development should be conditional on the installation of traffic lights at this junction.
- c) The junction is dangerous with the undersized lane for turning right into Winchester Drive, on a bend at a narrow part of the road. Oncoming drivers do not spot right turning vehicles soon enough and cut the corner into this abnormally narrow right turning lane.

David Tredinnick MP has raised the following objections:-

- a) Hinckley & Bosworth Borough Council's long delay in adopting a Site Allocations Development Plan Document following adoption of a Core Strategy in 2009 has led to a position where the authority is unable to demonstrate a five year supply of allocated housing land.
- b) It was my understanding that building the Sustainable Urban Extensions in Barwell and Earl Shilton would ease pressure for development elsewhere. Despite the Council granting permission for up to 2,500 new homes in Barwell in April 2013 the situation in

other areas has only deteriorated with Burbage being badly affected by developers wishing to take advantage of the Site Allocations issue.

- c) The Core Strategy required a minimum of 295 dwellings in Burbage in the years up to 2026. Given the excessive amount of development allowed in the settlement, how much more can the community accept?
- d) The Core Strategy seeks to ensure that new development does not place increased pressured on Burbage and the wider area's infrastructure which, even without the addition of more new housing, is already operating beyond capacity. This is a critical issue in terms of transport, water supply, drainage and power stretched to such an extent that there must be serious questions about the sustainability of yet another major housing development in Burbage.
- e) The proposal will have a significant impact on local roads with greatly increased vehicle movements adding to existing congestion and the intensification of highway safety issues. The proposed accesses to the site are currently quiet narrow residential cul-de-sacs. These residents will face noise nuisance, road safety issues and stress if this development is allowed.
- f) During peak travel times there will be safety implications in respect of the junction of Winchester Drive and Sapcote Road. The junction is on a bend where the carriageway narrows and is made narrower by an under sized lane for turning right into Winchester Drive.
- g) There are also issues in respect of drainage and potential flooding.
- h) The amenity of local residents will be severely impacted if this development is allowed. Given the infrastructure constraints, this proposal represents an unsustainable incursion into a greenfield site outside the settlement boundary at the expense of valued undeveloped land which will impact upon the character and community of Burbage.
- i) The unsustainable nature of this proposed development is a key consideration when viewing the application in terms of the NPPF. Sustainability should be examined in terms of the cumulative impact of the development for Burbage and surrounding communities. The need for sufficient infrastructure improvements to support the development is a key material consideration. The recent extent of development in Burbage with further permissions pending appeals a great deal of weight needs to be applied to this factor when making a decision.

201 letters of objection were received from local residents. Summary of comments received:-

- a) The location of the proposed development is incompatible with Policy 4 of the Core Strategy.
- b) Premature to emerging Site Allocations Development Plan Document and Burbage Neighbourhood Plan.
- c) The Core Strategy and Village Design Statement states that the countryside to the east of Burbage should be protected and not developed.
- d) There are numerous brownfield sites in Hinckley which should be preferred.
- e) There are already a large number of new housing developments in Burbage and the requirement to build new houses is fulfilled for the next decade or so.
- f) There is no housing need in Burbage and further housing development outside the settlement boundary is not required to meet the 2026 Core Strategy target.
- g) The development would contradict with the Government's definition of sustainable development which involves positive growth - making economic and social progress for this and future generations and which produces change for the better. If the development is to be sustainable it must not overburden local services and this proposal must be seen in the context of several other recent residential and commercial developments that have overburdened local resources and services.
- h) The development would provide a precedent for further development on the adjacent land that Jelison controls.

- i) Key amenities such as schools, doctors and dentists are already at capacity, further housing in the area will only strain these essential services further.
- j) Developer contributions are not adequate to deal with the impacts to local infrastructure and services.
- k) The development would impact upon local infrastructure such as education availability. Burbage primary schools are already oversubscribed which would be exacerbated by families moving into the area. Health care and police presence is also stretched.
- l) There are limited play facilities for children on the proposed development.
- m) Loss of agricultural land.
- n) The development will have an impact on local wildlife, with natural habitat being destroyed and ecology destroyed.
- o) There are numerous butterflies, green woodpeckers, bats, owls and other important wildlife species that have been seen on the site.
- p) An Environmental Impact Assessment is required as an un-cultivated grassland over 5 hectares has remained uncultivated for 15 years and grassland is an important feature in the UK Biodiversity Action Plan.
- q) The development would pose an increased flood risk.
- r) The proposed development is on a site with poor drainage and will increase the risk of saturation, water pooling and flooding to existing properties.
- s) During peak times of travel the traffic in both Burbage itself and the surrounding area is already becoming an issue due to the high volumes of traffic. The traffic survey does not accurately reflect the high volumes of traffic and congestion that occurs at peak times.
- t) Traffic already rat-runs through the village centre, this will make the problem worse. Vehicles speed down Salisbury Road using this as a shortcut to avoid queuing traffic.
- u) Dangerous for children walking to school.
- v) Width of the access roads not suitable for traffic of new development.
- w) The lack of a slip road heading towards Coventry on the M69 from Aston Firs causes traffic to cut through Burbage to the M69/A5 junction.
- x) The exit from Woodland Avenue is within 200 yards of a school crossing point with the road congested because of parking on each side.
- y) Turning out of Salisbury Road to Sapcote road is already busy and congestion and this development will make the situation worse.
- z) The proposed houses are out of character and would not fit in with the scale of surrounding houses.
- aa) 3 storey town houses are proposed which would be out of character.
- bb) Inadequate parking facilities proposed as all three bedrooms should have at least two spaces plus a garage.
- cc) The density for the proposal is 21 dph whereas the Core Strategy recommends 40 dph.
- dd) The density of housing proposed is too high in a low density area.
- ee) Proportion of social housing is too high and all of Dorchester Road.
- ff) Development represents a risk to locally important archaeology and heritage.
- gg) Loss of separation between Burbage and Aston Flamville, threatening the identity and separation of both communities.
- hh) Noise and disruption from heavy lorries whilst the development is built.
- ii) ii) The proposed development would have a significantly detrimental impact on public and residential amenity for residents living close to the site and for the wider neighbourhood and community.
- jj) Would contravene Human Rights Act by loss of privacy and neighbouring hedgerow removal.
- kk) Dwellings proposed would affect neighbouring TV/Satellite reception.

**Policy:-**

National Policy Guidance



The National Planning Policy Framework (NPPF) 2012  
The National Planning Practice Guidance (NPPG) 2014  
The Community Infrastructure Levy (CIL) Regulations 2010.

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design and Technology.

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites  
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy NE5: Development within the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy BE1: Design and Siting of Development  
Policy BE16: Archaeological Investigation and Recording  
Policy T5: Highway Design and Vehicle Parking Standards.

Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space (SPD)  
Affordable Housing (SPD)  
Burbage Village Design Statement.

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) - Feb 2014  
Hinckley & Bosworth Landscape Character Assessment 2006.

**Appraisal:-**

The main considerations in the determination of this application are:-

- Principle of development
- Impact upon the character and appearance of the countryside
- Impact on residential amenity
- Highway considerations
- Flood risk & drainage
- Archaeology
- Ecology & trees
- Affordable housing
- Infrastructure improvements.

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material

consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- a. Approving development proposals which accord with the development plan without delay, and
- b. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- c. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- d. Specific policies in the NPPF indicate development should be restricted.

### Core Strategy

Policy 4 of the Core Strategy states that in Burbage land will be allocated for the development of a minimum of 295 dwellings focused primarily to the north of Burbage, adjacent to the Hinckley settlement boundary to support the Hinckley sub regional centre.

The residual minimum housing requirement for Burbage as of April 2014 is 46 dwellings.

Emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March 2014. Responses have now been received and a modification consultation document is likely to be put out to consultation in December/January before it is submitted for Examination in Public in early 2015. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage. This document will set out the allocation of sites across the borough to support the large scale delivery of housing planned for Barwell and Earl Shilton Sustainable Urban Extensions. Barwell SUE has a resolution to approve permission with ongoing negotiations taking place on the S106 Agreement. The Earl Shilton SUE is due to be submitted 2015.

The site was put forward in the Strategic Housing Land Availability Assessment Review 2013 as AS134 - Land to the East of Burbage. This site covered a much larger area (approx. 55.5 hectares). Whilst the heritage (archaeological) potential across the site was noted it was discounted as unsuitable because development would be detrimental to the relationship between the village and the open landscape which is of key importance as defined by the Landscape Character Assessment.

However, the SHLAA does not represent policy and does not determine whether a site should be allocated or granted permission for development; it simply determines which sites are suitable, available and achievable for housing development to inform the Site Allocations DPD.

### Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase

the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As at April 2014, the Borough Council does not have a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

### Local Plan

The site lies outside of the current settlement boundary of Burbage, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies afford only limited weight in consideration of the application. This is supported by the view of a Planning Inspector at Stanton under Bardon (ref: APP/K2420/A/13/2200224) where in that appeal it was considered that those policies were not NPPF compliant. However, this is one appeal decision and therefore this could be interpreted differently in different cases.

### The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic - It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure. The applicant has submitted information in support of the economic benefits of the proposal in creating jobs and Jelson's are a local employer within the Leicestershire area.

Social - The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a housing shortfall which would enhance the quality, vibrancy and health of the local community. The applicant has submitted information in support of the social benefits of the proposal in meeting a housing and affordable housing need.

Environmental - While the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built to reflect the character of the adjacent built area to the north and west. This point is appraised in further detail below. In addition, the impact of the development upon the countryside and landscape has been appraised in detail below where it is recognised that within the balance there would be a degree of landscape harm caused by the proposed development. The applicant considers that this is a high quality layout that is proposed which would contribute towards the built local environment.

Based on the above the scheme is considered to comprise a sustainable form of development, in accordance with the NPPF, and would contribute towards the Borough's housing shortfall and five year housing land supply.

### Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, these policies are considered to have limited weight and the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

In addition, Burbage has a residual requirement of 46 dwellings. It is accepted that this application for approximately 73 dwellings exceeds the 295 dwelling requirement as set out in Policy 4 of the Core Strategy by 27 dwellings. This policy is expressed as a minimum requirement to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need across the borough. Given the lack of a five year supply of deliverable housing sites which applies borough wide individual settlement allocations it could be considered that the housing allocations should be afforded little weight.

Whilst the comments are noted in respect of this being a greenfield site; and that brownfield sites should be prioritised for housing, it would not be possible for the Council to delivery its housing requirements on brownfield sites alone and therefore some greenfield sites in sustainable locations would need to be released in order to meet the borough's housing needs.

Comments have also been received in respect of a precedent being set for further development on the adjacent land if this permission is granted. Precedent is not a material planning consideration; however if subsequent proposals on the adjacent land were to come forward at a later date the Council would determine these on their individual merits. It would

not automatically mean therefore that permission would be granted on the basis of this proposal being granted permission.

The location of the site on the edge of the existing settlement of Burbage and close to the amenities and services both Burbage and the wider sub regional centre would result in a development that is in a relatively sustainable location for housing.

On balance, the development is considered to be acceptable in principle subject to all other material considerations being addressed.

#### Impact upon the Character and Appearance of the Countryside

As discussed above the site in policy terms lies outside of the defined settlement boundary for Burbage and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

Policy 4 of the Core Strategy states that to ensure development contributes to Burbage's character and sense of place and that the village's infrastructure can accommodate the new development, the Council will protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment.

The Hinckley & Bosworth Landscape Character Assessment 2006 states that the village heart of Burbage is highly sensitive with little capacity to absorb change. The close relationship between the village and the open landscape to the east is of key importance and this should be protected and preserved. The strategies as set out in the Landscape Character Assessment suggest that the local distinctiveness of Burbage should be protected and enhanced, that access and direct linkages to open countryside to the east should be enhanced and that the landscape structure which separates the village from the M69 corridor should be enhanced.

The design criteria i-iv within Saved Policy NE5 of the Local Plan remain generally relevant to development within the countryside and are considered to be consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The north and west of the site is bound by the defined settlement boundary of Burbage and residential development to the south of Sapcote Road, the east of Dorchester Road, Sherborne Road and Illminster Close. The proposal would involve building on a greenfield site on land beyond, but adjacent to, the settlement boundary.

The applicant has submitted a Landscape and Visual Impact Assessment in support of the proposal which concludes that overall the development of the site would have a limited effect on the wider landscape or countryside. However, this view is not shared and it is considered that there is a degree of conflict with Policy 4 of the Core Strategy which seeks to preserve the open landscape to the east of Burbage which provides an important setting for the village and which is underpinned by the Landscape Character Assessment. This

development would effectively extend the existing pattern of residential development to the east of the existing development boundary into open countryside which would change and alter the existing landscape setting of the village. This would result in a degree of harm and would conflict with this aspect of Policy 4 and the aspirations of the Landscape Character Assessment.

Furthermore the proposal would conflict with elements of the Burbage Village Design Statement SPD which states that the remaining wedge of sloping green fields embracing Aston Lane to the east of St. Catherine's Church is highly valued by residents and should be protected. This would prevent the merging of Lychgate Lane and Sapcote Road housing and maintains an attractive visual amenity of the Church from the east.

The proposal would result in a degree of conflict with criterion (a) of Policy NE5 of the Local Plan in so far as the development would have an adverse effect on the appearance and character of the landscape in this location by introducing built residential development into an area of current open countryside that is important for the setting of Burbage and its historic village core.

Therefore when considering the environmental dimension to sustainability as set out in the NPPF the proposal would result in a degree of harm to the landscape setting of Burbage by eroding the amount of open countryside to the east of Burbage which contributes to the rural setting of the village and its historic core.

Notwithstanding the above, the proposal would comply with criteria (b) and (c) of Policy NE5 in so far as it would be in keeping with the scale and character of existing buildings and its surroundings. The indicative scale and layout of the development is appraised further below but from a landscape impact perspective it would generally reflect the pattern and layout of existing residential development to the west and north. In addition, the fields surrounding the site are bounded by mature hedgerows interspersed with trees which provide a degree of landscape screening, which would help to soften the impact of the development proposed.

The landscape impact of the proposal is therefore finely balanced and it is recognised that there would be a degree of landscape harm arising from the proposed development that would conflict with part of Policy 4 of the Core Strategy, criterion (a) of Policy NE5 of the Local Plan and the Burbage Village Design Statement SPD. It is also considered that the proposed development would result in a degree of conflict with the environmental aspect of sustainability as set out in the NPPF through erosion of a landscape which is considered to be of value to local residents.

While the impact upon the character and appearance of the countryside is an important consideration, this needs to be balanced against other policy and material planning considerations as set out elsewhere in this report.

#### Siting, Design and Layout

Saved Policy BE1 (criterion a) of the Local Plan 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. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

Whilst the detailed design, siting and layout of the dwellings proposed has been reserved and will be considered as part of any forthcoming reserved matters application it is considered that the indicative layout proposed would offer the potential to provide a high quality development.

The pattern and layout of development would reflect the character and form of existing residential development to the west along Dorchester Road, Sherborne Road and Illminster Close which is mostly comprised of two storey detached dwellings set within spacious plots fronting the highway. The indicative pattern of development proposed would generally follow this arrangement maximising opportunities for natural surveillance, in-curtilage parking and landscaping to plot frontages. The development has an area of open space to the centre between Dorchester Road and Sherborne Road. This would provide an opportunity to provide a children's play area, pedestrian/cycle linkages through the development and informal open space.

The submitted Design & Access Statement indicates that a range of dwelling sizes are proposed that would generally be two storeys high with ridge heights ranging between 7.5 metres and 9 metres, with some three storey dwellings proposed with ridge heights of up to 12 metres. It is considered that dwellings at three storeys in height would be unacceptable and would cause further harm from a landscape perspective especially given that there are not any other three storey dwellings within the immediate surrounding area. This has also been raised as a concern by local residents. However, this would be subject to analysis and control at the reserved matters stage where the detailed scale, height and appearance of dwellings would be the subject of detailed consideration.

A condition has been imposed requiring that the development should be generally in accordance with the indicative layout proposed to ensure a high quality form of development is achieved.

It is considered that the layout proposed would result in a high quality form of development that would accord with Policy BE1 (criterion a) of the Local Plan and the overarching intentions of the NPPF.

#### Hard and Soft Landscaping

The application shows indicative landscaping details. Tree planting and detailed landscaping proposals would be negotiated once a landscaping scheme has been submitted as part of the reserved matters submission.

Details of wooden fencing, brick walls and general boundary treatment would be subject to consideration as part of the reserved matters application in order to ensure such treatment maintains privacy and is visually acceptable. High quality boundary treatments including brick walls would be required to plots where they face public spaces.

In respect of other visual elements the indicative layout and Design & Access Statement suggests that there is a mixture of frontage and side parking, and single and double garages which are subservient in scale and would use similar materials to the proposed dwellings.

In principle, the landscaping elements of the proposal comply with Saved Policy and BE1 of the Local Plan.

#### Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 40 dwellings to the hectare to be achieved within Burbage unless individual site characteristics indicate otherwise.

The developable site area is 3.46 hectares. 73 dwellings proposed would equate to approximately 21 dwellings per hectare which would be lower than required by Policy 16. However, given the importance of softening the impact of the development on the edge of the settlement to reduce the impact of the development on the landscape setting of Burbage,

the developer has provided spacious plot sizes to reflect the character of the surrounding pattern of development and to provide a degree of openness and given the location of the site at the edge of the settlement a lower density is considered to be acceptable in this instance.

The proposed mix is envisaged to include detached and semi-detached dwellings as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16. The detailed mix of house types would be agreed as part of a reserved matters submission.

### Affordable Housing

As the scheme is adjacent to an urban area, Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on the indicative layout of 73 dwellings, the provision would be for 15 affordable units; 12 units for social rent and 3 for intermediate tenure.

Burbage is an area where there is a high demand for affordable housing in the borough and as of April 2014 there are 490 waiting list applicants broken down into the following need categories: 246 applicants require 1 bedroom properties, 167 applicants require 2 bedroom properties, 65 applicants require 3 bedroom properties and 12 applicants require 4 or more bedroom properties

Currently there are 730 units of social rented housing in Burbage, 616 of which belong to the Council. These units consist of 20 x 2 bedroom bungalows, 61 x 1 bedroom bungalows, 147 x 1 bedroom flats, 61 x 2 bedroom flats, 51 x 2 bedroom houses, 244 x 3 bedroom houses and 1 x 4 bedroom house. The remaining 145 properties are warden assisted accommodation for older people. There is therefore a shortage of 2 bedroom properties in the area for general needs rent. As this development is adjacent to the urban area the Affordable Housing Officer has requested that local connection criteria under the Leicestershire Choice Based Lettings Scheme requiring applicants for affordable housing to have a local connection to the borough of Hinckley and Bosworth is included in any S106 Agreement.

The developer has detailed the mix of affordable dwellings to be provided at this stage. The final mix would be subject to the detailed design / layout of the scheme, which would be subject to reserved matters approval should this outline application be considered to be acceptable. In addition, in accordance with the Affordable Housing SPD a clause would need to be included in any S106 Agreement to ensure that the affordable housing is spread across the site in small clusters of four to six dwellings.

There is a demand in Burbage for affordable properties and the waiting list shows that there is an affordable housing need in this area. The applicant is proposing to deliver 20% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy. It is considered that the delivery of 20% affordable housing in this area is a material consideration that weighs in the balance of meeting the social needs of sustainability as supported by the NPPF.

### Impact on Residential Amenity

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.



The nearest residential dwellings adjoining the site to the west are Nos. 8 and 13 Dorchester Close, Nos. 1, 3, 5, 7 and 8 Sherborne Road and Nos. 7 and 8 Illminster Close. To the north of the site are the rear gardens of properties along Sapcote Road. No. 138 Sapcote Road sits close to the northern boundary of the site however the mature hedgerow and trees provide suitable screening.

The indicative layout suggests that the two dwellings proposed to the east of Nos. 8 and 13 Dorchester Close would follow the existing staggered building line with boundaries and gardens running in parallel to the gardens of these existing properties. As such it is not considered that these two dwellings would be impacted through overlooking or overshadowing.

Nos. 1, 3, 5 and 7 Sherborne Road would not have any dwellings sited directly adjacent to them but would face out onto the proposed area of public open space and landscaping. It is not considered that these properties would therefore be detrimentally impacted upon through overlooking or overshadowing. A dwelling is proposed to be sited adjacent to No. 8 Sherborne Road however given the siting and distance from the proposed adjacent dwelling to this property it is not considered that this would create an amenity issue.

Dwellings are proposed to sit adjacent to Nos. 7 and 8 Illminster Close which would be sited with sufficient separation distances to not have an impact through overlooking or overshadowing.

It is not considered that the proposed development would directly impact upon any individual dwelling through overlooking or overshadowing.

The concerns of neighbouring residents in respect of the increased disturbance from additional vehicle movements using these existing cul-de-sacs as a result of the development are noted and have been considered carefully. However, the number of additional trips generated as a result of the proposed development which is effectively split into two clusters separated by the open space, would not be significantly increased to a level that could be considered unacceptably harmful to the general amenity of properties within Dorchester Close, Sherbourne Road and Illminster Close.

A condition is proposed that would require the development to be carried out in generally in accordance with the indicative layout to ensure that the proposed layout of the development does not change to a point where it could create amenity impacts to neighbouring properties.

Subject to detailed considerations of the design and appearance of dwellings as part of the reserved matters application, the scheme, in principle, is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

### Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The applicant has submitted a Transport Assessment with traffic modelling carried out on junctions close to the site. The concerns raised by local residents are noted in respect of the impact of the development on the local highway network and the existing traffic and congestion problems that occur at peak times.

The scheme and the Transport Assessment has been considered by Leicestershire County Council (Highways) who states that whilst the B4669 Sapcote Road into Hinckley suffers from congestion at peak times, particularly at junctions closer to Hinckley town centre, the development would only generate small amounts of additional traffic and is not considered to have a severe impact. The site is within a reasonable walking distance of schools and Burbage village centre and has an hourly bus service with 400 metres walking distance of all dwellings. The Highway Authority therefore raises no objection to the scheme, subject to conditions and concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

The Highway Authority have considered that the width of the access roads along Dorchester Road, Sherborne Road and Illminster Close meeting the appropriate highway standards and are suitable for traffic of new development and would provide appropriate access for emergency vehicles.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to planning conditions, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

#### Public Right of Way

There is a public footpath which forms part of the Leicestershire Round (footpath U56) which crosses the site from Sherborne Road running in a south east direction across the site. The applicant is proposing to assimilate the public right of way into the open space to the centre of the site. Leicestershire County Council (Public Rights of Way) have considered the proposal and raise no objection to this footpath being diverted as part of the development but state that as the footpath is likely to see increased use as a result of the development it should comprise a minimum surfaced width of 2 metres with at least 1 metre of grass either side. The existing footpath fingerpost sign in Sherborne Road should be retained or replaced on a like for like basis with a kissing gate to facilitate enhanced public access should be installed at either end of the development.

It is accepted that part of the site where the footpath crosses over the fields will be used and valued by many locally for recreation and leisure. Whilst the character of the footpath will change as it crosses the site by incorporated into a more formalised open space area it would still be there and available for use for leisure and recreation.

Subject to the above it is not considered that the proposed development would impact upon the existing public right of way and that it would be enhanced and improved as part of the development.

#### Flood Risk & Drainage

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Environmental Health (Land Drainage).

The site lies within flood zone 1 (low risk) as identified on the Environment Agency flood maps as the site is at the headwaters of the ordinary watercourse section of the Soar Brook. This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). It should be noted that the majority of land generally falls within this flood zone category.

The applicant has submitted a Flood Risk Assessment which demonstrates that the site is at an acceptable level of flood risk providing the recommended mitigation is set in place. Detailed hydrological and hydraulic modelling has been carried out which suggests that the site is susceptible to flooding in the 1:100 year plus climate change event from the watercourse which forms the headwaters of the Soar Brook. More detailed hydraulic modelling has indicated that a mitigation solution requiring that levels along the banks of the watercourse are lifted by 300mm, which would prevent the site from flooding in all but the extreme 1:1000 year event without detriment to flood risk elsewhere. Such a solution has been demonstrated to mitigate the risk of flooding to the proposed development whilst preventing any increase in off-site flood risk. The assessment also suggests ensuring that the finished floor level of any property is 300mm above the pre-mitigation predicted 1:100 plus climate change flood level.

The Environment Agency has commented that the watercourse crossing the site has been modelled to ascertain the risk posed and this suggests that the watercourse could pose a significant risk to part of the site in a climate change flood event and that there is a significant flow path of functional flood plain downstream of the site to the south east. The mitigation proposed in the Flood Risk Assessment of raising the banks of the watercourse by 300mm to convey flood flows away from the site would require engineering works to the watercourse to enable the site to be made developable and to be made safe from flood risk which the Environment Agency supports. This measure will remove the functional and climate change spills onto the site itself. However, as an additional measure to make the site safe and to not displace flood flows downstream, the Environment Agency has recommended that a parcel of land is lowered on a level for level basis to the south of the watercourse and whilst there are no people or property at risk immediately downstream, the mitigation is considered to be important to prevent displacing water elsewhere. Therefore the Environment Agency has stated that they would not look favourably on a mitigation solution that involves bank rising without flood risk compensatory mitigation. As such the Environment Agency raises no objection to the proposal subject to a number of detailed conditions requiring mitigation to be carried out in accordance with the submitted Flood Risk Assessment and a scheme for compensatory flood storage to be submitted and agreed in writing.

Following receipt of the Environment Agency's comments the applicant was asked whether they were prepared to accept the Environment Agency's recommendations and that they had ownership of land to the south east of the site with which to be able to provide the required compensatory flood storage. The applicant confirmed that the land to the south east of the site was within their ownership as indicated by the blue line on the site location plan and that their Flood Engineer had confirmed that such a solution was possible to be provided in addition to raising the banks of the watercourse by 300mm. As such a plan has been submitted showing the required compensatory flood storage area.

Based on this and the conditions recommended by the Environment Agency that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.

From a drainage perspective Severn Trent Water have raised no objection to the proposal and suitable sustainable urban drainage capture and storage including at least two treatment trains it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan

## Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

Leicestershire County Council (Archaeology) have commented that the Leicestershire and Rutland Historic Environment Record (HER) indicates that the site lies in an area of archaeological interest. Prehistoric lithic artefacts, suggesting the presence of settlement, have been recovered during field walking in the adjacent fields to the south east. In addition a substantial Roman coin hoard was found in the vicinity, to the north east of Cottage Farm. Coin hoards, are often concealed in close proximity to a contemporary Roman settlement site.

The applicant's submitted desk-based assessment concludes that there is moderate potential for prehistoric, Roman and medieval remains to be located within the assessment area and that the land has been ploughed in the past and contains ploughed out ridge and furrow earthworks and the preservation of underlying archaeological remains may be relatively good, albeit plough eroded, except where the service trench may have caused more disturbance.

A subsequent geophysical survey of the development area was conducted by the applicant. The survey noted the presence of anomalies suggesting the presence of a small number of cut features of potential archaeological significance, as well as recording a linear feature likely to relate to a former historic field boundary.

Groundworks associated with the proposed development will result in damage to and/or destruction of any surviving archaeological remains present. In accordance with Paragraph 129 it is considered that the proposal may be likely to have a detrimental impact upon any heritage assets present. Paragraph 141 of the NPPF, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. As such Leicestershire County Council (Archaeology) have raised no objection subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. LCC Archaeology will provide a formal Brief for the latter work at the applicant's request.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 and the NPPF insofar as it relates to the protection of heritage assets.

## Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An extended Phase 1 Habitat Survey was submitted with the application, which has been considered by Leicestershire County Council (Ecology). LCC Ecology state that no habitats of significance apart from trees and hedgerows were recorded. The indicative layout conserves main habitats with buffer zones alongside and there is the potential for enhancement through the management and layout of open space. Conditions have been

recommended in respect of ensuring that the development is carried out in accordance with the indicative masterplan, landscaping to be of locally native species and buffer zones of at least 5 metres of natural vegetation to be maintained by retained hedgerows, a biodiversity management plan to be prepared, light spill on retained hedgerows and watercourse corridors to be minimised, removal of vegetation outside of the bird nesting season and a badger re-survey prior to the commencement of each phase.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

### Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The 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.

### Play and Open Space

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005 - 2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Hinckley Road Recreation Ground, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 73 dwellings this would total £42,836.40. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the recreation ground. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space through enhancement.

There is no equipped or informal children's play space within 400 metres of the proposed development. As such the development is required to provide equipped open space at 5 sq m per dwelling and informal open play space is required at 15 sq m per dwelling in accordance with Saved Policy REC3 and the SPD.

The indicative layout proposes an equipped play area and informal open play space area to the centre of the site. The on-site play and open space is required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period or transfer the land over to the Parish Council or Borough Council and pay a maintenance contribution. Alternatively the developer may retain the public space in private ownership and

maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £707.00 per dwelling or £51,611.00 in total based upon 73 dwellings. The maintenance contribution for the informal on-site play space is £159.00 per dwelling or £11,607.00 based upon 73 dwellings. These amounts are as set out in the Play & Open Space SPD. Therefore the total maintenance contribution that would be payable is £866.00 per dwelling or £63,218.00 for 73 dwellings.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

### Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £6,291.49 is sought for primary education. The site falls within the catchment area of Burbage Infants & Burbage Junior Schools. Burbage Infants School has a number on roll of 276 and 289 pupils are projected on the roll should this development proceed; a deficit of 13 places. Burbage Junior School has a number on roll of 377 and 400 pupils are projected on the roll should this development proceed; a deficit of 23 places. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, re-modelling or enhancing existing facilities at Burbage Infants and Burbage Junior Schools.

The site falls within the catchment area of Burbage Hastings High School. The School has a net capacity of 600 and 590 pupils are projected on roll should this development proceed; a surplus of 10 places after taking into account the 8 pupils generated by this development. An education contribution is therefore not be requested for this sector.

For the upper school sector, the site falls within the catchment area of Hinckley John Cleveland College. The College has a number on roll of 1,755 and 1,897 pupils are projected on roll should this development proceed; a deficit of 142 pupil places (of which 134 are existing and 8 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified. In order to provide the additional upper school places anticipated by the proposed development, the County Council requests a contribution for the upper school sector of £133,992.67.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, re-modelling or enhancing existing facilities at Hinckley John Cleveland College.

The total education contribution request is £140,284.15. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

### Libraries

A contribution request has been made from Leicestershire County Council Library Services for £3,970 for use of provision and enhancement of library facilities at Burbage Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising

from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

### Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,616 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 20 tonnes of waste generated by the development and given that the total waste collected is approximately 8,000 tonnes per annum at this civic amenity site, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

### Transport

A request has been made from Leicestershire County Council (Highways) for Travel Packs including bus passes at two per dwelling for a six month period to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £325.00 per pass.

Improvements are sought for the two nearest bus stops on Salsbury Road (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop or £6,526.00 in total. Contributions are also sought to equip the nearest bus stops on Salsbury Road with bus shelters at £4,908.00 per shelter and two information display boards at £120 each. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for disabled users and an enhancement in the facilities for public transport users. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

### Health

NHS England (Leicestershire and Lincolnshire Area) requests £57,709.08 for Burbage GP Surgery, Tilton Road, Burbage. This surgery is at capacity and there is a lack of space within the existing premises for additional GP's that have been taken on to deal with the increased demand for health services locally. The contribution would be used towards a new surgery development in Burbage which will address existing capacity issues and expansion to meet the increased demands from new patients arising from this development. This will be additional consulting and treatment space, and associated facilities relative to the size of the increased population. It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

### Police

Leicestershire Police has provided detailed justification for a S106 request of £27,487.00. This would be split into £3,527.00 for start up equipment for a new police officer that would be required as a result of the development, £1,697.00 towards associated vehicle costs, £153.00 towards additional radio call capacity, £80.00 towards Police National Database additions, £176.00 towards additional call handling, £2,055.00 towards ANPR cameras,

£375.00 towards mobile CCTV equipment, £19,278.00 towards additional premises and £146.00 towards hub equipment for officers.

It is considered that this contribution request is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

### Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the scheme proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3 and the guidance as set out in the National Planning Practice Guidance. Overall it is not considered the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area, would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

### Other Matters

Comments have been made that the proposal would impact on an individual's human rights and protections under the Human Rights Act 1998 by virtue of a loss of a hedgerow and boundary between a neighbouring property to the site. All hedgerows on the boundaries would be protected and secured and enhanced where necessary through appropriate controls via conditions and detail landscaping at the reserved matters stage to ensure privacy and amenity is maintained.

Concern has also been raised that the proposal would result in the loss of television and satellite reception. It is not considered that this would be an issue given that the dwellings proposed would be of a similar height and scale to adjacent dwellings.

### Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the Burbage and strictly limit new development within the countryside or Policy 4 of the Core Strategy which sets out the allocation for Burbage of 295 dwellings which has been met.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as policy RES5 of the Local Plan and Policy 12 of the Core Strategy, should not be considered up to date. Full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out at Paragraph 14 that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a sustainable location within a settlement that forms part of the urban sub-regional



centre. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 20%, meeting the policy requirement, is considered to be a material consideration that weighs in the balance of meeting the social sustainability requirements. The development would contribute towards meeting the borough's five year supply of deliverable housing sites which is a key material consideration and one that much weight should be given. The development would not harm ecology, archaeology or heritage and subject to detailed and achievable mitigation measures the development would not pose a flood risk. The impacts of the development on the local highway network have been considered and whilst there would inevitably be an increase in vehicular movements as a result of this development it is not considered that they would be of such a level to outweigh the benefits of the proposal in this sustainable location close to facilities and services.

The indicative layout would suggest that a high quality development could be achieved, subject to the detailed design and appearance of dwellings and materials, with a range and mix of dwelling sizes. Developer contributions to secure local infrastructure improvements as a result of the impact of the development would be secured as a planning obligation through a S106 Agreement and are considered to be necessary, reasonable and proportionate to the impact of the development.

This is a finely balanced proposal and whilst there would be benefits there would also be harm, specifically to the landscape setting of Burbage and the loss of open countryside to the east of the historic village core. This would conflict with part of Policy 4 of the Core Strategy, part of Policy NE5 of the Local Plan and aspects of the Burbage Village Design Statement and overall the environmental dimension to sustainability as set out in the NPPF.

Whilst this harm is recognised, it is considered that the creation of a high quality development with well designed dwellings, quality materials and open space would to some degree mitigate the environmental and landscape impacts. Therefore, on balance, it is not considered that the level of harm would be so significant as to outweigh the merits of the proposal, principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

Collectively the above factors weigh in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

**RECOMMENDATION: - Grant subject to conditions and S106 obligations.**

**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 contribute to the core strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, BE16 and T5.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 4, 15, 16 and 19.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

- 3 This permission and the development hereby permitted shall be carried in general accordance with the submitted layout details as shown on: - Site Location Plan 1:1250 and Dwg No. 5287-L-01 Rev A Illustrative Masterplan Prepared by FPCR 1:200 received 10 June 2014.
- 4 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 5 Prior to the commencement of development, a Transport Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority. The TMP shall set out details and schedule of works and measures to secure:-
  - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
  - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
  - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.
- 6 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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.
- 7 No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and

finished floor levels shall then be implemented in accordance with the approved details.

- 8 Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first 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) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - d) Implementation programme.
- 9 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.
- 10 Prior to the commencement of development a Tree Survey and Tree Protection Plan including trees and hedgerows to be retained shall be prepared in accordance with BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 11 The development shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey prepared by Middlemarch Ltd. dated March 2013.
- 12 No development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - b) The programme for post-investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

- 13 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the

provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 14 The development shall be carried out in accordance with the approved Flood Risk Assessment dated December 2013 NTT2157/FRA/Rev A and the accompanying Technical Note 1: Hydrology and Hydraulic Modelling NTT/2157/TN1 prepared by BWB Consulting with the following mitigation measures as identified in the Flood Risk Assessment:-
  - a) a scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality, the limitation of surface water run-off to equivalent greenfield rates, the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change based upon the submission of drainage calculations, and the responsibility for the future maintenance of drainage features.
  - b) finished floor levels shall be set no lower than 300mm above 1 in 100 year plus climate change flood level Ordnance Datum (AOD).
- 15 No development shall commence until such time as a scheme for the provision of compensatory flood storage on a level for level basis has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.
- 16 No development shall commence until a scheme for the disposal of foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 17 No development shall commence until details of design for off-site highway works, being a change of priority for the stub serving existing property numbers 1-7 Sherborne Road to give priority to traffic to and from the new development, have been approved in writing by the local planning authority; and no dwellings in the area of development accessed from Sherborne Road shall be occupied until that scheme has been constructed in accordance with the approved details.
- 18 Prior to first occupation of the development details of a Residential Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 3 To ensure the development is carried out in accordance with the submitted details, for the avoidance of doubt and in the interests of proper planning.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the protection of neighbouring residential amenity during construction and in the interests of highway safety to accord with Policy BE1 (criterion i) and Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure satisfactory landscaping is provided in the interests of visual amenity in accordance with Policy NE12 and Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 11 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 12 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 18 To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion and promote safety in accord with Section 4: 'Promoting Sustainable Transport' of the National Planning Policy Framework 2012.

**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](http://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: -** Simon Atha Ext 5919

**Item:** 02  
**Reference:** 14/00108/OUT  
**Applicant:** Cawrey Limited  
**Location:** Land South Of Markfield Road Ratby  
**Proposal:** Residential development (outline - access only)  
**Target Date:** 19 May 2014

**RECOMMENDATION: - Grant subject to conditions and S106 obligations.**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

Application Proposal

Outline planning permission is sought for residential development with access being approved at this stage. All other matters are reserved. The indicative layout suggests that the development could be approximately 158 dwellings.

A viability appraisal has been submitted which, based on 158 dwellings, would provide 110 open market dwellings and 48 affordable dwellings which equates to an offer of 30% affordable housing which is considered in detail within the report.

During the course of the application, in order to increase the viability of the development, the indicative layout proposed has been increased to 158 units from the 134 originally proposed.

Vehicular access is proposed via a new singular point of access to the south of Markfield Road. Pedestrian/cycle access is proposed via Stamford Street to the south east of the site with pedestrian/cycle connectivity to the North West corner of the site and along Markfield Road to the north east corner of the site.

The indicative layout suggests a mix of dwellings with formal and informal play and open space located to the centre of the site.

The Site and Surrounding Area

The use of the site is currently agricultural land and is bordered by mature hedgerows. The site is approximately 6.5 hectares in size with 5.3 hectares of the site being for residential development. The site lies adjacent to, but beyond existing residential development to the north west of Ratby. The site itself is mostly flat and level; however the land falls away gradually from north to south. The centre of the village of Ratby is located approximately 600 metres from the site to the south east.

The N63 National cycle path route runs through Martinshaw and Pear Tree Woods to the north and west of the site. The site is designated as being within the National Forest and Charnwood Forest areas.

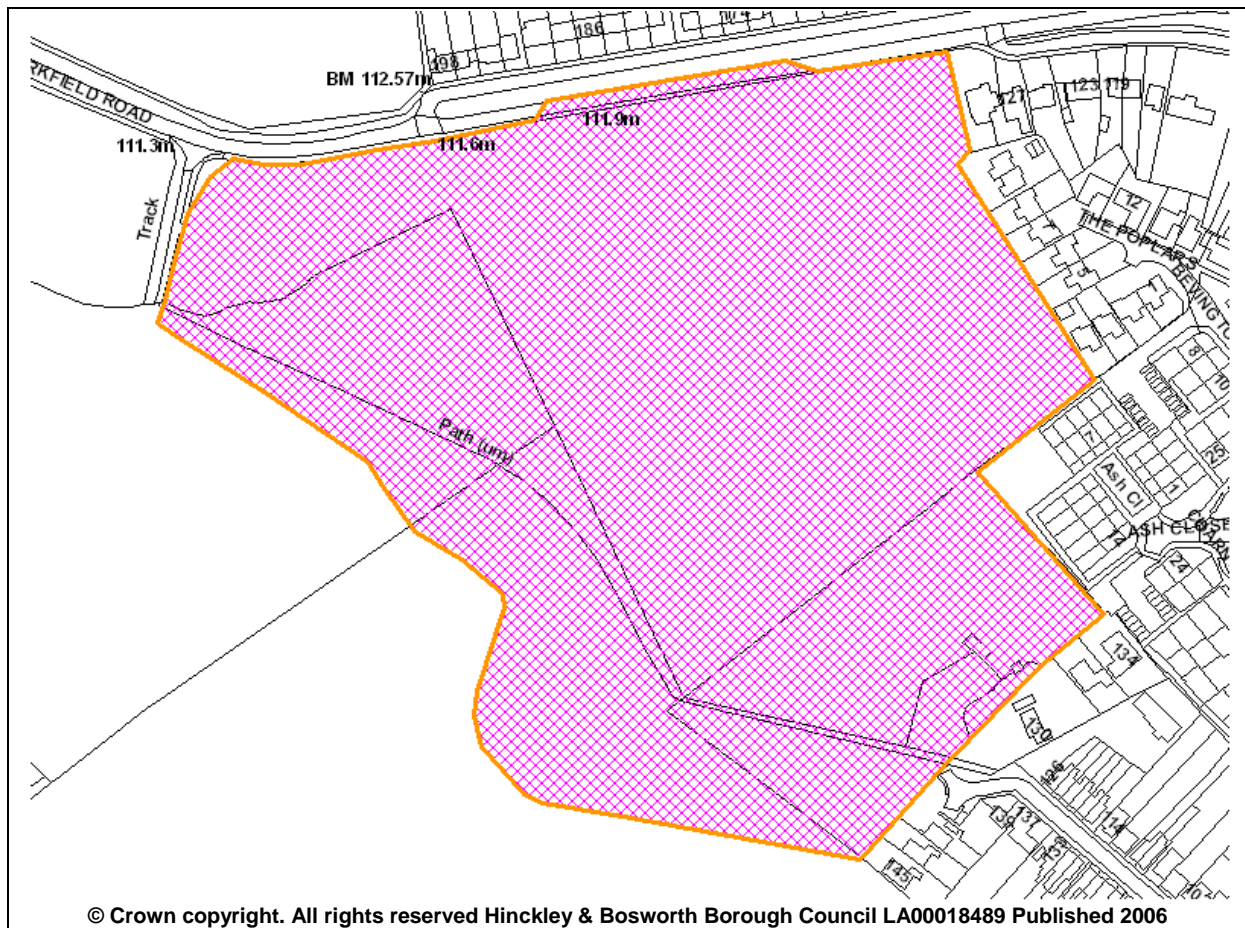
The site falls outside of, but adjacent to, the settlement boundary of Ratby, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application:-

- Design and Access Statement
- Planning Statement
- Ecology Appraisal & Protected Species Survey
- Flood Risk Assessment & Drainage Strategy
- Archaeology Survey
- Geophysical Survey
- Transport Assessment
- Landscape Visual Impact Assessment

**Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection subject to conditions has been received from:-

- Environment Agency
- Severn Trent Water
- Leicestershire County Council (Highways)
- Leicestershire County Council (Public Rights of Way)



Leicestershire County Council (Ecology)  
Leicestershire County Council (Archaeology)  
Environmental Health (Land Drainage)  
Head of Business Development and Street Scene Services (Waste Minimisation)  
National Forest Company.

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Ratby Parish Council has raised the following objections:-

- a) The development would be in the open countryside contrary to Local Plan Policy NE5.
- b) The proposal would impact upon highway safety which would not comply with Policy T5 of the Local Plan.
- c) The proposed development would allow building within the National Forest contrary to Core Strategy Policy 21.
- d) The proposal would allow building within the Charnwood Forest contrary to Core Strategy Policy 22.
- e) The site is outside of the settlement boundary contrary to Policy RES5 of the Local Plan.
- f) The proposal would be premature as it not allocated within the emerging Site Allocations Development Plan Document.
- g) The development would not propose the level of affordable housing as required by Policy 15 of the Core Strategy.
- h) The proposal would not be sustainable. There is no spare capacity in schools in either Ratby or Groby.
- i) Local infrastructure is already overstretched due to planning permission being granted for 102 houses without requisite funding for infrastructure improvements being secured.
- j) The proposed access on to Markfield Road is of particular concern in that it is situated on a bend and visibility is restricted. Traffic, particularly along Markfield Road travels very fast and there have been several traffic accidents on this particular road.
- k) Ratby's Main Road is increasingly being used by the expanding populations in Groby, Kirkby Muxloe, Markfield and Desford en-route to the M1, A46 and to the Leicester Forest East Industrial Estates. Traffic congestion already exists in Ratby and to increase the housing provision in an old established village without adequate infrastructure in place would exacerbate this situation.

David Tredinnick MP has raised the following objections:-

- a) The proposal would be a major residential development on vitally important open countryside outside of the settlement boundary of Ratby.
- b) The proposed access to the site is near a very well known local accident black spot on Markfield Road. Matters of highway safety must be taken very seriously and cannot be simply brushed aside and local knowledge about these issues is often at least as relevant as official data.
- c) The proposal would have a detrimental impact on the local landscape in an area that is a key gateway to the village.
- d) The development would create a further unsustainable impact upon local infrastructure which the Core Strategy set out that Ratby would be capable of assimilating 75 new homes in the period up to 2026. That level has already been exceeded and the additional 158 homes would result in at least three times as many homes than had been originally identified as sustainable in the Council's Core Strategy subject to infrastructure improvements. The local primary school is already struggling for capacity. Therefore this application cannot be considered to be sustainable.

- e) It should also be noted that a recent High Court Judicial Review referred to extra houses being built to supply the local need rather than to encourage more commuting which this application clearly will do.

106 letters of objection were received from local residents. Summary of comments received:-

- a) The village is already full and cannot take anymore housing.
- b) The development of this small village has nearly double in size in just over ten years resulting in a significant loss of countryside.
- c) Existing developments next to the M1 and the Co-op site have already delivered Ratby's housing need.
- d) The site does not accord with the Council's emerging Site Allocations document.
- e) Will harm the surrounding landscape and loss of a locally important view.
- f) This is a greenfield site that should be protected.
- g) The Burroughs is a locally valued landscape and area of countryside.
- h) Ratby has had considerably more housing than other surrounding villages such as Groby and Markfield.
- i) Loss of good productive farmland.
- j) Markfield Road is already a busy road with speeding vehicles and this development will make it worse.
- k) The proposed access to the site would be unsafe.
- l) The proposal would result in more traffic using the existing congested route through the centre of the village.
- m) Traffic at junction leading to Leicester through Kirkby Muxloe is already heavily congested.
- n) Loss of wildlife.
- o) The local infrastructure and in particular the school are already at capacity.
- p) The social needs of the village have not been considered in terms of doctors, fire or police stations or additional shopping outlets.
- q) The site is outside the settlement boundary.
- r) There is 90,000 acres of land available at Sacheverell Way available for sale and could be better used for development.
- s) The former Casepak site is brownfield land and should be developed first.
- t) There will be dirt, dust and debris on the roads from the construction of the development.
- u) High flood risk as both fields flood.
- v) The development would impact upon the National Forest area which is used for recreation and is protected in the Village Design Statement and previously in the Parish Plan.
- w) Loss of heritage and archaeology.
- x) The Bali bombing memorial is located in the adjacent Burroughs Wood and building a large number of houses adjacent to this area would be detrimental to this peaceful environment.

### **Policy:-**

#### National Policy Guidance

The National Planning Policy Framework (NPPF) 2012  
The National Planning Practice Guidance (NPPG) 2014  
The Community Infrastructure Levy (CIL) Regulations 2010

#### Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres  
Policy 8: Key Rural Centres Relating to Leicester

Policy 14: Rural Areas - Transport  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 21: National Forest  
Policy 22: Charnwood Forest

#### Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites  
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy NE5: Development within the Countryside  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy BE1: Design and Siting of Development  
Policy BE16: Archaeological Investigation and Recording  
Policy T5: Highway Design and Vehicle Parking Standards

#### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space (SPD)  
Affordable Housing (SPD)  
Ratby Village Design Statement

#### Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission)  
Hinckley & Bosworth Landscape Character Assessment 2006

#### **Appraisal:-**

The main considerations in the determination of this application are:-

- Principle of development
- Impact upon the character and appearance of the countryside, National Forest and Charnwood Forest
- Highway considerations
- Impact on residential amenity
- Flood risk & drainage
- Archaeology
- Ecology and biodiversity
- Viability
- Affordable housing
- Infrastructure improvements

#### Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material

consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

### Core Strategy

Policy 8 of the Core Strategy states that in Ratby land will be allocated for the development of a minimum of 75 dwellings.

Emerging Site Allocations and Development Management Policies Development Plan Document (DPD).

The emerging DPD was published in draft form in January 2014. The consultation period ended in March 2014. Responses have now been received and a modification consultation document is intended to be put out to consultation in December 2014/January 2015 before it is submitted for Examination in Public in early 2015. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage.

The site was put forward in the Strategic Housing Land Availability Assessment Review 2013 as AS488 - Land between Markfield Road and Burroughs Road, Ratby. This site covered a much larger area (approx. 22.4 hectares with 15 hectares available for residential development). Whilst the site was identified as having significant heritage potential a desktop archaeological assessment was undertaken with the conclusion that it is unlikely there would any significantly archaeological features on the site. As such the site was considered available for development. The current application is for a much smaller residential development area of 5.3 hectares.

However, the SHLAA does not represent policy and does not determine whether a site should be allocated or granted permission for development; it simply determines which sites are suitable, available and achievable for housing development. It also helps to inform the Site Allocations and Development Management Policies DPD.

### Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As at April 2014, the Borough Council does not have a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy are therefore not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF, housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

### Local Plan

The site lies outside of the current settlement boundary of Ratby, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies afford only limited weight in consideration of the application. This is supported by the view of a Planning Inspector when considering an appeal relating to a site at Stanton under Bardon (ref: APP/K2420/A/13/2200224) where it was considered that those policies were not NPPF compliant.

### The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

## Economic

It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

## Social

The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a housing shortfall which would enhance the quality, vibrancy and health of the local community.

## Environmental

While the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built to reflect the character of the adjacent built settlement. This point is appraised in further detail below. In addition, the impact of the development upon the countryside and landscape has been appraised in detail below where it is recognised that within the balance there would be a degree of landscape harm caused by the proposed development. The site would also be within walking distance of the centre of Ratby in close proximity to the services and facilities it provides.

## Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, these policies are considered to have limited weight and the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

The concerns of local residents within Ratby have been carefully noted and it is understood that there is frustration and concern in respect of the sustainability of the proposal by virtue of Ratby exceeding its allocated housing requirement of 75 dwellings as set out in Policy 8 of the Core Strategy. However, the policy is expressed as a minimum requirement to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need across the borough and as stated above, given the lack of a five year supply of deliverable housing sites, which applies borough wide, individual settlement allocations can only be afforded little weight and in any event, should not be treated as maximum.

The location of the site on the edge of the existing settlement of Ratby and close to the amenities and services within the village, would result in a development that is in a relatively sustainable location for housing.

The development is therefore considered to be acceptable in principle subject to all other material considerations being addressed.

## Impact upon the Character and Appearance of the Countryside, National Forest & Charnwood Forest

As discussed above the site in policy terms lies outside of the defined settlement boundary for Ratby and is therefore within an area designated as countryside. Paragraph 17 of the

NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

Policy 8 of the Core Strategy states that proposals will be supported that contribute to the delivery of the National Forest Strategy in line with Policy 21 and that proposals will be supported that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22.

The site is defined within the Hinckley & Bosworth Landscape Character Assessment 2006 as being within the Charnwood Fringe Character Area and states that the village heart of Ratby is highly sensitive with little capacity to absorb change. The open landscape to the west provides an important role in providing a rural context to the historic core and this should be protected and preserved.

The design criteria i-iv within Saved Policy NE5 of the Local Plan remains generally relevant to development within the countryside and are considered to be consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The north and east of the site is bound by the defined settlement boundary of Ratby and residential development to the north and east along Markfield Road and to the east as part of Stamford Street, Charnwood, Ash Close, Bevington Close and The Poplars. The proposal would involve building on a greenfield site on land beyond, but adjacent to, the settlement boundary.

The applicant has submitted a Landscape and Visual Impact Assessment in support of the proposal which concludes that overall the development of the site would have a limited effect on the wider landscape or countryside.

The proposal would also result in a degree of conflict with criterion (a) of Policy NE5 of the Local Plan in so far as the proposal would have an adverse effect on the appearance and character of the landscape in this location by introducing built residential development into an area of current open countryside

However, whilst this development would extend the existing pattern of residential development to the west of the existing development boundary into open countryside it is considered that this would have a limited change and impact on the existing landscape setting of the village as a whole. Developing this parcel of land would effectively, in plan form at least, 'round off' the north west of the village and the development would assimilate reasonably well into the context of the existing village.

The scheme would not conflict with the intentions of the Landscape Character Assessment which seeks to preserve the open landscape setting to the west of Ratby to maintain the rural aspect of the village core.

It is considered therefore when considering the environmental dimension to sustainability as set out in the NPPF, that the proposal would result in a degree of harm to the landscape by

virtue of eroding the amount of open countryside to the north west of the village but that this harm would be limited in effect and the context of the adjacent existing built form.

The proposal would comply with criteria (b) and (c) of Policy NE5 in so far as it would be in keeping with the scale and character of existing buildings and its surroundings. In addition, the fields surrounding the site are bounded by mature hedgerows interspersed with trees which provide a degree of landscape screening, which would help to soften the impact of the development proposed.

The landscape impact of the proposal is therefore finely balanced and it is recognised that there would be a degree of landscape harm arising from the proposed development that would conflict with criterion (a) of Policy NE5 of the Local Plan. It is also considered that the proposed development would result in a degree of conflict with the environmental aspect of sustainability as set out in the NPPF. However, overall and on balance, the landscape impact of the proposed development within this location would be localised and not significantly harmful in the wider context of the rural landscape setting of the village as a whole.

In line with the requirements of Policy 21 and 22 of the Core Strategy the impact of the proposal on the National Forest and Charnwood Forest is to be considered. Policy 21 of the adopted Hinckley and Bosworth Core Strategy states that developments shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. The guidelines are set out in the National Forest's Guide for Developers and Planners and a development of this scale would be expected to provide 20% of the development area for woodland planting and landscaping. In this instance this would equate to 1.3ha.

The applicant is proposing to dedicate 2.4 hectares of woodland planting to connect into the existing National Forest at Pear Tree Wood to the west of the site. The National Forest Company have considered the proposal and welcomes the inclusion of this new woodland within the proposals which would exceed the amount of planting expected. The National Forest Company have requested that this planting is secured through the S106 Agreement with an expectation that it will be implemented in the first planting season following the commencement of development and retained thereafter.

Page 8 of the Design and Access Statement refers to this new woodland as including willow coppice. The National Forest Company have commented that applicant's willow coppice on adjoining land is cut on a three year cycle. The National Forest Company considers that willow coppice could form part of the proposed woodland but to ensure permanence beyond this three year cycle and to create more of an appearance of woodland, the willow coppice should not amount to more than 50% of the proposed planting with the remainder formed of native woodland species.

The National Forest Company have stated that a further 1.5 hectares of open space is included within the residential development which has the potential to further contribute to the creation of the National Forest and ensuring the development has a National Forest character. As such as part of the reserved matters scheme it would be expected that significant specimen tree planting is included within the open space to reflect the site's position within the National Forest. Tree planting within the proposed open space to Markfield Road would create a green gateway to the village, which would assist with the aspiration for Ratby to be considered as a 'gateway village to The National Forest' as set out in Policy 8 of the Core Strategy.

The indicative specimen tree planting shown to the southern boundary of the site will soften views of the development from the south.



The proposal is therefore considered to be in accordance with Policy 21 and 22 of the Core Strategy and would contribute towards the creation of the National Forest and Charnwood Forest.

### Siting, Design and Layout

Saved Policy BE1 (criterion a) of the Local Plan 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. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

Whilst the detailed design, siting and layout of the dwellings proposed has been reserved and will be considered as part of any forthcoming reserved matters application it is considered that the indicative layout proposed would offer the potential to provide a high quality development.

The pattern and layout of development would broadly reflect the character and pattern of development to the adjacent existing residential development to the east which is mostly comprised of two storey detached, semi-detached and terraced dwellings set within spaciouly sized plots fronting the highway. The indicative pattern of development proposed would generally follow this arrangement maximising opportunities for natural surveillance, in-curtilage parking and landscaping to plot frontages. The development has an area of open space to the north of the site between Markfield Road and the proposed residential development. This would be separated by an existing mature hedgerow. This space would provide an opportunity to provide a children's play area, pedestrian/cycle linkages through the development and informal open space. It considered that a natural woodland play space to reflect the National Forest setting would be appropriate in this rural setting.

The submitted Design & Access Statement indicates that a range of dwelling sizes will be proposed that would generally be two storeys high with ridge heights ranging between 7.5 metres and 9 metres.

While the layout is reserved for subsequent approval, the applicant has demonstrated that a high quality form of development could be designed, which would accord with Policy BE1 (criterion a) of the Local Plan and the overarching intentions of the NPPF.

### Hard and Soft Landscaping

The submitted plans show indicative landscaping details. Tree planting and detailed landscaping proposals would be negotiated as part of the reserved matters submission. In accordance with the requirements of the National Forest Company, tree planting across the site will be encouraged to reflect the character of the surrounding National Forest and Charnwood Forest areas.

Details of wooden fencing, brick walls and general boundary treatment would be subject to consideration as part of the reserved matters application in order to ensure such treatment maintains privacy and is visually acceptable. High quality boundary treatments including brick walls would be required to plots where they face public spaces.

In respect of other visual elements the indicative layout and Design & Access Statement suggests that there is a mixture of frontage and side parking, and single and double garages which are subservient in scale and would use similar materials to the proposed dwellings.

In principle, the landscaping elements of the proposal comply with Saved Policy and BE1 of the Local Plan.

### Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 30 dwellings to the hectare to be achieved within Key Rural Centres unless individual site characteristics indicate otherwise.

The proposed mix is envisaged to include detached and semi-detached dwellings as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16. The detailed mix of house types would be agreed as part of a reserved matters submission. However the submitted Design and Access Statement suggests the following mix would be achieved:-

- 1 Bed flat - 12 dwellings (7.6%)
- 2 Bed bungalows - 7 dwellings (4.4%)
- 2 Bed semi-detached 40 dwellings (25.3%)
- 3 Bed semi-detached 46 dwellings (29.1%)
- 3 Bed detached - 36 dwellings (22.8%)
- 4 Bed semi-detached - 2 dwellings (1.3%)
- 4 Bed detached - 15 dwellings (9.5%).

The site area is 6.5 hectares and the residential developable site area is 5.3 hectares. Based on the residential site area the proposal would equate to approximately 29.8 dwellings per hectare and with the total site area, 24.3 dwellings per hectare. Considering the total site area this would be lower than 30 dwellings per hectare as required by Policy 16. However, given the importance of softening the impact of the development on the edge of the settlement and to ensure the development reflects the existing character of the adjacent existing pattern of development a lower density is considered to be acceptable in this instance.

### Impact on Residential Amenity

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.

The nearest residential dwellings adjoining the site to the east are located within Stamford Street, Ash Close and The Poplars. The indicative layout suggests that sufficient separation distance will be provided from these properties to not create concerns in respect of overlooking or overshadowing. This would be the subject of detailed control at the reserved matters stage where the design, appearance and position of windows would be carefully considered to ensure no impact on the amenity of existing neighbouring residential properties would take place.

Therefore subject to detailed considerations of the design and appearance of dwellings as part of the reserved matters application, the scheme, in principle, is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

## Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of vehicle parking.

Furthermore, Policy 8 of the Core Strategy seeks to deliver safe cycle routes as detailed in Policy 14, in particular from Ratby to Groby Community College.

The applicant has submitted a Transport Assessment with traffic modelling carried out on junctions close to the site. The concerns raised by local residents are noted in respect of the impact of the development on the local highway network and the existing traffic and congestion problems that occur at peak times particularly through the centre of the village.

Leicestershire County Council (Highways), as Highway Authority, have considered the proposal and raise no objection subject to detailed highway improvement works at the site entrance, traffic calming measures along Markfield Road and off-site highway improvement works at the mini-roundabout junction of Desford Road and Ratby Lane, Kirby Muxloe that leads into Leicester.

A condition has been imposed requiring a ghost island right hand turn to facilitate access into to the site to be installed within Markfield Road. Given problems along this stretch of road with speeding vehicles entering the village a new gateway feature is required to mark the entrance to the village at the point of the start of the 30mph zone which links into Policy 8 which requires improvements to mark Ratby's entrance as part of the National Forest. Speed calming measures are also required to be agreed with the Highway Authority and have been secured via condition in addition to a new pedestrian crossing facility between the development site access and existing footways on the Markfield Road service road to the north of the site and a crossing facility to connect to footpath R38 towards Groby from the development site which links directly to Brookvale High School and Groby Community College.

The submitted Transport Assessment has modelled the existing mini-roundabout junction of Desford Road and Ratby Lane, Kirby Muxloe which is currently operating at significantly over its capacity and as a result of the development, without any improvements, it would be even more over-capacity. The proposal is likely to lead to an additional 39 trips through the junction in the PM peak hour. Without any improvements, on the basis of the submitted assessment, it would appear that the queue length on the worst arm of this junction would increase from 120 vehicles to 149 vehicles.

A scheme of off-site highway works for improvements to the mini-roundabout has been submitted. In addition, modelling assessments of the mini-roundabout junction have now been carried out by both the applicant and Leicestershire County Council (Highways). The results show that the proposed roundabout improvement works to increase the width would mitigate the impact of the development. The queue lengths with the development would return back to the queue levels without development at the AM peak and would be marginally improved during the PM peak. On the basis of this information, taking into consideration the proposed improvements, the impact of the proposed traffic at this junction in both the AM and PM peak hours is considered to be acceptable.

The concerns that have been raised by local residents are noted in respect of the speeding traffic coming into the village along Markfield Road and it is considered that appropriate speed reduction features would help this situation and a condition has been imposed accordingly.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of conditions the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

### Public Right of Way

There is a public footpath R50 which crosses the site from Stamford Street to Markfield Road running diagonally across the site. The applicant is proposing to divert the public right of way and incorporate it as part of the development. Leicestershire County Council (Public Rights of Way) have considered the proposal and raise no objection to this footpath being diverted and an informative has been included advising the applicant of this. At the reserved matters stage consideration will be given to ensuring that the proposed path is incorporated as part of the development.

Subject to the above it is not considered that the proposed development would impact upon the existing public right of way and that it would be enhanced and improved as part of the development.

### Flood Risk & Drainage

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Environmental Health (Land Drainage).

The applicant has submitted a Flood Risk Assessment which demonstrates that the site is not in a flood risk zone and as such the Environment Agency has raised no objection subject to a condition requiring sustainable urban drainage features to be used.

The application shows a dry pond to the south of the site. Given the topography of the site this is considered to be an appropriate location for such a feature and subject to sustainable drainage management methods drainage should be adequately dispersed and infiltrated into the ground across the site.

Based on this and the conditions recommended by the Environment Agency and Severn Trent Water that have been imposed to provide satisfactory drainage, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF and Saved Policy NE14 of the Local Plan.

### Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

Leicestershire County Council (Archaeology) has commented that the Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest. The course of the Via Devana Roman road is thought to cross the application site and archaeological remains of the road and associated settlement and roadside activity could be present. There are also a large number of Portable Antiquities Scheme records in the vicinity relating to Roman and medieval activity.

Leicestershire County Council (Archaeology) recommended that the applicant undertake a detailed up-to-date field walking survey and geophysical survey which was carried out and the Archaeological Field Walking Survey was submitted for consideration to Leicestershire County Council (Archaeology). As the ground visibility on site was restricted by the developing crop and the geophysical survey identified some possible archaeological features, in the north-western corner of the site, it is not possible at present to ascertain what those features represent or what their significance is on the basis of the current information.

Given that the site also has the potential to contain prehistoric and Anglo-Saxon remains and that a former Roman road is thought to cross this site, any of which may not show up in a geophysical survey, Leicestershire County Council (Archaeology) consider that there is a need for further archaeological investigation in the form of trial trenching. This is considered necessary to ascertain the presence and significance of archaeological remains within the application site, in line with NPPF Paragraphs 128-9 & 135, and to enable an appropriate mitigation strategy to be drawn up, in line with NPPF Paragraph 141. This mitigation strategy could include design solutions to enable the preservation of significant archaeological remains in situ, or detailed investigation and recording of archaeological remains prior to impact.

Therefore Leicestershire County Council (Archaeology) raise no objection in principle but as this is an outline application with the only matter being access, it is considered that the trial trenching is required prior to the submission of any subsequent reserved matters or full application to enable the results to inform the layout of the proposed development and any necessary mitigation measures to be agreed.

Ground works associated with the proposed development will result in damage to and/or destruction of any surviving archaeological remains present. In accordance with Paragraph 129 of the NPPF it is considered that the proposal may be likely to have a detrimental impact upon any heritage assets present. Paragraph 141 of the NPPF, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. As such Leicestershire County Council (Archaeology) has raised no objection subject to conditions for an appropriate programme of archaeological mitigation, including necessary trial trenching, investigation and recording. LCC Archaeology will provide a formal Brief for the latter work at the applicant's request.

It is therefore considered that subject to this mitigation which has been secured by way of condition that the proposal is in accordance with Saved Policies BE14 and BE16 and the NPPF insofar as it relates to the protection of heritage assets.

### Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An Ecological Appraisal and Protected Species Survey has been undertaken by the applicant. This has been considered by Leicestershire County Council (Ecology) who raises

no objections. The land is considered to be largely arable with minimal wildlife value. There are however several features of potential interest, such as several hedgerows, an area of grassland to the south which is marked with ridge and furrow and an area of rough grassland to the north which is to be incorporated into the open space. The Ecology Appraisal did not find any species or habitats of note. The majority of the hedges of significance are proposed to be retained in the indicative layout proposed.

In terms of the indicative layout, Leicestershire County Council (Ecology) welcomes the introduction of new woodland planting on what is currently species-poor arable land. The retention of most of the two hedges with open space/access routes alongside, will allow for future management of these hedges as integral units and wildlife corridors. The new hedgerow and trees along the south west boundary of the site proposed should be of locally native species only.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

### Viability

Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

The application has been accompanied by a viability assessment which has been reviewed and appraised by the Council's appointed viability surveyor.

The applicant's viability assessment demonstrates that the scheme would be unviable to deliver with the 40% of affordable housing (divided into 75% social rent and 25% intermediate tenure), required by Policy 15 of the Core Strategy and the total package of planning obligations to mitigate the impact of the development on local infrastructure that has been requested.

The applicant's initial offer was 20% affordable housing and £5,000 per dwelling in terms of other planning obligations required based on 134 dwellings. The total package of planning obligations requested (as appraised in further detail below) equates to approximately £8,200 per dwelling on a scheme of 158 units. Following negotiation and an amendment to the scheme to increase the density of the scheme from 134 dwellings to 158 dwellings to maximise the developable site area, the applicant is proposing to offer 30% affordable housing based on a 50/50 tenure split between social rented and intermediate tenure and to pay the full package of other planning obligations required at approximately £8,200 per dwelling or approximately £1.3 million in total.

It is considered that a pragmatic view is needed towards balancing the delivery of development whilst meeting policy objectives. This has been reinforced through the implementation of the NPPF. It is also important to consider the Council's five year housing land supply position and it is considered that the proposed development of 158 dwellings would make a contribution to this requirement. As such bringing forward this scheme has a number of benefits, albeit with a reduction in the quantum of infrastructure, in respect of affordable housing, but would still would mitigate the impact of the development on local infrastructure through securing necessary planning obligations.

The viability assessment has been assessed and it has been confirmed by the Council's appointed viability survey that the full 40% target would mean that the scheme would be unviable and it is on this basis only that a 30% provision of affordable dwellings with a 50/50 split between social rent and intermediate tenure with the remaining package of planning obligations to be secured is considered to be acceptable in this case.

### Affordable Housing

As discussed above, given that the scheme is in a rural area Policy 15 of the Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. However, following acceptance of the applicant's offer of 30% affordable housing with a 50% split between social rent and 50% split between intermediate tenure, based on 158 dwellings the provision would be for 48 affordable units; 24 units for social rent and 24 for intermediate shared ownership tenure.

Ratby is an area where there is a demand for affordable housing in the borough and as of April 2014 there are 331 waiting list applicants broken down into the following need categories: 149 applicants require 1 bedroom properties, 114 applicants require 2 bedroom properties, 59 applicants require 3 bedroom properties and 9 applicants require 4 or more bedroom properties.

There is therefore a shortage of smaller 1 bed and 2 bed properties in the area for general needs rent. As this development is in a rural area the Affordable Housing Officer has requested that local connection criteria under the Leicestershire Choice Based Lettings Scheme requiring applicants for affordable housing to have a local connection to Ratby in the first instance and the borough of Hinckley and Bosworth secondly, is included in the S106 Agreement.

The developer has detailed the mix of affordable dwellings to be provided at this stage. The final mix would be subject to the detailed design / layout of the scheme, which would be subject to reserved matters approval should this outline application be considered to be acceptable. In addition, in accordance with the Affordable Housing SPD a clause would need to be included in any S106 Agreement to ensure that the affordable housing is spread across the site in small clusters of four to six dwellings.

There is a demand in Ratby for affordable properties and the waiting list shows that there is an affordable housing need in this area. The applicant is proposing to deliver 30% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy. It is considered that the delivery of 30% affordable housing in this area is a material consideration that weighs in the balance of meeting the social needs of sustainability as supported by the NPPF.

### Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities and to ensure appropriate infrastructure is in place to support new development.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The 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.

## Play and Open Space

Policy 8 of the Core Strategy states that the Council will address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Ratby as detailed in the Council's most up to date strategy and the Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19.

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005 - 2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Land East of Ferndale Drive, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 158 dwellings this would total £92,714.40. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the recreation ground. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space through enhancement.

There is no equipped or informal children's play space within 400 metres of the proposed development. As such the development is required to provide equipped open space at 5 sq m per dwelling and informal open play space is required at 15 sq m per dwelling in accordance with Saved Policy REC3 and the SPD.

The indicative layout proposes an equipped play area and informal open play space area to the centre of the site. The onsite play and open space is required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period if they wish to transfer the land over to the Parish Council or Borough Council and as such a maintenance contribution is required. Alternatively the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £707.00 per dwelling or £111,706.00 in total based upon 158 dwellings. The maintenance contribution for the informal on-site play space is £159.00 per dwelling or £21,122.00 based upon 158 dwellings. These amounts are as set out in the Play & Open Space SPD. Therefore the total maintenance contribution that would be payable is £866.00 per dwelling or £134,230.00 for 158 dwellings.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.



## Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £423,949.31 is sought for primary education. The site falls within the catchment area of Ratby Primary School. The school has a number on roll of 317 and 386 pupils are projected on the roll should this development proceed; a deficit of 69 places. There are currently 17 pupil places at this school being funded from S106 agreements for other developments in the area. This reduces the deficit at this school to 52 (of which surpluses of 16 are existing and 36 are created by this development).

There are 3 other primary schools within a two mile walking distance of the development that are located in the neighbouring village of Groby. Martinshaw Primary School has a deficit of 3 places (no S106 funded places to be discounted). Lady Jane Grey Primary School has a deficit of 4 places (no S106 funded places to be discounted). Elizabeth Woodville Primary School has a surplus of 3 places (no S106 funded places to be discounted). The overall deficit including all schools within a two mile walking distance of the development is 56 pupil places. A total of 17 pupil places have been discounted that are being funded from S106 agreements for other developments in the area. The 36 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 36 pupil places in the primary sector is considered to be justified.

Whilst Section 106 funding would usually be expended at the in-catchment school, Ratby Primary School, the site has constrained access and would be dependent on permission from third parties. The site also only allows for the construction of a modular classroom which is unlikely to be an appropriate permanent facility. The school does have off-site playing fields but it would not be appropriate to isolate a classroom and support space from the main school and Sport England would object to building on school playing fields. Therefore the Local Education Authority have requested some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of education facilities at schools in the locality of the development to facilitate the extra pupil places required. This contribution would therefore be used to accommodate the capacity issues created by the proposed development by improving, re-modelling or enhancing existing facilities at primary schools within 2 miles of the development.

A contribution of £260,992.08 is sought for high school education. The site falls within the catchment area of Brookvale High School. The school has a net capacity of 720 and 755 pupils are projected on the roll should this development proceed; a deficit of 35 places. A total of 3 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 32 (of which 17 are existing and 15 are created by this development). There are no other high schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore considered to be justified. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale High School.

For the upper school sector, the site falls within the catchment area of Groby Community College. The college has a net capacity of 620 and 508 pupils are projected on roll should this development proceed; a surplus of 112 pupil places after taking into account the 10 pupils generated by this development. A total of 3 pupil places are also being funded at this school from S106 agreements for other developments in this area which increases the surplus to 115. An education contribution is therefore not requested for this sector.

The total education contribution request is £684,941.39. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

### Libraries

A contribution request has been made from Leicestershire County Council Library Services for £9,160.00 for use of provision and enhancement of library facilities at Ratby Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

### Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £5,165.00 for enhancing the waste facilities at Coalville Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 21 tonnes of waste generated by the development and given that the contribution would be used to make improvements and to increase the capacity of the Civic Amenity Site at Coalville for the purchase and installation of additional compaction equipment and container areas to deal with the likely increased usage due to the proposed development, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

### Transport

A request has been made from Leicestershire County Council (Highways) for Travel Packs including bus passes at two per dwelling for a six month period to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £325.00 per pass.

Improvements are sought for the two nearest bus stops outside 1 Bevington Close and 16 Charnwood (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop or £6,526.00 in total. Contributions are also sought to equip the nearest bus stops on Bevington Close and 16 Charnwood with bus shelters at £4908.00 per shelter and two information display boards at £120 each. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for disabled users and an enhancement in the facilities for public transport users. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

### Health

Policy 8 of the Core Strategy states that the Council will support the improvement of the GP facilities in Ratby to provide for the increase in population, to be delivered by the Primary Care Trust and developer contributions.

NHS England (Leicestershire and Lincolnshire Area) requests £14,242.38 for Ratby GP Surgery. This surgery is at capacity and there is a lack of space within the existing premises

the contribution would be used towards an extension to the existing surgery to provide a new clinic room which will address existing capacity issues and expansion to meet the increased demands from new patients arising from this development. This will be additional consulting and treatment space, and associated facilities relative to the size of the increased population. It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

### Police

Leicestershire Police has requested a total of £52,868.00 split into £5,879.00 for start up equipment for a new police officer that would be required as a result of the development, £3,457.00 towards associated vehicle costs, £332.00 towards additional radio call capacity, £174.00 towards Police National Database additions, £381.00 towards additional call handling, £2,713.00 towards ANPR cameras, £500.00 towards mobile CCTV equipment, £39,116.00 towards additional premises and £316.00 towards hub equipment for officers.

It is considered that this contribution request is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

### Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3 and the guidance as set out in the National Planning Practice Guidance. Overall it is not considered the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area, would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

### Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside or Policy 8 of the Core Strategy which sets out the allocation for Ratby of 75 dwellings which has been met.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as Policy RES5 of the Local Plan and Policy 8 of the Core Strategy, should not be considered up to date.

In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out at Paragraph 14 that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a sustainable location close to the centre of a settlement that provides local services and facilities. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 30%, whilst lower than the policy requirement, is considered to be the best position from a viability perspective that secures the full package of other contribution requests and mitigates the impact of the development on local infrastructure. Whilst the 30% affordable housing level is lower than normally expected, it would still weigh in the balance of meeting the social sustainability requirements by providing a level of affordable housing that would help meet Ratby's affordable housing need.

The development would contribute towards meeting the borough's five year supply of deliverable housing sites which is a key material consideration and one that much weight should be given. Subject to conditions and mitigation, the development would not harm ecology, archaeology or heritage. The impacts of the development on the local highway network have been considered and whilst there would inevitably be an increase in vehicular movements as a result of this development it is considered that the mitigation to the Desford Lane/Ratby Lane junction would negate the impacts. Furthermore, the site is close to facilities and services and with appropriate improvements to local public transport facilities and direct bus links to Leicester and with the encouragement of the use of travel packs the development would be sustainable.

The proposed indicative layout would suggest that a high quality development could be achieved, subject to the detailed design and appearance of dwellings and materials, with a range and mix of dwelling sizes. Developer contributions to secure local infrastructure improvements as a result of the impact of the development would be secured as a planning obligation through a S106 Agreement and are considered to be necessary, reasonable and proportionate to the impact of the development.

Collectively therefore the above factors weigh in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

**RECOMMENDATION:- Grant subject to conditions and S106 obligations.**

**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 contribute to the core strategy allocation, would not have an adverse impact upon the character and appearance of the countryside, flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, BE16 and T5.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 8, 14, 15, 16, 19, 21 and 22.

In dealing with the application, the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

- 3 This permission and the development hereby permitted shall be carried in general accordance with the submitted layout details as shown on:- Site Location Plan N1094-002-C 1:1250 received 20 October 2014 and Site Layout Plan - Proposed N1094-103-G 1:2000 received 30 July 2014.
- 4 Construction shall be limited to 08:00 - 18.00hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 5 Prior to the commencement of development, a Transport Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority. The TMP shall set out details and schedule of works and measures to secure:-
  - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
  - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
  - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.
- 6 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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.
- 7 No development shall commence on site until such time as the and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and

approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 8 Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first 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) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - d) Implementation programme.
- 9 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.
- 10 Prior to the commencement of development a Tree Survey and Tree Protection Plan including trees and hedgerows to be retained shall be prepared in accordance with BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 11 The development shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey prepared by Middlemarch Ltd. dated March 2013.
- 12 Prior to the submission of any Full/Reserved Matters application, a programme of archaeological work, including an initial phase of trial trenching and subsequent proposed mitigation scheme, shall be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
  - a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme).
  - b) The programme for post-investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12 and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation

approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 14 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:-
- a) Surface water drainage system(s) which incorporate at least two differing forms of SuDS treatment designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
  - b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to the mean annual greenfield rate for the site.
  - c) Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
  - d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 15 No development shall commence until a scheme for the disposal of foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 16 Development shall not begin until details of design for off-site highway works including the provision of a ghost island right turn lane, the introduction of new traffic calming measures including a village gateway entry treatment, to reduce speeds to 30 mph, a new pedestrian crossing facility between the development site access and existing footways on the Markfield Road service road serving properties on the north side of the road, and a crossing facility to connect to footpath R38 (towards Groby) have been approved in writing by the local planning authority; and 10% of dwellings shall not be occupied until that scheme has been constructed in accordance with the approved details.
- 17 Development shall not begin until details of design for off-site highway works being improvements to the mini-roundabout junction of Desford Road and Ratby Lane, Kirby Muxloe have been approved in writing by the local planning authority; and the 50% of dwellings shall not be occupied until that scheme has been constructed in accordance with the approved details.
- 18 Development shall not begin until details of cycleway/footways from the site to Stamford Street, Bevington Close, existing footways on Markfield Road and to the N63 National Cycle Network route shall be submitted to and agreed in writing by the

local planning authority. The approved cycleway/footways shall be provided prior to first occupation of any dwellings hereby permitted and thereafter retained.

- 19 No part of the development as approved shall be brought into use until details of a Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the local planning authority and, if invoked, to the implementation of the specified additional measures.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 To ensure the development is carried out in accordance with the submitted details, for the avoidance of doubt and in the interests of proper planning.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the protection of neighbouring residential amenity during construction and in the interests of highway safety to accord with Policy BE1 (criterion i) and Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure satisfactory landscaping is provided in the interests of visual amenity in accordance with Policy NE12 and Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 11 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 12 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.



- 14 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To provide satisfactory off-site highway works to mitigate the impact of the development on the surrounding local highway network in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To encourage the use of sustainable transport choices in accordance with Section 4: 'Promoting Sustainable Transport' of the National Planning Policy Framework.
- 19 To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion and promote safety in accord with Section 4: 'Promoting Sustainable Transport' of the National Planning Policy Framework.

**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](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant should note that prior to carrying out any works directly affecting the existing route of the footpath a Diversion Order is required to be confirmed and become operative. In accordance with the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide, the proposed alternative route for footpath R50 should be surfaced to a width of 2.0 metres to a specification approved by the Highway Authority, and be provided with grass borders of at least one metre along either side. Dropped kerbs would be required at all points where the proposed alternative footpath intersects the new estate roads.

Before any works associated with the surfacing of the footpath are carried out, the applicant should notify the Rights of Way Inspector for the area, Mr. A. Poole, who may be contacted by e-mailing [highwayscustomerservices@leics.gov.uk](mailto:highwayscustomerservices@leics.gov.uk) or telephoning 0116 305 0001. The applicant will otherwise be responsible for ensuring that the legal line of footpath R50 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

**Contact Officer:** - Simon Atha Ext 5919

**Item:** 03  
**Reference:** 14/00596/OUT  
**Applicant:** Mr Keith Baxter  
**Location:** Garden Farm Bagworth Road Barlestone  
**Proposal:** Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline - access only)  
**Target Date:** 1 October 2014

**RECOMMENDATION:** - Grant subject to conditions and S106 obligations.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development and has generated responses from occupiers of more than five properties.

Application Proposal

This application seeks outline planning permission for the erection of up to 64 residential units.

Access is the only matters for determination at this stage, with all other matters being reserved for approval at a later stage. The scheme also proposes the demolition of the existing farmhouse and associated outbuildings.

Access is proposed from Bagworth Road, opposite numbers 21 - 27 St Giles Close.

The existing farmhouse comprises a substantial three story red brick building. Its principal elevation faces Bagworth Road, and is set back from the Road by a mature garden. To the rear of the house is a courtyard of traditional red brick farm buildings, one of which is two storey. These buildings are used for stabling, kennels and storage. Further beyond these buildings are various modern agricultural buildings and a stable block. The farm is accessed via a long driveway leading of Bagworth Road. This is to the south of the dwelling and leads to the rear of the farmhouse and courtyard of traditional farm buildings.

The Site and Surrounding Area

The site has an area of 2.5 hectares and comprises part of the landholding known as Garden Farm. The land is currently subdivided into paddocks and is used for the grazing of horses. The land sits at a higher level than Bagworth Road and levels vary considerably across the site, falling to the east and south east. Native hedgerow encloses the paddocks and there are mature trees dispersed within these.

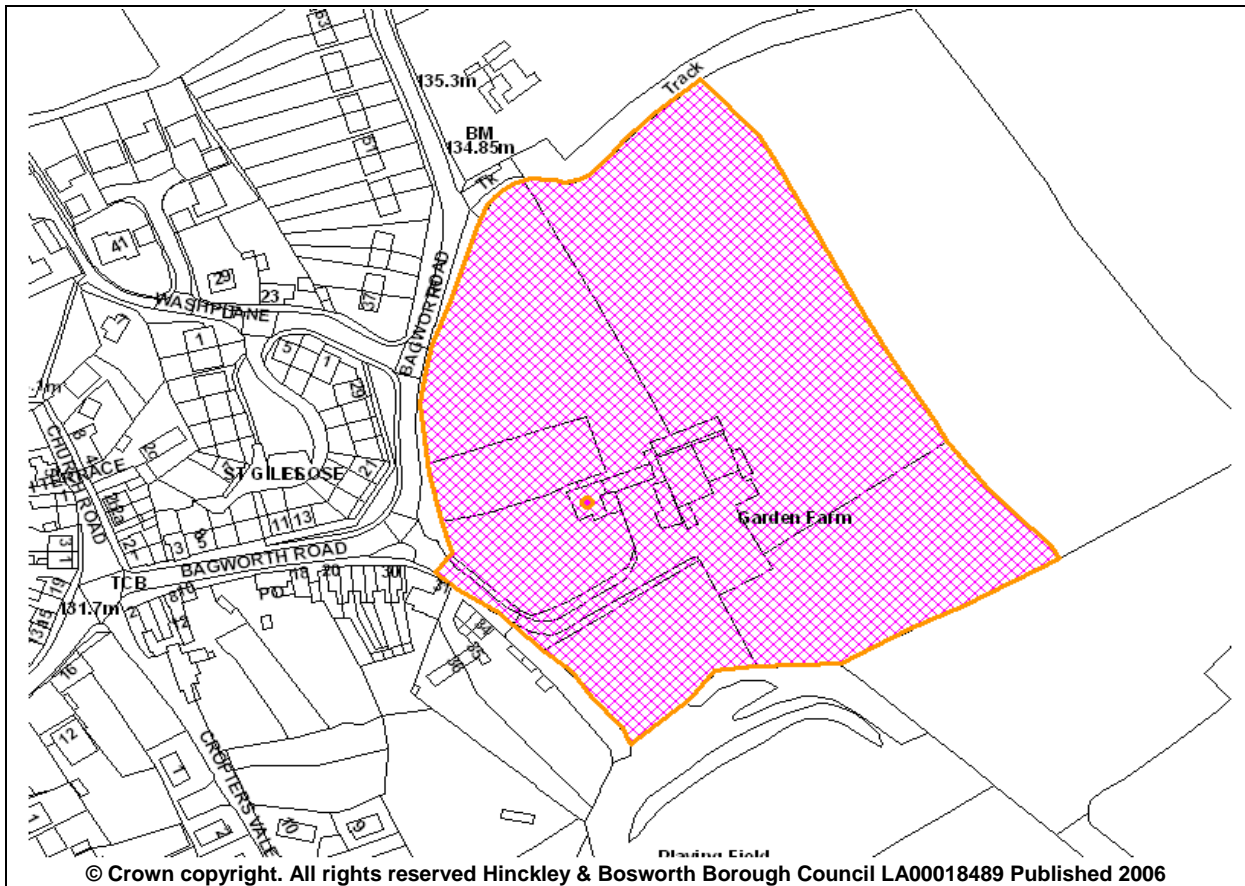
The site is situated to the north eastern periphery of the village. On the opposite side of Bagworth Road is residential development of various style, design and age. The village core is a short distance to the west. A playing field bounds the site to the south and a smaller agricultural holding to the north. The remainder of the site is bounded by agricultural land (within the applicant's ownership).

Technical Documents submitted with application:-

Design and Access Statement  
Planning Statement  
Transport Statement and Amendment  
Archaeology Survey  
Ecology Survey  
Tree Survey  
Flood Risk Assessment  
Draft Heads of Terms.

**Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection has been received from:-

Director of Environment and Transport (Rights of Way).

No objections subject to conditions have been received from:-

Environment Agency  
Severn Trent Water Limited  
Director of Environment and Transport (Highways)  
Head of Business Development and Street Scene Services (Waste Minimisation)

Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

Barlestone Parish Council has objected to the application on the following grounds:-

- a) Dangerous access and parking issues
- b) Loss of historic building within village
- c) School accommodation concerns
- d) Capability of sewers.

Council for the Protection of Rural England has objected on the following grounds:-

- a) The highway network is inadequate to cater for the increased volume in traffic
- b) Will result in detrimental impacts on the character of the surrounding countryside
- c) The housing allocation for Barlestone is 49 dwellings. This application exceeds this number and the development is therefore unnecessary.
- d) The site is outside the settlement boundary and is required to grow food.
- e) There are two large scale planning applications for housing proposed within the village. The combination of these will have an adverse impact on the quality of life and character of the village
- f) There are errors in the Transport Statement.

As a result of the Developer Contribution consultation, Leicestershire County Council has made the following requests:-

- a) Director of Environment and Transport (Civic Amenity) requests £3,120
- b) Director of Adults and Communities (Libraries) requests £0
- c) Director of Children and young Peoples Services (Education) requests £188,057.31 (secondary)
- d) Director of Environment and Transport (Waste) requests £3,120.

Site notice and Press notice were displayed and neighbours notified.

38 letters of neighbour representation received raising the following issues:-

- a) Highway, access and parking issues
- b) Unsustainable development
- c) Loss of agricultural land
- d) There are no local employment sites so residents will have to travel to work
- e) Contrary to Core Strategy policies
- f) Noise concerns
- g) Village does not have the facilities and amenities to support the development
- h) There are already high levels of congestion within the village, this development will exacerbate this.
- i) Concerns raised over the disposal of foul sewage
- j) There are many properties for sale within the village so is there the demand for this development?
- k) Where will the new residents work?
- l) Queries over education and medical facilities
- m) Safety concerns relating to children walking on the nearby roads
- n) Loss of farmhouse and outbuildings of character and quality should be avoided
- o) Limited shopping and public transport facilities
- p) Flooding and drainage issues
- q) This application should be considered cumulatively alongside other applications for housing in Barlestone

- r) Residents have not been consulted on the scheme by the developer
- s) The site is outside the settlement boundary
- t) The scale of development currently proposed for the village will destroy its character
- u) Concerns raised over the future maintenance of the lake at Garden Farm.

**Policy:-**

National Policy Guidance

National Planning Policy Guidance (NPPG) 2014  
 The National Planning Policy Framework (NPPF) March 2012  
 The Community Infrastructure Levy (CIL) Regulations 2010.

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres  
 Policy 11: Key Rural Centres Stand Alone  
 Policy 14: Rural Areas: Transport  
 Policy 15: Affordable Housing  
 Policy 16: Housing Density, Mix and Design  
 Policy 19: Green Space and Play Provision  
 Policy 20: Green Infrastructure  
 Policy 24: Sustainable Design and Technology.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
 Policy RES5: Residential Proposals on Unallocated Sites  
 Policy NE5: Development in the Countryside  
 Policy NE12: Landscaping Schemes  
 Policy BE1: Design and Siting of Development  
 Policy REC3: New Residential Development - Outdoor Play Space for Children  
 Policy T5: Highway Design and Vehicle Parking Standards  
 Policy T9: Facilities for Cyclists and Pedestrians.

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)  
 Sustainable Design (SPD)  
 New Residential Development (SPG)  
 Affordable Housing (SPD).

Other Material Policy Guidance

Emerging Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) - Feb 2014.

**Appraisal:-**

This is an outline application for access only; therefore layout, appearance, landscaping and scale do not form part of the application and will be considered at the reserved matters stage. As such the main considerations with regards to this application are:-

- Principle of development and 5yr Housing Land Supply
- Impact on the character of the area

- Residential Amenity
- Access and highway considerations
- Developer contributions, Play and Open Space and Affordable Housing
- Trees and Ecology
- Drainage and Floodrisk

### Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

### Core Strategy

Policy 7 of the Core Strategy states that in Key Rural Centres housing will be provided within settlement boundaries to provide for a mix of housing. Barlestone is defined as a Key Rural Centre due to the local services and facilities it has in place.

Policy 11 of the Core Strategy states that through the plan period land will be allocated for a minimum of 40 dwellings to be provided within Barlestone that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels. This requirement was met through granting permission for 49 dwellings at Land of Spinney Drive (ref:13/00735/FUL).

Pre-submission Site Allocations and Development Management Policies DPD (Feb 2014)

The proposed application site is identified within the above document as a proposed residential allocation, labelled BARL02 for 45 dwellings.

The 'Rural Areas Site Selection Justification Paper' provides the justification for this allocation as:-

- A suitable access confirmed as possible by the Highway Authority
- Close proximity to Barlestone Local Centre
- A low level of objection at the Preferred Options Stage when proposed as an Alternative option.

Whilst this document has been out to its final full public consultation prior to examination the document has yet to be submitted to the Planning Inspectorate for its examination.

Annex 1: Implementation of the NPPF indicates the circumstances in which decision-takers may give weight to emerging plans according to:-

- The stage of preparation of the emerging plan (the more advanced, the greater the weight).
- The extent which there are unresolved objections
- The degree of consistency of the relevant policies in the emerging plan (the more consistent, the more weight).

The Site Allocations and Development Management policies DPD has been subject to public consultation. This document identifies the site as the residential allocation to meet the minimum residual housing requirement for Barlestone. The DPD has not yet been subject to independent examination and there are unresolved objections relating to allocation of the site. The weight that can be given to the allocation at this stage is therefore limited.

This application proposes 64 dwellings, which would exceed the minimum figure of 45 as set out in the SHLAA. However, this said, even if this document were approved, the suggested figure does not mean that planning application should be resisted for additional development. Applications need to be considered on their merits against all relevant policies and other material planning considerations.

The 2013 SHLAA identifies this site as site reference As45 and notes it as greenfield in nature and currently forms a paddock and farmstead. The site was identified as suitable, available and achievable with an overall assessment of developable. The site was not assessed as deliverable and developable as the site stands outside but adjacent to the settlement boundary.

However, the SHLAA does not represent policy and does not determine whether a site should be allocated or granted permission for development; it simply determines which sites are suitable, available and achievable for housing development to inform the Site Allocations DPD.

### Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As at April 2014, the Borough Council does not have a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and



- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

### Local Plan

The site lies outside of the current settlement boundary of Barlestone, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies afford only limited weight in the determination of this application. This is supported by the view of a Planning Inspector at Stanton under Bardon (ref: APP/K2420/A/13/2200224) where in that appeal it was considered that those policies were not NPPF compliant.

### Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The applicant has included details as to the sustainability credentials of the scheme within the documents supporting the application.

The NPPF clearly defines the three dimensions of sustainable development as follows:-

#### Economic

It is considered that the local economy would benefit both directly and indirectly from the development and through the creation of jobs related to construction of the development itself. In addition financial contributions would be secured for the provision and future maintenance of local infrastructure.

#### Social

The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a housing shortfall which would enhance the quality, vibrancy and health of the local community and will further support local business and services.

## Environmental

While the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built to reflect the character of the surrounding area and through its redevelopment, the local planning authority will be provided with the opportunity to enhance the ecology and landscape of the area. The development will also be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect.

Based on the above the scheme is considered to comprise of sustainable development, in accordance with the NPPF, and would contribute towards the Borough's housing shortfall and five year housing land supply. The development is therefore considered to be acceptable in principle, subject to all other material considerations being appropriately addressed.

## Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, these policies are considered to have limited weight and the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a material consideration which should be afforded weight.

Local residents within the parish of Barlestone may consider that their 'quota' has been met in terms of the requirement of 40 dwellings as set out in the Core Strategy which has been achieved. However, it is clear following recent appeal decisions such as those at Three Pots and Workhouse Lane, Burbage and Main Street, Stanton-under-Bardon that the onus of the Council achieving a five year supply of deliverable housing sites applies Borough wide.

In the absence of a five year supply of housing sites, the settlement housing targets as set out in the Core Strategy can be afforded less weight. Furthermore, the housing requirements as set out in Policy 7 are expressed as a minimum to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need.

The development is considered to be acceptable in principle subject to all other material considerations being addressed.

## Character

As discussed above in policy terms the site lies outside of the defined settlement boundary for Barlestone and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods

- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

In addition, Saved Policy BE1 (criterion a) of the Local Plan 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.

#### Loss of Farmhouse and Outbuildings

The application proposes the demolition of the existing farmhouse and a range of traditional and more modern agricultural buildings. The buildings are not within a conservation area and are not listed. The site is no longer in operation as a working farm and instead provides equestrian livery. Given the concerns raised within the letters of neighbour representation relating to the loss of the buildings, consideration has been given to the character and value of these buildings. The farmhouse appears to date back to Georgian times. However through the years it has been subject to maintenance which has resulted in the introduction of standard UPVC windows and plastic rainwater goods. Brickwork has also been subject to maintenance on an ad-hoc basis which has resulted in a variation of brick type and detail. The group of original outbuildings have retained their courtyard form, with the two storey building being generally in good condition and retaining the majority of its original features. The single storey buildings have been subject to repair and the original oak trusses have been replaced with modern equivalents. There are also signs of structural defect. Whilst the two story building clearly has merit, it would be difficult to integrate the building within the wider development. Although the loss of these historic buildings would be regrettable in this case it is considered that the benefits associated with the wider scheme outweigh the consequential harm.

Immediately to the west of the site are a number of residential dwellings, a mixture of bungalows and two storey properties. Further west are terraced, semi detached and detached dwellings and further west lies the centre of Barlestone and the surrounding residential estates. The settlement boundary of Barlestone runs along the western boundary of the site along Bagworth Road. Further to the north, east and south is open countryside.

Although the majority of the site comprises greenfield land, it is situated adjacent to the settlement boundary and from the north, east and south, would be read against the context of the existing development within the village. The site is contained on four boundaries by mature vegetation and given this there would be limited visibility into the site. However, this said, by virtue of the undulating height of the hedgerow, the site would be partially visible from the northern boundary along Bagworth Road and from the dwellings on the opposite side of the Bagworth Road. The indicative details provided seek to retain the existing vegetation on the northern and eastern boundaries of the site, as they help frame the rural setting of the site and act as a natural buffer between the open countryside and the development. The existing trees and hedges to all boundaries are proposed to be retained and further enhanced with Hawthorn/Blackthorn hedgerows and indigenous tree planting. Accordingly the rural character of the area would be preserved as much as possible and the boundary treatments/landscape features would aid assimilation of the development within its semi-rural setting.

The proposed access would enter the site part way along the western boundary, off Bagworth Road. As the levels changes considerably from the highway to the site in this location, the formation of the access would involve considerable engineering works. Further, its creation would result in the loss of a section of native hedgerow and would consequently allow views into the site. These necessary highway works would inevitably change, and

formalise the predominantly rural character of the area. However to ensure that the impact to the character of the area is kept to a minimum, as suggested above, as far as possible existing boundary vegetation would be retained, and where possible enhanced. Landscaping and sensitive design and layout are considered key to the acceptability of this development, to ensure it is well assimilated within its setting and is not detrimental to the character of the area. Although these matters are not for consideration at this stage, indicative plans and key concepts for the development have been provided.

The indicative layout of the site proposes a soft entrance through the public open and space and retained and enhanced landscaped buffers to the boundaries. Dwellings that have a direct relationship to the boundaries would predominantly have their gardens facing this; allowing for a buffer between open countryside and development. This is with the exception of the development proposed along Bagworth Road, which is shown indicatively to address the street scene, to provide identity, a visual link with the remainder of the village and an active frontage. The indicative layout is generally acceptable; however there remain queries in respect of the plots abutting the countryside and the specific boundary treatment details in this sensitive location. Further work is also required in relation to the smaller dwellings and their proposed parking areas. The layout will be discussed in further detail within any subsequent reserved matters application.

The mix of properties has also been influenced by the surrounding developments with a mixture of detached, semi-detached and terraced two storey developments. However these design details would be discussed in more depth at reserved matters stage.

There are a range of dwelling types and materials found across the village. The central core of Barlestone is a mixture of historic and modern dwellings, with buildings predominantly constructed of red brick. The majority of developments surrounding the historic core have been constructed from the 1960's onwards. These properties are predominantly of red brick facades and concrete roofs. Therefore, to ensure the development would have an acceptable relationship with its setting, a similar pallet of materials would be suggested.

Although the development would inevitably urbanise this historically rural area, subject to acceptable and sensitive landscaping, design and layout, the consequential impacts are not considered to result in detrimental harm to the character of the area, and could enhance the local landscape and provide increased opportunities for biodiversity and environmental upgrade.

The proposal is considered in environmental terms to be sustainable development. Furthermore, the supporting information has demonstrated that it is likely that a design solution is likely to be achievable, in accordance with the design criteria of Saved Policies NE5 and BE1.

### Housing Density, Mix and Design

Policy 16 sets out the requirements of housing density, mix and design on all sites of 10 dwellings or more. It states that there should be 'at least 30 dwellings per hectare within and adjoining Key Rural Centres..... in exceptional circumstances, where individual site characteristics dictate and are justified a lower density may be acceptable'.

While the submitted layout shows a relatively low density, at 26 dwellings per hectare, as the layout is reserved for subsequent approval, the final density and design would be agreed at a later stage, having regard to site's setting in relation to the countryside and the established pattern of development in the area.

The applicant's Design and Access Statement provides an indication of the composition of the proposed market and affordable housing. The indicative information suggests that the affordable dwellings comprise primarily terraced properties and the market housing

comprises primarily 4-5 bedroom detached and three bedroom semi-detached properties with large curtilages. This is unlikely to be considered to be an appropriate mix of housing types. The details of the affordable housing provision would be discussed and agreed with the Housing Strategy and Enabling Officer, with the mix informed by the latest housing needs survey for Barlestone. The mix of open market housing would be agreed as part of a reserved matters submission.

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The scheme proposes 64 dwellings with 26 of those proposed as affordable. This equates to approximately 40% of the development and adequately meets this policy requirement.

Policy 15 dictates the tenure split of the affordable housing proposed, which may be revised to reflect changes in the housing market and local circumstance. In this case this would mean 19 properties for social rented housing and 7 properties for intermediate tenure.

The numbers of applicants on the waiting list for rented properties in Barlestone is as follows:-

1 bedroomed properties	109 applicants
2 bedroomed properties	89 applicants
3 bedroomed properties	44 applicants
4 or more bedroomed properties	9 applicants
Total	251 applicants

The Council owns 5 two bedroomed houses and 17 three bedroomed houses in Barlestone. There are in addition 30 x 2 bedroomed houses, 20 x 3 bedroomed houses, 2 x 1 bedroomed bungalows and 5 x 2 bedroomed bungalows provided by Registered Providers in Barlestone. The optimum mix for affordable housing on this site would therefore be for 4 x 1 bed 2 person flats or quarter houses, 10 x 2 bed 4 person houses and 3 x 3 bed 5 person houses, to be split into 3 or 4 clusters on the site.

As this is an outline application full details of the siting and layout of the affordable dwellings are not for consideration and will be considered at the reserved matters stage. However, in accordance with the Affordable Housing SPD a clause would be included in the S106 Agreement to ensure that the affordable housing is spread across the site in small clusters of four to six dwellings. As the site is also located within a rural area a local connections policy to Barlestone would be included to require applicants in the first instance to have a connection to Barlestone and then to the Borough.

There is a high demand in Barlestone for affordable properties and the waiting list shows that there is an acute housing need. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

It is considered that the delivery of 40% affordable housing in this rural area is a key material consideration that weighs favourably in the balance of meeting the social needs of sustainability as supported by the NPPF.

Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan required that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high

quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

In respect of criterion i) as appearance, layout and scale are not for consideration at this time, consequential impacts in terms of the residential amenity of surrounding properties, in terms of loss privacy, loss of sunlight and daylight and overbearing form can not be fully considered at this stage. As such the full impact on adjacent occupiers in terms of such would be a primary consideration at the reserved matters stage.

By virtue of its scale, the development would result in impacts in terms of noise and disturbance, both from vehicle movements and the development itself. These impacts have been considered by Head of Community Services (pollution) and no objections on these grounds have been received.

### Access and Highway Considerations

Saved Policies T5 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and should be given appropriate weight in the determination of this application.

A single point of access is proposed from Bagworth Road. Highway safety concerns have been raised within the letters of neighbour representation. The application has been accompanied by a Transport Statement (TS) and update.

The TS has assessed existing conditions on the surrounding highway network and an analysis has been carried out of the proposed development, including the means of access to the site. An analysis has also been carried out of accessibility to public transport and local amenities. As part of the Transport Statement, the personal injury accident records in the vicinity of the application site have also been assessed and it has been established there have been no recorded personal injury accidents for the latest five year period.

To support the planning application there has been a review of current planning policy guidance and the sustainability criteria set out by Leicestershire County Council in their 6Cs Guide. Based upon this, the TS concludes that the proposed development accords with relevant national and local planning policies and that the site is located in a sustainable location and therefore there are no material or overriding highway or transport reasons why planning permission should not be granted for the development.

Director of Environment and Transport (Highways) has reviewed the TS and the application details and has provided the following comments.

There is a significant level difference between the site and Bagworth Road in the vicinity of the proposed site access (approximately 3m) which will require extensive earthworks and/or retaining walls to provide an acceptable access. This and the need to provide visibility splays has the potential to affect the existing hedgerows.

The site is well located to the village centre with its range of services and hourly bus service and can be considered to be reasonably sustainable. There are existing concerns with parked cars on Bagworth Road and on Main Street, reducing traffic to a single lane in close proximity to a sharp bend with minimal forward visibility. The additional traffic from this development will exacerbate this situation, as most traffic will be accessing the A447 to the west of the village through the village centre.

In response to the request for parking restrictions in the area; Director of Environment and Transport (Highways) has stated that it would be unlikely that the imposition of double yellow

lines would receive approval due to the consequential reduction this would have on available parking within the area. Accordingly, to reduce congestion and improve highway safety within the central area of Barlestone, the Director of Environment and Transport (Highways) proposes to implement a 20mph limit in the central area of Barlestone. In addition to this it is considered that parking restrictions on the roads close to the site would be required to improve traffic flow around a bend with poor forward visibility. To help fund this, a contribution request of £15,000 is sought from the development.

In addition, in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use, the following S106 contributions have been requested:-

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area.
- 6 month bus passes to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- Bus shelter at nearest bus stop (Coalville bound) to provide high quality and attractive public transport facilities to encourage modal shift. At £,4908 per shelter.
- Real Time Information (RTI) displays at 2 nearest bus stops; as RTI is known to increase bus patronage where it is available. At £5,840 per display.

These contribution requests are considered necessary to comply with the NPPF, the CIL Regulations, and the County Council's Local Transport Plan 3. Therefore they would be included with the S106 agreement.

In addition to the contribution requests, the Director of Environment and Transport (Highways) has recommended ten conditions. These have been considered and eight are considered reasonable and necessary and would be imposed. Suggested condition 7 requires details of the routing of construction traffic. This condition would not be enforceable and therefore would not be imposed. Condition 8 requires parking provision. This detail would be further considered at reserved matters stage and thus the imposition of this condition is not considered necessary. Accordingly, subject to the suggested developer contributions and conditions, the proposal accords with Saved Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

### Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Environment Agency, Severn Trent and Head of Community Services (Land Drainage).

As the site area is over 1 hectare, a Flood Risk Assessment also accompanies the application. This states that the site falls within Flood Zone 1. By virtue of this classification, the site is considered acceptable for all types of development, including residential. It is acknowledged that by virtue of the development, areas of hard, impermeable surfacing would be increased, however, it is suggested that the associated surface water runoff would be managed by a sustainable urban drainage system. The report therefore concludes that the development will not result in increased flood risk and that the development is not compromised by surface water flows.

The Head of Community Services (Land Drainage), Severn Trent and the Environment Agency require conditions to secure drainage details, incorporating sustainable drainage principles for the site.

Accordingly, subject to the imposition of planning conditions, it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

### Land Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed. As such conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

### Developer Contribution Requests

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

#### Affordable Housing and Infrastructure Improvements

The application now proposes 13 residential units and as such does not attract infrastructure contributions.

The following requests have been received:-

### Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. It has been stated that the contribution would be for The Market Bosworth School and Bosworth Academy. The schools have a joint net capacity of 1750 and 1825 pupils are projected on roll should this development proceed; a deficit of 75 pupil places. A total of 14.60 pupil places are being funded at these schools from S106 agreements from other developments in this area which reduces the total deficit for these schools to 60 (of which 49 are existing and 11 are created by this development). There are no other 11-16 schools within a three mile walking distance of the site.

A contribution of £188,057.31 is sought for secondary education provision, which would be used to address existing capacity issues created by this development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

### Civic Amenity

A contribution request has been made from Leicestershire Shire County Council Environmental Services for £3,120 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there would be an additional 17 tonnes (approx.) of waste generated by the development and given the total waste collected is 7,874 tonnes per annum, it would be



difficult to argue that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

### Play and Open Space Contributions

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of St Giles play field, Bosworth Road Open Space and Barlestone Playing Fields. Either of these facilities would fall within the remit of Policy REC2. There are planned improvements to the Bosworth Road area of open space comprising of a new pavilion. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 64 dwellings this would total £36,968.40. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space.

There is no equipped or informal children's play space within 400 metres of the proposed development. As such the development is required to provide equipped open space at 5 sq m per dwelling and informal open play space is required at 15 sq m per dwelling in accordance with Saved Policy REC3.

The indicative layout proposes an equipped LEAP and informal open play space. This would not only be used by the new residents but would also have the added benefit of offering use to the existing local community as there are linkages proposed with the main settlement.

The onsite play and open space would be required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council; otherwise the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £707.00 per dwelling or £22,270.50 in total based upon 63 dwellings. The maintenance contribution for the informal on-site play space would be £159.00 per dwelling or £5,008.50 based upon 63 dwellings. These amounts are as set out in the Play & Open Space SPD.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

However as the plans are at this stage only indicative, there are no assurances that the equipped and informal play space would be provided on site. Accordingly a clause would be written into the S106 agreement stating that if the provision were not provided on site, a

capital and maintenance sum would be required for May Meadow Local Open Space. The site is located within 400 metres of the site. The quality of the spaces has been considered within the Quality and Accessibility Audit update of 2007 which awarded this open space a quality score of 38%.

It is considered that Barlestone has both a deficit of both equipped and casual/informal play space and May Meadow has been shown to have a quality deficit relating to facilities. The indicative size of the units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. 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 justified in this instance and therefore meets the requirements of Policies IMP1 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

### Other Matters

#### Recycling

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As layout is a matter for consideration and no such details are provided it is considered that a condition can be imposed.

#### Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3. Overall it is not considered to the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area that the proposal would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

Issues raised within the letters of representation not considered elsewhere in the report:-

Concerns have been raised in respect of the loss of agricultural land. Agricultural land would be lost, however the benefits associated with the development are considered to outweigh this concern.

There are no local employment sites so residents will have to travel to work. The residents would have to travel to work. However initiatives would be included within the S106 agreement to encourage the use of more sustainable modes of transport to the car.

Village does not have the facilities and amenities to support the development, including the an adequate number of shops, health facilities, dental provision and waste collection. It is considered that this application for further residential development would increase the sustainability, vitality and viability of the village and thus may attract more private service provision. The publicly delivered services have been subject to a developer contributions consultation, and where need has been identified, contributions have been sought. Queries and concerns raised over the disposal of foul sewage. This would be controlled as part of the building regulations.

Queries have been raised as to where the new residents will work? Whilst this consideration does not constitute a material planning consideration, as a consequence of new residential development, employment opportunities would be created and the viability of the local and national economy would be enhanced. This in turn would generate additional employment opportunities.

Queries have been raised in respect of the provision of over medical facilities. There has been no shortage of provision identified as a result of the developer contribution consultation and thus it would not be reasonable to request a contribution towards the provision of additional health facilities in this case.

Concerns have been raised that residents have not been consulted on the scheme by the developer. Whilst it may have been advantageous for the developer to consult with the local community, developer led consultation is not subject to control by the Local Planning Authority. However residents have been extensively consulted through the planning application process and all issues raised within the consultation responses have been taken into consideration.

Queries have been raised as to what will happen to the lake at Garden Farm and its future maintenance; the Lake at Garden Farm does not fall within the application site and would therefore not be effected by the proposal.

### Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as Policy RES5 of the Local Plan, should not be considered up to date. In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

Policy 11 of the Core Strategy sets out the allocation for Barlestone of a minimum of 49 dwellings. Whilst this figure has been met through the approval of Spinney Drive, this does not preclude additional development, as this figure is a minimum. However in assessing further developments for housing, they must be carefully balanced in terms of sustainability.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a reasonably sustainable location within a Key Rural Centre. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 40%, meeting the policy requirement, is considered to be a significant material consideration that weighs heavily in the balance. The development would not impact adversely upon the drainage and flood risk, ecology or archaeology and impacts in terms of highway safety can be mitigated. It is recognised that the proposal would have an impact upon and change the character of the existing

undeveloped countryside, landscape and wider views of the countryside; however overall the proposal is not considered to have significant environmental impacts that would outweigh principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

Collectively the above factors weigh heavily in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have carefully been taken into account.

**RECOMMENDATION:-** Permit subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and public open space together with financial contributions towards highway improvements, public play and open space and education, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

**RECOMMENDATION:- Grant subject to conditions and S106 obligations.**

#### **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 contribute to the Core Strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, T5 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 11,15,16, 19, 20 and 24.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

#### **Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - ii) The scale of each building proposed in relation to its surroundings.

- iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:- 7286-100, 7286-101, 7286-102 received by the Local Planning Authority on 17th June 2014
- 4 No development shall commence until details of all external materials (including samples) to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 5 No development shall commence until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 6 No development shall commence 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.
- 7 If during the course of development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the contamination shall be dealt with. Remediation works should be carried out prior to first occupation of any dwelling.
- 8 No development shall commence until drainage plans for the disposal of surface water, based on sustainable drainage principles and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9 No development shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.
- 10 No development shall commence until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has 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 and timetable.

- 11 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Bagworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained.
- 12 All boundary treatments, planting, seeding, and turfing comprised in the approved landscaping details shall be carried out in accordance with the approved implementation scheme submitted with the reserved matters application. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the reserved matters.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure safe pedestrian access to the village centre in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001
- 11 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway

safety. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 12 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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](http://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 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).

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) is currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.

To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

**Contact Officer:-** Eleanor Overton      Ext 5680



**Item:** 04

**Reference:** 14/00729/FUL

**Applicant:** Miss Rebecca Meek

**Location:** Land North West Of Barlestone Road Bagworth

**Proposal:** Installation of 1 No. wind turbine (up to 94 metres in tip height) and associated infrastructure

**Target Date:** 29 October 2014

**RECOMMENDATION: - Refuse planning permission.**

**Introduction:-**

This 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 seeks full planning permission for the erection of a single wind turbine with a maximum height to blade tip of up to 94 metres. The maximum generating capacity of the turbine would likely to be 0.5 MW.

An area of hardstanding is proposed around the turbine to provide a stable base for the turbine components to be erected during construction. Associated infrastructure includes a new access track, crane hardstanding area, electrical kiosks, underground cabling and temporary construction compound.

The turbine would be connected by underground cables to the transformer kiosk and then to the grid connection point, where it would be connected to the local distribution network.

Planning permission is sought for a 25 year period.

Access to the site by HGVs during construction and for routine maintenance during operation is proposed from Barlestone Road via the existing farm field entrance which would be upgraded accordingly. An access track would run from the site entrance across the fields to the turbine itself.

The Site and Surrounding Area

The site of the proposed turbine is located within the countryside approximately 1km to the west of the village of Bagworth and approximately 1.7km to the village of Nailstone to the south west. The site itself consists of an agricultural field. The land is bounded by mature hedgerows. Underhills Wood, a plantation of young saplings planted as part of the National Forest scheme is located to the west of the site. A row of electricity pylons runs roughly north to south approximately 170 metres to the east of the proposed siting of the turbine. The turbine itself is proposed to be sited to the south west corner of the field approximately 60 metres from the field boundary.

The site itself is mostly flat and level and sits on top of a plateau but the topography varies within the wider vicinity of the site.

A public right of way (bridleway) runs east to west from the site entrance across the site.

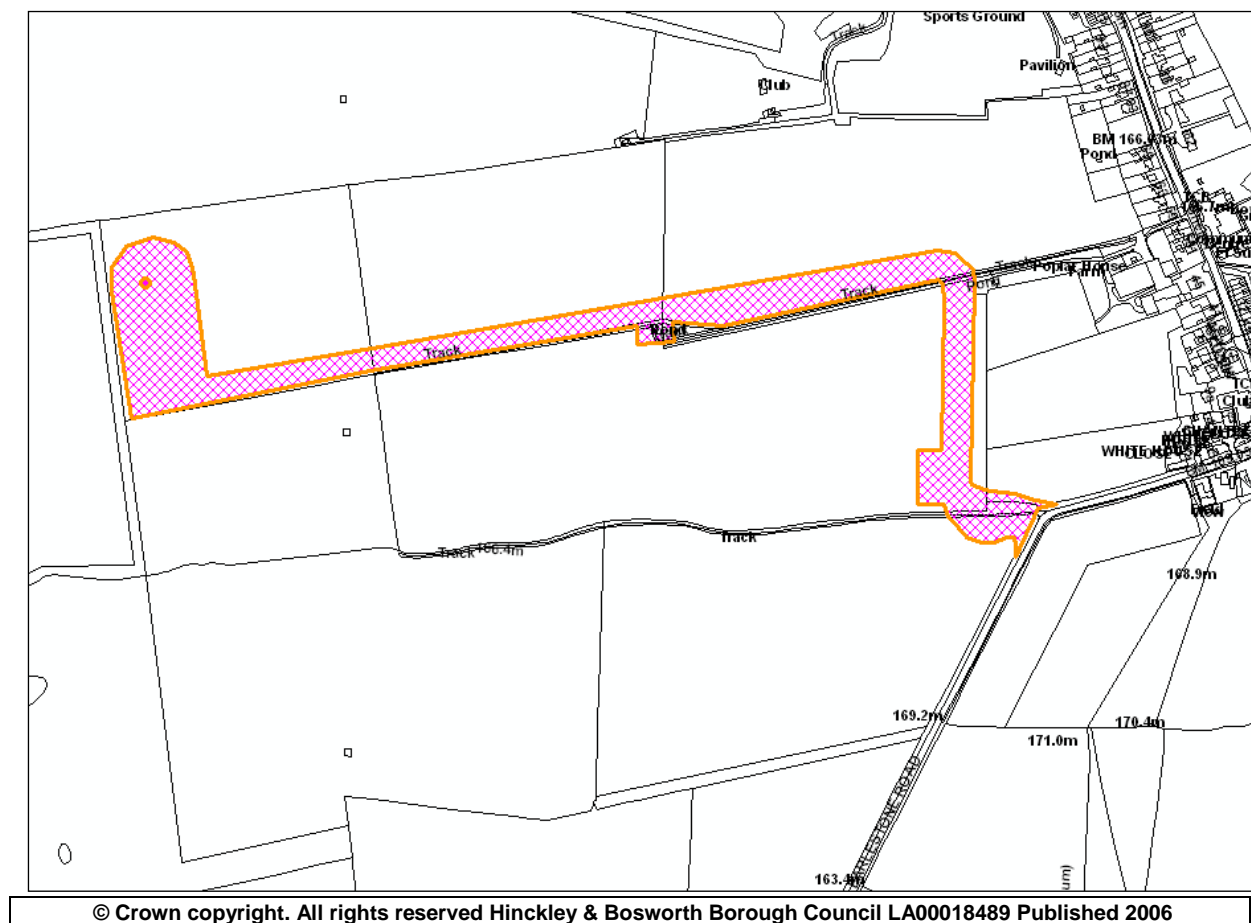
The closest residential properties back onto the site from Station Road, Bagworth approximately 1km to the east, Lodge Farm, Wood Road is approximately 750 metres to the west of the site and Crown Farm approximately 1km to the south west. Residential properties as part of the new development off Station Road, Bagworth along Jackson Road, Chesnut Drive and Murphy Drive would be approximately 880 metres from the site of the turbine. The Costalot and Good Friday Gypsy and Traveller Sites are located approximately 960 metres to the south west.

Technical Document submitted with application:-

Design & Access Statement  
Environmental Report  
Figures and Visualisations  
Appendices  
Statement of Community Engagement.

### Relevant Planning History:-

13/00635/SCOPE - Screening Opinion under Reg 5 of EIA Regulations 2011. EIA not required 05.08.13.



### Consultations:-

No objections have been received from:-

Ministry of Defence Safeguarding  
NATS Safeguarding  
East Midlands Airport  
Environmental Health (Land Drainage)  
Environmental Health (Pollution)  
Leicestershire County Council (Ecology)  
Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks)  
RSPB  
Leicestershire County Council (Highways)  
Leicestershire County Council (Public Rights of Way)  
Natural England  
North West Leicestershire District Council  
English Heritage  
Coal Authority

Bagworth and Thornton Parish Council object for the following reasons:-

- a) The application does not conform to the NPPG in so far as that a preliminary assessment of ground instability should be carried out before a planning application is prepared. Developers should ensure that investigations are undertaken to ascertain that their sites are and will remain stable with the site assessed in the context of the surrounding areas where subsidence, landslides and land compression could threaten the development or damage neighbouring land or property.
- b) The applicant has submitted a Geotechnical Report which includes 3 paragraphs dealing with Coal Seams. The report is a desktop study and it is considered that there are issues that make the report unreliable. The Coal Board cannot supply maps of the underground mine workings and therefore it is considered that the applicant's information should be ignored.
- c) In Figure 7.2 of the applicant's Landscape Character Area Sensitivity plan the areas highlighted in blue are areas of opportunity for large scale wind energy generation. Large scale wind turbines (80 - 125 metres) are usually associated with multiple turbine schemes and this may lead to a proliferation of turbines on this land.
- d) Underhills Wood is not shown on the plans and therefore concern is raised about its loss.
- e) There is no mention of Bagworth Sports Ground, the children's play area by Maynard Close and the football pitch behind that. Wiggs Farm Fisheries is also situation approximately 500 metres from the turbine where the turbine will be visible and will cause issues with shadow flicker.
- f) The proposed route for the delivery and construction of the turbine is by the B582 which is unsuitable for the transport of large loads. The access point to the site is an accident black spot.
- g) The proposed position of the turbine is too close to the village of Bagworth and micro-siting may move it even closer to the village. The turbine would have an adverse affect on the character and appearance of the landscape which the applicant acknowledges. The applicant could erect a smaller turbine that would be in keeping with the scale and character of the existing buildings and minimising the effect on the landscape and village.
- h) The applicant states that the turbine will result in a high magnitude of change within 1km of the turbine and this relates to the impact on the dwellings in the area which are all encompassed within this distance. Chapter 9 states that there would be major effects at some of the closest properties (200+ homes). Therefore the turbine would impact on the closest 40% of homes in Bagworth.
- i) Concern is raised about the amount of misleading information within the application and there should be more views from within 2km rather than areas that are not part of

the consultation process. The montages do not show the true scale and impact of the size of the wind turbine against a pylon. The turbine would be 2 - 3 times the size of the pylons yet the montages are shown as being the same size. There are many properties missing from Figure 7.18 Residential Amenity Assessment Receptors that will have major/severe visual effects on their properties.

- j) The applicant refers to Scottish National Heritage but fails to refer to other Scottish practice such as the 2km separation guideline which states that dwellings should be no closer than 2km from a turbine. Nor is reference made to the impact on recreational use of the countryside, water and fishing and the amenity of the surrounding countryside from footpaths.
- k) There would be a cumulative visual impact from adjoining parishes.
- l) The turbine would create low frequency vibrations that have been shown to be associated with various medical conditions.
- m) Considered that the harm would significantly outweigh the benefits given the insignificant amount of electricity generated for the inordinate amount of resource and subsidy required.
- n) Reduction in property values.

Site notices were displayed and neighbours notified.

69 letters of objection has been received. Summary of comments:-

- a) The turbine would have an overbearing visual harm to the village of Bagworth.
- b) Over 200 homes will face major visual impact.
- c) There are 17 turbines approved in the vicinity and therefore the cumulative impact will be great.
- d) The Coal Authority's low risk designation of the site does not mean no risk and the applicant has just assumed that the turbine would not be built near any mineshafts.
- e) Verified geological information, the need for risk assessments cannot be ignored.
- f) Building a 1,000 tonne plus 94 metre high vibrating turbine, emitting low frequency vibration that can travel up to 18km on foundations that measure 6 metres in diameter would be dangerous.
- g) The submitted geotechnical report states that the site is within the likely zone of influence from workings in 10 seams of coal at a depth of 100m and 270m which was last worked in 1989.
- h) Existing dwellings within Bagworth are suffering from subsidence and this would exacerbate this situation.
- i) The proposed turbine would be placed near a busy road with a sharp bend which is an accident black spot. This would distract drivers and cause further accident.
- j) Concerns rose in respect of the health of properties to close to the turbine from noise and vibration.
- k) Once this turbine is approved more are likely to follow.
- l) Harm to Underhills Wood and the National Forest, turbine is likely to impact on recreational facilities.
- m) Would impact on the views and enjoyment of people using the adjacent bridle path.
- n) Loss of an important view and vista from Bagworth.
- o) RES did not consult with the community effectively.
- p) Would impact upon property values.
- q) The turbine would impact upon ecology with the loss of birds and other important species.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework 2012 (NPPF)  
National Planning Practice Guidance 2014 (NPPG)

Local Plan 2006 - 2026: Core Strategy (2009)

Core Strategy Spatial Objective 12

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development  
Policy BE5: The Setting of a Listed Building  
Policy BE27: Wind Power  
Policy NE5: Development in the Countryside  
Policy T5: Highway Safety

Other Relevant Policy Guidance

Hinckley & Bosworth Landscape Character Assessment (2006)  
Hinckley & Bosworth Renewable Energy Capacity Study (2013)  
The Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)  
National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011

**Appraisal:-**

The main considerations in respect of this application are the principle of development, the visual impact of the proposal upon the character and landscape of the area, impact upon residential amenity, highway safety and other material considerations.

Principle of Development

One of the core planning principles of the National Planning Policy Framework (NPPF) as set out in Paragraph 17 is to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy. This is set out further in Paragraph 93 of the NPPF which states that planning has a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure which is central to the economic, social and environmental dimensions of sustainable development.

Furthermore Paragraph 98 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 also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable.

The NPPF reflects the imperative to cut carbon emissions and advises that an application for renewable energy should normally be approved if its impacts are (or can be made) acceptable. However, the National Planning Practice Guidance (NPPG) makes it clear that the need for renewable energy does not automatically override environmental protections or the planning concerns of local communities. Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Spatial Objective 12 of the Core Strategy 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.

Policy BE27 of the Local Plan 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 upon 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 publicly 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.

It is considered with the exception of criterion (a) that Policy BE27 has limited conflict with the NPPF and the NPPG and therefore should be afforded weight in the determination of this application. Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable and low carbon energy proposals.

The proposed wind turbine is therefore considered to be acceptable in principle in relation to the NPPF and Local Plan Policy BE27 subject to all other material planning considerations being satisfactorily addressed.

### Landscape & Visual Impact

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. In addition, Policy BE27 requires wind turbines to be 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.

Furthermore, Policy NE5 of the Local Plan seeks to protect the countryside for its own sake. Whilst this phrase is not considered to be compliant with the NPPF the general aims and objections of this policy are as Paragraphs 17 and 109 of the NPPF recognise the importance of the intrinsic character and beauty of the countryside and state that the planning system should contribute to enhancing the natural and local environment by protecting and enhancing valued landscapes.

Policy NE5 states that development will be permitted in the countryside where (a) it is important to the local economy and cannot be provided within or adjacent to an existing settlement; or (b) for the change of use, reuse or extension of existing buildings, particularly those of historic value; or (c) for sport or recreation purposes. In addition only where the following criteria are met: (i) it does not have an adverse effect on the appearance of character of the landscape, (ii) it is in keeping with the scale and character of existing buildings and the general surroundings, (iii) where necessary it is effectively screened by landscaping or other methods and (iv) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

It is considered that in relation to this proposal criterion (i) and (ii) are applicable to this development for a wind turbine.

The submission is based upon a candidate turbine with a maximum tip height envelope as the developer is yet to procure the exact manufacturer, make and model of turbine. This approach is supported within the National Policy Statement for Renewable Energy Infrastructure (EN-3). Paragraph 2.7.10 of EN-3 states that '...at the time of the application, wind farm operators may not know precisely which turbine will be procured for the site until some time after any consent has been granted. If turbine details, or any other relevant information are not available... then the applicant should assess the effects that the project could have to ensure that the project as it may be constructed has been properly assessed. In this way, some flexibility should be provided in the consent.'

Therefore whilst specific details of the exact finish have been conditioned to be agreed prior to the commencement of development it is likely that the turbine will be finished in an off-white colour and will have a maximum height of 94 metres to blade tip, with a likely generating capacity of 0.5 MW.

The site is defined in the Hinckley and Bosworth Landscape Character Assessment as part of the Forest Hills Character Area. The key characteristics of this area are gently undulating landforms with small plateaus on higher ground. It is identified that the highest point is centred around Bagworth where the turbine is proposed. It is defined as a predominantly rural landscape with arable and rough set-aside, influenced by industrial/urban features such as masts, poles and pylons. The area is strongly influenced by its industrial past, and as a changing landscape, it is of lesser sensitivity and therefore more resilient to change. The Landscape Character Assessment is an evidence-based document and therefore whilst not forming part of the Development Plan, it provides a contextual background in respect of the landscape character of the area.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty.

In addition, figure 5.3 within the Hinckley and Bosworth Renewable Energy Capacity Study 2013 categorises the Forest Hills Character Area of having low-moderate sensitivity to large turbines (80 - 135 metres to the tip). The Renewable Energy Capacity Study describes the location of the site as an area unconstrained for large scale wind energy development. Accordingly this area is characterised as an area of lesser sensitivity, with resilience to change and identified as having low-medium sensitivity for large sized turbines. However, it should be noted that the Landscape Character Assessment was undertaken to provide a consistent and spatially comprehensive evidence base to inform the assessment of deployable potential to provide guidance for those seeking to identify suitable areas for the location of wind turbines and for the Council in providing an initial response to such proposals and to help in the formulation of criteria against which specific proposals may be assessed in relation to landscape impacts.

In providing the sensitivity ratings for each character area, the study is clear in its assertions that the assessment does not form the only facet in identifying either capacity for development or landscape and visual effects. The study provides strategic guidance at the landscape character area level and as such local variations in character will also need to be considered in relation to individual applications and also that the study does not negate the need for detailed consideration of landscape and visual impact on a case-by-case basis in relation to an individual application or as part of an environmental statement.

In respect of the topography of the area this varies. The land surrounding the turbine sits on a high plateau and to the north, west and south the land level falls away. To the east towards Bagworth the land is predominantly level. The turbine would therefore be located in a relatively elevated position when viewed from certain viewpoints within the immediate and

wider landscape (less than 5km). The applicant has submitted various photomontages from a number of viewpoints to help aid the likely landscape and visual effects of the proposal.

Chapter 7 of the submitted Environmental Report details a visual amenity assessment that has been undertaken by the applicant. As the Landscape Visual Impact Assessment (LVIA) states wind turbines tend to give rise to effects within the landscape by virtue of a number of attributes specific to their individual form. Such as: Their strong vertical form, movement, grouping within the landscape and the relationship with the scale and nature of the existing landscape. The study area for the LVIA extends to 15km.

The LVIA has selected nine viewpoints from within the Zone of Theoretical Visibility (ZTV). The view points selected have been chosen from locations that cover a range of landscape character areas, distances and orientations from the site and landscape and visual receptor types. The following viewpoints were selected with distance indicated from the proposed turbine:-

1. B585, South of Battram - 786m
2. Ivanhoe Way at Nailstone - 1.6km
3. Leicestershire Round at Bagworth Park - 2.2km
4. Bridleway South West of Lindridge Farm - 4km
5. Bardon Quarry Triangulation Point - 5.6km
6. Footpath at Sutton Cheney - 7.5km
7. PRow west of Kirkby Muxloe - 8km
8. Nob Hill at Norton-Juxta-Twycross - 11.5km
9. Surroundings to Bagworth Country Park, near Murphy Drive - 851m
10. Car Park at Bagworth Working Men's Club - 1,031m

Essentially the viewpoints demonstrate that within the immediate locality it is considered that the proposed turbine would result in a high magnitude of change and that whilst there would be major/moderate effects at some of the residential properties closest to the proposed turbine. Within 1km of the site there are residential properties along Station Road, Bagworth that back onto and would have clear views into the site. These properties would face significant visual sensitivity to the turbine and in some cases a high degree of impact.

In terms of visual impact the turbine would be seen by a number of receptors as a disruptive skyline element, out of scale with its setting. The key receptors would be:-

- Walkers and horse riders using the bridleway running east to west to the south of the site of the turbine.
- The occupiers of nearby properties along Station Road, Bagworth that are within 1km of the site.
- Residents of the village of Nailstone approximately 1.7km to the south west of the site.
- Drivers on the surrounding local highway network including the B585 Wood Road and B582 Barlestone Road.

It is therefore considered that the introduction of a turbine of this scale and size would bring a significant change and a significant degree of landscape harm upon the visual character of the immediate area surrounding the site. As the distance from the site is increased the landscape is subject to some existing industrial/urban features such as pylons. However, from the villages of Bagworth and Nailstone in particular, the turbine would appear intrusive and out of scale, often against the skyline, at odds with the surrounding rolling and general open rural countryside. Having regard to the number of receptors affected considerable weight should be given to the harmful effect of the turbine on these near distance views.



In conclusion, whilst it is accepted 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, it is considered that the proposed wind turbine, due to its scale would inevitably result in a harmful level of visual impact, particularly when seen from the nearest settlements and surrounding roads and from the adjacent public rights of way. It is therefore considered that the proposed wind turbine would have visual impacts particularly in the area immediately surrounding the turbine, and it is considered that the effect of the proposed turbine on the character and appearance of the surrounding countryside would not be outweighed by the benefits associated with renewable energy in this instance.

Therefore the proposal would conflict with Policy BE27 of the Local Plan insofar as the turbine would not be sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised. In addition, the proposal would conflict with criterion (i) and (ii) of Policy NE5 as it would have an adverse effect on the appearance of character of the landscape and would not be in keeping with the scale and character of existing buildings and the general surroundings.

### Cumulative Visual and Landscape Impact

With regard to the cumulative impacts of wind turbines consideration has been given to Paragraph 22 and 23 of the renewable and low carbon guidance as set out in the NPPG. This states that cumulative landscape impacts and cumulative visual impacts are best considered separately.

The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequence of views) and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

The applicant has submitted a plan showing all other turbines (erected, consented or in planning) within the immediate and wider area up to 15km for cumulative assessment. The applicant has chosen the following turbines as part of their cumulative assessment as set out in Table 7.14 on Page 131 of the Environmental Report. No issue is raised with the choice of turbines for consideration:-

- A single turbine with a tip height of 77 metres at Land at Lindridge Hall Farm, Lindridge Lane, Desford (application ref: 13/01030/FUL - consented, not yet erected);
- A single turbine with a tip height of 45 metres at Lindridge Farm, Lindridge Lane, Desford (application ref: 14/00133/FUL - consented, not yet erected);
- A single turbine with a tip height of 42 metres at Land North Merryless Road, Thornton (application ref: 13/00600/FUL - erected);
- A single turbine with a tip height of 110 metres at Stonehaven, Land East of Bagworth Road, Newbold Verdon was granted consent (application ref: 14/00381/FUL - consented, not yet erected);
- Two turbines at 71 meters to tip height at Park House Farm, Leicester Lane, Desford (application reference: 11/00329/FUL - erected);
- A single turbine with a tip height of 77 metres at Halifax Farm, Merrylees Road, Newbold Heath (application ref: 14/00532/FUL - consented, not yet erected).

- A single turbine with a tip height of 74 metres at Cattows Farm, Normanton Lane, Heather (NW Leicestershire District) (application ref: 13/00165/FUL - consented, not yet erected);

The supplied photomontages and ZTV plans adequately demonstrate that the applicant has met the requirements to inform a landscape and visual impact assessment, as per the requirements of paragraph 22 and 23 of the renewable and low carbon energy guidance as set out in the NPPG.

The ZTV plans are supplied showing the proposed turbine in context of each of the turbines within the surrounding area. The maps of cumulative zones of visual influence have identified locations where the proposal would be visible with other turbines, of varying heights that exist (implemented) and consented.

The applicant states at Paragraph 7.12.27 page 135 of the Environmental Report that:

'the presence of these five turbines means the precedent has already been set for the acceptability of multiple wind energy developments, of varying scales, within the general landscape area, and there would only be a limited extension (to the north west) of the influence of this type of development as a result where they are all perceived together. Notwithstanding this, the turbine proposed, is situated sufficiently far from this group of turbines such that it is not readily viewed in the same panorama or context as them, and only adds a limited cumulative change as a result, and the twin lines of the overhead pylons provide a perceptual 'break' between the established group of cumulative schemes and the proposed turbine, the result being that the two areas appear as two distinct landscape areas, one being related to a largely rural landscape of large scale, and the other being close proximity to the settlement of Bagworth.'

It is not considered that this statement is an accurate reflection of the cumulative impact of the proposed turbine with other existing consented turbines and the harmful affect this proposal would have on the landscape.

Paragraph 7.12.29 goes on to state:-

'...in no instances is the cumulative change brought about by the proposal development on the host LCA of sufficient magnitude to lead to effects at a moderate, or greater level. The addition of the proposed development would represent a noticeable addition in its own right, but cumulatively would add very little to the existing baseline. Within certain parts of the local landscape wind energy would be a notable element defining character; however, the Poplar House Wind Turbine would be in no instance be the main proponent of the cumulative effect.'

Again this view is not supported. It is considered that the proposed turbine at its tip height of 94 metres would be of a large scale and as the applicant accepts would be a noticeable addition in its own right and that within the local landscape turbines would be a notable element defining character. The introduction of the proposed turbine into the landscape when considered cumulatively with other existing and consented turbines would significantly contribute and create a landscape effect that would significantly change the landscape to a harmful level.

It is therefore considered that due to the number, distance and scale of the existing consented turbines from the application site the introduction of the proposed turbine at 94 metres to the tip in this location would generate a negative or harmful cumulative visual impact in relation to the existing consented turbines in the area. As such the proposal is considered to be contrary to Local Plan Policies BE27 and BE1, the NPPF and the NPPG.

### Ecology & Ornithology

Paragraph 109 of the NPPF recognises the wider benefits of ecosystems and that the planning system should minimise impacts on biodiversity.

The NPPG recognises that wind turbines can have ecological impacts such as a risk of collision between moving turbine blades, birds and bats. Other risks include disturbance and displacement of bird and bat habitats. Due to the drop in air pressure close to the blades there is a risk of barotrauma (lung expansion) in bats which can be fatal. These risks are generally low, however in some situations, such as in close proximity to important habitats used by birds or bats the risk can be greater.

The proposal has been considered by the Leicestershire County Council (Ecology) who has raised no objections. The turbine would be sited at least 60 metres from an ecological feature that could be used by bats as per Natural England guidance. As such, due to the distance of the proposed turbine from any nationally designated sites and that the turbine would not be located within 60 metres of an ecological feature, it is not considered that the proposal would have any adverse impacts upon sites of ecological importance or protected species.

#### Impact upon Heritage Assets and the Historical Landscape

Paragraph 19 of the renewable and low carbon energy guidance as set out in the NPPG states that the significance of a heritage asset derives not only from its physical presence but also from its setting and careful consideration should be given to the impact of wind turbines on such assets. This is reinforced by Paragraph 131 of the NPPF which states that in determining planning applications local planning authorities should take account of the positive contribution the conservation of heritage assets can make to sustainable communities.

There are no statutory designated heritage assets within the immediate vicinity of the site. Policy BE5 of the Local Plan seeks to preserve the setting of listed buildings. The submitted Environmental Report states that there will be one instance where a Grade II listed building (Church Farmhouse, Barlestone) where the proposed turbine may have a neutral/slight effect upon the setting of the heritage asset. The Conservation Officer has raised no objection to the proposal. As such due to the distance of the proposed turbine from this heritage asset it is not considered that the turbine would result in an unacceptable impact upon the significance of this asset or heritage assets within the wider area that would result in the proposal being contrary to Policy BE5 or Paragraph 131 of the NPPF.

#### Relationship to Residential Amenity

Policy BE1 (criterion i) of the Local Plan requires that development does not adversely affect the amenity of neighbouring properties.

Paragraph 20 of the renewable and low carbon energy section of the NPPG states that shadow flicker and reflected light can be an issue under certain combinations of geographical position and the 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 which is known as shadow flicker. Only properties within 130 degrees either side of north, relative to the turbine can be affected as turbines do not cast long shadows on their southern side. It is generally accepted that the potential for shadow flicker to occur is seriously diminished at a distance of ten times the rotor diameter of the turbine in question.

In this instance there are no properties north of the turbine that could be affected by shadow flicker. As such it is considered that shadow flicker would not be an issue.

Paragraph 15 of the renewable and low carbon energy guidance as set out in the NPPG states that the 'Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)' should be used by local planning authorities when assessing and rating noise from wind energy developments. Furthermore, Policy BE27 states that the proposal should not have a detrimental impact upon surrounding properties due to noise and other forms of nuisance. The application has been accompanied by a Noise Impact Assessment which has been considered by the Head of Community Services (Pollution) who has raised no objection subject to conditions requiring the applicant to undertake noise tests to ascertain noise levels should a complaint be received.

As such it is considered that the proposal is in accordance with Policy BE1 (criterion i) and the renewable and low carbon energy guidance as set out in the NPPG. The proposal is therefore unlikely to cause a detrimental impact upon residential amenity from noise or shadow flicker.

#### Impact on Highway Safety or Public Rights of Way

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Furthermore, Policy BE27 states the turbine should be located a minimum distance that is equal to its own height away from any public highway. Access to the site by HGVs during construction, decommissioning and for routine maintenance during operation is proposed from Barlestone Road via the existing farm access which would be upgraded. Leicestershire County Council (Highways) has raised no objection to the proposal subject to conditions relating to access improvements, construction traffic routing and details provided and agreed prior to the commencement of development. A Transport Statement would be required to be provided and agreed prior to the commencement of development given the logistical issues that would entail with the delivery of turbine components to site.

The Public Rights of Way Officer has raised no objection and states that the turbine would not have an impact on the nearest bridleway and footpath.

The proposal is considered to be in accordance with Policy T5 of the Local Plan and would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network.

#### Impacts upon Aviation

Paragraph 31 of the Planning Guidance for Renewable and Low Carbon Energy states that wind turbines may have an adverse impact upon air traffic movement and safety either through the risk of collision with low flying aircraft or through interference with the operation of radar. In accordance with the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002 the Ministry of Defence (MOD) and National Air Control Transport Services (NATS) and East Midlands Airport have been consulted. No objection has been received to the proposal. The MOD have requested an aviation light with omni-directional infrared lighting is positioned to the top of the turbine. The proposal is therefore not considered to impact upon aviation safeguarding requirements.

#### Electromagnetic Interference

It is recognised in the NPPG that wind turbines can potentially affect electromagnetic transmissions. The proposal has been considered by the Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks) who has raised no objection to the proposal but have stated that the turbine is adjacent to a Western Power Distribution radio telemetry link which would need to be re-routed before development could begin.

Subject to this it is therefore not considered that the proposal would cause any electromagnetic interference.

### Environmental Impact Assessment

Following a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 the local planning authority issued a Screening Opinion on 01 August 2013. The development falls within Schedule 2 under part 3(i) Energy Industry: Installations for the harnessing of wind power for energy production (wind farms). The applicable thresholds and criteria states that:-

- (i) The development involves the installation of more than 2 turbines; or
- (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.

Whilst the development does not involve the installation of more than 2 turbines, the hub height of the proposed turbine at 71 metres, does exceed 15 metres. 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 1.5 MW which would fall below the identified threshold of 5 MW. It was therefore considered that the whilst the proposed development falls within Schedule 2 and meets one of the applicable thresholds, the development relates to one turbine with a generating capacity of 1.5 MW and as such based on the information provided it was concluded that the development does not require an Environmental Impact Assessment within the meaning of the EIA Regulations 2011.

### Subsidence

Concern has been raised from local residents about the possibility of subsidence from old mine workings that are present within the area.

The NPPG sets out guidance in Paragraph 1 of the Land Stability section that The planning system has an important role in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public and helping ensure that various types of development should not be placed in unstable locations without various precautions.

The applicant has submitted a desk based geotechnical and environmental desk study to explore ground conditions.

The applicant is proposing to erect a reinforced concrete foundation for the base. This would provide for a firm and stable base for the turbine itself. Should any former ground workings be found during excavation this would have to be appropriately remediated prior to construction.

The Coal Authority has confirmed that the site falls outside of the defined Development High Risk Area. Accordingly, The Coal Authority does not consider that coal mining legacy poses a risk to land stability in these areas; and as such would have no objection to the planning application.

It would appear from the information forwarded from the Parish Council that detailed research into the impacts of rising mine water on land stability in a professional capacity and The Coal Authority states that it does not wish to question or contradict that research. The Coal Authority is aware of the issue of rising mine water in the South Derbyshire Coalfield and operates a number of monitoring points in the vicinity of the application sites. Records of subsidence claims made within the immediate vicinity of the application site have been considered and The Coal Authority has confirmed that there have been no recent claims submitted. The most recent claim for subsidence damage was made and rejected in 1998.

There are records of claims nearby that were settled in 1985 and 1993; but these claims will have been due to the active underground coal mining activity at that time.

Whilst the concerns of local residents are noted in respect of the possibility for subsidence it is considered given The Coal Authority's response that the development proposed would be a low risk and therefore a reason for refusal based upon the possibility of subsidence could not be sustained.

### Conclusion

The NPPF supports the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy and that local planning authorities should approve the application if its impacts are (or can be made) acceptable. The principle of development would ordinarily therefore be considered to be acceptable. However, it is considered that the proposed turbine would bring significant landscape and visual impact from surrounding receptors including most notably the settlements of Bagworth and Nailstone. The proposed turbine would also result in a cumulative landscape and visual impact in relation to the number and scale of existing and consented turbines in the area.

Therefore on balance, whilst considering the principle of development and benefits renewable energy can bring in moving towards a low carbon future it is considered that the matters of landscape harm would significantly and demonstrably outweigh the benefits when considering the proposal as a whole. Careful consideration has also been given to the views of the local community in reaching this recommendation. The proposal is therefore considered to be contrary to adopted Local Plan Policies BE1, BE27 and NE5 and the overarching intentions of the NPPF. In addition, regard has been had to the renewable and low carbon energy guidance as set out in the NPPG as a material consideration.

### **RECOMMENDATION:- Refuse planning permission.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the proposal is considered to be in conflict with the development plan and the application has been refused.

#### **Reasons:-**

- 1 In the opinion of the Local Planning Authority due to the size, scale and position of the proposed turbine it is considered to be detrimentally harmful to the landscape and visual character of the local area. The proposal would therefore be contrary to Saved Policy BE1 (criterion a), Saved Policy BE27 and Saved Policy NE5 of the adopted Hinckley & Bosworth Local Plan 2001 and the overarching intentions of the National Planning Policy Framework in so far as it seeks to achieve sustainable development.
- 2 In the opinion of the Local Planning Authority the proposed turbine would result in a cumulative visual and landscape impact with other existing and consented turbines within the area leading to an overall harmful change and effect on the landscape and character of the area contrary to Saved Policy BE1 (criterion a), Saved Policy BE27 and Saved Policy NE5 of the adopted Hinckley & Bosworth Local Plan 2001 and the

overarching intentions of the National Planning Policy Framework in so far as it seeks to achieve sustainable development.

**Contact Officer:** - Simon Atha Ext 5919

**Item:** 05

**Reference:** 13/01029/COU

**Applicant:** Mr James Connors

**Location:** Land To The East Wallace Drive Groby

**Proposal:** Change of use of land to use as a residential caravan site for two gypsy families (four caravans, two pitches) with associated parking, hard standing and amenity block

**Target Date:** 21 November 2014

**RECOMMENDATION:- Refuse planning permission.**

**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 Cartwright and Councillor Batty on grounds that the site is not suitable for residential development, is not brownfield land, is within the countryside, does not conform with planning policy, will have an adverse impact on highway safety, will have an adverse impact on the adjacent SSSI and on grounds of drainage concerns. In addition, objections have been received from more than five addresses.

**Application Proposal**

This is a full application for the creation of two gypsy caravan pitches, along with the erection of a day room and the laying of additional hard standing.

Each pitch will comprise a one static and one touring caravan set at right angles to one another. The day room will be sited to the south of the site entrance and will comprise a pitched roofed building with a rectangular footprint (7.5 metres x 5 metres). Its maximum height will be 4.15 metres. A range of openings are proposed to its front and rear elevations. Internally it will be subdivided into two utility and bathrooms.

The area to the south east of the site access, on which the built development is to be sited, comprises a gravelled area and will provide the parking and turning space. The land to the south eastern and south western perimeter of the site will comprise a grassed area. The front (north western) boundary of the site will comprise a 2 metre high close boarded wooden fence, which will be planted to the front. The remaining boundaries will be enclosed by a post and rail fence. The site will be accessed via an unmade access track leading from Wallace Drive.

**Site and Surrounding Area**

The site comprises a parcel of land of 0.18 hectares, there is an adjacent parcel of land (to the north east), similar in size, also within the applicant's ownership. This land forms part of a larger, ridge and furrow field, which is in separate ownership. An access track passes the front of the site and leads from the A50.

The site is currently in use for the keeping of pigeons, and there are a number of wooden buildings on site reflecting this use. To the north of the site, on the opposite side of the



access track is the Site of Special Scientific Importance (SSSI) know as Lady Hay Woods. The track which runs along the north western boundary of the site, provides access to Pool Tail Bungalow, to the north of the site. Public footpath J92 intersects the site access track. The site is within the countryside, situated adjacent to the settlement of Bradgate Hill, which comprises a rural hamlet. To the west is a post war housing estate, comprising the majority of this hamlet. This consists of Wallace Drive, Lena Drive and further to the west, Elsalene Drive.

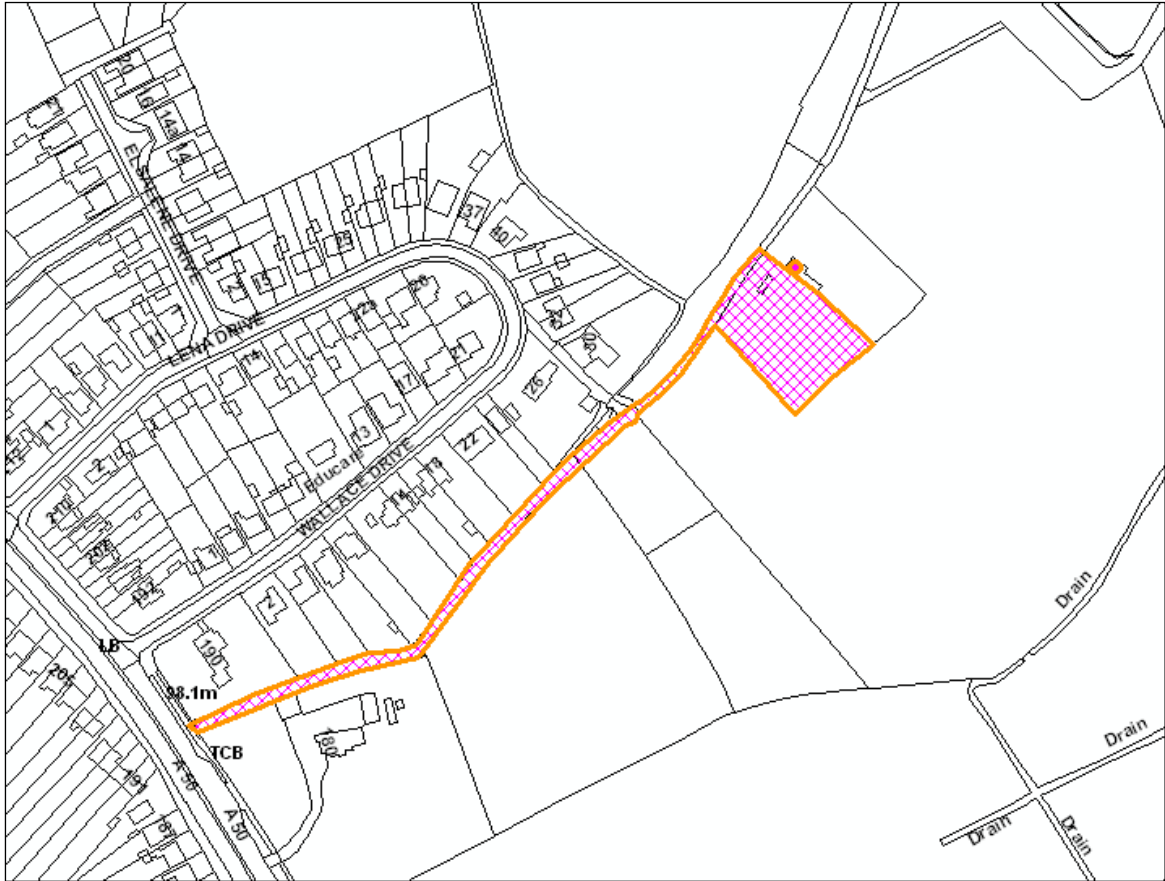
During the course of the submission an amended plan has been received. Access is now solely illustrated via the access track from the A50. As this amendment had land ownership implications, a new Certificate B has been completed and a full re-consultation, including the publication of additional site notices has been undertaken.

Technical Document submitted with the application:-

Design and Access Statement.

**Relevant Planning History:-**

06/01348/CLU	Certificate of lawful existing use of land for the keeping and breeding of pigeons	Approved	13.02.07
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**Consultations:-**

As a result of the amended plan re-consultation, no additional responses have been received.

Further no additional comments have been received from:-

Environment Agency  
Natural England  
Director of Community Services (Ecology)  
Head of Community Services (Pollution)  
Head of Community Services (Drainage)  
Head of Business Development and Street Scene Services (Waste Minimisation).

Director of Environment and Transport (Footpaths) have stated that there would be a high level of conflict between pedestrians using the public right of way and vehicular traffic exercising their private right of access along the track. On this basis they have requested that the Borough Council decline to issue planning permission for the development.

Director of Environment and Transport (Highways) have recommended refusal.

Groby Parish Council has objected to the application on the basis of the use of the access to the A50 and access and egress difficulties.

25 letters of neighbour representation have been received raising the following issues:-

- a) Too many Gypsy Sites already within the Borough
- b) Access and Highway Concerns
- c) The route will conflict with parts of the public footpath
- d) Development within open countryside
- e) Adverse impacts on residential amenity, noise and disturbance, light pollution
- f) Development not capable of sympathetic assimilation within its setting
- g) Proposal fails to adhere to design guidance
- h) Not brownfield land
- i) Contrary to local and national planning policy
- j) Contrary to Sustainability appraisal which accompanies the Core Strategy
- k) Traffic speeds down the A50 regardless of measures implemented
- l) How would fire service vehicles and refuse vehicles access the site?
- m) Wildlife and ecological implications
- n) The proposal is landlocked, as it is assumed that the access right apply only to the owners of the pigeon lofts and the access is privately owned
- o) Concerns over the use of a Cess Pit
- p) The proposed access comprises an overgrown, unlit path of considerable length.
- q) Will intensify traffic along this lightly used track.

No objections received from:-

Natural England  
Environment Agency  
Director of Chief Executive (Archaeology)  
Director of Community Services (Ecology)  
The Director of Property Services (Gypsy Liaison)  
Director of Environment and Transport (Footpaths)  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Head of Business Development and Street Scene Services (Waste Minimisation).

The Director of Environment and Transport (Highways) has recommended refusal.

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

- a) adverse impact on the area of scientific interest and the Slate Brook
- b) site not brownfield, but Greenfield as there are only pigeon lofts on it
- c) there is an abundance of wildlife in the area
- d) the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use
- e) the existing sewage system is overloaded
- f) the site access/entrance is not suitable for residential use and for use by caravans.

Stephen Dorrell MP objects to the proposal on the following grounds:-

- a) the proposal will result in significant hazards to road users and residents
- b) planning permission has been refused on land at the end of Elsalene Drive due to highway concerns - thus similar decision making criteria should be applied here
- c) This proposal is a significant departure from the current use of the site for the keeping of pigeons.

Councillor Batty objects to the application on the following grounds:-

- a) this is not a brownfield site and is not suitable for residential development
- b) the site is situated in the countryside and as such is not within the list of acceptable uses as stipulated in HBBC Local Plan Policies
- c) the proposal does not complement or enhance the character of the surrounding area
- d) there will be likely adverse impacts on the amenities of neighbouring properties due to noise, significantly increased traffic movements and light pollution, contrary to Local Plan Policies NE5, BE1 & BE26
- e) the site has an unsuitable access being an un-adopted single track lane accessing Wallace Drive on a sharp bend, providing an inadequate visibility splay for slow moving towing vehicles to enter Wallace Drive on an incline, particularly when turning to the left towards the A50. This is not in conformity with Local Plan Policy T5
- f) the application site which is adjacent to the Groby Pool SSSI proposes a Cess Pit for the disposal of foul water, this is not consistent with current policy and as such not acceptable
- g) the proposal for surface water drainage on a site with a high water table which also slopes down to a sensitive watercourse feeding into Groby Pool can not reasonably be considered to be satisfactory
- h) this application fails to meet the required criteria of HBBC Core Strategy Policy 18 on 3 points:-
  - i) will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by the movement of vehicles to and from the site
  - j) ii) can be capable of sympathetic assimilation into the surroundings
  - k) iii) applications for new sites and refurbishment of existing sites must meet the design guidelines detailed in National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide).
- l) the application conflicts with Core Strategy Policy 22 Charnwood Forest
- m) the application does not meet the guidance provided in the statement recently published by the DCLG on Gypsies and travellers.

Parish Councillor McCausland has objected to the application on the following grounds:-

- a) planning policy should be applied consistently to land off Wallace Drive. The decision against the creation of a second dwelling at Pool Tail Cottage and the condition imposed

preventing this from taking place , as it would be contrary to PPS7 illustrates that this land within the countryside is not suitable for any residential development.

86 letters of neighbour representation have been received raising the following issues/concerns:-

- a) development not in keeping with existing properties
- b) will result in additional highway safety hazards and concerns
- c) there are limited recreational facilities within the area
- d) [REDACTED]
- e) not a brownfield site - there is no justification for allowing a site here
- f) [REDACTED]
- g) [REDACTED] refill sites where they can not intimidate other local people, particularly the vulnerable
- h) there are only limited land uses as prescribed by planning policy for this piece of land
- i) there have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site.
- j) [REDACTED] community and approve an application for four permanent caravans
- k) site is within the open countryside, and thus not in keeping with the character of the area.
- l) will result in an adverse impact on residential amenity in terms of noise, disturbance from vehicles movements and light pollution
- m) the access is not suitable in terms of its width, geometry, surfacing or gradient
- n) the track from the A50 is dangerous as confirmed by Leicestershire County Council Highways
- o) drainage issues and adverse impacts on the SSSI
- p) contrary to Core Strategy policies 18, 22 and those to protect the National Forrest
- q) the site fails to meet guidance within DCLG Gypsies and Travellers
- r) proposal can not be sympathetically assimilated within its surroundings
- s) will have an adverse impact on the wildlife within the SSSI
- t) [REDACTED]
- u) the development is contrary to the sustainability appraisal which accompanies the Core Strategy
- v) loss of Greenfield site
- w) generation of construction demolition and waste
- x) further risk of pollution from greenhouse gasses
- y) will have an adverse impact on natural habitats and biodiversity
- z) there are a number of errors and inaccuracies on the application forms and within the Design and Access Statement
- aa) this is a locally controversial application, but no extension has been granted to the public consultation period.
- bb) there is not way or ensuring/enforcing that the access onto the A50 is not used
- cc) the access track has been illegally upgraded and HBBC did nothing when this illegal activity was reported to them
- dd) the application only covers half the land owned by the applicant thus in the future the remainder of the site could be developed.
- ee) [REDACTED]
- ff) the site abuts some of the most beautiful countryside in Leicestershire
- gg) [REDACTED]
- hh) proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide

- ii) the proposed Cess Pit is not suitable for the disposal of foul water and would have an adverse impact on Groby Pool.
- jj) will have an adverse impact on the pond at Lady Hay Wood, which is home to many forms of wildlife including Great Crested Newts
- kk) the use of the access could damage adjacent properties, a lorry using this track has recently done so
- ll) on street parking within the area is already an issue, which will result in additional highway dangers
- mm) the use of the access track by additional vehicles would increase the risk to other users such as walkers
- nn) the traveller horses on site have always lived in the open and there is no equestrian centre
- oo) hedgerow on site has been ripped out and trees chopped down and replaced with hard landscaping.
- pp) previous enforcement notice served on site which required the residential mobile home to be removed
- qq) contaminate of the Slate Brook from cess pit, soakaway and vehicle storage - this has happened before and has resulted in dead fish being found in the brook.
- rr) the refuse lorry would not be able to access the site
- ss) there has been fly tipping of garden waste and building materials by the footpath to the rear of Wallace Drive
- tt) all previous applications for commercial and residential use on site have been refused, so why should this be allowed?
- uu) will have an adverse impact on a rare orchard growing adjacent to the site
- vv) the area is prone to flooding and has a high water table
- ww) the area is designated Green Belt
- xx) ridge and furrow farming land should be preserved
- yy) the fencing proposed is contrary to that existing on site and the cost of replacing this would be prohibitive
- zz) concerns over water supply- the pigeon lofts is currently served by illegal tapping into the Severn Trent Supply
- aaa) the area proposed for the keeping of horses is too small and thus impractical for such a use
- bbb) the mains sewer was laid in the 50's/60's under the track leading to the A50. this comprises of clay pipes only 0.5 metres below the surface. Accordingly there is little protection to the piping and thus would be damaged by further heavy vehicles using the track
- ccc) the vehicles which use the A50 track currently do so at very high speeds making it extremely dangerous
- ddd) there are no utilities on site
- eee) would have an adverse impact on the muntjac deer which use the site
- fff) the proposed measures to limit the impact of the development are insufficient
- ggg) what commercial vehicles for business purposes will be using the site?
- hhh) if land is to be turned into residential, given the current housing shortage, builders should be given the opportunity to obtain planning permission and implement the infrastructure required to support residential use
  - iii) the lane is heavily used by pedestrians and has no footpath
  - jjj) proposal is contrary to Policy B26
- kkk) will have an adverse impact on the view from surrounding properties
- lll) [REDACTED]
- mmm) the proposal will place additional pressure on already overstretched local services
- nnn) [REDACTED]
- ooo) is a flood risk survey going to be undertaken?
- ppp) there are no permanent structures currently on the land
- qqq) the site is over a mile away from the shops and services in Groby

- rrr) the closest settlement is Wallace Drive, not Eden Drive as stated on the application forms
- sss) the proposal will result in additional dust/fumes
- ttt) [REDACTED]
- uuu) there is already an existing business registered at this address, so the proposal will result in increased traffic
- vvv) proposal is contrary to Policy 8 of the Core Strategy
- www) emergency vehicles will not be able to access the site, have the fire and rescue service been consulted
- xxx) English Heritage should be consulted
- yyy) clarification is required of the number of residents to be on site
- zzz) [REDACTED]
- aaaa) [REDACTED]
- bbbb) [REDACTED]

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

Ramblers Association  
National Forest Company.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012  
Planning Policy for Traveller Sites (March 2012).

Local Plan 2006-2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People  
Policy 13 Rural Hamlets  
Policy: 21 National Forest  
Policy: 22 Charnwood Forest.

Gypsy and Traveller Accommodation Needs Study / Gypsy and Traveller Allocations DPD (January 2013)

Hinckley and Bosworth Local Plan 2001

Policy BE1; Design and Siting of Development  
Policy NE5: Development in the Countryside  
Policy NE9: Areas of Attractive Countryside  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards.

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states amongst other things that there is no single, appropriate design for sites.

**Appraisal:-**

The proposal is for two pitches and associated development for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a

letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the National Planning Policy for Traveller Sites. The Officer also verifies the applicant's details and the need for the site.

The main issues for consideration in the determination of this application are:-

- Principle of development
- Impact on character of the surrounding countryside
- Impacts on the National Forest and Charnwood Forest
- Residential Amenity
- Highway Safety
- Ecology.

Planning Policy for Traveller's Sites (March 2012)

'Planning Policy for Traveller's Sites' came into effect on the 27 March 2012, and should be read in conjunction with the National Planning Policy Framework (NPPF). As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in these documents. Policy H of the new traveller sites policy (in paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are discussed below:-

a) the existing level of local provision and need for site

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2017 identifies a need for 42 residential pitches for the period up until 2017 within the Borough. The assessment informed the requirement for 42 residential pitches included within Policy 18 of the adopted Core Strategy.

The Council does not have an adopted Needs Assessment for Gypsies and Travellers for decision making purposes beyond 2017. However, evidence was presented by the appellant to the recent Good Friday public inquiry to suggest that Hinckley and Bosworth has a 5 year land supply of Gypsy and Traveller pitches. For the purposes of that appeal, the appellant's evidence was not challenged. While the evidence presented to the Good Friday public inquiry is a material consideration, it is considered that there remains an unmet need for a small number of pitches, taking account of Core Strategy policy 18.

Furthermore, aside from the evidence and figures relied upon within the Good Friday appeal, there remains the requirement within the NPPF to determine applications in accordance with the presumption in favour of sustainable development. Taking all these matters into consideration, a refusal of this application on the grounds of the council having met its need would be difficult to sustain.

Paragraph 25 of the National Guidance indicates that, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. This should be weighed in support of the application subject to the technical assessment of the site specific issues.

b) the availability (or lack) of alternative accommodation for the applicant

The Aston Firs Caravan Site, which is located in the Borough of Blaby, which is owned and managed by Leicestershire County Council and provides accommodation for Gypsies and

Travellers, is at capacity. In addition, there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to. Approval of this application would go towards meeting the current shortfall in pitches and relieving the strain on the Aston Firs Caravan Site.

- c) other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer has submitted a letter in support of the application, which provides information about the personal details and specific needs of the end users of the site. This states that the site would be able to accommodate two brothers who currently live with their parents. The intended occupants are currently single, are in employment and have no health issues. The personal needs of the applicant should be attributed weight in the determination of this application.

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

The locally specific criteria in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People, and the application is assessed against this policy further below in this report.

- e) that Local Planning Authorities should determine applications for sites from any travellers and not just those with local connections

The applicant is a local man who has owned the land for a number of years; his sons, whom the site would be for, live within an adjacent borough. Therefore the applicant and family are considered to have local connections.

Paragraph 23 of the Planning Policy for Traveller Sites states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. Paragraph 55 of the NPPF states that "local planning authorities should avoid isolated new homes in the countryside". Although the site is within a countryside location, due to its proximity to the settlements of Bradgate Hill and Groby, it is not considered that this site could be defined as isolated. This said, the countryside location needs to be balanced against the personal needs of the applicant and other material planning considerations. These issues will be discussed in further detail below.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:-

- a) effective use of previously developed (Brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
- c) promote opportunities for healthy lifestyles such as providing adequate play areas for children
- d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

The site is a brownfield site by virtue of it being previously developed. The extent of the brownfield nature is subjective; however the development as proposed is generally within the area where buildings and hardstanding are sited.



The scheme does not include a formally identified children's play space, however the grassed land, towards the perimeters of the site could be used for such. The site is currently enclosed by a close boarded fence, which will provide privacy and security for the residents and children from the surrounding community, both visually and physically. Additional planting is proposed to the front (road facing) elevation of this fencing, which will help soften its appearance.

### Local Plan 2006-2026

#### Core Strategy Policy 13

Bradgate Hill is identified as a Rural Hamlet (policy 13). The supporting text to policy 13 states that because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. As this proposal does not fall into one of the identified categories, it is contrary to the policy requirements. However this consideration must be weighed against the needs of the applicant and other material planning considerations.

#### Policies 21 and 22: National Forest and Charnwood Forest

The site is situated within both the National and Charnwood Forest.

Policy 21 (National Forest) is subdivided into two sections; the first relates to proposals which contribute towards the delivery of the National Forest Strategy and thus is not applicable to this proposal. The second relates to all developments within the national forest and states that developments shall provide on-site or nearby landscaping that meets the National Forest planting guidelines.

Planting has not been provided by this scheme, the developer has been requested to provide this information. Should such detail not be submitted, the proposal would be contrary to the requirements of Policy 21.

Policy 22 (Charnwood Forest) initially identifies a range of land uses which will be supported in the Charnwood Forest. The policy does not say these are the only uses that are acceptable. Should uses be of those listed within the Policy a series of design related criteria are applicable.

This proposal does not fall within one of the categories of acceptable use, however as the site is for Gypsy and traveller pitches, Policy 18 of the core strategy, which is specifically relevant to this proposed use, overrides the requirements of Policy 22. Accordingly, the weight to be attached to policy 22 in this case is limited and would not warrant refusal of the scheme.

#### Core Strategy Policy 18

Policy 18 of the Core Strategy is concerned with the provision of sites for Gypsies, Travellers and Travelling Show People and outlines the numerical requirement for the delivery of pitches for use by Gypsies and Travellers which were originally derived. The policy identifies that the Borough is required to provide 42 residential pitches (26 up to 2012, 16 from 2012 - 2017) and five transit pitches (to accommodate 10 transit caravans) to 2012. Since the Core Strategy has been adopted, this need figure has been superseded by the figures within the Gypsy and Traveller Accommodation Needs Study, and so can be afforded little weight. Thus the Policy 18 figures are outdated and superseded by the more recent Needs Study figures. The bullet points within the second half of this policy, which relate to siting and design remain applicable and should therefore be afforded weight.

## Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is situated adjacent to the settlement boundary of Bradgate Hill, but this settlement has no services. The nearest settlement providing a full range of services is Groby. The site is connected to Groby by footpaths and also has a safe crossing over the A50, meaning that safe travel to facilities could be accomplished by means other than the private car. The site is a distance of 1.2 kilometres from the centre of Groby. This distance is considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy.

## Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

During the course of the application, an amended plan has been provided. This removes the originally proposed access to Wallace Drive and proposes a new access directly to the A50. This access runs parallel to the rear gardens of properties on Wallace Drive, has a length of approximately 200 metres and constitutes an unmade single track. Further, for part of its length the track intersects public footpath J92. The access and track is currently used as a primary residential access for Pool Tail, whilst also providing access for other landowners within the vicinity. Concerns have been raised as to whether the applicant has a right of access over this track. In response, the applicant is of the opinion that he has and has provided legal documentation to support this. However, if not, access rights do not constitute a material planning consideration and if the applicant did not have such rights, the permission would be unable to be implemented.

The Director of Environment and Transport has stated that from a highway safety point there would be serious concerns with the proposals as slow moving turning traffic, including caravans under tow, would be entering and exiting directly onto the A50 where speeds are higher than desirable. To enter and exit this narrow access, vehicles towing caravans are likely to use both lanes of the carriageway.

Concern is also raised in respect of the width of the access and the fact that it does not allow 2 vehicles to pass, and therefore a vehicle could be forced to stop and impede the A50 and footway, or to reverse back into the A50. In addition there is also a Public Right Of Way (J92) along the access track and this could lead to conflict between walkers and vehicles. The access proposals could also lead to U-turns at the Wallace Drive/A50 signalised junction which is not suitable for caravan's under tow and would lead to dangers to highway users. The A50 is an important strategic route providing access between Leicester and the M1 and beyond.

On the basis of the above, The Director of Environment and Transport (highways) has recommended refusal of the application on two grounds.

1. The proposal, if permitted could result in an unacceptable increase in traffic using an access which has inadequate width and geometry. That could in turn lead to turning vehicles using both lanes of the A50 to access the site, and giving way within or reversing onto the highway to the detriment of road safety.

2. The proposal, if permitted, would result in the intensification of use of a vehicular access onto a Class A road in a location where traffic speeds are generally high and the increase in turning traffic in such a location would not be in the best interests of highway safety.

#### Sympathetic Assimilation within the Countryside

Policy 18 requires that gypsy and traveller sites are capable of sympathetic assimilation to their surroundings. This policy does not state that sites should be screened from the wider area.

The site comprises a parcel of land being part of a larger field. This has been enclosed through the erection of a 2 metre high solid fence (which has been subject of investigation by the enforcement officer and has been found to be permitted development).

The site is lawfully used for the keeping of pigeons and there are a number of timber and portal framed building on site in association with this use. Whilst the design, appearance and form of the static caravans proposed would be generic and utilitarian and would offer little in the way of architectural detail, they are functional and suitable for their intended purpose. The site is not immediately adjacent to any existing dwelling and is approximately 15 metres from the closest residential property on Wallace Drive. Furthermore it is roughly 135 metres from the A50 to the south west. There is public footpath which intersects the site access and runs adjacent to the north western boundary of the site, from which views of the site would be available, however from surrounding residential properties and the closest highway, the site is considered to occupy a visually isolated position within the surrounding landscape. This said, no comprehensive landscaping has been submitted with the application, illustrating how the proposal can be assimilated within its setting. Due to this failure to demonstrate, a conclusion can not be drawn that the development is capable of sympathetic assimilation within its rural setting.

#### Scale

The Policy requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for two pitches and when considered against a settled population of Groby, which is a large settlement, it is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

#### Safe and Healthy Environment of Residents

Policy 18 requires the proposal to comply with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is relatively flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. It is considered that as there are two accesses if necessary, Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Foul water in this case is by a Cess Pit. No objections have been received in relation to such by the Environment Agency.

## Design and Layout

The National Guidance states that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with to its entrance. The permanent pitches proposed on this site are for related family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case there is adequate space on site to meet this criteria and a day room is proposed providing separate bathroom and laundry facilities for each pitch, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

## Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in two pitches, there will be increased activity on site and more vehicle movements generated. Based on the highway discussion outlined above, on balance, it is considered far more likely that the identified access will not be used as the principle access, but that the track leading from the site to the A50 will be the preferred route. On this basis, given that this route runs parallel to the large rear gardens of properties on Wallace Drive, the increased number of vehicle trips generated by the proposal is not considered to result in a materially detrimental impact on the residents of these adjacent properties. In terms of noise and disturbance on site, the nearest residential property is situated 15 metres away (30 Wallace Drive). By virtue of this distance, and the scale of the proposal, there are not considered to be any materially detrimental impacts on the residential amenity of this dwelling.

## Ecology

Director of Community Services (Ecology) has stated that a Great Crested Newt survey of the pond in Lady Hay Wood (approximately 15m) from the site is required. The agent has been requested to provide this survey, or if the land is within private ownership and can not be accessed, provide a mitigation plan. As the land is within private ownership, the mitigation strategy has been provided by the agent. Director of Community Services (Ecology) has considered this and has commented that it is acceptable.

## Temporary Permission

Paragraph 25 of the Planning policy for traveller sites states that if a Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a

significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. In this case, the highway safety concerns relating to the proposal are considered paramount and thus the potential consequences of approving the site on a temporary basis are not considered to override the need in this case.

### Other Considerations

Issues raised within the neighbour letters of representation not addressed elsewhere in the report, will be considered below:-

It has been stated that the proposal will have an adverse impact on the area of scientific interest (SSSI) and the Slate Brook, in terms of impact on wildlife and water pollution and contamination. No objections on these grounds have been received from the Environment Agency, Natural England, Director of Community Services (Ecology) or Head of Community Services (drainage /pollution).

Queries have been raised that the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use. These are historic applications which were determined on the relevant planning policies and specific situation at that time. Furthermore each application is considered on its individual merits. The current application has been considered upon its merits and the most up to date and applicable policies and the recommendation will be made according to these

The existing sewage system is overloaded. It has been stated that the proposal will not be connected to the mains sewage system, but to a cess pit. Accordingly the proposal will have no impacts on the existing sewage system.

It has been stated that planning permission has been refused on land at the end of Elsalene Drive due to highway concerns - thus similar decision making criteria should be applied here. As mentioned above, each application is considered on its individual merits and will be determined based on such.

This proposal is a significant departure from the current use of the site for the keeping of pigeons. This may be the case, and thus the application will be determined in accordance with the relevant planning policies.

Concerns have been raised that the site is situated in the countryside and as such is not within the list of acceptable uses as stipulated in HBBC Local Plan Policies. As mentioned within the main body of the report. Criteria a - c of Policy NE5 identifies acceptable land uses within the countryside. However, this very prescriptive nature is now considered to be out of date, given the introduction of the NPPF and its presumption in favour of sustainable development and therefore can not be attributed any weight.

The proposal for surface water drainage on a site with a high water table which also slopes down to a sensitive watercourse feeding into Groby Pool can not reasonably be considered to be satisfactory. No objections have been received from the Environment Agency in respect of this.

It has been stated that the development not in keeping with existing properties. In terms of its design and layout, the development proposed is not in keeping with that of surrounding properties, and this has been further appraised within the main body of the report.

It has been suggested that there are limited recreational facilities within the area. As mentioned within the main body of the report, such facilities exist within the settlement of Groby which is considered to be a reasonable distance from the site.

[REDACTED]

[REDACTED]

[REDACTED]

There have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site. These applications related to the unauthorised siting of a residential caravan which had no justification. This application differs in that the caravans would be for persons defined as Gypsy and Travellers and will be determined against the specific planning policy.

[REDACTED]

The development is contrary to the sustainability appraisal which accompanies the Core Strategy. Every development plan document needs to be accompanied by such an assessment but the document itself is not a material planning consideration.

Loss of Greenfield site. This is not a Greenfield site.

Generation of construction demolition and waste. This is an associated factor of any development, however given the small scale of the development proposed this is not considered to result in any materially adverse impacts on the residential amenity of surrounding residents.

The site will result in further risk of pollution from greenhouse gasses. All new development generates additional pollution, however the scale of that associated with this scheme is not considered to be of a level to warrant refusal of the application.

There are a number of errors and inaccuracies on the application forms and within the Design and Access Statement. The inaccuracies identified within the submitted documentation are minor errors and are not materially influential in the determination of the application.

This is a locally controversial application, but no extension has been granted to the public consultation period. An extension of time was given to the public consultation period and any representations received until the date of determination will be taken into consideration.

It has been stated that the access track has been illegally upgraded and HBBC did nothing when this illegal activity was reported to them. This matter has been investigated by the

planning enforcement team and it has been concluded that planning permission was not required for the works.

The application only covers half the land owned by the applicant thus in the future the remainder of the site could be developed. Any additional development of the land would require a new planning application.

[REDACTED]

[REDACTED]

Proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide. This is guidance only and thus failure to comply with all idealistic prescriptions would not justify refusal of an application.

The use of the access could damage adjacent properties; a lorry using this track has recently done so. This is private issue and subject to the driver of the vehicle. It does not form a material planning consideration.

On street parking within the area is already an issue, which will result in additional highway dangers. There is no evidence to suggest that the proposal will result in additional on street parking

The traveller horses on site have always lived in the open and there is no equestrian centre. This is a statement of fact and will have no bearing on the determination of the application.

Hedgerows on site have been ripped out and trees chopped down and replaced with hard landscaping. These matters have been investigated by the planning enforcement team and it has been concluded that no breach of planning control has occurred.

Previous enforcement notice served on site which required the residential mobile home to be removed. This enforcement notice related to an unjustified dwelling within the countryside which was therefore contrary to planning policy.

The refuse lorry would not be able to access the site. This is the case and thus a condition has been recommended by the Head of Business Development and Street Scene Services (Waste Minimisation) requiring that a scheme for the collection of waste and recycling be submitted to an approved by the LPA should the scheme be approved. .

Concerns have been raised there has been fly tipping of garden waste and building materials by the footpath to the rear of Wallace Drive. This is a private matter and is not a material planning consideration in the determination of this application.

All previous applications for commercial and residential use on site have been refused, so why should this be allowed? No two planning applications are the same, and each is determined on its specific merits and in accordance with the development plan.

The proposal will have an adverse impact on a rare orchard growing adjacent to the site. No objections have been raised from Natural England in respect of such an issue.

The area is prone to flooding and has a high water table. No objections have been received from the Environment Agency stating that the proposal will increase flood risk.

The area is designated Green Belt. There is no Green Belt land within the borough.

It has been stated that the Ridge and furrow farming land should be preserved. Director of Chief Executive (Archaeology) has commented that the application site is within a larger area of surviving Ridge and Furrow earthworks, which represent a landscape form especially emblematic of the medieval or post-medieval period. This Ridge and Furrow earthworks adds to the understanding of the historic landscape in the vicinity. Notwithstanding this, given that the site comprises a relatively small area and affects a parcel of land which has been subject to some previous development, no objections are raised to the scheme. However further comments have been received stating that the existing hard landscaping comprises an incongruous boundary treatment within this rural context and that the introduction of further, soft landscaping such as hedgerow planting (specifically of locally typical native species) to screen or replace the present boundary treatment would be welcomed.

The fencing proposed is contrary to that existing on site and the cost of replacing this would be prohibitive. The costs associated with any planning application are a private matter and do not comprise a material planning consideration.

Concerns over water supply- the pigeon lofts are currently served by illegal tapping into the Severn Trent Supply. This is a private matter and does not form a material planning consideration.

The area proposed for the keeping of horses is too small and thus impractical for such a use. This is a private matter and do not form a material planning consideration.

It has been stated that the mains sewer was laid in the 50's/60's under the track leading to the A50. This comprises of clay pipes only 0.5 metres below the surface. Accordingly there is little protection to the piping and thus would be damaged by further heavy vehicles using the track. This is a private matter and do not form a material planning consideration.

The vehicles which use the A50 track currently do so at very high speeds making it extremely dangerous. This is a private track and accordingly this is private matter which does not comprise a material planning consideration.

It has been stated there are no utilities on site. This is a private matter, which is to be resolved by the applicant.

Would have an adverse impact on the muntjac deer which use the site. No evidence has been provided to suggest that this would be the case and no objections have been received from Director of Community Services (Ecology).

The proposed measures to limit the impact of the development are insufficient. Additional landscaping information has been requested from the agent to demonstrate that the site is capable of sympathetic assimilation within its setting.

What commercial vehicles for business purposes will be using the site? No information has been provided by the applicant to suggest that the site will be used for commercial purposes.

If land is to be turned into residential, given the current housing shortage, builders should be given the opportunity to obtain planning permission and implement the infrastructure required to support residential use.



It has been suggested that the proposal is contrary to Policy B26. This policy concerns light pollution. There is no reason to conclude that this proposal will result in an adverse level of light pollution and no objections have been received from Head of Community Services (Pollution).

Will have an adverse impact on the view from surrounding properties. Loss of view is not a material planning consideration.

[REDACTED]

[REDACTED]

Is a flood risk survey going to be undertaken? There is no requirement for a flood risk assessment to be undertaken.

There are no permanent structures currently on the land. There are buildings on site associated with the existing use for the keeping of pigeons. Some of these are considered to comprise permanent structures.

It has been stated that the proposal will result in additional dust/fumes. There is no evidence to suggest that this will be the case and that there will be an adverse impact on the residential amenity of surrounding dwellings.

[REDACTED]

Proposal is contrary to Policy 8 of the Core Strategy. Policy 8 refers to Key Rural Centres Relating to Leicester. Bradgate Hill does not fall within this category and thus this policy is not applicable.

English Heritage should be consulted. There is no requirement for English Heritage to be consulted on an application of this type.

[REDACTED]

[REDACTED]

[REDACTED]

Safety concerns relating to vehicles towing large caravans have been raised. The suitability of the access and the road network has been considered and a reason for refusal is proposed by Highways.

Concerns have been raised that the site will escalate into a larger Travellers site if approved along with additional associated development. If approved, any further extension of the site would require planning permission and should the site be developed unlawfully, this would be a matter for further investigation by the Planning Enforcement Team.

It has been stated that many people use the informal track running from the A50 for running and walking and the site will have an adverse impact on this. There is no reason why the proposal will impact on the use of this track.

Concerns have been raised that any planning restrictions placed on the application would not be adhered to. As with any development, if planning conditions placed on an application were not adhered to, they would be subject to further investigation by the Planning Enforcement team.

### Conclusion

Although the council has acted positively in approving Gypsy and Traveller sites since the beginning of the plan period, there remains a need for pitch provision. The personal circumstances of the applicants and Gypsy and Traveller need must be attributed significant weight in the determination of planning applications. However, in this case, the highway safety concerns relating to the access are considered significant and therefore outweigh the Gypsy and Traveller need on this case. The proposal is contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan, Policy 18 of the Core Strategy and paragraph 32 of the NPPF. The application is therefore recommended for refusal.

### **RECOMMENDATION:- Refuse planning permission.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

##### **Reasons:-**

- 1 In the opinion of the Local Planning Authority, the proposal, if permitted would result in an unacceptable increase in traffic using an access which has inadequate width and geometry. That could in turn lead to turning vehicles using both lanes of the A50 to access the site, and giving way within or reversing onto the highway to the detriment of road safety. This would be contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan, Policy 18 of the Core Strategy and paragraph 32 of the NPPF
- 2 In the opinion of the Local Planning Authority , the proposal, if permitted, would result in the intensification of use of a vehicular access onto a Class A road in a location where traffic speeds are generally high and the increase in turning traffic in such a location would not be in the best interests of highway safety. This would be contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan, Policy 18 of the Core Strategy and paragraph 32 of the NPPF

**Contact Officer:-** Eleanor Overton      Ext 5680

**Item:** 06

**Reference:** 14/00512/FUL

**Applicant:** Sachkhand Nanak Dham

**Location:** Stretton House Watling Street Burbage

**Proposal:** Change of use of residential to mixed use of premises to provide accommodation and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking (resubmitted scheme)

**Target Date:** 15 September 2014

**RECOMMENDATION: - Refuse planning permission.**

**Introduction:-**

This 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 seeks full planning permission for a change of use from residential to a mixed use of the premises to provide residential accommodation, meeting and teaching facilities, including extensions and alterations, for day centre uses with ancillary administration and office space, alterations to the access and provision of associated car parking at Stretton House, Watling Street, Burbage. The application includes a single storey extension to the south elevation to provide approximately 110 square metres of additional meeting and day centre uses space, two single storey extensions on the east elevation to provide 16 square metres and 18 square metres of additional lobby space, the formation of an additional internal access road and additional car parking area constructed with a cellular Grasscrete permeable paving system with 25 spaces within grassed paddocks and the provision of a private sewage treatment plant to deal with foul water discharge rather than the continued use of the existing shared septic tank.

A previous planning application (11/00915/FUL) on the site for the same proposal was refused by Planning Committee in March 2012 on the following grounds;

"In the opinion of the local planning authority the proposed development, if permitted, would result in an intensification of use of the existing access and a material increase in traffic turning onto or off the A5 Watling Street Trunk Road in an area remote from main development where traffic volumes and speeds are generally high to the detriment of highway safety. The proposed development is therefore contrary to policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Guidance 13: Transport."

This application seeks to overcome those reasons for refusal by: i) removing the large scale events from the proposal in order to reduce noise and disturbance to neighbouring properties and reduce vehicle movements to and from the A5; ii) altering the driveway to improve access and egress to and from the site and iii) providing a private sewage treatment plant to overcome foul water disposal capacity issues. The application is also accompanied with a legal agreement to control traffic generation.

## The Site and Surrounding Area

Stretton House lies in the countryside to the south of the A5 approximately 0.5 kilometres to the North West of junction 1 of the M69 motorway. It is a large five bedroom house with ancillary accommodation formerly known as Baileys Cottage providing further living accommodation and three additional bedrooms. The dwelling stands in extensive grounds of approximately 1.5 hectares comprising gardens, access and parking areas, outbuildings, grassed paddocks and woodland. The site contains a large number of trees that are subject to a Tree Preservation Order. The property also includes a field to the south of the dwelling. Former single storey outbuildings adjacent to the dwelling to the north have been converted into five separate dwellings known as Stretton Court, which share the vehicular access onto the A5.

## Technical Documents submitted with the Application

A Design and Access Statement has been submitted to support the application and explains that Sachkhand Nanak Dham is the spiritual umbrella of an international organisation Das Dharam, which was established in 1980 and aims to provide spiritual, social and cultural services and awareness to various communities and the society as a whole. The ground floor will be used for flexible spaces for meetings, teaching and day centre uses for the local community including yoga, language classes, music and meditation and ancillary functions. The main kitchen is to be retained with improved extraction and filtering equipment installed and the secondary kitchen located towards the north end of the building close to Stretton Court will be removed and used as office/administration space. The first floor will remain unchanged and provide bedroom and bathroom facilities for residents. The Statement concludes that such a change of use can take place without harming the amenities of neighbouring occupiers, the general character of the area or having adverse highway safety implications and meets the criteria of relevant policies in the adopted Local Plan and national planning guidance.

A draft section 106 Planning Agreement has been submitted with the aim of regulating the volume and frequency of vehicular traffic.

A Highway Statement has been submitted which states that as larger events will no longer be held at Stretton House or in its grounds, the proposed change of use and level of use will not over-intensify the use of the access from the A5 or be unduly intrusive to residents. It states further that the improved access will be appropriate in its design, layout and visibility for the intended uses and will not have an adverse impact on highway safety.

A Great Crested Newt Survey has been submitted to support the application and considers that the proposed development is unlikely to significantly impact on any aquatic habitats used by great crested newts.

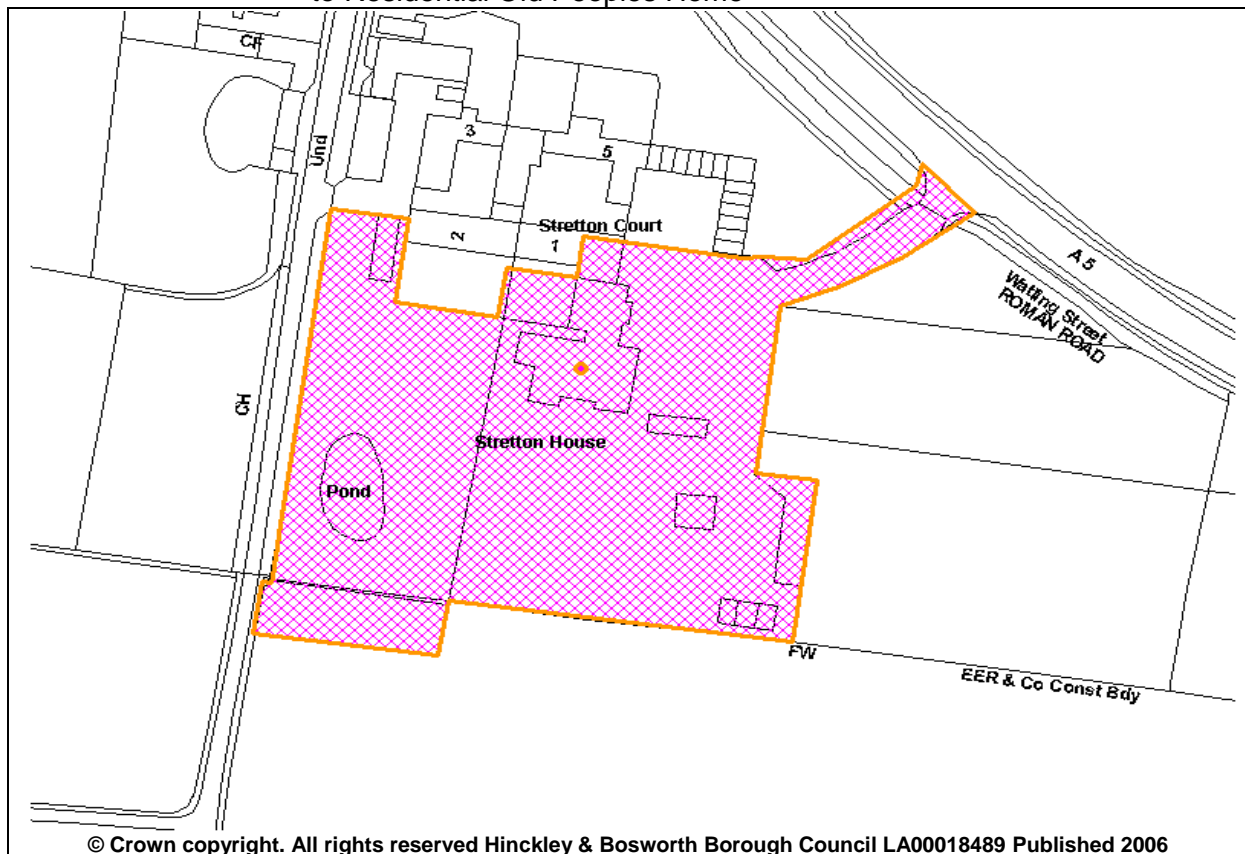
The proposed Private Sewage Treatment Plant details, specifications and layout have also been submitted.

## **Relevant Planning History:-**

11/00915/FUL	Change of Use of Existing Dwelling House to Place of Worship and Teaching, Day Centre, Living Accommodation and Formation of Parking Area	Refused Appeal dismissed	19.03.2012 18.01.2013
09/00767/FUL	Change of Use Existing Dwelling House to Place of Worship and Teaching, Day	Refused	25.11.2009

Centre, Living Accommodation and Formation of Parking Area

08/01029/COU	Change of Use of Existing Dwelling to Place of Worship, Day Centre, living Accommodation and Formation of Parking Area	Withdrawn	10.12.2008
90/00006/4	Use of Premises as Residential Old peoples Home	Approved	0.03.1990
84/01102/4	Change of Use from Single Dwelling to Residential Old Peoples Home	Approved	22.01.1985



**Consultations:-**

No objection has been received from:-

- Director of Environment and Transport (Highways)
- Environment Agency (notes to applicant regarding Environment Permit to discharge the treated foul effluent from the package treatment plant.
- Rugby Borough Council
- Directorate of Chief Executive (Ecology)
- Head of Community Services (Land Drainage).
- Severn Trent Water
- Directorate of Chief Executive (Archaeology).

No objection subject to conditions has been received:-

Highways Agency requires conditions to:-

- a. Restrict the use of the premises for no other purpose within Class D1;
- b. That the land edged blue shall not be used for the purposes of temporary religious activities including special events or car parking; and
- c. That prior to first occupation of the building, a scheme for hedgerow management and boundary treatment at the junction of Watling Street shall be agreed.

Head of Community Services (Pollution) requires conditions to address amplification of music and a scheme of ventilation to be submitted and approved.

Burbage Parish Council has objected to the proposal on the following grounds:-

- a. It would have an unsatisfactory relationship with other nearby uses that would be significantly detrimental to the amenities enjoyed by the occupiers of those properties, due to considerations of privacy, disturbance, emissions, light, overbearing effect, hours of working, noise and vehicular activity.
- b. The development would be out of keeping with the character/appearance of this small residential area located in open countryside
- c. The area of the building which has already been converted to provide a block of toilets is in an inappropriate location which vents into adjacent residential gardens and next to the kitchen and bedroom of No. 1 Stretton Court.
- d. Access to the A5 is totally unsuitable, inadequate and hazardous.
- e. Controlling the number of vehicles attending the events at the property would be impossible.
- f. Parking provision is inadequate for the anticipated number of vehicles to attend the site.

Site Notice posted and neighbours notified, 6 letters of objection have been received raising the following issues and concerns:-

- a. Narrow drive and dangerous access
- b. Residents parking taken up by visitors to Stretton House
- c. Application is for 30 cars however there are only 25 spaces illustrated on the application. No spaces for minibuses.
- d. Music - it is played externally on fine days and when residents are trying to enjoy a quiet Sunday afternoon. Music can play from 12 noon when visitors arrived and continue into the evening.
- e. Noise from garden activities.
- f. No reason to believe that any legal agreement regarding the numbers of cars and people will be adhered to as parking often takes place in the garden behind the house.
- g. Alterations have taken place to Stretton House in the past which are far from sympathetic to the building and are of poor quality.
- h. Lack of consideration to residents of Stretton Court.
- i. It is essential that any permission includes enforceable conditions to prevent escalation of the activities that take place there.
- j. Increase in noise, smell (through cooking) and disruption is unacceptable.
- k. Increase in risk of fires possible with extra gas cooking and the use of religious candles. Properties in Stretton Court and joined directly to Stretton House.
- l. Need to ensure that on site parking is sufficient
- m. Toilet facilities at Stretton House area septic tank shared with Home Farm Cottage and Stretton House Farm. They were built originally to facilitate 3 domestic dwellings and a couple of stable workers. They need to build their own facilities.

One representation has been received commenting on the following grounds:-

- Serious consideration should be given regarding parking and access/egress to the A5.

An amended plan was submitted on 2nd September illustrating 5 additional parking spaces.

Barwell Parish Council object to the proposal on the same grounds as previously raised.

5 additional letter of objection have been received as a result of the additional neighbour consultation which took place. The objections raise the following issues:-

- Until detailed proposals in an attempt to create safe access from the A5 and provide adequate parking for all attending functions at Stretton House we are unable to support the application.
- No significant improvements have been made.
- People are ferried to and from cars parked elsewhere and others walk across the A5.
- Not unusual for cars to be parked in the rear and side garden at Stretton House.

### **Policy:-**

#### Central Government Guidance

The National Planning Policy Framework (NPPF)

#### Local Plan 2006-2026: Core Strategy 2009

Policy 1 - Development in Hinckley

#### Hinckley and Bosworth Local Plan 2001

Policy BE1 - Design and Siting of Development

Policy NE5 - Development in the Countryside

Policy NE14 - Protection of Surface Waters and Groundwater Quality

Policy T5 - Highway Design and Vehicles Parking Standards.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development; the impact upon highway safety; the siting and design of the proposed extensions; the impact upon occupiers of neighbouring properties; and the disposal of foul water drainage from the site.

#### Principle of Development

The site is located outside the settlement boundary of Burbage in the countryside as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. However, policy NE5 does provide a presumption in favour of the change of use, re-use or extension of existing buildings within rural locations subject to all other planning matters being appropriately addressed, including highway safety, impact upon local residents and impact on the appearance and character of the local area.

#### Highway Safety

The site is accessed directly off the A5 Trunk Road from an area known as Stretton bends. The proposals include alterations to the access and the trimming back of boundary hedgerow adjacent to the highway to improve visibility, together with alterations to the internal access driveway to enable better traffic flow within the site and avoid potential queuing on the A5. The Director of Environment and Transport (Highways) has stated that the highway safety assessment is a matter for the Highways Agency, given that the A5 is a Trunk Road. The

Highways Agency has raised no objection subject to the imposition of conditions which restrict the use of the land and premises to use for the purposes of meetings, teaching and related ancillary activities within Class D1 of the Use Classes Order; remove permitted development rights to allow temporary activities on the blue land; and submission of a hedgerow management and boundary treatment scheme at the junction with the A5. This is the same response to when they considered the previous application.

Highway safety is the main consideration for this planning application given this was the reason that the council refused the previous application. In dismissing the appeal in January 2013, the Planning Inspector recognised the potential impacts upon users of the highway and also took account of the response from the Highways Agency. He referred to policies NE5 and T5 in his assessment and concluded that in the absence of a suitable planning obligation to control traffic generation, the use could lead to conditions arising that would be prejudicial to highway safety. He stated that the use would conflict with the NPPF, which requires decisions to ensure that safe and suitable access to a site can be achieved for all people.

The site currently has a residential use whereby low-level traffic generation would occur. The proposed use would generate a significant increase in trips to and from the site, particularly at weekends when up to 50 people could access the site on a Saturday and up to 80 people could visit on a Sunday. Even during the week, significantly more people are expected to visit than would reasonably be expected to visit if the use continued as residential.

As part of dismissing the previous appeal, the Planning Inspector considered the merits of controlling the intensity of the use. Consideration was given to the use of planning conditions, but he concluded that these could not provide adequate control. The Inspector also commented on the use of a S106 'planning obligation' and stated that this type of restriction would meet the statutory tests. The Inspector had the option to ask the applicant to submit a S106 agreement, for which a draft was in circulation, but instead decided to dismiss the appeal. It should be noted that while the Inspector considered a S106 obligation capable of meeting the statutory tests, he had not seen a draft agreement and therefore this conclusion was not based on having viewed any evidence presented.

In an attempt to address the highway safety concerns and overcome the concerns raised by the Planning Inspector at appeal, the applicant has submitted a draft S106 agreement with this planning application. The submitted agreement proposes the following restrictions:

In relation to daily services:-

- that not more than 15 people to attend for day centre use and
- not more than 5 vehicles in total shall be admitted to Stretton House.

In relation to Saturday services:-

- that not more than 50 people to attend on a Saturday;
- not more than 20 vehicles in total shall be admitted to Stretton; and
- any services shall not be provided outside the hours of 10am and 3pm

In relation to Sunday services:-

- that not more than 80 people to attend on a Sunday;
- not more than 30 vehicles in total shall be admitted to Stretton House; and
- any services provided on a Sunday shall be monthly only and shall not exceed four hours in duration and shall not be provided outside the hours of 10am and 3pm.



Officers have been in discussion with the applicant to determine whether a S106 agreement could provide the necessary comfort and control. The proposed measures intend to regulate the volume and frequency of vehicular access and also the number of visitors. However, there is strong concern that the council will be unable to enforce the agreement. It would be extremely difficult to monitor how many cars are attending each day and the total number of visitors could exceed the numbers stated without any ability to take action without gathering evidence. Those visitors choosing to not park on-site, particularly when attending larger services, where there would be no mechanism to prevent visitors attempting to find spaces within the site. This would intensify the use of the access, to the detriment of highway safety.

For the use to not cause problems on the highway, the use needs to be restricted to a level of intensity that is more in keeping with the residential character of the property and surrounding area. This is in line with the Planning Inspector's reasoning, at paragraph 14, where he states that that controls need to "ensure that there is no significant increase in trip generation relative to the former residential use, which is necessary to ensure continued highway safety".

In the absence of any suitable mechanism to control the nature and intensity of use and the associated impact on highway safety, the proposal would be contrary to policies NE5 and T5 of the Local Plan and guidance within the NPPF.

#### Impact on Residential Amenity

The proposed uses have the potential to generate significant additional vehicle movements to and from the site in comparison to the current use as a private dwelling. The additional traffic would use the shared access drive towards Stretton Court then past Stretton House to the existing parking area to the front or to the proposed new parking area within the paddock. As a result of the increase in vehicles using the access there is the potential for delays in exiting the site when the use is operating at its most busy.

As stated above, there are concerns about whether the increased intensity in the use of this property would lead to problems on surrounding streets. On-site car parking is proposed, however this is unlikely to be sufficient when the use is operating to full capacity, when up to 80 people are expected to attend services. The consequence of this is that visitors will be forced to look for alternative, on-street car parking in the local area. The nearest streets are located on the opposite side of the A5 (for instance Welbeck Avenue, Rufford Close, Beechwood Avenue and Wolvey Road). These are quiet residential roads and have no on-street parking restrictions. They are just a few minutes walk from the site, so would be convenient for people to use. Visitors would also not have to queue to leave the site with other visitors when the service ends, which would make this parking option more attractive.

Consideration has been given to whether the S106 agreement could prevent visitors from parking in surrounding residential streets, but it has been concluded that this would not be possible. It would not be possible to monitor where people are parking or how/when they choose to travel.

While it is possible that some visitors would choose to share their car to reduce the number of vehicles, it is highly likely that the use would generate a significant number of car-trips, particularly at weekends when residents would be expected to enjoy a quieter environment. The noise and disturbance associated with on-street parking in residential streets would harm residential amenity, contrary to policy BE1 (criterion i).

Local residents have raised concerns in respect of the use of the extension for potentially noisy activities that could result in detriment to amenity from noise and disturbance, particularly in summer months when windows and doors may be open. In addition, concerns

have been raised in respect of the use of the kitchens harming residential amenity from the creation of food smells. The application includes proposals to remove the kitchen closest to the adjacent dwellings in Stretton Court (including the extract ductwork) and to upgrade the extraction and filtration systems in the main kitchen to minimise any impact on the adjacent occupiers from smells or fumes. The Head of Community Services (Pollution) has suggested a condition requiring that no external music is played and requesting a scheme for ventilation of the premises. On balance, these measures would address odour and noise concerns to occupiers of properties.

The proposed extensions and alterations would not have any adverse impact on residential amenity from overbearing impact or result in any loss of privacy from overlooking.

### Siting and Design

The proposed single storey extension would project six metres off the south elevation of Stretton House and face the open countryside rather than any adjacent residential properties. It is designed with a flat roof with glazed roof lanterns and is to be constructed in matching facing bricks and stone quoin and lintel details to respect the appearance of the existing building. The single storey lobby extensions on the east elevation are sited in recesses facing the access drive and parking areas and will be constructed of matching external materials to respect the appearance of the existing building. The proposed mono pitch roof lobby area would improve the appearance of the secondary entrance whilst the other lobby will provide internal access to the new toilet facilities. Whilst this has a flat roof construction it is well screened from the access drive by a brick wall and close boarded timber fencing of 2 metres in height and by tall, dense evergreen shrubs.

The proposed extensions and alterations would respect the scale, character and appearance of the existing building and would not have an adverse impact on the character or appearance of the site, the surrounding landscape, or the amenities of neighbouring properties.

### Impact upon the Appearance and Character of the Area

The property is a large detached dwelling and residential annex with a total of eight bedrooms set within large grounds and is well screened from the highway by fencing and mature landscaping including a large number of trees that are subject to a Tree Preservation Order. The proposed change of use and would, for much of the time, retain the overall appearance of the site as a large rural family dwelling in grounds that would be maintained as gardens, paddocks and woodland. There would therefore be no significant impact upon the appearance or character of the area.

The proposed car park would be set well back from the highway and be screened by fencing and mature trees. As a result it is considered that it will not have a material adverse impact on the overall appearance of the site. The proposed internal access road would be constructed with the aim of improving the flow of traffic to and from the A5 and be constructed with a no-dig method of construction and incorporate geo-textile separation filtration layers with granular fill to mitigate the impact of the new access which is within the root protection zone of protected mature trees within the site. The Council's Arboricultural Consultant previously considered the construction of the new driveway through the north paddock to be achievable subject to adequate measures being incorporated into the development to protect the trees and that any essential crown lifting works to provide vehicle headroom would not have a significant adverse impact on the overall amenity value of the trees. Protection measures and tree surgery works can be secured by the imposition of an appropriately worded condition.

## Drainage

Stretton House currently uses non-mains drainage in the form of a shared septic tank that services a number of properties and is located at some distance on third party land within an agricultural field used for growing crops. Access to the septic tank is therefore subject to third party control and can only be obtained prior to crop growth in the spring and even then is dependant upon prevailing ground conditions to allow the tanker to safely access the site. As a result, the applicant's are proposing to install a private sewage treatment system with adequate capacity to service the proposed uses of the building and discontinue connection to the septic tank as part of the development. The plant will discharge into an existing pond within the garden area as will storm water from Stretton House. The Environment Agency has raised no objection to the proposed development.

## Conclusion

The increased intensity of the use of the property would lead to increased comings and goings, which has the potential to cause highway safety concerns in the vicinity of the site access. Furthermore, the increased activity has the potential to generate increased on-street car parking on nearby residential streets, to the detriment of residential amenity. Consideration has been given to whether controls can be used, for instance the use of planning conditions or S106 obligations. However, these would fail to meet the statutory test of enforceability and therefore this would not be an appropriate way of providing the necessary control.

The siting, design and appearance of the extensions would not have any adverse impact on the character or appearance of the building subject to the use of matching materials and are therefore acceptable. The proposals will not have any significant adverse impact on the overall character or appearance of the general surroundings subject to protection and retention of the boundary landscaping and trees protected by a Tree Preservation Order.

## **RECOMMENDATION:- Refuse planning permission.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

#### **Reasons:-**

- 1 The proposed development, if permitted, would result in an intensification of use of the existing access and a material increase in traffic turning onto or off the A5 Watling Street Trunk Road in an area remote from main development where traffic volumes and speeds are generally high to the detriment of highway safety. Furthermore, the proposed intensity in the use of the site is likely to lead to on-street car parking, to the detriment of residential amenity. The proposed S106 obligations are not considered to provide the necessary level of control and therefore the proposed development is contrary to policies NE5, T5 and BE1 of the adopted Hinckley and Bosworth Local Plan and advice contained within the National Planning Policy Framework.

**Contact Officer:-** Rebecca Grant Ext 5895

**Item:** 07  
**Reference:** 14/00600/FUL  
**Applicant:** Elmleigh Properties Limited  
**Location:** The Boot And Shoe 27A Moore Road Barwell  
**Proposal:** Demolition of existing public house and erection of 8 dwellings with associated access  
**Target Date:** 16 September 2014

**RECOMMENDATION**:- Grant subject to conditions and S106 obligations.

**Introduction:-**

This 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 seeks full planning permission for the demolition of the Boot and Shoe public house and the erection of 8 dwellings.

The dwellings proposed would be semi-detached, two-storey properties. Three pairs of dwellings would front onto Moore Road. A pair of properties would be located to the rear of the site and would face west onto Byron Close.

The dwellings proposed are a mix of two and three bed properties. The three bed properties would feature a raised ridge height and a pair of dormer windows facing the front of the property to accommodate a room in the roof.

The dwellings would be of a modern style, featuring white painted render finish. The dwellings would also feature timber style boarding to the front and sides. The roof would feature concrete interlocking roof tiles. Windows would be grey and recessed into the dwelling.

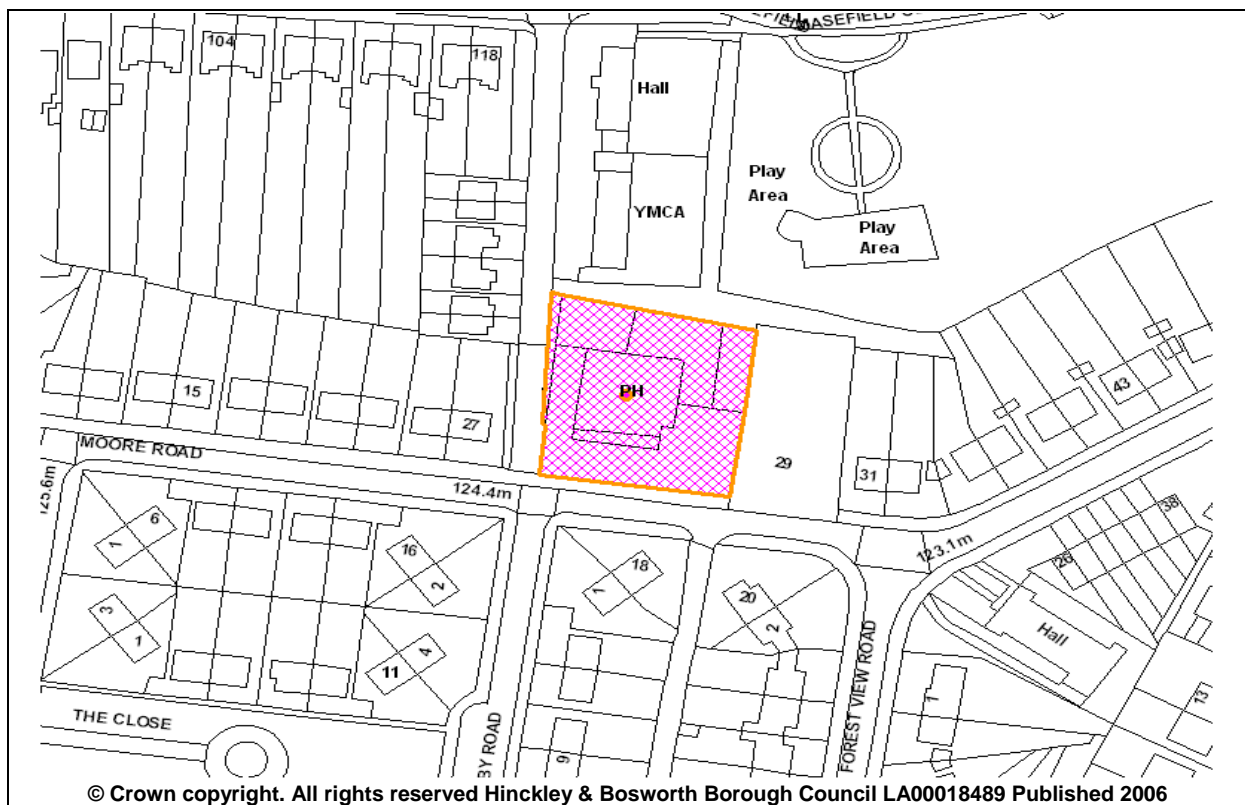
**The Site and Surrounding Area**

The surrounding area is largely characterised by semi-detached two-storey dwellings set in mid-sized plots, separated from the highway by front gardens, some of which have been converted to hard standing to provide vehicle parking. The dwellings are characterised by a simple traditional design, with some finished in brick and others in white render. Along the north side of Moore Road, the dwellings occupy uniform front and rear building lines. Their layout, design and detail is typical of a 1930s/40s development.

To the north west of the site, along Byron Close, are dwellings of a modern design and appearance. To the north of the site is a thin strip of undeveloped land and beyond this a YMCA building and recreational field and children's play park. To the east of the site is an area of undeveloped land which was formerly the site of a care home.

Technical Documents submitted with application

## Design and Access Statement



### Consultations:-

No objections have been received from:-

Leicestershire County Council (Ecology)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Leicestershire County Council (Highways)  
Head of Business Development and Street Scene Services (Waste Minimisation)

A site notice was displayed. In addition, neighbours immediately adjoining the site were consulted.

Barwell Parish Council do not object but made the following comments:-

The Council must ensure contributions money comes to the Parish Council and that the drainage consultation be discussed with regards to Radford Park play area and Jubilee Hall.

Councillor H Smith has raised the following objections:-

- a) The pub has been in Barwell for many years, is well used and liked.
- b) It is a family pub which is an important focus for the community, featuring many local charity fundraising events
- c) The deeds to the pub say it must remain as a public house or car park, and must be empty for two years before anything can be done to it.

7 letters of objection from local residents have been received. Summary of comments received:-

- a) The Boot and Shoe is a warm and friendly pub
- b) It is the only pub in the area and provides a hub for elderly customers
- c) New houses are not needed in light of Sustainable Urban Extension
- d) Loss of the pub will put people out of work
- e) The local primary school is already oversubscribed and this will worsen the situation
- f) Loss of an important place for local people to socialise
- g) Loss of community hub so developer can make a profit
- h) No requirement for new dwellings
- i) The deeds for steel houses state that there will always be a pub on the site.
- j) The public house is the last in the area

In addition, 1 letter from of support has been received from a local resident. Summary of contents received:-

- a) The existing pub is an eyesore and new dwellings would enhance the area.

### **Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) 2012  
 National Planning Practice Guidance (NPPG) 2014  
 Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell  
 Policy 19: Green Space and Play Provision  
 Policy 24: Sustainable Design

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development  
 Policy RES5: Residential Proposals on Unallocated Sites  
 Policy T5: Highway Design and Vehicle Parking Standards  
 Policy NE12: Landscaping Schemes  
 Policy NE14: Protection of Surface Waters and Groundwater Quality  
 Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities  
 Policy REC3: New Residential Development Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
 Play and Open Space Guide (SPD)  
 Sustainable Design (SPD)

### **Appraisal:-**

The main considerations in respect of this application are:-

- the principle of development

- the siting, layout and design of the proposed dwellings
- impact on the character of the area and street scene
- impact on the amenities of neighbouring properties
- impact on highway safety
- impact on ecology
- play and open space
- other matters

### Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the NPPF indicate development should be restricted.

The proposal would result in the loss of the public house. Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The applicant has submitted a statement as part of the application to state that they were approached in January 2014 by TTG Inns Limited who own the Boot and Shoe public house to ascertain if they would consider developing their site as due to continued loss making, the public house would have to be closed down as it was not proving to be a viable business concern.

The applicant states that they were made aware that the public house had been advertised as a going concern, for just under 2 years, on the basis of a valuation by Paramount who are specialists in the Licensing Trade, and there had been no interested response whatsoever.

This has to be carefully balanced against a number of comments have been received from local residents, which highlight the significance of the public house in terms of its value as a community hub. However, the length of time it has spent on the market as an ongoing concern suggests that it is likely to be unviable from a business perspective. As such, it is considered that the redevelopment of the public house would be preferable to the site being derelict and an eyesore.

In reaching this view consideration has been given to the nature of the settlement of Barwell which has a number of other public houses within the settlement. For example, the Blacksmiths Arms and Cross Keys Inn are located within the centre of Barwell approximately

900 metres from the Boot and Shoe public house. As such whilst it is recognised that the public house will be seen as some in the community as an asset, it is not considered that the community would be significantly disadvantaged by its loss given the other public houses within the area.

The site is located within the settlement boundary of Barwell, as set out in the Local Plan Proposals Map.

Core Strategy Policy 3 supports development within Barwell to deliver a minimum of 45 residential dwellings in addition to the 2500 dwellings to be provided as part of the Sustainable Urban Extension to the west of the settlement. As of 9 April 2014, there is still a residual requirement to deliver 27 new dwellings within Barwell, and the proposed scheme would contribute to that need.

Policy RES5 of the Local Plan states that planning permission will only be granted for residential developments on sites not allocated for housing if the site lies within the settlement boundary and the siting, design and layout of the proposal does not conflict with relevant plan policies.

Furthermore, given that the Council does not currently have a five year supply of deliverable housing sites Paragraph 49 of the NPPF sets out that housing proposals should be considered in the context of the presumption in favour of sustainable development as per Paragraph 14. Therefore a balancing exercise must be undertaken in respect of the three aspects to sustainable development: economic, social and environmental.

The site is also considered to be previously developed (brownfield) land. Paragraph 111 of the NPPF states Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value.

The application site is located within a sustainable location, in close proximity to local amenities and public transport links. The proposed development would contribute to the housing shortfall in Barwell, thereby contributing to the social aspect of sustainable development.

The site is considered to be in a sustainable location close to local amenities and services, and is within the settlement boundary. The redevelopment of the public house, as previously developed land, for residential development is therefore considered to be acceptable in principle.

#### Layout, Design and Impact on the Character and Appearance of the Area

Policy BE1 of the Local Plan seeks to ensure that developments are of a high standard in terms of design and enhance the existing environment. Criterion (a) of Policy BE1 seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, Paragraph 64 of the NPPF states that permission should be refused for development of poor design which does not take advantage of opportunities to enhance the character and quality of an area.



The surrounding area is largely characterised by the presence of semi-detached two storey dwellings set in mid sized plots, separated from the highway by front gardens, some of which have been converted to hard standing to provide vehicle parking. The dwellings are characterised by a simple, traditional design with some dwellings finished in red brick and others in white render.

The proposed dwellings would be semi-detached, reflecting the style of the surrounding dwellings. 6 of the proposed 8 dwellings would front Moore Road. These would be set back slightly further from the highway than the existing dwellings to the east and west. However, the minor nature of this set back distance means that the units facing Moore Road would sit comfortably within the street scene, and would reflect the existing building line.

The dwellings fronting Moore Road would be spaced apart by 3.35 metres, allowing space for car parking between them. They would feature garden plots to the rear of an appropriate size to reflect the surrounding area. The remaining two dwellings would sit along Byron Close, adjacent to a section of vacant land to the north and two dwellings to the west.

The dwellings proposed would be of a modern style, featuring white painted render finish with timber style boarding incorporated into the front and side elevations. Given the mixed character of properties within the surrounding area it is considered that the proposal is in accordance with Paragraph 64 of the NPPF, as it is considered that the development would result in a high quality design reflective of its surroundings.

As a result of the layout, scale and design of the proposal, it is not considered to have any significant adverse impacts on the character of the surrounding area and is therefore in accordance with Policy BE1 (criterion a) and would result in a high quality development as required by the NPPF.

#### Impact on the Amenities of Neighbouring Properties

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Due to the siting and positioning of dwellings within the plot and separation distances from neighbouring dwellings on Moore Road and Byron Close, it is not considered that there would be issues with overlooking or overshadowing. The proposal would not result in any materially adverse impacts to neighbouring residential amenity.

As such, the proposal is in accordance with Policy BE1 (criterion i) of the Local Plan.

#### Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards.

The scheme proposes two off road parking spaces for each plot. The scheme has been considered by Leicestershire County Council (Highways) who raise no objection to the scheme.

Plots 1-6 would be accessed from Moore Road, while plots 7-8 would be accessed from Byron Close. There would be sufficient space within the curtilage of each dwelling to

accommodate a satisfactory level of car parking provision, which would prevent an increase in on street parking as a result of the proposal.

In summary, Leicestershire County Council (Highways) has no objection to the scheme. As such, the scheme is considered to be in accordance with Policy T5 of the Local Plan

### Impact on Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

This application is accompanied by a protected species survey.

Leicestershire County Council (Ecology) does not object to the application and is satisfied with the survey conducted and that no bats or badgers are present on the site. As such, the proposal is not considered to have an adverse impact on protected species.

The proposal would result in the loss of two small trees that are located within the pavement along Moore Road. However, in order to provide access to the proposed driveways, these trees would need to be removed and would be replaced with three new trees within the curtilage of properties. A condition has been imposed to secure this and other landscaping details.

### Public Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development would result in 8 dwellings and as the site is within 400 metres of Masefield Close Public Open Space, a Local Equipped Area of Play, the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered in the Quality and Accessibility Audit of 2005 which awarded it a low quality score of 24.1%. The SPD on Play and Open Space sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain children's play facilities within this open space. The required contribution in this case would be £1250.80 per dwelling, a total of £10,006.40 (made up of £6542.40 provision element and £3464.00 maintenance element). The size of the units proposed would appeal to families and given the very close proximity of the application site to this open space it is considered that the future occupiers of the development would use the open space, increasing wear and tear which would lead to increased maintenance and repair/replacement costs for equipment. Based on this, it is considered that the contribution requested is required for a planning purpose, is directly related to the development and fairly and reasonably related in scale and kind to the development. As such, the contribution is considered justified. A Unilateral Undertaking in respect of this has been secured for the planning obligation.

### Other Matters

Environmental Health (Land Drainage) has recommended that surface water should be managed by sustainable drainage system. Accordingly a condition has been imposed to secure drainage details incorporating sustainable drainage principles.

### Conclusion

The proposed loss of the public house as a community facility has been carefully considered and given the availability of other public houses within the settlement and given the lack of viability of the public house from a business perspective, its loss is considered to be acceptable.

The proposed dwellings would be located within the settlement boundary of Barwell where there is a presumption in favour of sustainable development subject to other planning matters being addressed. The development would not lead to any significant material impacts to the visual amenity of the area, occupiers of neighbouring dwellings or highway safety. The proposed dwellings are considered to be of a high quality design that would enhance the character of the surrounding area.

As such, the application is recommended for approval subject to the imposing of planning conditions and through securing the play and open space planning obligation through a S106 Agreement. In reaching this recommendation the views of local residents have been carefully taken into consideration.

### **RECOMMENDATION:- Grant subject to conditions and S106 obligations.**

#### **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 within the settlement boundary of Barwell and by virtue of the siting, design, layout, mass and appearance would not have any adverse impact on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety, would incorporate appropriate landscaping and would contribute to public play and open space facilities.

Hinckley and Bosworth Local Plan (2001) :- Policies BE1, RES5, NE12, T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policy 3, Policy 19 and Policy 24.

#### **Conditions:-**

- 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: Dwg No. 6803P-02B Proposed House Type A 1:100; Dwg No. 6803P-03 Proposed House Type B 1:100; Dwg. No. 6803P-04 Proposed House Type C 1:100 Received by the Local Planning Authority 14 October 2014, and Dwg. No. 6803P-01B Site Plan 1:200, received by the Local Planning Authority 17 October 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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 any development commences full details of both hard and soft landscape works shall be 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) means of enclosure
  - b) hard surfacing materials
  - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - d) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
- 6 Development shall not begin until surface water and foul water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or any order revoking or re-enacting that order with or without modification) development shall not be carried out under Part A, B, C or D of Part 1 of Schedule 2 of the above Order without the grant of planning permission by the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion e and i) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that development is provided with a satisfactory means of drainage in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the national planning policy framework.
- 7 To ensure that existing standards of privacy and visual amenity are maintained in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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](http://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:-** Samuel Hatfield Ext 5775

**Item:** 08  
**Reference:** 14/00705/OUT  
**Applicant:** Mr Jason Leech  
**Location:** 40 High Street Earl Shilton Leicester  
**Proposal:** Demolition of existing factory and erection of 13 dwellings (outline - access and layout only)  
**Target Date:** 24 October 2014

**RECOMMENDATION**:- Grant subject to conditions and S106 obligations.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This application seeks outline planning permission for the erection of 13 no. residential units.

Access and layout are the only matters for determination at this stage, with all other matters being reserved for approval at a later stage. The scheme also proposes the demolition of the existing factory unit.

The scheme shows 4 dwellings fronting High Street, with 9 dwellings laid out to the rear of the site.

Access is taken from High Street and the scheme proposes a central turning area. Nine of the 13 dwellings each have 2 no. car parking spaces, 4 of the dwellings each has 1 parking space. These spaces are sited either to the front, rear or adjacent to the plots.

The Site and Surrounding Area

There is currently an existing two storey factory unit on the site which has been subject to various extensions and alterations. The factory is currently in operation.

The site is in a mixed use area, situated on the western side of High Street, close to the centre of Earl Shilton town centre.

A public footpath runs down the west side of the site.

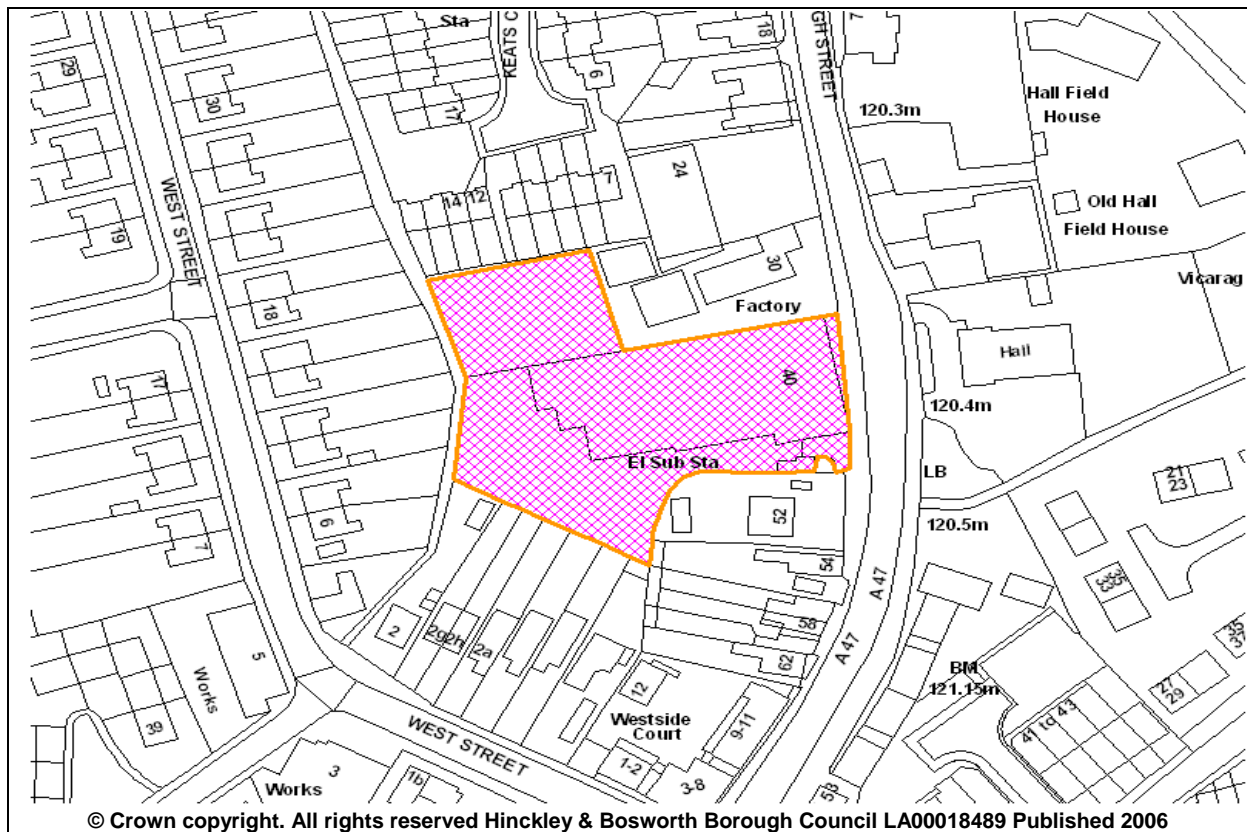
The site falls within the settlement boundary of Earl Shilton and is designated as an employment site, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

Design and Access Statement

**Relevant Planning History:-**

13/00548/OUT	Demolition of existing factory and erection of 15 dwellings	Application refused	08.01.2014
		Appeal dismissed	18.06.2014
11/00708/GDO	Demolition of Fitness Centre and Factory Premises	Prior Approval Required	06.10.2011



**Consultations:-**

No objection has been received from Earl Shilton Town Council.

No objections subject to conditions have been received from:-

Leicestershire County Council (Highways)

Severn Trent Water

Head of Business Development and Street Scene Services (Waste Minimisation)

Environmental Health (Pollution)

Environmental Health (Land Drainage)

Leicestershire County Council (Rights of Way)

Site notice and press notice were displayed and neighbours notified.

No representations received.

**Policy:-**

National Policy Guidance

National Planning Policy Guidance (NPPG) 2014  
The National Planning Policy Framework (NPPF) March 2012  
The Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 2: Development in Earl Shilton  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 24: Sustainable Design and Technology.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy NE12: Landscaping Schemes  
Policy BE1: Design and Siting of Development  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE16: Archaeological Investigation and Recording  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians  
Policy EMP1: Existing Employment Sites.

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)  
Sustainable Design (SPD)  
New Residential Development (SPG).

Other Material Policy Guidance

Employment Land and Premises Study (2013)

Strategic Housing Land Availability Assessment (September 2013)

The Strategic Housing Land Availability Assessment (SHLAA) identifies and assesses sites for their suitability for housing, including an assessment of deliverability. In conformity with the NPPF, Employment sites categorised as 'B' or 'C' in the Employment Land Study were included for assessment in the SHLAA as alternative development may be possible or part/whole redevelopment may be appropriate. The site, categorised as a 'C' site, was therefore subject to appraisal. The SHLAA states that although the site is suitable and achievable the site is unavailable because the site is occupied and the owner of site has not put the site forward for assessment.

**Appraisal:-**

This is an outline application for access and layout only; therefore appearance, landscaping and scale do not form part of the application and will be considered at the reserved matters stage. As such the main considerations in regard to this application are the principle of development, layout, impact upon the character and appearance of the area, residential amenity, access and highway considerations and other matters.

Principle of Development



The site is located within the settlement boundary of Earl Shilton as defined in the adopted Local Plan Proposals Map.

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. It states that development accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. For decision taking this means:-

- Approving development proposals that accord with the development plan.
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole; or
- specific policies within the framework indicate that development should be restricted.

### National Planning Policy Framework

There are three core strands underpinning the presumption in favour of sustainable development, which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. These roles are mutually dependant and result in sustainable development. In relation to this scheme, the dimensions are met in the following ways:-

Economic - the local and wider economy would both directly and indirectly benefit through the creation of jobs, the purchasing of materials and through the sale of the end product.

Social - the scheme would contribute towards a housing shortfall in Earl Shilton which would enhance the quality, vibrancy and health of the local community.

Environmental - this is a Brownfield site which would be remediated through the development. This will result in the efficient recycling of previously developed land (as encouraged by 111 of the NPPF) and will provide the opportunity to enhance the ecology and landscape of the area. Further, the development will be reflective of the character of the area and will thus be complementary to its setting. The development will also be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect.

Based on the above the scheme is considered to comprise sustainable development, in accordance with the NPPF, would result in the re-use of Brownfield land and would contribute towards the Borough's housing shortfall and five year housing land supply. The development is therefore considered to be acceptable in principle subject to all other material considerations being appropriately addressed.

### Core Strategy

Policy 2 of the Core Strategy seeks to support development within the Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings.

### Loss of Employment Land

The NPPF identifies a number of Core Planning Principles. The most relevant principles to this application are:-

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In addition to the Core Planning Principle above, paragraph 111 of the NPPF reiterates that planning policies and decisions should make effective use of land by re-using land that has been previously developed.

Policy EM1 identifies the site for alternative uses subject to the appropriate design policies. This is reinforced in the 2013 Employment Land and Premises Study which identifies the site and surrounding land as "Workshop Units, High Street, Earl Shilton". The Study states that 100% can be lost for other uses as the buildings are outdated, on the edge of the town centre with poor access.

Accordingly it is accepted that the non-employment uses are acceptable on the site, as indicated within the Employment Land and Premises Study 2013.

In summary, the site is located within the settlement boundary of Earl Shilton, as defined on the adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development.

#### Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As confirmed in April 2014, Hinckley and Bosworth Borough Council do not have a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy, including Policy 2, which relates to development within Earl Shilton, are thus not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

#### Relationship with the Character of the Area

Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. This is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application.

The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The surrounding area is characterised by dwellings which form frontage development. The dwellings along High Street and West Street all face the road frontage. The scheme has been designed taking this principle into account and as such proposes a row of 4 properties fronting High Street which helps to create a prominent frontage along this section of High Street. Whilst the appearance of these properties is not for determination in this outline application, their layout is typical of modern urban housing. If the application were acceptable in all other regards, reserved matters would need to be submitted for appearance and scale.

The reason for refusal of the previous application was due to overdevelopment of the site thereby creating a poor layout and over dominance of car parking spaces. The proposed scheme reduces the density of housing within the site from 15 to 13 dwellings. This has enabled the layout to be redesigned with opportunities to maximise landscaping and create more space between dwellings. The revised scheme also reduces the dominance of car parking when viewed from High Street as additional landscaping has been provided and in-curtilage parking provided.

In summary, the proposed redesign to the layout of plots 5-13, to the rear of the site, has improved the character of the scheme resulting in reducing the visual dominance of parking through the use of landscaping and breaking up parking areas. It is therefore considered that the scheme provides a well thought out layout which respects the character and appearance of the area including the streetscene and as such is in accordance with Policies RES5 and BE1 (criterion a) of the adopted Local Plan.

#### Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan required that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

In respect of criterion (i) scale is not for consideration at this time, accordingly the impacts of scale of the proposed dwellings cannot be fully considered at this stage. As such the full impact on adjacent occupiers particularly in terms of privacy, loss of sunlight and daylight and overbearing form, would be a primary consideration at the reserved matters stage. Notwithstanding this, the layout of the scheme is for consideration at this time.

The Council's SPG on New Residential Development requires a minimum distance of 25 metres between habitable windows when either at the front or rear of the dwelling and 14 metres between a habitable window where it faces a blank wall in the case of 2 storey dwellings.

The layout of the scheme shows that the closest point from the rear of proposed plots 6-9 would be in excess of 30m from the closest point to the rear of neighbouring dwellings on West Street. Plots 10-13 would be located approximately between 26 and 34 metres from the rear of neighbouring dwellings on West Street. Accordingly the distances are in conformity with the SPD and are acceptable to ensure no significant detrimental impacts.

The side elevation of plot 5 would be located approximately 13 to 14 metres from the rear of two properties within Keats Close. If planning approval is granted, a condition can be attached requiring no windows to be provided in this elevation or that any windows are obscure glazed and top opening only to mitigate against this impact.

The only other residential property in close proximity is No. 52 High Street located to the south of plot 4 and east of plot 13. There is a distance of 9 metres between the side elevation of No. 52 and the side elevation of plot 4 and 17 metres between the rear elevation of No. 52 and side elevation of plot 13. In both cases it is considered that there is sufficient distance between the dwellings to ensure that there is no significant overshadowing, loss of light or overbearing impacts.

The application is in outline and as such scale, landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy would be a primary consideration at the reserved matters stage, if scale and appearance were presented for approval. It is however considered, having regard to the indicative details submitted that a suitably designed scheme can be achieved on this site that will not detrimentally impact upon surrounding residential amenity in accordance with Saved Policy BE1 (criterion i) of the Local Plan 2001.

### Noise

In respect of criterion h) of Policy BE1 and the impacts of activities in the vicinity, Environmental Health (Pollution) states that the premises to the north is still used as a B8 Storage and Distribution use and there is a potential for noise to impinge upon the amenity of the proposed dwellings. Accordingly Environmental Health (Pollution) recommends a condition for noise attenuation. In addition, it is considered that noise and dust created whilst the proposed dwellings are erected could impact upon the amenity of neighbouring residential properties given the location of the site bounded by dwellings to the north, west and south. Therefore a condition has been imposed requiring details of an Environmental Management Plan to be submitted and agreed in writing prior to the commencement of development.

Accordingly, subject to the imposition of a planning condition the scheme is considered to be in accordance with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.

#### Access and Highway Considerations

Policies T5 and BE1 (criterion g) require developments to not impact upon highway safety and to have an appropriate level of vehicle parking commensurate with their use.

Access will be taken from High Street to the east of the site. Following previous concerns raised by Leicestershire County Council (Highways) the point of access has moved to the northernmost point of the application site and visibility splays indicated on the plan.

Layout is a consideration at this stage; however bedroom numbers are not secured at this outline stage. As a result of reducing the number of dwellings and breaking up the dominance of parking, 2 parking spaces are provided for 9 of the dwellings and 1 parking space is provided for 4 of the dwellings. Leicestershire County Council (Highways) has recommended a condition for 2 no. car parking spaces per dwelling. Notwithstanding this, given that this is a town centre location therefore within walking distance of amenities and in close proximity to a bus stop, it is considered that on balance, the level of parking is acceptable.

Leicestershire County Council (Highways) has advised that in response to their highway safety concerns in regard to the speed of vehicles on High Street, they are currently proposing a scheme of measures within the highway at the immediate frontage of the development site. Therefore, the proposed access arrangements must be compatible with this scheme and to achieve this, it has been determined that the appropriate junction design should be a raised table design rather than a dropped crossing arrangement. Subject to conditions, Leicestershire County Council (Highways) recommends approval of the scheme.

Accordingly the development accords with Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

#### Archaeology

Following previous concerns raised by Leicestershire County Council (Archaeology) the applicant submitted an archaeology survey, in conformity with Policy BE13. The report suggests that part of the site has remained free of development and therefore archaeological remains relating to the medieval and post-medieval settlement core of Earl Shilton could be present.

Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

Given the findings of the desk based assessment and building appraisal Leicestershire County Council (Archaeology) raises no objection subject to conditions for an appropriate programme of archaeological work, commencing with trial trenching to be undertaken prior to the commencement of development.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policy BE16 and the overarching intentions of the NPPF.

#### Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

Environmental Health (Land Drainage) has recommended a condition requiring drainage details, incorporating sustainable drainage principles to be submitted to the Local Planning Authority.

Sustainable drainage is important to mitigate the impacts of surface water drainage and to reduce the potential for flood risk, it is therefore considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF subject to appropriate sustainable drainage being implemented as part of the scheme.

### Land Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been considered by Environmental Health (Pollution) who recommends that conditions relating to land contamination are imposed. This is a result of the mixed use of current and past commercial and industrial uses. The previous use of the site as a hosiery factory could have led to a degree of contamination. To the north of the site at 24 High Street is a vehicle sales and repair centre. The site is understood to have been the location of a petrol filling station. Due to the potential of contamination resulting from the previous uses on site and in the area surrounding the site, conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

### Developer Contribution Requests

The requirement for 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 reasonably related in scale and kind to the development proposed.

### Affordable Housing and Infrastructure Improvements

Policy 15 of the Core Strategy requires affordable housing to be required on sites in Earl Shilton of 15 dwellings or more. As this application proposes 13 residential units this does not require affordable housing to be provided.

The following requests have been received:-

Education - A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £37,748.91 is sought for primary education provision at Weavers Close Primary School. It is stated that this school has a deficit of 31, of which 4 are created by this development. The contribution would be used to address existing capacity issues created by this proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries - A contribution request has been made from Leicestershire County Council Library Services for the use of provision and enhancement of library facilities at Earl Shilton Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed properties and £63.41 per 3/4/5 bed roomed property. It is considered that the library request has not clearly demonstrated how the contribution is necessary or how the proposed solutions would mitigate against the impacts. Accordingly the request is not considered to be CIL compliant.

Civic Amenity - A contribution request has been made from Leicestershire Shire County Council Environmental Services for £644 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there would be an additional 3 tonnes (approx.) of waste generated by the development and given the total waste collected is 7,874 tonnes per annum, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

### Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The site is located within 400 metres of open space at Weaver Springs Neighbourhood Equipped Area of Play and Hall Field local open space. Within the Green Space Strategy 2005-2010, Earl Shilton was found to have a deficiency of equipped play space (-0.60) and deficiency of casual/informal play space (-0.96) for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2005 which awarded 'The Hall Field' local open space a quality score of 46.7%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development.

Equipped Play Space - No equipped play space is being provided on site and therefore the scheme will provide a contribution in lieu to the site at 'The Hall Field'. Earl Shilton Town Council have confirmed that they would prefer the off site contribution to be taken to The Hall Field rather than Weaver Springs. The scheme of this size results in a financial contribution of £9,430.20 for the provision and £4,595.50 for the maintenance of children's equipped play space over a 10 year maintenance period, to be secured for 'The Hall Field'.

Un-equipped informal play space - Earl Shilton Town Council have confirmed that they would prefer the off site contribution to be taken to The Hall Field and that they would consider the future adoption of the on site amenity space. There is no on site provision provided on site and therefore the scheme will provide a contribution of £1,201.20 and 10 year maintenance equates to £1,033.50.

It is considered that Earl Shilton has both a deficit of both equipped and casual/informal play space and Hall Fields has shown to have a quality deficit relating to facilities. The indicative size of the units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. 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 justified in this instance and therefore meets the requirements of Policies 1

and 19 of the adopted Core Strategy, Policies IMP1 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

### Other Matters

Sustainability - Policy 24 of the Core Strategy identifies the need for higher levels of sustainable construction and identifies the Code for Sustainable Homes as an appropriate mechanism. The Code is currently under review with the intention of this being replaced but the requirement to seek higher levels of sustainable construction remains part of planning policy both as part of national and local. As such, the need to ensure that the aims construction and the measures to achieve this are considered to be necessary as part of planning permission and are conditioned accordingly.

Recycling - The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As layout is a matter for consideration and no such details are provided it is considered that a condition can be imposed.

### Conclusion

In conclusion, the proposed development is considered to accord with the development and would involve residential development on previously developed land. The site is within the settlement boundary where there is a presumption in favour of residential development. The proposed development is not considered to result in significant loss of amenity to the adjacent property and is not detrimental to highway or pedestrian safety. By virtue of its layout the proposed development is considered to reflect the pattern of surrounding development and is in keeping with the character and appearance of the area.

The proposed indicative layout would suggest that a high quality development could be achieved, subject to the detailed design and appearance of dwellings and materials, with a range and mix of dwelling sizes. Developer contributions to secure local infrastructure improvements as a result of the impact of the development would be secured as a planning obligation through a S106 Agreement and are considered to be necessary, reasonable and proportionate to the impact of the development.

Collectively therefore the above factors weigh in favour of recommending that permission be granted.

### **RECOMMENDATION: - Grant subject to conditions and S106 obligations.**

#### **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 within the settlement boundary of Earl Shilton, the proposed access is considered acceptable, its layout is considered to reflect the pattern and character of the surrounding area and the proposal would not impact upon residential amenity or highway safety.

Local Development Framework: Core Strategy: Policy 2, 16, 19 and 24

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, RES5, NE12, BE1,



BE13, BE16, REC3, T5 and T9

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The scale of each building proposed in relation to its surroundings.
  - ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - iii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Existing Site Plan 1:1250 drawing number 215-01-A3 received 25 July 2014 and Proposed Location Plan 1:500 drawing number 2153-09-A3 rev D received 7 October 2014.
- 4 No development shall commence unless and until details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 5 No development shall commence unless and until the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 6 No development shall commence until details of proposed measures to achieve a high quality sustainable construction have been submitted to and agreed in writing by the Local Planning Authority. Examples may include the following: -
  - a. Measures to reduce energy consumption and carbon dioxide emissions (e.g. building insulation, energy display devices, drying space, energy labelled white goods, low and zero carbon technologies, cycle storage, home office)
  - b. Measures to reduce water consumption (e.g. recycling surface water or grey water)
  - c. Responsible sourcing of materials
  - d. Reduction of surface water run-off (e.g. surface water management and management of flood risk)
  - e. Household recycling, construction waste management and composting facilities

- f. Means of reducing pollution and emissions
- g. Health and wellbeing measures (e.g. daylighting, sound insulation, private space, cycle storage)
- h. Management opportunities (e.g. home user guide and considerate constructors scheme)
- i. Ecological habitat provision (e.g. bat and bird boxes)

The development shall be carried out in accordance with the approved details, and the dwellings shall not be occupied before the approved facilities have been installed and made available for use by the occupiers of the dwellings.

- 7 No development shall commence unless and until a scheme for the investigation of any potential land contamination on the site should be 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.
- 8 If during the course of development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the contamination shall be dealt with. Remediation works should be carried out prior to first occupation of any dwelling.
- 9 No development shall commence unless and until a scheme for protecting the proposed dwellings from noise from neighbouring trade and/or industrial premises has been submitted to and approved in writing by the local planning authority and all works which form part of the scheme shall be completed before first occupation of any of the dwellings.
- 10 No development shall commence unless and until an Environmental Management Plan for protecting nearby dwellings from noise, vibration, air quality and dust during the construction phase of the proposed development has been submitted to and approved in writing by the local planning authority and all works which form part of the plan shall be implemented during the construction phase
- 11 No development shall commence unless and until plans for the disposal of surface water and foul sewerage have been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 12 No development shall commence unless and until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.
- 13 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved in writing by the local planning authority. The scheme shall include:-

- i) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme;
  - ii) The programme for post-investigation assessment;
  - iii) Provision to be made for analysis and records of the site investigation;
  - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) Provision to be made for archive deposition of the analysis and records of site investigation; and
  - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 14 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 15 The development shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority showing the parking spaces for plots 1-4 being incorporated into the associated residential curtilage.
- 16 No development shall commence unless and until details of a raised table junction design for the junction of the proposed access with High Street shall be submitted to the Local Planning Authority for approval in writing. Before first occupation of any dwelling hereby permitted, the approved means of access shall be provided and shall thereafter be so maintained.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), any first floor window in the north elevation of plot 5 shall be obscure glazed and top opening only.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the reserved matters.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In order to secure the sustainable means of construction in accordance with Policy 24 of the Hinckley and Bosworth Core Strategy and the aims of progressing towards a low carbon future development identified in Paragraph 94-96 of the National Planning Policy Framework.

- 7 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 In the interests of visual amenity, to accord with Saved Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure the submission of a report and the satisfactory deposition of the archive to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 To ensure the submission of a report and the satisfactory deposition of the archive to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 In the interests of visual amenity and achieving a high quality design in order to ensure that the parking spaces are overlooked, have an appropriate landscape finish, are secure and not isolated from users in accordance with Policy BE1 (criterion a and e) of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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](http://www.planningportal.gov.uk).

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In accordance with Condition 11 - drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
- 6 The public footpath is enclosed between boundary features and the width currently available for use by pedestrians should not be encroached upon by works associated with the development.

If it is intended to change the boundary treatment currently separating the application site from the public right of way, the Highway Authority's approval to the type of boundary treatment proposed should be obtained.

If it becomes necessary for work to be carried out in connection with the proposed development which would affect the surface of the public right of way, prior consultation must be undertaken with the County Council's Travel Choice and Access Team (Tel 0116 305 0001)

No new gates, stiles, fences or other structures affecting the footpath, either of a temporary or permanent nature, should be installed 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 County Council may be obliged to require its immediate removal.

Any damage caused to the surface of the right of way, which is directly attributable to works associated with the development, will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.

- 7 You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

The proposed road does not conform to an acceptable standard for adoption and therefore it will NOT be considered for adoption and future maintenance by the Highway Authority in its current format. The Applicant is strongly encouraged to provide an amended layout that will comply fully with the guidance for adoptable roads contained in the '6 C's Design guide'.

The Highway Authority will serve APCs in respect of all plots served by private roads, in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198. If the road is to remain private, signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.

On the basis of the submitted plan, the proposed development is partly positioned within the public highway and will not be acceptable. Before development commences an amended plan should be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority correctly showing the boundary of the development site. For information regarding the extent of public highway contact the County Council's 'Highway Records and Searches' Team at [hre@leics.gov.uk](mailto:hre@leics.gov.uk).

A public footpath is adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

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 the Infrastructure Planning Team. For further information you are advised to visit the County Council website ([www.leics.gov.uk/6CSDG](http://www.leics.gov.uk/6CSDG)), or email [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk).

**Contact Officer:-** Rebecca Grant      Ext 5895

**Item:** 09  
**Reference:** 14/00232/FUL  
**Applicant:** Mr J Spiby  
**Location:** Land Off Ratby Lane Markfield  
**Proposal:** Erection of a farm house  
**Target Date:** 30 May 2014

**RECOMMENDATION:- Grant subject to conditions.**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an agricultural workers dwelling requiring an agricultural appraisal to be undertaken.

**Application Proposal**

This application seeks permission for a permanent agricultural dwelling at land off Ratby Lane, Markfield.

The proposed dwelling comprises of a one and a half storey dwelling of brick and tile construction. By virtue of the aligned fenestration, the elevations are balanced and interest is added through the incorporation of a full height external chimney stack to one gable end, header and cill detail and pitched roofed dormer windows set off the wall plate.

The dwelling would have an 'L' shaped footprint and would incorporate sanitation and mess facilities, a farm office and a car port. Throughout the course of the application amended plans have been requested and received as the original size of the dwelling was considered excessive and had not been adequately justified.

The dwelling and associated ancillary accommodation now has a footprint of 235 square metres. The dwelling is to occupy a position on a parcel of land to the north of the existing access off Ratby Lane. The dwelling (at its closest point) would be set back approximately 14.5 metres from Ratby Lane and would be roughly 5 metres from the existing agricultural buildings to the east. A 15 metre wide strip of landscaping, incorporating a landscaped bund is proposed between the dwelling and Ratby Lane. The existing access (to the agricultural buildings) is to serve the dwelling. A domestic driveway would lead from this to the dwelling.

The farming enterprise is currently operated by Mr H Spiby & Sons and is based at Lower Grange Farm, Markfield. This enterprise is a well established mixed beef, sheep and arable farm. It is proposed to relocate the entire enterprise from Lower Grange Farm to the application site. The enterprise currently operates with one full time member of staff, one part time member of staff and seasonal workers when necessary. The current landholding is approximately 170 acres (including both owned and rented land) and is located in Markfield and the surrounding villages. The livestock comprises of four stock bulls, 80 suckler cows, 70 heifers, 40 fattening males, 80 calves, three rams, 65 ewes and 80 hoggets. Two large agricultural buildings have also been approved on site (12/00992/FUL), to replace some of the buildings at Lower Grange Farm.

This application has arisen as the land surrounding Lower Grange Farm has been sold to Jelsons Ltd and has been granted planning permission for a housing development. It has been stated that the construction of the housing estate around the farm has made it difficult for the farming operations on site (Lower Grange Farm) to continue.

During the course of the application further information has come to light in respect of the operation of the enterprise. The main operator of the farm is elderly and his nephew and family are to take over the enterprise when he retires. Two farm cottages on Thornton Lane are owned by the enterprise, one is privately rented and the other is occupied by a former farm hand. There remains uncertainty as to what will happen with the existing farmhouse and farm buildings at Lower Grange Farm. The initial report from the agricultural consultant raised queries in respect of the other dwellings within the ownership of the enterprise, the lack of financial information provided to support the enterprise and the specific operations of the enterprise. In response, an additional appraisal and supporting information has been received and a further appraisal by the independent consultant has been conducted.

The Site and Surrounding Area

The application site is located to the east of Ratby Lane, Markfield, approximately 400 metres south of Markfield Court, 350 metres to the south of Oak Farm, and 500 metres north of the M1 motorway. The site is located outside the settlement boundaries of Ratby and Markfield and is therefore considered to be in the countryside. The southern boundary of the site is defined with a mature hedgerow approximately 4 metres in height separating the field boundaries. The site is separated from the highway by a verge approximately 5 metres in width and a hedgerow, including several self set trees.

The countryside is gently undulating with a fall to the south and the M1 and a slight ridge to the north of the site.

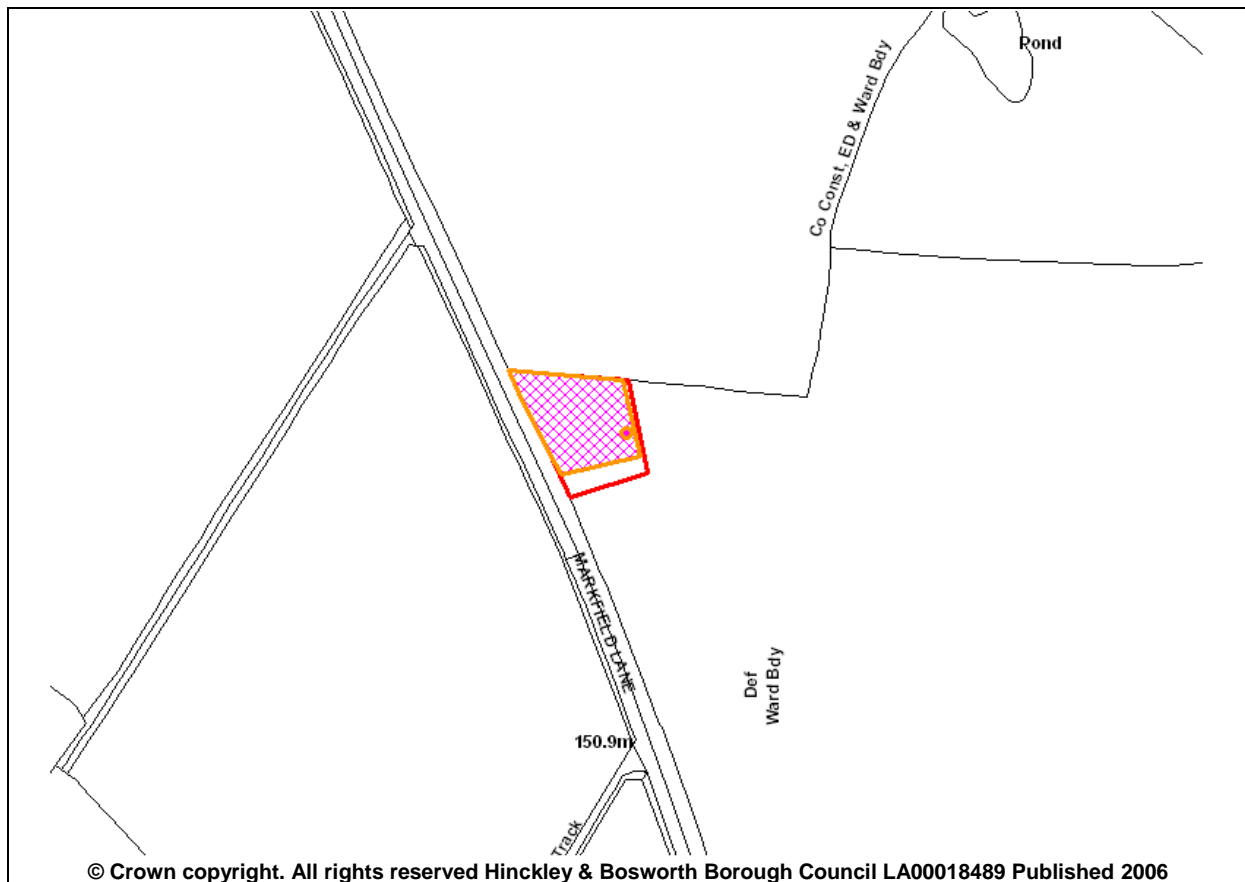
Technical Documents submitted with application

Agricultural Appraisal and update (including financial information)

**Relevant Planning History:-**

12/00992/FUL	Erection of new farm buildings and creation of access	Approved	23.01.13
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**Consultations:-**

No objection has been received from:-

- Severn Trent
- Environmental Health (Land Drainage)
- Environmental Health (Pollution)

Leicestershire County Council (Highways) has raised comments in respect of the sustainability of the location of the proposal but if a satisfactory agricultural report has been received then no objection is raised and conditions are recommended.

Site notice displayed and neighbours notified.

1 letter of support has been received from a local vet, stating the following:-

- i. It would be advantageous for the welfare of any livestock for there to be a stockperson on site
- ii. The animals need to be checked at least twice a day to ensure their welfare needs are met.
- iii. The calving cows need to be closely monitored when they are due to give birth
- iv. It is a great financial loss to a farmer if a calf is born dead or dies within the first 24 hours

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014.

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres

Policy 8: Key Rural Centres Relating to Leicester.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy RES12: New Agricultural Dwellings

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.

Supplementary Planning Documents/Guidance

New Residential Development (SPG)

**Appraisal:-**

The main considerations with regards to this application are:-

- Principle of development
- Relationship with the character of the surrounding countryside
- Highway Safety
- Other Issues

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless special circumstances exist, an example of which is the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 of the NPPF supports sustainable economic growth in rural areas and the development of agricultural and other land based businesses.

Whilst only limited weight can be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF, whilst seeking to safeguard the character and appearance of the countryside the policy acknowledges the need to accommodate development that is important to the local economy that cannot be provided within or adjacent to an existing settlement. Saved Policy RES12 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; and the availability of suitable alternative accommodation in the local housing market.

Whilst the policy framework provides for the development of agricultural workers dwellings in the countryside in principle, it is clear that this is an exception to the general restraint on new isolated residential development in the countryside that has remained a strong and consistent element of national planning policy and should be subject to special justification

being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the sustainability of the development.

The NPPF in paragraph 7 states that there are three dimensions to sustainable development (social, environmental and economic). The economic role is particularly relevant to the provision of agricultural worker's accommodation as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

This application is accompanied by an agricultural appraisal; this seeks to justify the functional requirements of the enterprise and its financial stability. The content of this report has been independently assessed by the Borough Council's Agricultural Consultant.

Is the agricultural holding of a nature which requires a person to live on the site, having regard to the security and efficient operation of the holding?

Messrs Spiby currently farm approximately 170 acres of combinable crops, some of which are sold and the rest used as feed. Stock numbers at April 2014 were confirmed at 96 cows, 42 heifers, 12 Calves, 31 other cattle resulting in a total of 181 head. Further, due to the improved design and layout of the modern agricultural buildings at Ratby Lane, they are able to accommodate 80 suckler cows and offspring, which comprises a 33% increase on similar sized buildings at Lower Grange Farm. Additional information has also been received as to the subdivision of labour. It is confirmed that due to the design of the modern agricultural buildings, Mr Spiby is able to conduct all of the bedding down and feeding on his own. Employees assist with any difficult calvings, however Mr Spiby conducts all the checks. Mr Spiby is also responsible for selecting which stock goes to market.

On the basis of the current level of livestock numbers, a functional need is required for the enterprise in relation to animal welfare, parturition, young stock management, oestrus detection, management of breeding bulls, bio-security of young stock and vulnerability to contamination and disease. On this basis it is clear that the labour requirements amount to more than one full time worker and that there is an essential need for a worker to live nearby.

Financial Test:- Is the holding sufficiently viable to sustain any additional full time worker in full time employment?

The labour requirement of the proposed livestock enterprise, as identified within the agricultural appraisal submitted is 1.5 full-time equivalents and casual labour as required.

Originally no accounts were provided within the appraisal, with only a tax return provided. This illustrated great disparities between the years provided. Upon further investigation it became apparent that the disparities related to the sale of land to Jelson Ltd and the subsequent uplift agreement. Although the business appeared to have healthy capital reserves, the overall picture failed to show that the enterprise had been operating in an efficient and viable manor. Accordingly, further, detailed accounts were requested. Budget forecasts have now been received. These illustrate a profit of £48,460 (after deduction of rent, but before deduction of labour costs). This level of profit could sustain 1.5 full time workers and casual labour. However the figures used within the budget forecast need to be revised downwards for the 2015 harvest year. Based on the budget forecasts this would reduce the overall profit to £8,920. Notwithstanding this, the overall profit would remain at £35,000, which would be adequate to demonstrate viability.

Availability of Alternative Accommodation:- What is the availability of alternative accommodation in the local housing market?

The proposed dwelling at Ratby Lane would be in the form of a four bedroomed brick dwelling with integral farm office of approximately 235 square metres. Within the original report, the agricultural consultant concluded that the existing functional need would generate a requirement for someone to be present on or close to the site. However, during the course of the application, it became apparent that the enterprise also owned a pair of farm cottages in-between Lower Grange Farm and Ratby Lane. Upon this basis, the consultant was of the opinion that either of these could fulfil the functional need. In response to this, further information has been provided as to why these cottages would not be suitable and of the specific nature of operations on site. Based upon this information, the consultant is now content that the functional requirements of the holding would require a worker to be present on site at all times.

#### Size of dwelling

Given that the enterprise is to be operated by Mr Spiby and a farm hand, the need for the size of dwelling applied for was queried. In response it has been stated that given Mr Spiby's age, the enterprise, at some point in the future would be passed onto his nephew to operate. His nephew has a family and Mr Spiby would continue residing on site, in a ground floor bedroom. However the footprint of the dwelling has been reduced from 272 square metres to 235 metres. Based upon this, the size of the dwelling is considered justified.

In this respect it is concluded that the welfare and supervisory management of livestock in this instance requires supervision on site and the financial information provided illustrates that the enterprise is viable and can sustain the labour requirement proposed.

When considering the wording of paragraph 55 of the NPPF, which makes reference to the "essential need for a rural worker to live permanently at or near their place of work in the countryside" and the wording of saved Policy RES12, which states "the agricultural holding 'must' be of a nature that requires a person to live on the site and 'must' be sufficiently viable to sustain any additional worker in full time employment; in accordance with the above discussion, the livestock numbers and agricultural operations, and financial forecasts that accompany the application illustrate that in the future, the enterprise is capable of sustaining a permanent dwelling and that there is an "essential" need for a person to be on site to meet the functional requirements of the enterprise.

#### Siting, Design and Impact on Landscape

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development and seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria i, ii and iii of Saved Policy NE5 require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Saved Policy BE1 (criteria a, c and e) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; has regard to the safety and security of individuals and property; and incorporates landscaping to a high standard.

Amended plans have been received which reduce the size of the footprint and set it slightly further back from Ratby Lane, however the overall appearance and design has remained as proposed originally. In terms of its siting, the proposed dwelling would be sited 35 metres north of the existing farm access off Ratby Lane, and to the west of the existing agricultural

buildings. The dwelling would be roughly 15 metres from the highway. There would be views of the gable end of the dwelling from Ratby Lane, however these views would be limited by virtue of the existing mature native hedgerow running the length of the boundary and the landscaped bund proposed internally. Further, resultant of the scale of the dwelling, being only 1.5 storey, it would not appear overly prominent within the street scene. The principal elevation would face towards the site access; this is well balanced, would incorporate a range of architectural features and thus would not be considered as being detrimental to the character of the surrounding countryside. The dwelling would be visible from the countryside further north and east, however given the existing hedgerow enclosing the site, again, it will not appear unduly prominent. From the west the dwelling will be viewed against the backdrop of the existing agricultural buildings. Given that the site is already partially developed, the dwelling would not result in an incongruous alien addition in this predominantly rural landscape, would not therefore detract significantly from its character and thus, is considered acceptable.

To further assimilate the dwelling within its rural landscape and soften its appearance, landscaping details have been received. These propose to strengthen the existing boundaries through additional native hedgerow planting, indicate increased tree planting and a landscaped bund. These detailed will be formally required by way of condition.

Accordingly, the design solution and siting of the dwelling proposed is considered acceptable and would be well related to the existing agricultural buildings, the dwelling will not appear prominent within the surrounding landscape or street scene and is therefore not considered to result in any materially adverse impacts in terms of the character of the surrounding countryside or landscape. Furthermore, due to its siting the dwelling would be well related to the existing access and agricultural buildings. The proposal is therefore considered to be in accordance with Saved Policies NE5 (criteria i, ii and iii) and BE1 (criteria a and c) of the adopted Local Plan together with the overarching principles of the NPPF.

#### Residential Amenity

Saved Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties.

The dwelling would occupy a relatively isolated position. Given the considerable separation distance between the proposal and the closest dwellings, the dwelling is not considered to give rise to any impacts in terms of residential amenity. The proposal is therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

#### Impact on Highway Safety

Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan require development to provide adequate visibility for road users and adequate provision for off-street parking and turning facilities for residents and visitors so as not to have any adverse impact on highway safety.

The dwelling would be accessed via the existing farm access, off Ratby Lane. This comprises a double width (approx 10 metres) gated access and a hard surfaced driveway. Leicestershire County Council (Highways) has considered the proposal and has stated that the Highway Authority would normally object to the proposal on account of the unsustainable location of the site in the countryside unless an agricultural appraisal is provided. Therefore no objection is made subject to conditions.

There is adequate vehicle parking and turning space on the site.

Accordingly in terms of highway safety, the proposal is not considered to result in any further material impacts on highway grounds. The proposal is therefore in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

#### Other Issues

In this case, there are no public children's play areas within 400 metres of the proposed dwelling therefore there is no justification/requirement for any developer contributions towards the provision or future maintenance of such facilities.

Environmental Health (Pollution) has recommended conditions based upon the previous, potentially contaminating use of the site. These are considered reasonable and necessary and are imposed.

#### Conclusion

Whilst the national and local planning policy framework provides for accommodation for agricultural workers in the countryside in principle, it is clear that this should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the economic sustainability/viability of the development. In this case, it is considered that it has been demonstrated that the functional need of the agricultural enterprise does warrant a person to be living on site and this position has also been confirmed by the independent agricultural consultant. Accordingly, the proposed dwelling is considered to be justified and will allow the enterprise to further expand. The proposal is therefore in accordance with Saved Policies RES12 (criteria a, b and c) of the adopted Local Plan together with the overarching principles of the NPPF, with particular reference to paragraph 55, and is recommended for approval subject to conditions.

#### **RECOMMENDATION:- Grant 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 subject to compliance with the conditions attached to this permission, the enterprise generates a functional need requiring a person to be present on site and the enterprise would be financially viable to sustain the labours and dwelling required. Accordingly the financial and functional tests as outlined within paragraph 55 of the NPPF are considered to have been met. Furthermore, by virtue of its siting and design there are considered to be no arising adverse impacts on either the character of the surrounding countryside or landscape, residential amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1(a and i), RES12, NE5, NE12, NE14, T5

In dealing with the application, through ongoing negotiation and the receipt of amended plans and additional justification, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

#### **Conditions:-**

- 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 Refs:- 3863/8, 3863/9, 3863/10, 3863/3R, received by the Local Planning Authority on 25 September 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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 any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished ground and floor levels
  - (ii) means of enclosure
  - (iii) hard surfacing materials
  - (iv) existing trees and hedgerows to be retained
  - (v) planting plans
  - (vi) written specifications
  - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (viii) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
- 6 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 to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 7 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.
- 8 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with an effective minimum width of 5 metres over a distance of at least 7 metres behind the highway boundary. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- 9 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 7.5 metre control radii on both sides of the access.

**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 NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development and to protect the privacy and amenity of neighbouring properties to accord with Policies NE12 (criteria a - d) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 6 To preserve the character of the surrounding rural landscape in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 7 This development is approved subject to the agricultural justification provided with the application, without this the application would not have been considered acceptable and would have constituted unsustainable and unwarranted development within the open countryside. In accordance with Paragraph 55 of the NPPF and Policy RES5 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of highway safety in accordance with Policy T5 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](http://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 Overton Ext 5680



**Item:** 10  
**Reference:** 14/00867/HOU  
**Applicant:** Mr Ian Cooper  
**Location:** 40 Sketchley Road Burbage Hinckley  
**Proposal:** Extensions and alterations to dwelling  
**Target Date:** 21 November 2014

**RECOMMENDATION:- Grant subject to conditions.**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been called in by Councillor Moore to give the Committee the opportunity to consider the potential impacts of the proposed extension on the neighbouring properties.

**Application Proposal**

This application seeks planning permission for a two storey and single storey extension to the rear of No. 40 Sketchley Road, Burbage.

The existing dwelling is a detached two-storey dwelling with a two storey gable end to the rear and single storey extension which sits off the rear elevation.

The existing single storey flat roof extension would be demolished and a two storey extension would be erected at 4.7 metres in length. This would occupy the majority of the width of the rear of the dwelling but would be off-set from the boundary with the neighbouring property No. 42 by approximately 1.2 metres as per the existing situation. The single storey rear extension would extend at the ground floor the length of the two storey rear extension and approximately 1 metre off the rear of the proposed two storey extension.

The use of matching materials is proposed.

Parking would remain to the front of the dwelling as per the existing situation.

**The site and surrounding area**

The application property is located within the settlement boundary of Burbage, and is identified within Zone 4 in the Burbage Village Design Statement. Sketchley Road street is characterised by its variety of house types. The street includes a mix of residential properties varying from detached and semi detached, two-storey dwellinghouses and bungalows. The application dwelling is a two storey detached house, constructed of white painted render and facing brickwork, and grey slate roof tiles.

The application dwelling is accessible via Sketchley Road, and is set back from the highway by 8.2 metres.

Technical Document submitted with application:-

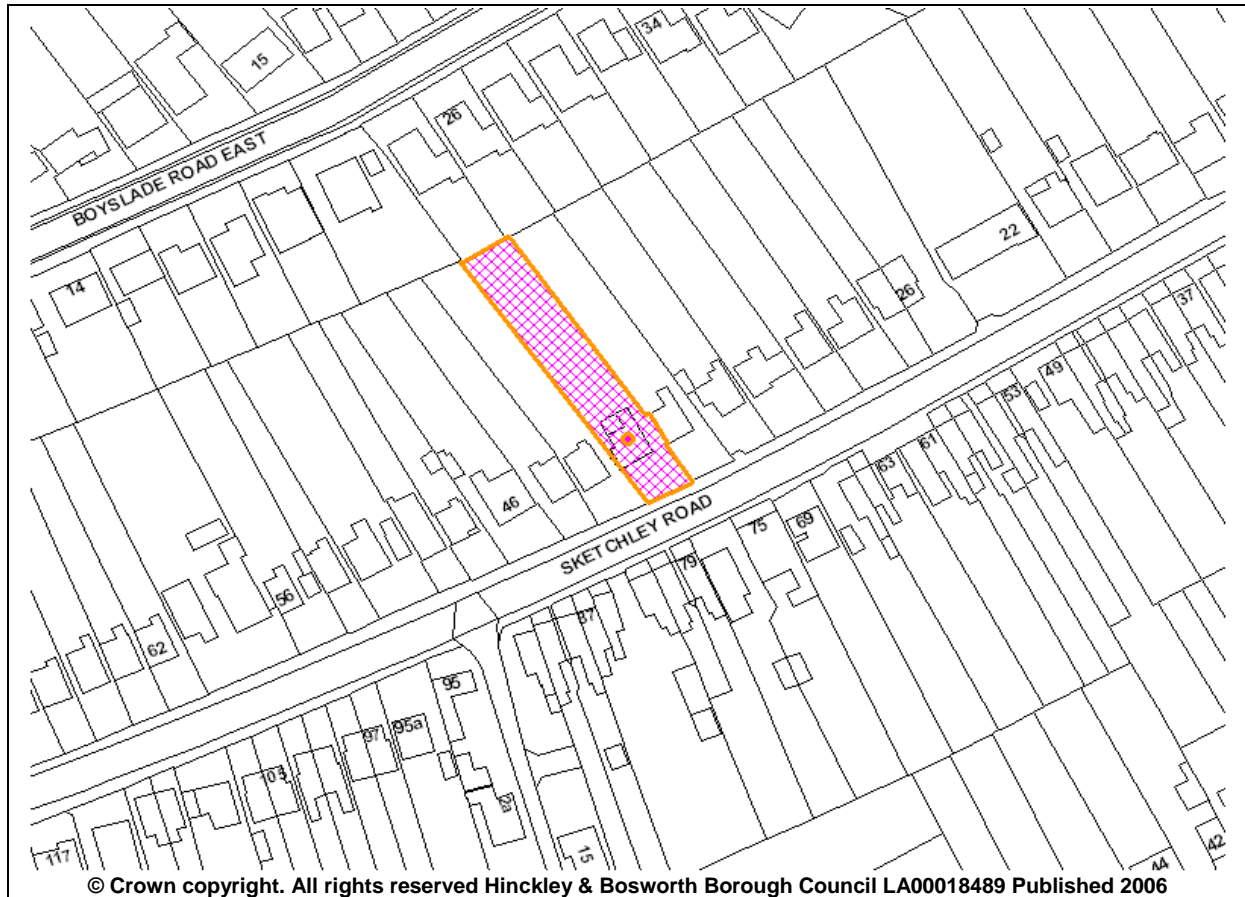
**Relevant Planning History:-**

99/00257/FUL

Extensions to Dwelling

Approved

26.05.99



**Consultations:-**

No objection has been received from Environmental Health (Land Drainage)

Councillor Moore has raised the following concerns:-

- The proposal would result in overbearing impacts on neighbouring properties.

Burbage Parish Council has objected on the following grounds:-

- Unsatisfactory relationship with neighbouring properties and significantly detrimental to the amenities of the occupiers as a result of the overbearing impacts of the proposal.
- Breach of the "45 degree rule" in relation to No. 38 Sketchley Road

One letter of representation has been received raising the following objections:-

- The proposed extension is 9 metres in length.
- The proposed extension, along with the existing line of large trees along the common boundary would result in an overbearing visual impact.
- Would result in overshadowing and loss of sunlight to the neighbouring property.

- Would not be in keeping with existing extensions of other neighbouring properties.
- Would result in the property becoming almost double the size of the original house.
- Concerns with how the impacts of the proposal would affect the outcome of a scale on the neighbouring property.

**Policy:-**

National Planning Guidance

National Planning Policy Framework (NPPF) March 2012.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development.

Supplementary Planning Guidance / Documents

House Extensions Design Guidance SPG  
Burbage Village Design Statement SPD June 2006.

**Appraisal:-**

The main issues for consideration of development are:-

- The principle of development,
- The relationship to the neighbouring properties,
- The relationship with the character and appearance of the area, and
- Other issues.

The principle of development

At the heart of the NPPF is a presumption in favour of sustainable development. The application proposes extensions and alterations to an existing dwelling, and is within the settlement boundary of Burbage. The proposal is therefore regarded as sustainable, and is thus acceptable in principle.

The relationship to the neighbouring properties

The representations received have been carefully considered, in relation to overbearing and overshadowing impacts of the proposal on the amenities of neighbouring properties.

Policy BE1 (criterion i) of the Local Plan requires that development does not adversely affect the residents of neighbouring properties. Concerns have been raised in regard to the overbearing and overshadowing impacts the proposal would have on neighbouring properties No. 38 and No. 42 Sketchley Road. These concerns are addressed below.

No. 38 is a detached two-storey house of a similar design to the application dwelling, situated to the east of the application site. The proposed two storey rear extension would protrude approximately 4.7 metres to the rear of the application property, with the single storey extension extending further by 1 metre off the two storey extension. However, the distance between the application dwelling and the adjoining site boundary of No. 38 would remain as 2.5 metres.

The proposed ground floor extension is not considered to result in any overbearing or overshadowing impacts to No. 38, by virtue of the scale, design, distance between the two properties, and the nature of the existing boundary treatment, a close boarded fence 1.8 metres in height. Because of the degree of separation between the two properties it is not considered that the proposed extension would result in a significantly detrimental level of overshadowing to the rear elevation of No. 38.

Concern has been raised in respect of the breach of the "45 degree rule". This is not a rule that forms part of adopted policy however, in terms of No. 38 only the single storey rear extension would fall within 45 degrees of the rear windows of No. 38 and as this is a single storey extension with a hipped roof the impact would be limited.

No. 42 is a detached two-storey dwelling house, situated to the west of the application site. The proposed single storey extension would protrude to the side elevation facing No. 42. However, the single storey extension would not extend beyond the existing width of the application dwelling and would be hipped away from the boundary with this property. The representation received from the neighbouring property states that the total length of the proposed extension would be 9 metres to the rear of the application property. This would be in relation to the western section of the proposed single storey extension, which would extend alongside the common boundary with No. 42. Whilst the context of the comments received has been taken into consideration, a separation of 2.5 metres would remain between the boundary with the neighbouring property.

The proposed two storey rear extension would result in a degree of overshadowing and loss of light to neighbouring properties, No. 38 and No. 42. However, due to the separation distances between the rear elevations of both No. 38 and No. 42 it is not considered that the proposed extension would result in an unacceptable degree of overshadowing to either neighbouring property.

The proposed windows to the two storey extension at the first floor would not directly overlook into any neighbouring gardens. All proposed ground floor features would not result in any overlooking into neighbouring properties No. 38 and No.42, by virtue of the screening provided by the existing boundary treatments (high fencing). The proposal would result in the insertion of a first floor window to the east elevation that would face the side elevation of No. 38. However, as this would serve a non-habitable room (bathroom) which would be obscure glazed, it would not result in a material level of overlooking to the neighbouring property. Additionally, no overlooking impacts would result from the erection of the proposed roof-lights to face No. 42. Therefore, the proposal is considered to be acceptable in this respect.

The impacts of the proposed extensions on the neighbouring properties are not considered materially adverse, and would be in accordance with Policy BE1 (criterion i) of the Local Plan, as well as the adopted SPG on House Extensions, and thus the proposal is considered to be acceptable.

The relationship to the character and appearance of the area

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. Sketchley Road consists of a mix of house types, with a variety of rear extensions and alterations to the properties. The nature of the proposed extension means that it would not be viewable from within the street scene. Therefore, and the proposal is therefore considered in keeping with the character of the area.

Furthermore, the proposed materials are to match those existing, and will therefore from a design perspective match the existing dwelling. Accordingly, there are no impacts on the visual amenity of the street scene, and in this respect the proposal is considered acceptable.

#### Other issues

In relation to the comments received about the buying and selling of property are not considered to be material planning issues that can be given consideration.

#### Conclusion

Overall, by virtue of the siting, scale, design, and appearance, the proposed the extensions and alterations to No. 40 Sketchley Road would not detrimentally impact on the residential amenity of neighbouring properties and are considered in keeping with the character of the area and the surrounding dwellings. The proposals are considered to be in accordance with Policy BE1 (criteria a and i) of the adopted Local Plan, the SPG on House Extensions, the Burbage Village Design Statement, as well as the overarching principles of the NPPF. Therefore, subject to conditions the proposal is considered acceptable.

#### **RECOMMENDATION:- Grant 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 subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development and by virtue of the siting, layout, scale, design and appearance would have no materially adverse impacts on the character of the surrounding area, on the amenities of the occupiers of neighbouring properties or in terms of highway safety.

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

In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

#### **Conditions:-**

- 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: Dwg Nos. 7826-02 Proposed Floor Plans Scale 1:50, 7826-03 Proposed and Existing Elevations Scale 1:100, and 7826-04 Site Block Plan Scale 1:200, received by the Local Authority on 26.09.2014.
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.
- 4 The window proposed to the first floor side elevation (east) shall be obscure glazed and top opening only and retained as such thereafter.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To avoid impacting upon the amenity of neighbouring properties in accordance with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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](http://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:-** Sarinah Farooq      Ext 5603

**Item:** 11  
**Reference:** 14/00281/FUL  
**Applicant:** Evans Bros Ltd  
**Location:** Manchester Hosiery Manufacturing Co Ltd Queens Road Hinckley  
**Proposal:** Erection of 14 dwellings with associated car parking  
**Target Date:** 4 September 2014

**RECOMMENDATION: - Refuse planning permission.**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a Major Application. The application was deferred by Committee on 14th October 2014 to seek amendments to the design and layout of the proposals. If satisfactory designs were received authority was granted to the Head of Planning to issue an approval.

Since planning committee, the applicant has been invited to consider amendments to the scheme but has declined.

Further an appeal against the non-determination of the application has been accepted by the Planning Inspectorate with the start date being 20th October 2014. The Inspectorate would be informed of the Council's decision on the decision of the Committee.

**Application Proposal**

The application seeks full planning permission for the erection of 14 dwellings on a former factory site close to the centre of Hinckley. The site was formally occupied by Manchester Hosiery Works. This building comprised a two and three storey brick built factory with a flat roof two storey addition to the rear, two single storey timber buildings and a two storey part brick and steel framed building. This building was demolished following the granting of prior approval (14/00142/GDOD) earlier this year.

In further detail, the scheme comprises two uniform rows of two storey, terraced properties. These would be pitched roofed and of simplistic form. Fenestration would be vertically emphasised and aligned, and would incorporate header and cill detail. To add further interest, chimneys and pitched roofed canopy porches are proposed.

The houses would follow the established building lines of existing terraced houses adjacent to the road frontages (Princess Road and Southfield Road). Plots 1 - 8 would be sub-divided into two blocks and face onto Southfield Road. These dwellings would be set back by roughly 0.5 metres from the highway, with pedestrian access provided to their frontage. These would have small enclosed gardens and space for car parking within a rear courtyard.

Plots 9 - 14 would be subdivided into two blocks of three and face onto Princess Road. Parking for these dwellings is sited at either end of the blocks and centrally between them, along with 7 spaces, including three visitor parking spaces sited to their rear. Enclosed rear gardens are also proposed. These dwellings will be set back 2 metres from the highway, with

landscaped areas and enclosed front gardens. Pedestrian access would be gained from Princess Road. Vehicular access to plots 9, 11, 12 and 14 would also be via Princess Road.

Overall the scheme would provide 31 off road parking spaces.

The existing access is from Queens Road, towards the north eastern corner of the site. This is intended to be repositioned centrally along the Queens Road boundary and would provide access to the courtyard.

### Site and Surrounding Area

The site comprised an attractive former factory that was occupied by Manchester Hosiery Manufacturing Co. Ltd. The main manufacturing building occupied the primary Southfield Road frontage and wrapped around to face Queens Road. This was a two-storey brick building with a traditional pitched roof. It had large arched 20-pane windows with blue-brick cills and arched brick headers. This building stood as an attractive and prominent building in the street, complementing the form and character of the traditional brick terraced housing on surrounding streets. To the rear of the factory were less attractive outbuildings that were used for storage/manufacturing purposes.

The collection of factory buildings has been recently demolished and the site is cleared. It is roughly square in shape and has an area of 1900m<sup>2</sup>. The site comprises an end parcel of land, being bounded to three sides by the highway; to the north, Princess Road, the east, Queens Road and to the south, by Southfields Road. The western boundary of the site is adjacent to dwellings on Southfield Road and Princess Road. An existing 2 metre-high wall runs along the length of this boundary. The road-facing boundaries are currently open. The only building that remains is a sub-station. This is sited towards the north eastern corner of the site and is to be incorporated within the scheme. The topography of the site is varied resulting in a two-metre fall from north to south.

The site is within the settlement boundary of Hinckley and is identified as an employment site within the Local Plan. The site is approximately 600m to the north east of the town centre and 800m east of the railway station. Residential development surrounds the site to all sides. This predominantly comprises high density terraced housing dating to the late 19th and early 20th Century. The form of housing and its regimented linear form results in a strongly definable residential character.

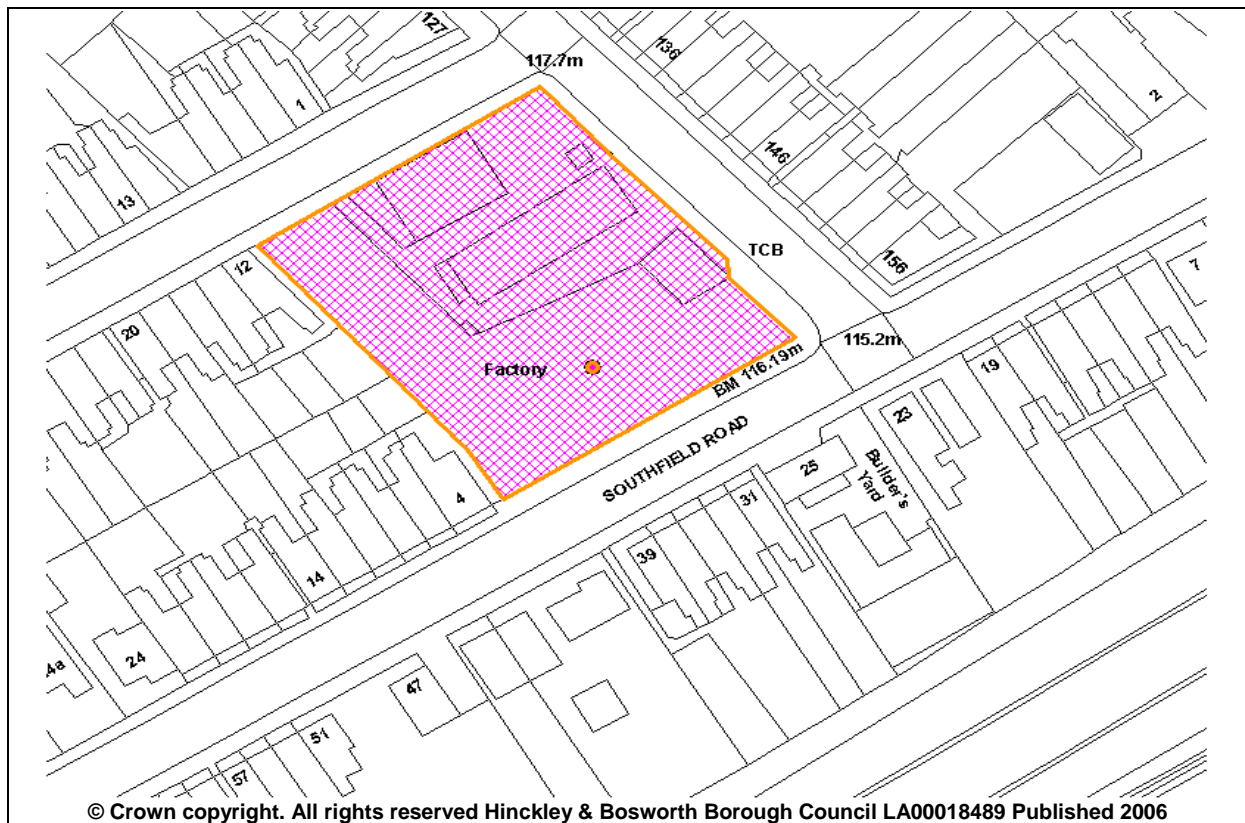
Technical Documents submitted with application

Design and Access Statement  
Viability Report  
Protected Species Survey  
Flood Risk Assessment  
Contamination Report.

### **Relevant Planning History:-**

14/00142/GDOD	Demolition of factory building General Development Order	14.03.14
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**Consultations:-**

No objection has been received from:-

Directorate of Chief Executive (Ecology)  
 Director of Environment and Transport (Footpaths).

No objection subject to conditions has been received from:-

Environment Agency  
 Severn Trent Water Limited  
 Director of Environment and Transport (Highways)  
 Head of Business Development and Street Scene Services (Waste and Recycling)  
 Head of Community Services (Pollution)  
 Head of Community Services (Land Drainage).

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

- Director of Children and young Peoples Services (Education) requests £40,652 for the primary school sector
- Director of Environment and Transport (Civic Amenity) requests £693
- Director of Adults and Communities (Libraries) requests £760.

Director of Environment and Transport (Highways), the Police and Leicestershire and Rutland PCT have made no requests.

Neighbours notified, two letters of representation received raising the following issues/concerns:-

- supportive of the development as it comprises a well designed scheme which is reflective of the street scene
- concerns over the retention of the existing brick boundary wall. This needs to be retained as it provides a noise/privacy barrier
- concerns over parking; this should be sited to the rear of the dwellings and access should be taken off Queens Road.

**Policy:-**

National Policy Guidance

National Planning Policy Guidance (NPPG) 2014  
 National Planning Policy Framework (NPPF) March 2012  
 Community Infrastructure Levy (CIL) Regulations 2010.

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley  
 Policy 16: Housing Density and Mix  
 Policy 19: Green Space Provision  
 Policy 24: Sustainable Design.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development  
 Policy RES5: Residential Proposals on Unallocated Sites  
 Policy EMP1(b): Existing Employment Sites  
 Policy T5: Highway Design and Vehicle Parking Standards  
 Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities  
 Policy REC3: New Residential Development Outdoor Play Space for Children  
 Policy NE12: Landscaping  
 Policy NE2: Pollution.

Supplementary Planning Guidance/Documents

New Residential Development (SPG).

**Appraisal:-**

The main considerations with regards to this application are:-

- Principle and 5 year Housing Land Supply
- Relationship with the character of the area
- Impacts on residential amenity
- Highway safety
- Viability, Developer Contributions and Play and Open Space
- Land Contamination
- Other Issues.

Principle of Development

The site is located within the settlement boundary of Hinckley as defined in the adopted Local Plan Proposals Map.

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. It states that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. For decision taking this means:-

\* Approving development proposals that accord with the development plan...

\* Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole; or
- specific policies within the framework indicate that development should be restricted

### Local Plan

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development.

### Core Strategy

Policy 1 of the Core Strategy: Development in Hinckley states that land will be allocated within Hinckley for a minimum of 1120 new residential dwellings. This figure has not yet been met.

### Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As confirmed in April 2014, Hinckley and Bosworth Borough Council do not have a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy, including Policy 1, which relates to development within Hinckley, are thus not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

### National Planning Policy Framework

There are three core strands underpinning the presumption in favour of sustainable development, which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. These roles are mutually dependant and result in sustainable development. In relation to this scheme, the dimensions are met in the following ways:-

Economic - the local and wider economy would both directly and indirectly benefit through the creation of jobs, the purchasing of materials and through the sale of the end product.

Social - The scheme would contribute towards a housing shortfall in Hinckley which would enhance the quality, vibrancy and health of the local community.

Environmental - this is a Brownfield site which would be remediated through the development. This will result in the efficient recycling of previously developed land (as encouraged by 111 of the NPPF) and will provide the opportunity to enhance the ecology and landscape of the area. Further, the development will be reflective of the character of the area and will thus be complementary to its setting. The development will also be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect.

Based on the above the scheme is considered to comprise sustainable development, in accordance with the NPPF, would result in the re-use of Brownfield land and would contribute towards the Borough`s housing shortfall and five year housing land supply. The development is therefore considered to be acceptable in principle subject to all other material considerations being appropriately addressed.

#### Relationship with the Character of the Area

Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area.

This is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application.

The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The scheme proposes two blocks of development, one fronting Princess Road and one fronting Southfield Road. The architectural treatment of these dwellings is simplistic, typical of modern sub-urban town housing. While the fenestration proportions disappointingly do not take references from the Victorian housing nearby, there is sufficient detail and interest to suggest that the street Southfield Road and Princess Road would not be unattractive. The submitted plans show horizontal alignment with adjoining houses in terms of ridge and eaves detail, but no information has been provided to demonstrate horizontal fenestration alignment. If the application were acceptable in all other regards, this detail would need to be agreed by condition.

With regard to the frontage to Queens Road, the layout/design and architectural approach is poor. The units facing Southfield Road and Princess Road fail to 'turn the corner' of the

street. The side gables of the corner units are blank with the exception of a small window opening at first floor. This results in a lifeless and uninteresting façade to the street corners. The Queens Road elevation would be dominated by low-level picket fencing and 2m high timber fencing. This is a missed opportunity to provide a higher quality form of development that responds to the character of the street. It is also a significant dilution of the quality of the street frontage compared with the factory building that used to occupy the lower part of the site.

The car parking solution for the scheme is to create a central car parking courtyard behind the rear gardens of the two blocks of houses. Access would be off Queens Road. This courtyard space would be segregated from individual plots by 2m high timber fencing that provides privacy/enclosure to private gardens. While there would be a small element of overlooking of the court yard, from a distance, from existing houses on Queens Road, this large hard surfaced area has the potential to become an unpleasant space that is unlikely to be well maintained and could be used inappropriately. These types of spaces tend to be either mis-used or under-used. Local residents generally don't like leaving their cars out of sight so would be more likely to park on-street where there are known problems of congestion. This is likely to cause further problems for existing residents. The applicant has attempted to break up the appearance of the court yard by introducing trees and shrubs. These features are unlikely to be well maintained and are likely to cause long-term problems.

The proposed parking court yard creates a large gap in the built up frontage along Queens Road. While a solid row of development along this frontage is unlikely to be achievable, there is the potential for a much better quality design solution to this street frontage. Despite attempts to negotiate improvements, the applicant has been unwilling to discuss ideas.

Details of some boundary treatment and landscaping have been shown on the submitted plans.. The scheme proposes picket fencing to the front of the Princess Road elevations and the same wrapping round on to the Queens Road elevation. No boundary treatment is shown to the Southfield Road elevation. Given the character of the street, if the application were to be recommended for approval, a more robust boundary treatment would be required to these prominent street frontages.

With regard to landscaping, a full scheme would be required if the application were to be recommended for approval. Notwithstanding this, the submitted drawings show low-level planting to the Southfield Road and Queens Road elevations. This is likely to be poorly maintained and would collect litter. Again a better quality boundary and landscaping solution would be required to ensure a durable and attractive solution is proposed.

An existing 2 metre high wall runs along the western boundary, is identified on the plan as 'potentially' being retained. This is considered necessary to provide both a visual screen and to safeguard existing residents from the impacts of adjoining occupiers..

The scheme, by virtue of its layout and proposed boundary treatment and landscaping would create a poor quality environment for existing and future occupiers, and would result in an unattractive frontage to Queens Road. The scheme is therefore considered contrary to Policy BE1 (a) and Section 7 of the National Planning Policy Framework.

### Housing Density and Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In Hinckley development is required to meet a minimum density requirement of 40 dwellings per hectare. In this case the density of development would be roughly 70 dwellings per hectare, given the high density of the surrounding

development, this scheme is considered compatible with the character of the area in this respect.

The proposed dwellings would all comprise 2 bed properties. Although the scheme would not provide a mix of dwelling size, this scheme comprises the most viable development and thus this issue would not warrant refusal of the application.

The development provides adequate numbers of off road parking provision and rear amenity space and retains adequate separation distances. However, for the reasons set out above, there is a concern that the rear parking court may not be attractive for residents to use because it is remote from individual plots and not very well overlooked.

#### Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Concerns have been raised within the letters of representation that the proposal does not comply with the standards within the SPD and will result in a detrimental impact in terms of residential amenity.

The dwellings most likely to be impacted upon by the proposal will those facing the development on Princess Road and Southfield Road and the adjacent dwellings Number 12 Princess Road and Number 4 Southfield Road.

#### Privacy

In order to ensure that a development does not result in an adverse impact on the privacy of surrounding dwellings, the SPD recommends a separation distance of 23 metres between elevations containing principle room windows.

In this case there would be a distance of approximately 13 metres between the dwellings along both Princess Road and Southfield Road and those of the proposed development. Although this distance is below that recommended within the SPD, a similar relationship is found in most densely developed areas, including ones such as this, which comprise rows of Victorian terraced properties. Further, given that the facing dwellings would be separated by the highway and that in the majority of cases, facing windows would not be directly aligned, although there may be some impacts in terms of overlooking/privacy, these are not considered to result in material harm that would warrant refusal of the application.

#### Over-dominance/overshadowing

The layout has been designed to ensure that there will be no consequential overbearing impacts or overshadowing to any of the surrounding dwellings.

#### Vehicle Movements

Given that the parking areas are sited internally within the site, there would be associated noise and disturbance from vehicle movements. However given that this is a densely developed town centre area, the resultant level of disturbance is not considered to result in a material level of harm to the occupants of surrounding properties, or future occupants of the development.

It is considered, by virtue of the layout, scale and design of the proposal, that the development will not give rise to any materially adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

#### Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

Two off road parking spaces would be provided for each of the two bed dwellings, along with the provision of three visitor parking spaces. These visitor parking spaces are remote from the plots to which they would serve (2-7) and are therefore unlikely to be used. There are two existing accesses on Queens Road, which serve the site. The northern most access is to be closed, and the remaining access is to be repositioned more centrally along this elevation.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objections subject to nine conditions. The suggested conditions relate to pedestrian and vehicular visibility splays, the erection of gates on Princess Road, dimensions of the driveway, the provision and surfacing of parking and turning, site drainage, closure of the existing accesses and a construction site management plan. Of the recommended conditions, seven are considered necessary and would be reasonable to impose if the application were being recommended for approval.

Condition 7 requires site drainage to be provided. Full drainage details have been requested by Head of Community Services (drainage) and thus this request will be incorporated into the standard drainage condition.

Condition 9 requires the submission of a construction traffic/site traffic management plan. Given the relatively minor scale of development proposed this request is considered too onerous and thus would not be approved if the application were recommended for approval.

Based on the above, and subject to seven of the recommended conditions, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

#### Viability, Developer Contributions, Affordable Housing and Play and Open Space Contributions

The application has been accompanied by a viability assessment. This has been independently assessed and it has been concluded that it would not be possible for the development to provide the full amount of developer contributions. Further clarification was sought in respect of land purchase price, build costs and the need for additional contamination surveys. This information has been provided and is considered acceptable. The viability report which accompanies the application concludes that there will be a surplus of £20,000 available for developer contributions.

#### Developer Contribution Requests

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms 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 following requests have been received:-

### Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £40,652 is sought for primary education provision at Hinckley St Mary's C of E Primary School. It is stated that this school has a deficit of places, 4 of which are created by this development. The contribution would be used to address existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

### Libraries

A contribution request has been made from Leicestershire County Council Library Services for £760 for use of provision and enhancement of library facilities at Hinckley Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not clearly demonstrated how the contribution is necessary or how the proposed solutions would mitigate against the impacts. Accordingly the request is not considered to be CIL compliant.

### Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £693 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there would be an additional 3 tonnes (approx.) of waste generated by the development and given that the total waste collected is 8,200 tonnes per annum, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

### Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development would result in 14 residential units and is within 400 metres of Queens Park, a Local Equipped Area of Play the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open



Space. The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions would be used to improve and maintain an equipped children's play space. The required contribution in this case would be £17,511.20 (which comprises of £11,449.20 for the provision element and £6,662 for the maintenance element). The size of the units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. 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 justified in this instance. Negotiations to secure these obligations are currently under negotiation.

### Viability

As stated within the viability report which accompanies the application, the development would be able to afford £20,000 to be spent on developer contributions. Where viability is demonstrated as being a concern, the Local Planning Authority, as decision maker, needs to consider whether the absence or reduction of planning contributions would mean that the harm from the scheme could not be satisfactorily mitigated.

In this case, the planning contributions towards education and play & open space are both important. However a reduction in the normal level of provision would not render the scheme unsustainable. In these circumstances, in the event that the application was to be recommended for approval, the sum that could be afforded would be proportionally split as follows:-

Education: - £40,652. The viable education contribution request is £13,958.62

Play and Open Space: - £17,511.20. The viable play and open space contribution request is:- £6,041.38 this would be subdivided between provision £3,987 and maintenance £2,054.38.

### Other Matters

#### Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage).

No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement.

Subject to the suggested conditions, the proposal would be in accordance with Saved Policy NE14 and would not create a flood risk. The scheme would be able to satisfactorily provide surface water drainage and foul water to accommodate the proposed development.

### Contamination

Head of Community Services (Pollution) has commented that based on the historic potentially contaminative use of the site and the Phase 1 desk study submitted with the application, that conditions be imposed requiring intrusive ground investigation in order to further characterise the site and provide details of any necessary remediation. The suggested conditions are considered necessary and would be imposed if the application were recommended for approval.

### Conclusion

The proposed dwelling would be located within the settlement boundary of Hinckley where there is a presumption in favour of development subject to all other matters being addressed. The development would result in the sustainable re-use of brownfield land is therefore acceptable in principle. However, the scheme, by virtue of its design/layout and the poor quality boundary treatment & landscaping proposed would fail to complement or enhance the Queens Road frontage and is therefore considered to have a materially adverse impact on the visual amenity of the street scene. If approved, the scheme would be contrary to Policy BE1 (a) and Section 7 of the NPPF. Accordingly the application is recommended for refusal.

### **RECOMMENDATION:- Refuse planning permission.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

#### **Reasons:-**

- 1 In the opinion of the Local Planning Authority, the scheme would result in a poor quality design as a result of the inappropriate layout, boundary treatment and landscaping. The scheme would result in a lifeless and unattractive frontage to Queens Road and would fail to complement or enhance the character and visual amenity of the area. The proposal would therefore be contrary to Policy BE1 (l) of the adopted Hinckley and Bosworth Local Plan and the principles on requiring good design within Section 7 of the NPPF.

#### **Notes to Applicant:-**

- 1 The development has been determined in accordance with Drawing Nos:- 01, 04B, 05A, 06, 07 received by the Local Planning Authority on 5 June 2014.

**Contact Officer: -** Eleanor Overton      Ext 5680

**Item:** 12  
**Reference:** 14/00470/FUL  
**Applicant:** Mr Kevin Pryor  
**Location:** Land Outlands Drive Hinckley  
**Proposal:** Substitution of plots 234-235, 293-294, 297-298 and reposition of 300-305, 361-364 omitting 302 of planning permission 09/00140/REM revising scheme total from 375 to 374 dwellings  
**Target Date:** 13 August 2014

**RECOMMENDATION**:- Grant subject to conditions and S106 obligations.

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

The scheme relates to the substitution of plots 234-235, 293-294, 297-298 and reposition of plots 300-305, 361-364 and the removal of plot 302, reducing the overall number of units by 1 at Land Outlands Drive, Hinckley.

The siting of the plots remains in general accordance with the approved plans however, with minor alterations.

The dwellings on plots 234-235, 293-294, 297-298 are to be retained as semi detached dwellings with minor alterations in respect of design and situation of doors, porch and fenestration.

Plots 300 is now proposed to incorporate a single detached garage and an additional drive way parking space on plot, instead of a single designated parking space to the side of the plot.

Plot 301 and 303 is now proposed to incorporate a single garage and an additional parking space instead of two allocated parking spaces on a parking court. The proposed garage and parking space would replace plot 302 which is to be omitted.

Plots 361 and 364 would benefit from single detached garages, with plot 364 benefiting from an additional driveway parking space, rather than designated parking space to the sides of the plots.

Plot 363 and 362 will now incorporate one parking space on plot instead of allocated parking spaces in the parking court opposite (south-west) the dwellings.

The applicant has confirmed that this application has arisen to allow additional space to provide for on-plot parking to the plots.

For the avoidance of doubt there is a reduction in the number of units proposed to that previously approved as part of application ref: 09/00140/REM by one unit.

## The Site and Surrounding Area

These plots are located to the south-east (234-235, 293-294, 297-298 and 300-305) and south west (361-364) of the wider residential scheme ref: 09/00140/REM.

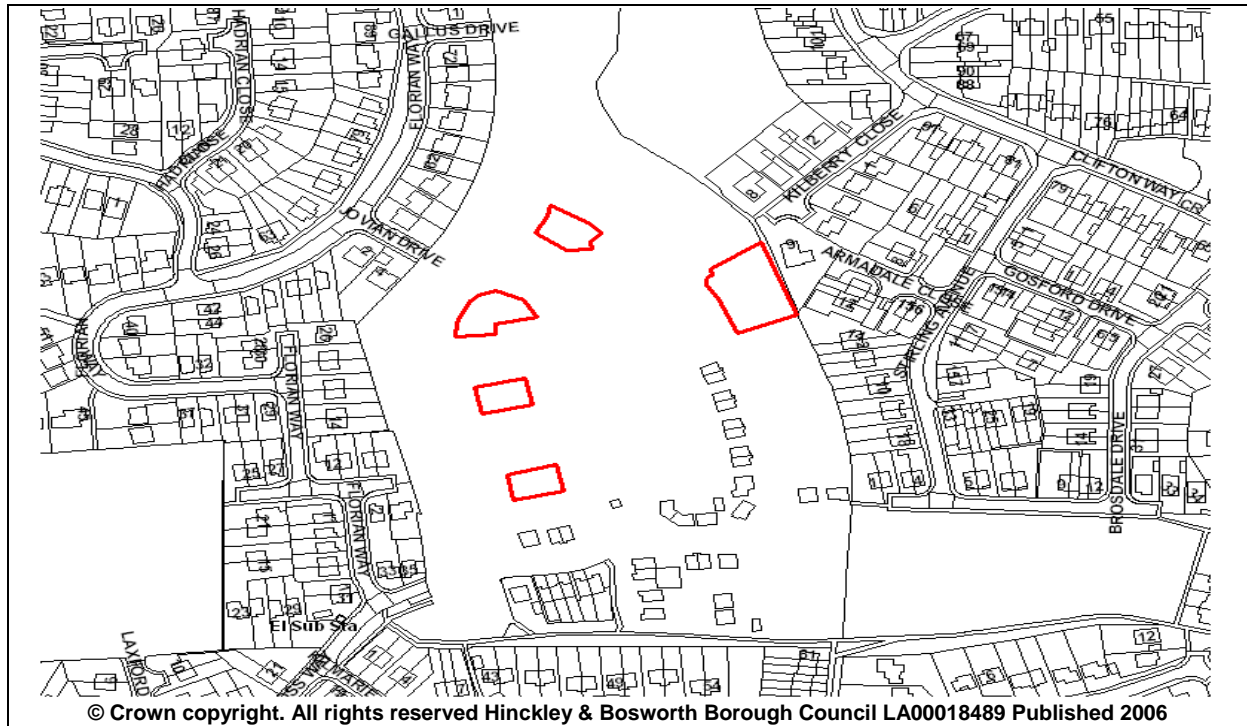
The site is within the Hinckley settlement boundary as defined by Hinckley and Bosworth Local Plan (2001).

Technical Document submitted with application:

Design and Access Statement

### **Relevant Planning History:-**

13/00677/NOMAT	Non-material amendment of planning permission 09/00140/rem for the erection of detached garages to plots 290, 320, 332-334, 358-360 and 374-375.	Approved	18.09.13
13/01048/NOMAT	Replace existing parking spaces and alterations to existing garages	Approved	20.12.13
10/00889/FUL	Substitution of house types for plots 133 and 143 of planning application 09/00140/REM	Approved	14.03.11
10/00129/FUL	Erection of 8 dwellings (amendment of planning permission 08/00717/REM)	Approved	15.07.10
09/00140/REM	Approval of reserved matters for outline permission 05/00335/out	Approved	08.06.09
08/00717/REM	Erection of 76 no. Dwellings including diversion of public footpath	Approved	01.10.08
08/00030/REM	Three storey block (plots 17-19) with revised roofline and window detail	Approved	28.05.08
07/00441/FUL	Substitution of house types, plots 17, 18 and 19	Approved	18.07.07
06/00473/REM	Erection of fifty three dwellings	Approved	19.07.06
05/00335/OUT	Proposed construction of 375 dwellings, estate roads, footpaths, cycle routes and landscaping	Approved	29.03.06



**Consultations:-**

No objections received from:-

- Head of Community Services (Land Drainage)
- Director of Environment and Transport (Highways) (Standing Advice)
- Highway Agency
- Environment Agency.

No response received from:-

Severn Trent Water Ltd.

Site notice and press notice were displayed and neighbours notified.

**Policy:-**

National Policy Guidance

- National Planning Practice Guidance (NPPG) 2014
- National Planning Policy Framework (NPPF) March 2012
- Community Infrastructure Levy (CIL) Regulations 2010.

Local Plan 2006-2026: Core Strategy 2009

- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 24 Sustainable Design and Technology.

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development

Policy RES5: Residential Proposals on Unallocated Sites  
Policy T5: Highway Design and Vehicle Parking Standards.

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Other Material Policy Guidance

None relevant.

**Appraisal:-**

The main considerations with regards to this application are the principle of development, overall appearance, and impact upon residential amenity, highway considerations and other matters.

Principle of Development

The principle of development has been established under the previous outline and subsequent reserved matters applications (planning reference 05/00335/OUT and 09/00140/REM). Therefore, the main considerations with regards to this application are the impacts of the proposed substitutions to the approved scheme on the overall appearance, residential amenity, highways and other matters.

For the avoidance of doubt application reference 07/00441/FUL has already considered the substitution of house types for plots 17, 18 and 19 and application 10/00889/FUL substitution of house types for plots 133 and 143 of planning application 09/00140/REM, but does not impact upon this application.

Application reference 13/00677/NOMAT amended planning permission 09/00140/REM to erect detached garages to plot 290, 320, 332-334, 358-360 and 374-375 and again does not impact upon this application.

For the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to the overarching intentions of the NPPF and other development plan policies.

Overall Appearance: Scale/Layout/Mass/Design

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. It is considered consistent with the NPPF and as such should be given weight in consideration of this application.

The plots are set within the same parameters to those previously approved with the siting of the plots remaining in general accordance with the approved plans, with, predominantly, changes to the location of the garaging and parking spaces.

The design and appearance of dwellings on plots 234-235, 293-294 and 297-298 is to be altered however, the scale and type of the dwellings would remain the same. Fenestration design and location has been slightly altered, no windows are proposed on side elevations. The design, style and scale of porches to the front elevation of the dwellings have also been altered; the proposed porches are considerably smaller in scale than originally proposed and feature a pitched roof in stead of a lean to roof. The type and style of doors on the front

elevation of the dwelling has also been altered. To the rear elevation, the location of doors has been changed however, the design remains the same. The changes introduced are considered acceptable in design terms as they carry forward and reflect design characteristics already approved within the site.

The siting of plots 300, 301, 303, 364 and 361 has been slightly varied to enable on plot parking provision in form of detached garages and additional parking spaces. The proposed detached garages are subservient in scale and by virtue of their location will not be prominent on the street scene, thus are not considered to be detrimental to the character of the area.

The siting of plots 363 and 362 has also been varied to enable provision of on plot parking which is acceptable.

The repositioning of plots has resulted in the variation of garden plot sizes previously approved however, the sizes retained are in accordance with the standards set down in the Council's SPG on New Residential Development.

In summary, the proposed development accords with the general siting and scale of approved dwellings within the wider development, ensuring that the development appears in keeping with the scale and character of the area. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes are considered acceptable. As such, the scheme is considered to be in accordance with guidance contained within the NPPF, Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, Policy 16 of the Core Strategy 2009 and with the principles outlined in the Council's SPG on New Residential Development.

#### Impact upon Residential Amenity

Criterion i) of Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties. This policy 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 proposed garages are not considered to have a detrimental impact on neighbour amenity, in terms of overshadowing and overbearing impacts, as they are single storey in nature. It is considered that the substituted house type would improve the design of the dwellings. Additionally, the proposed changes would not result in the erection of windows to the side elevation of the proposed dwellings, and thus there are no concerns with overlooking impacts on neighbouring dwellings.

Given that the layout of the plots remains unchanged, it is not considered that the scheme gives rise to any additional material impacts upon residential amenity over and above that previously approved.

In summary, the proposal is considered to have minimal impact upon amenity of existing and future neighbouring residents. As such the scheme is considered to be in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

#### Highway Considerations

Policies T5 and BE1 (criterion g) are both considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

It is considered that there is sufficient on-site parking provision and there would not be any significant impact upon highways safety. Accordingly, the development accords with Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan (2001).

### Other Matters

#### Developer Contributions

The application proposes a development of residential units which attracts infrastructure contributions. Requests for developer contributions must be considered against the statutory tests in the Community Infrastructure Levy Regulations 2010 (CIL). CIL provides 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 extant consent was subject to a S106 agreement, for the provision of financial contributions, transport improvements, play and open space and affordable housing. The only outstanding contribution in this case is the final Education Contribution. This is due prior to the first occupation of the 290th dwelling. A variation to the original S106 agreement has been prepared and finalised to secure this contribution.

#### Affordable Housing

Under the reserved matters application previously granted, the plots identified were not affordable housing units and no additional affordable housing is required as a result of these substitutions.

#### Conditions

As this application relates to a larger comprehensive development, the previous conditions should be re-considered.

The original application ref: 09/00140/REM was subject to eight (8) conditions. Five (5) of these were pre-commencement conditions requesting details of the scheme for an acoustic barrier, window specifications and ventilations (condition 2), landscaping (condition 3), finished external materials (condition 5), surface water drainage scheme (condition 7) and working method statements to cover all ditch/watercourse diversion, channel/bank or culverting work (condition 8). These details have been provided prior to determination and accord with details that were submitted to discharge the conditions. Therefore, the conditions will be updated to reflect the approved details.

Condition 1 stipulated that development is to be carried out strictly in accordance with the conditions set out in the outline planning permission 050/00335/OUT except as may be modified herein. As this is a new application, it is unnecessary to re-impose this condition on this application.

Condition 4 stipulated a condition that related to the planning application as revised by amended plans. This condition is no longer necessary on this application as it related to the amended plans in respect of application 09/00140/REM.

Condition 6 states that the development is to be carried out in accordance with the approved Flood Risk Assessment (FRA) Draft dated 27th May 2009 and the subsequent mitigation measures detailed within. This condition shall be re-imposed.

### Conclusion



In conclusion, the principle of residential development in this location has already been accepted through the earlier grant of planning permission. It is considered that this application, involving external alterations to proposed dwellings in respect of design and variation of plot sitting to enable on-plot parking including the erections of single detached garages, would not give rise to any significant material impacts upon the character and appearance of the area, occupiers of existing and future neighbouring dwellings or highway safety. Accordingly, the application is considered compliant with relevant local development plan policies and the overarching aims of the National Planning Policy Framework (2012).

**RECOMMENDATION:- Grant subject to conditions and S106 obligations.**

**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 or highway safety.

Hinckley and Bosworth Core Strategy (2009):- Policies 15, 16 and 24.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, RES5 and T5

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 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; Drg No: 819.02; D3/05/B;D3/13/B1; S2/01/B Opp/AS; S3/04/B - Opp/AS received 18 July, 2014.
- 3 The hard and soft landscaping scheme shall be carried out in accordance with the details provided within the first available planting season following completion of the development. The soft landscaping 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.
- 4 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Draft Dated 27 May 2009 Ref: NTW/314/Phase3/FRA and Ref:NTW/314/Phase/FRA undertaken by BWV Consulting and the following mitigation measures detailed within the FRA:

In respect of Phase 3 of the development (SITE A)

1. Section 5.12 Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Section 5.4 Provision of ditch diversion and associated pluvial flood storage on the site to a 100 year plus 20% (for climate change) standard, and surface water run-off attenuation, as shown on Drawing No. NTW/314/Figure 3 Revision A.
3. Section 6.3 Improvement/protection and maintenance of existing and diverted on site ditches, pluvial and surface water attenuation areas will be formalised and confirmed within the detailed design stage.
4. Section 5.2 Finished floor levels are set no lower than 150mm above external finished ground level, or adjacent road level, whichever is the greater.

In respect of Phase 4 of the development (Site C)

1. Section 5.8 Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Section 5.4 Provision of ditch alterations and associated pluvial flood storage on the site to a 100 year plus 20% (for climate change) standard, and surface water run-off attenuation, as shown on Drawing Nos. NTW/314/252 Revision P1 and NTW/314/256 Revision P1.
3. Section 5.5 and 6.3 Improvement/protection and maintenance of existing and diverted on site ditches, pluvial and surface water attenuation areas will be formalised and confirmed within the detailed design stage.
4. Section 5.2 Finished floor level are set no lower than 150mm above external finished ground levels, or adjacent road levels, whichever is the greater .
- 6 The acoustic barrier, window specifications and ventilation and Noise Mitigation at Outlands Drive, should be in accordance with the approved details: Report No. AAL/BS08112 prepared by Acoustic Associates Leicestershire.
- 7 The hard and soft landscape works should be in accordance with the approved details: Typical Specification for Soft Landscape Works Ref: TNA/344/345, Proposed Site Layout Area C, drawing no. 101 Rev J Amended scheme received 09.05.2012, Current Layout, drawing no. 819.01 Rev. A ,Amended plan received 25.05.2012, Current Layout, drawing no. 819.01 Rev. A
- 8 The materials of construction should be in accordance with the following approved details:  
Materials Schedule - Bricks, drawing no. 819.15A, Amended Materials Schedule - Roof Tiles, drawing no. 819.15B received 25.05.2012
- 9 The surface water drainage should be in accordance with the following approved details: Engineering Layout, drawing no. E332-10 Rev G, Road and Sewer Longitudinal Sections Sheets 1-5 of 5, Drawing nos. E332-20 Rev B; E332-21 Rev B; E332-22 Rev B; E332-23 Rev B; E332-24 Rev B.
- 10 The working method statement to cover ditch/watercourse diversion, channel/bank or culverting works should be in accordance with the following approved details: Method Statement dated 12/01/2012.

**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 work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 4 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To prevent flooding elsewhere by ensuring the satisfactory disposal of surface water from the site at greenfield run-off rates. To prevent flooding elsewhere by ensuring the satisfactory storage of surface water from the site. To reduce the risk of overland flow flooding to the proposed development and future occupants. In accordance with paragraphs 100-104 of the National Planning Policy Framework.
- 6 In the interests of residential amenity in accordance with Policy BE1(i) of the Hinckley and Bosworth Local Plan
- 7 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the development has a satisfactory external appearance and that it enhances the character of the area, In accordance with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 9 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with Policy NE13 of the Hinckley and Bosworth Local Plan.
- 10 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system to accord with Policy NE13 of the Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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](http://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 Overton Ext 5680

**Item:** 13  
**Reference:** 14/00818/FUL  
**Applicant:** Twycross Zoo  
**Location:** Twycross Zoological Park Burton Road Norton Juxta Twycross  
**Proposal:** Erection of a gibbon house and landscaped enclosures  
**Target Date:** 28 November 2014

**RECOMMENDATION:- Grant subject to conditions.**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the floor space of the development proposed exceeds 500 square metres.

The proposal seeks to redevelop the site of the existing gibbon house, maca and vicuna paddocks and portable public toilets in order to provide a new indoor and outdoor gibbon habitat. The new house is required in order to provide upgraded accommodation for existing gibbon groups at the zoo. It is also the intention that the building has future provision to allow for the accommodation of a further species which has not yet been confirmed. The gibbon house would be located to the south east of the site, to the west of "Pets at Twycross".

The enclosure would be a 2-storey structure measuring 44.5m in length by 24m in depth. The roof would be of a pitched design measuring 6.5m to the eaves and 10.5m to the ridge, and will reduce to approximately 5m and 9m respectively as the land levels increase to the west. An additional smaller single storey building is also proposed and measures 8.4m in length by 6.4m in depth. The roof of this smaller building would also be of a pitched design measuring 3m to the eaves and 5m to the ridge. This development would constitute a Gross Floor Area of 1115m<sup>2</sup>.

**Site and Surrounding Area**

The site comprises a square shaped parcel of land with an area of 0.78 hectares. The land is adjacent to farmland, screened by mature hedgerow and existing trees on the site, and is not visible from Orton Hill Road or the A444.

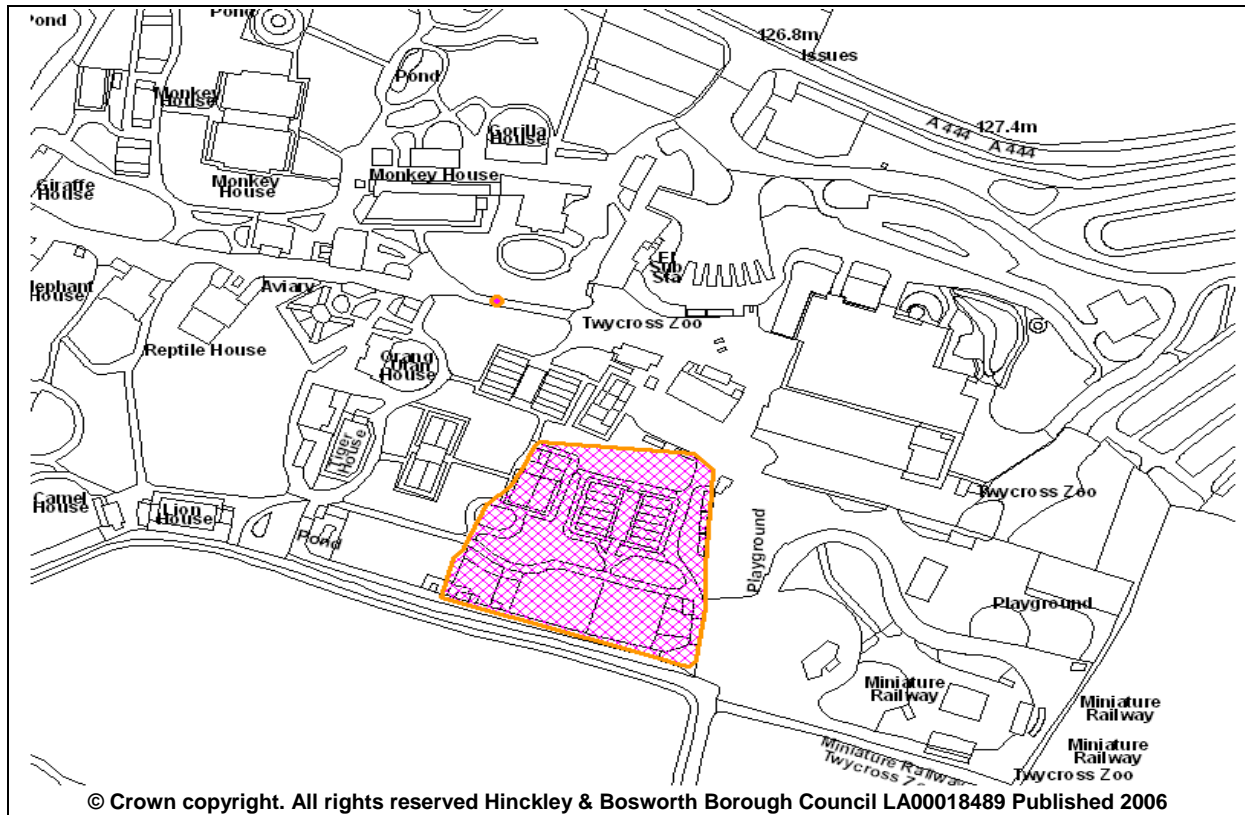
The site of the zoo has an area of approximately 40 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village of Norton Juxta Twycross lies approximately 500 metres north of the site.

Technical Documents submitted with application

Design and Access Statement.

**Relevant Planning History:-**

Twycross Zoo has an extensive planning history with the most recent planning application on the site for a Giraffe House being approved by Planning Committee on 14th October 2014. (reference: 14/00731/FUL).



**Consultations:-**

No objections have been received from:-

- Environmental Health (Pollution)
- Environmental Health (Land Drainage).

**Policy:-**

National Policy Guidance

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014.

Local Development Framework: Core Strategy (2009)

- Spatial Objective 1: Strong and Diverse Economy
- Policy 23: Tourism Development.

Hinckley and Bosworth Local Plan (2001)

- Policy NE5: Development in the Countryside
- Policy NE12: Landscaping
- Policy NE14: Drainage
- Policy BE1: Design and Siting of Development.

## **Appraisal:-**

The site is located outside of the settlement boundary of Twycross and Orton on Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

The NPPF provides a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In respect of development within rural areas, paragraph 28 of the NPPF seeks to support sustainable rural tourism through supporting the expansion of tourist and visitor facilities in appropriate locations.

At a local level Core Strategy Spatial Objective 1 seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism whilst Policy 23 states that new tourism development for extended visitor attractions will be encouraged in suitable locations where the development can help support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and adds to the economic wellbeing of the area. In addition, Policy NE5 of the adopted Local Plan is supportive of development that is important to the local economy and where it is for recreation purposes.

It is considered that this scheme intends to upgrade and reinforce the attractions and facilities available at the existing zoo, thus benefiting this rural business and enhancing the local economy through its ability to encourage more visitors to the area. Accordingly the development is considered acceptable in principle.

### Design and Character

The proposed gibbon house will take the form of a timber clad agricultural barn style building cranked around a central axis with a pitched roof. To the rear, two similarly styled 'wings' will project out and are partially infilled by a flat roof. The cladding to the upper storey of the building will be formed by continuous horizontal ship lapped or open jointed weatherboarding. This boarding is repeated vertically on the lower band to the north, east and west elevations. Portions of the lower storey of the south and north elevations will consist of a Forticrete finish for robustness. Portions of the north, west and east elevations are inset from the roof edge to create covered colonnades. Windows are set into these areas to allow views into the internal habitats.

Entry into the building at first floor is through timber framed glazed doors. The framing to the elevated walkways will be either timber or painted metal with a faux timber boardwalk and timber handrails. The roof is proposed to be a pitched design, formed out of a thermoplastic membrane with standing seam profiles and will be coloured Dark Grey.

Views of the main building would be screened by the existing planting and buildings within the park. This will reduce the visual prominence of the building. Externally, there would be some views of the enclosure and building from the adjacent farmland. However these would be largely screened by existing mature hedgerow and trees. The site is not visible from Orton Hill Road or the A444.

The building is sited within the existing complex. Thus internally it would be largely screened by existing buildings along the highway boundary. Additionally, extensive landscaping is

proposed, to help assimilate the building and enclosure into its setting. The development would enhance the existing area of land, and upgrade the zoo's facilities accordingly. Although the scale of the building is extensive, given its siting within the existing site, it is not considered that there would be any significant material impacts upon the character and appearance of the surrounding countryside.

The design of the building is functional and reflective of its end use and is not disproportionate with existing buildings on site. As far as possible, interest has been added to the elevations through the use of a varying pallet of materials, openings and viewing platforms. Accordingly, the development, in terms of design and impact on the character of the area is considered acceptable.

### Drainage

Head of Community Services (Drainage) have commented in favour of the proposed hard-surface drainage solution. Any rain water runoff from the roofs will discharge into the enclosure moats to offset any water that evaporates in the summer months.

Animal waste and surface water contaminated by animal waste would not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure would need to be collected in tanks or lagoons and disposed of appropriately. These matters will be secured by planning conditions.

### Other Matters

Given the distance of residential properties from the site, the development is not considered to result in any impacts in terms of residential amenity.

The scheme does not propose any alterations to the parking or access arrangements. Nor is it expected to result in any material changes to the number of vehicles using the local highway network.

### Conclusion

In conclusion, the scheme could bring benefits to the local economy and the wider tourism industry of the Borough in accordance with the requirements of Saved Policy NE5 of the Local Plan and Policy 23 of the Core Strategy and the overarching intentions of the NPPF. The development would not adversely affect the character of the surrounding countryside or the immediate setting and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to planning conditions.

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### **RECOMMENDATION:- Grant 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 subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposal represents sustainable development, would enhance and improve an existing tourist facility and would be beneficial to the local economy.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and NE5, NE12, NE14

Local Plan 2006-2026: Core Strategy (2009):- Policy 23

In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

#### **Conditions:-**

- 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: Drg Nos:- A0460, A0760-A, A1020-A, A1021-A, A1022-A, A1023-A, A11210 and A1121 received by the Local Planning Authority on 29 August 2014.

- 3 The development shall be finished in the following materials:- Walls - European Larch weatherboarding and split face granite coloured blockwork (Forticrete or similar); Roof - thermoplastic membrane - Dark Grey; Walkways - timber or painted metal with a faux timber boardwalk and timber handrails.
- 4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) hard surfacing materials
  - (iv) existing trees and hedgerows to be retained and details of their protection
  - (v) planting plans
  - (vi) written specifications
  - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (viii) implementation programme, to the earliest available planting season.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of the dwelling hereby approved. 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.
- 6 Development shall not commence until surface and foul drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (where applicable), along with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details.

**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 the building has a satisfactory external appearance and is complimentary to the setting of the area in accordance with Policies BE1 (i) and NE5 of the Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

- 6 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance 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](http://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 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure must be collected in tanks or lagoons and disposed of appropriately.

**Contact Officer:-** Eleanor Overton Ext 5680