

Planning Committee 7 June 2022  
Report of the Planning Manager (Development Management)

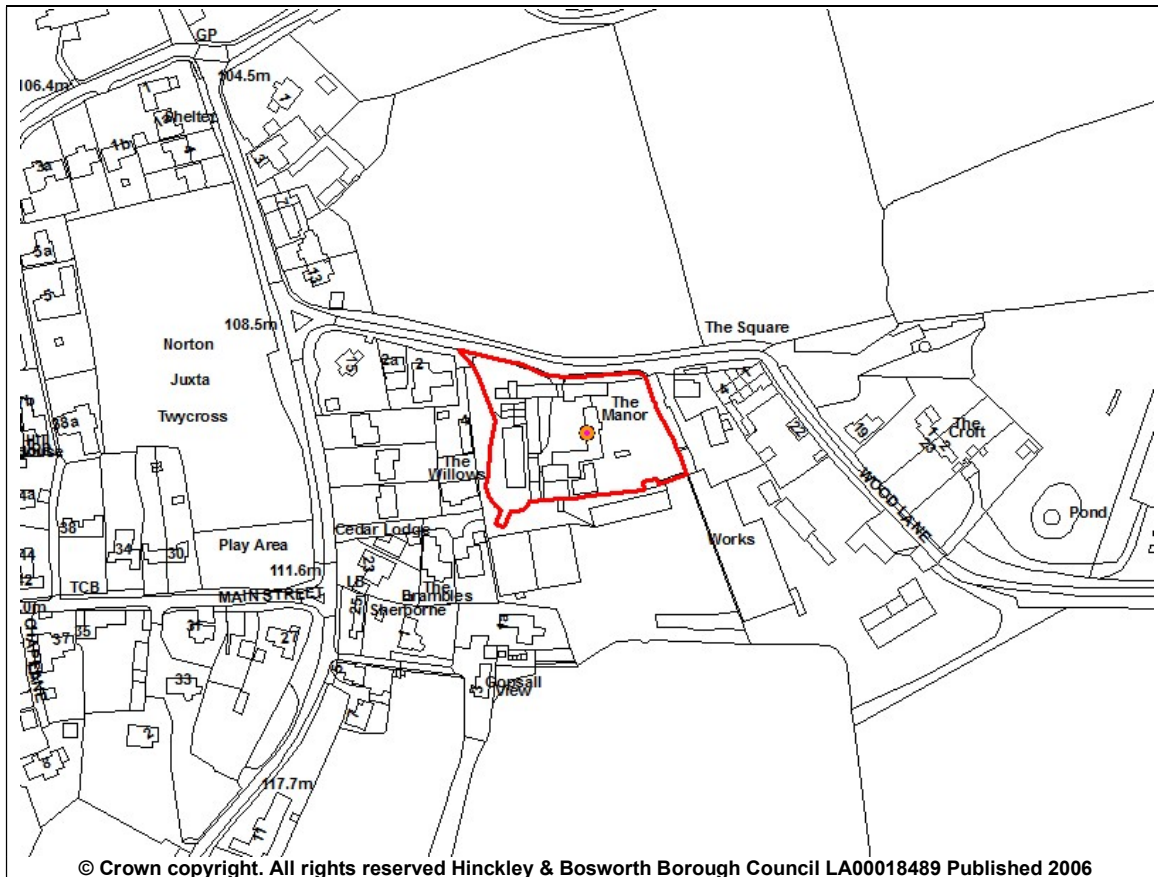


Hinckley & Bosworth  
Borough Council

Planning Ref: 20/01250/FUL  
Applicant: LonXOne  
Ward: Twycross Sheepy & Witherley

Site: 8 Wood Lane Norton Juxta Twycross Atherstone

**Proposal: Conversion of agricultural buildings into 2 residential dwellings, refurbishment of farmhouse and erection of 4 new dwellings with associated access and landscaping**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.
- Confirmation of acceptance of the scheme to Natural England in terms of nutrient impact on the River Mease SAC

**1.2. That the Planning Manager be given powers of delegation subject to outstanding information and to determine the final detail of planning conditions.**

## **2. Planning application description**

- 2.1. This application seeks planning permission for the conversion of brick agricultural buildings into 2 residential dwellings, refurbishment of the existing Farmhouse and erection of 4 new dwellings.
- 2.2. The refurbished farmhouse will sit at the entrance to this development comprising a 2 storey property (bedroom number unknown). To the east of the old Farmhouse (unit E) is a proposed new farmhouse comprising a two storey dwelling (originally approved under the extant consent 13/01095/FUL), the foundations and several courses of bricks of which are already in place, comprises a three bed property. The original agricultural buildings are to be converted into dwellings comprising two four bed properties and the three new dwellings to the rear of the site comprise Unit C, a single storey two bed property, Unit D a two storey four bed property and unit F, a 1.5 storey three bed property.
- 2.3. Access to the proposal would be predominantly through the existing gated archway between the existing farm house and barn to the west. Parking would be within the courtyard, with private amenity areas provided to the rear of the converted and new buildings. Access is also available to the proposed parking provision for units B and C via the access to the west of the site. This is also used by those accessing the farm buildings to the rear of the site. The majority of the built form of the proposal is located within the settlement boundary of Norton Juxta Twycross, with the private amenity areas within the existing farm yard located outside the settlement boundary. Dwelling F is also located outside the settlement boundary.
- 2.4. The application was validated 26<sup>th</sup> November 2020 and with the following list of documents. The scheme has been amended once and the report and comments based on the amended scheme.
  - Application form
  - Plans and Elevations
  - Design Statement
  - Drainage Strategy
  - Noise Assessment
  - Draft Heads of Terms
  - Bat Survey
  - Habitats Regulations Assessment (received 30/11/2021)

## **3. Description of the site and surrounding area**

- 3.1 The application site is roughly rectangular in shape, measures approximately just under 0.5 hectares and occupies a location just east of the village predominately within the settlement boundary of the rural hamlet of Norton Juxta Twycross. It comprises an area of previously developed land that has planning permission for residential development under 13/01095/FUL. Development has started on site.
- 3.2 There is residential development neighbouring the site to the east and west, open countryside to the north and agricultural land and buildings to the rear (south of the

site). Commercial uses are located to the south east of the application site. The site is located on the south side of Wood Lane, Norton Juxta Twycross. The site consists of a large farmhouse to the north of the site, with a range of single storey and two storey brick built out buildings which together form a small courtyard. To the south of the application is an area of open ground and to the northern extent it is proposed to construct the new build dwellings. To the north across Wood Lane the site faces the open countryside, with modern farm buildings currently in use for agricultural purposes. To the east the site is adjacent to a two storey scale outbuilding forming part of a neighbouring farm complex.

- 3.3 Community facilities within the hamlet include the Church of Holy Trinity which is a grade II\* listed building, a Village Hall adjacent to the churchyard, a small public children's play space and an employment site (mentioned above) on Wood Lane (Henton's Engineering).

#### **4. Relevant planning history**

##### **16/00035/PP**

- Erection of 3 dwellings (outline - access and layout) (revised scheme)
- Dismissed
- 25.01.2017

##### **06/01343/FUL**

- Barn conversions to create 6 dwellings, and erection of 2 dwellings with associated parking and access.
- Withdrawn
- 25.01.2007

##### **07/00538/FUL**

- Barn conversions to create 7 dwellings, retention of farmhouse and erection of 1 dwelling with associated parking and access.
- Planning Permission
- 13.07.2007

##### **07/01252/CONDIT**

- Variation of condition 17 of planning permission 07/00538/FUL for the demolition of existing agricultural buildings to take place upon first occupation of any dwelling with the exception of the existing farmhouse.
- Planning Permission
- 17.12.2007

##### **08/00451/FUL**

- Proposed alterations to access road.
- Planning Permission
- 25.06.2008

##### **08/00452/FUL**

- Proposed erection of one new dwelling.

- Withdrawn
- 13.05.2008

**08/00935/OUT**

- Relocation of existing agricultural farmstead and associated agricultural dwelling.
- Withdrawn
- 02.12.2008

**10/00529/EXT**

- Barn conversions to create seven dwellings retention of farmhouse and erection of one dwelling with associated parking and access.
- Application Returned
- 22.10.2010

**13/00852/FUL**

- Conversion of agricultural buildings to 4 dwellings and the erection of 1 dwelling with associated access and parking.
- Application Returned
- 02.12.2013

**13/01095/FUL**

- Conversion of agricultural buildings into 4 residential dwellings, refurbishment of farm house and erection of 1 new dwelling with associated access drive and parking.
- Planning Permission
- 23.01.2015

**14/00790/OUT**

- Erection of 16 dwellings (outline - access, appearance, layout and scale)
- Withdrawn
- 12.01.2015

**15/00536/OUT**

- Erection of 3 dwellings (outline - access and layout) (revised scheme)
- Refused
- 20.04.2016

**17/00881/OUT**

- Erection of three office buildings (outline - access and layout)
- Withdrawn
- 08.12.2017

**18/00789/OUT**

- Erection of two office buildings (outline - access and layout)
- Withdrawn

- 01.11.2018

#### **78/00014/4M**

- Extension to agricultural building.
- Planning Permission
- 21.03.1978

### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. 30 letters of representation have been received, a number of which come from the same address and follow amendments during the course of the application. Concerns raised include the following matters:

- 1) Impact on neighbouring business due to noise, smells, loss of business
- 2) Impact on character
- 3) No village amenities to use or support
- 4) Increase in traffic
- 5) Negative visual impact
- 6) Loss of privacy
- 7) Parking problems
- 8) Little landscaping potential
- 9) Out of date plans
- 10) Pedestrian safety problems
- 11) Other development already approved
- 12) Developers cannot be trusted (barns to be converted have been demolished)
- 13) HSE called due to bad construction practices
- 14) Settlement boundary being stretched
- 15) Water pressure problems
- 16) Ecology harmed (especially bats)
- 17) Up to date ecology assessment needed
- 18) Appeal dismissed here already
- 19) Site is really messy
- 20) Health hazard (rats)
- 21) Applicant already advertising the site for sale
- 22) Need to speed up development as construction work is very harmful to local residents
- 23) Worries about job loss of neighbouring business
- 24) Overlooking impact
- 25) Set a precedent for other development outside of the settlement

26) Drainage is inadequate on site and as proposed

## **6. Consultation**

6.1. Twycross Parish Council: Objects to the proposal.

- Objects to planning application 20/01250/FUL which proposes an extra unit of accommodation at the expense of approved car parking spaces, and will result in further encroachment outside the settlement boundary;
- Urges Hinckley and Bosworth Borough Council and the Environment Agency to take immediate and decisive enforcement action to clean up the mess on this site which is currently being used as a rubbish tip by the developer.'

6.2. HBBC Drainage: The submitted Drainage Strategy drawing indicates that soakaway testing will be undertaken at the construction stage; however, given the uncertainty whether ground conditions will be suitable for infiltration, a pre-commencement condition is required for the surface water drainage scheme as previously advised.

6.3. LCC Highways: The Local Highway Authority's advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

6.4. The Local Highway Authority (LHA) have been re-consulted on application 20/01250/FUL which is for the demolition of existing barns and erection of three dwellings at 8 Wood Lane, Norton Juxta, Twycross, Atherstone. The LHA have previously responded twice to the application. Firstly on 6 April 2021 and requested further information from the applicant. Secondly on 28 May 2021 where the LHA advised approval on highway grounds subject to conditions.

6.5. Site Access - It has been noted that the Applicant proposes to install a bin collection area to the front of 'Unit A', slightly west of the access between 'Unit A' and the 'Farmhouse'. This area of land is shown on the latest information available to the LHA as being within the adopted public highway. For the application to be implemented, the Applicant would need to apply to stop up this section of highway.

6.6. The Applicant should consider moving the bin storage area to the east of the access on what is the Applicants land.

6.7. If it is the Applicant's intention to stop up the highway justification should be provided, the LHA would request that a Highway Need Assessment is submitted to identify any issues with the concept of stopping up the highway from the perspective of various Highway Authority functions. The applicant would need to commission a survey of the land to ascertain whether there are any easements, services or cables that run through the land; if found these may need to be diverted.

6.8. All costs associated with these works will be the responsibility of the applicant. Should the application to stop up the road be successful, an agreement will also need to be reached in order to relocate any highways street furniture, if any, within

the application site. Any costs associated with these works would be the applicant's responsibility.

- 6.9. Internal Layout - Having reviewed the information demonstrated on 'External Works Layout', drawing number 9582-100 Rev F the LHA make the following comments. Whilst the additional off street car parking spaces to the north and south of the cart hovel provided for units C and D are not shown in accordance to Leicestershire Highway Design Guide (LHDG) standards, the LHA are satisfied that there is adequate parking and turning space provided in order to access and egress the site in a forward gear. The LHA are satisfied that the quantum of off street car parking provided is in accordance with LHDG standards.
- 6.10. HBBC Waste: The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary.
- 6.11. Please note that our policy states that all recycling and refuse services take place from the boundary with the public highway. If the road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.
- 6.12. The following condition is recommended: No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority.
- 6.13. LCC Ecology: The updated survey (Bodnar, Sept 21) shows that the works done to the buildings would have damaged any bat roosts or bird nests that were present, through disturbance and loss of any roosting features. The works have effectively created a situation where the buildings now have negligible opportunities for roosting bats or many species of nesting birds. Before the works, they appeared suitable for bat roosting and nesting by barn owls, swallows and house martins, among other species.
- 6.14. The original bat survey, done in 2020, failed to examine these buildings before works started. No explanation of this has been provided by the applicant or the ecologist. At this stage it is impossible to say whether the building supported bats or nesting birds. It is recommended, therefore, is for a condition requiring installation of bat boxes and nest boxes. I recommend that 12 bat boxes, Barn Owl, Stock Dove nest boxes and 6 house martin terrace boxes (as recommended by the ecologist), plus 7 swallow and 7 house-martin nest-cups are provided in suitable locations before occupation, details of types and location to be submitted prior to commencement. The applicant should note that it is not acceptable to place sparrow, martin or swallow nests-boxes on trees. This is on the precautionary assumption that these species were likely to have been present before the works to the existing buildings started.
- 6.15. Natural England: Following review of the applicants submitted Habitats Regulation Assessment the response from Natural England reads as follows. In short, further advice is required prior to decision:
- 6.16. As submitted the application could have potential significant effects on The River Mease Special Area of Conservation (SAC). Natural England requires further

information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Confirmation of to which sewage treatment works foul flows from the site will discharge. Details of any mitigation proposals, where required.
- Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's advice on other issues is set out below.

River Mease Special Area of Conservation:

- 6.17 The proposed development lies within the catchment area of the River Mease SAC, which is currently in unfavourable condition and is failing its conservation objectives. This is as a result of numerous factors, including high levels of phosphorous in the water. Any addition of phosphorous from foul water (including via mains Sewage Treatment Works) or pollutants from poorly treated surface water will contribute to the site's unfavourable condition and the failing of its conservation objectives.

Habitats Regulations Assessment (HRA):

- 6.18 Natural England note the inclusion of a 'Shadow HRA'. However, we advise that there is not enough information provided to conclude no likely significant effect on the River Mease SAC.

Further Information Required:

- 6.19 Where foul water discharges to the mains drainage network, this causes an increase in volume of discharge from the Sewage Treatment Works. Each Sewage Treatment Works complies with a specific nutrient consent limit and will discharge at this consent limit at all times. As a result, any increase in volume of flow to the sewage treatment works will create an increase in the total nutrients (phosphorous in this case) which discharges from the works.
- 6.20 It is not specified to which treatment works the site's foul water will discharge. Where the discharge is to a treatment works which discharges to a watercourse outside the catchment of the River Mease, there is no pathway for the additional nutrients to enter the river; thus Natural England would advise that no likely significant effect can be concluded. However, where the discharge is to a treatment works which discharges to a watercourse within the catchment of the River Mease, this will cause an increase in the amount of phosphorous entering the River and likely significant effects cannot be ruled out. If the latter scenario above is the case, further mitigation would be required to mitigate the additional phosphorous entering the river. We would anticipate a nutrient budget to be calculated; where required, appropriate mitigation to be proposed.
- 6.21 Aside from this, Natural England welcome the intention to produce specific plans for Soil Management and Drainage Management during construction; consider that these would mitigate any potential impacts from construction on the River Mease SAC. Natural England welcome the surface water drainage strategy, whereby surface water will infiltrate on-site; no impacts are expected from surface water from the site. Natural England are also pleased to see the intention to include permeable paving and rainwater harvesting tanks.
- 6.22 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. The LPA should also be aware of the recent rulings and implications of the People Over Wind and Dutch Nitrogen Cases.



- 6.23 Environmental Health Officer: The Noise impact assessment predicts acceptable levels of noise. Details of the mechanical ventilation to be used should be submitted and agreed. This could be conditioned.

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 19: Green Space and Play Provision

### 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Open Space and Recreational Facilities Study (2016)

## **8. Appraisal**

### 8.1 Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on drainage/flooding
- Impact on biodiversity/ecology
- Infrastructure contributions
- Other Issues

#### Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraphs 11 and 12 of the NPPF state that decisions should apply a presumption in favour of sustainable development and approve development proposals that accord with an up-to-date development plan without delay.

- 8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4 Policy 13 of the adopted Core Strategy identifies Norton Juxta Twycross as a rural hamlet. Rural hamlets generally have limited services and rely on surrounding larger settlements for a majority of everyday services and facilities.
- 8.5 The adopted SADMP does not identify any allocations for residential development for Norton Juxta Twycross however Policy 13 of the adopted Core Strategy does support housing development within the settlement boundaries of rural hamlets that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16. These policies relate to affordable housing provision and housing density/mix respectively with Policy 16 relating to developments of 10 or more dwellings. In this case the scheme does not propose any affordable housing on or off the site.
- 8.6 Objections have been received on the grounds that the development is located outside of the settlement boundary, however the earlier consent under reference 13/01095/FUL (which has been agreed to be extant given the work carried out thus far) proposed a very similar layout, albeit with one less new dwelling. The assessment of this scheme is primarily around the addition of this one dwelling, its location and the changes made to the originally approved conversions which are now entirely new build properties.
- 8.7 The Council's five year land supply, at 4.45yrs, is now less than when the scheme was originally approved. With this in mind and notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered by this and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications in accordance with the Development Plan unless considerations indicate otherwise.

#### Design and impact upon the character of the area

- 8.8 Policy DM10 of the adopted SADMP 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.9 Objections to the proposal have been received on the grounds that the development is too large and cannot be classed as infill given the development spreading outside of the settlement boundary and in addition to the recent approval of 8 dwellings under 18/00786/FUL, creating a disproportionate level of development that will ruin the character of the village.
- 8.10 The surrounding area is characterised by predominantly low density detached dwellings with a variety of scales, designs and styles and set within extensive plots. The proposed layout would provide a mixture of detached dwellings arranged in a courtyard format. The low density proposed would not be uncharacteristic of the density or plot sizes of dwellings in the immediate vicinity, further the proposal forms the form and scale of the extant consent on the site.
- 8.11 The scheme proposes different, but similarly styled, house type designs. The proposed dwellings are predominately two storeys in height with linked 1½ storey or single storey additions reflecting the variety of scales and eaves and ridge heights in the surrounding area. The designs provide a number of architectural features including gable projections, brick chimneys, brick plinths or brick bands, brick sills and

arched/stone/timber headers to windows and doors, covered entrance porches, varying ridge and eaves heights.

- 8.12 Notwithstanding the objections received, the scale and low density of the scheme would be sympathetic to the settlement. By virtue of the layout, scale, design and appearance of the scheme and subject to satisfactory landscaping retention, the proposal would complement the character of the surrounding area and be in accordance with Policy DM10 of the adopted SADMP.

#### Impact upon neighbouring residential amenity

- 8.13 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.14 Objections to the proposal have been received on the grounds that the development would result in a loss of privacy from overlooking, the impact on residents from the neighbouring commercial site, loss of visual amenity and additional air pollution from additional traffic movements.
- 8.15 The site is surrounded immediately by residential properties other than the agricultural buildings to the rear and the commercial premises located close by to the south east.
- 8.16 In terms of design and the potential for overlooking between dwellings of the proposed development there is considered to be adequate distance between the elevations of the dwellings. However, the potential to overlook is apparent particularly from the first floor bedroom of Unit D, which overlooks the rear garden of the refurbished farmhouse. Previously this unit was single storey and the new first floor element now introduces a new aspect that was not previously assessed. This first floor opening is close to the rear boundary, albeit separated by the access road, it opens up the opportunity to overlook into the rear garden space. Private landscaping in the garden could assist with this or minor amendments could be made to the openings of Unit D, particularly given there is potential to insert openings in alternative elevations for this bedroom. A condition is proposed to address this matter and is not considered to warrant a refusal.
- 8.17 Overall, given the distances between the proposed dwellings and that of the neighbouring properties the development would not result in any significant adverse overbearing or overshadowing impacts on amenity or have significant adverse impacts to the occupiers from loss of privacy from overlooking subject to amending the first floor window of Unit D.
- 8.18 Objections have also been received on the grounds of adverse impacts on the amenity of existing residents during the construction phase from noise pollution, dust, vibration, traffic etc. The scheme has been considered by the Environmental Health (Pollution) team who have not raised objections but have requested several conditions. A condition to control site preparation and construction hours is recommended and would be reasonable to protect the residential amenity of neighbouring properties.
- 8.19 There has been significant concern raised by local residents regarding the ongoing poor site management in the build-up to the determination of this application and that of the approval of the earlier scheme. This has been raised with the Council's Enforcement Team.
- 8.20 Concern has been raised that the new development will increase noise and air pollution; however, by virtue of the small scale of the scheme for only 7 dwellings, the proposal would not result in any significant increase in air pollution from additional traffic.

8.21 Notwithstanding the objections received, by virtue of the layout, separation distances, levels, scale and design of the proposed scheme it is not considered result in any significant adverse impacts on any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

#### Impact upon highway safety

8.22 Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety, that there is convenient and safe access for walking and cycling to services and facilities and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.

8.23 Objections to the scheme have been received on the grounds that it would be detrimental to highway and pedestrian safety by virtue of inadequate roads, footpaths and junctions in and out of the village to serve additional development and that it would result in additional traffic, on-street parking and congestion.

8.24 The scheme would be served by a two vehicular access points off of Wood Lane. The first and main access point is through an underpass that exists in the most northern building on the site which will lead into a courtyard parking area. This space will access all but two of the proposed dwellings parking areas. The other access is via the existing agricultural access located slightly to the west of the underpass and will serve as the access to the parking provision for units C and D located to the rear of the application site.

8.25 Notwithstanding the width and rural nature of the roads into and from the settlement, the Local Highway Authority raise no objections on highway safety grounds and consider that the cumulative impacts of the development would not be considered to be severe.

8.26 The available off-street parking provision within the site has been amended from the originally submitted scheme to ensure the enclosed car parking spaces meet the required size standards. Whilst the additional off-street car parking spaces to the north and south of the parking provided for units C and D are not shown in accordance to Leicestershire Highway Design Guide (LHDG) standards, the LHA are satisfied that there is adequate parking and turning space provided in order to access and egress the site in a forward gear. The LHA are satisfied that the quantum of off-street car parking provided is in accordance with LHDG standards.

8.27 Subject to the imposition of highway-related conditions to ensure the provision of the proposed access, turning and parking arrangements, the scheme would not result in any significant adverse impacts on highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Drainage

8.28 Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.

8.29 Objections to the proposal have been received on the grounds that there is unsatisfactory/inadequate surface and foul water drainage infrastructure capacity in the settlement to serve additional development.

- 8.30 A Drainage Strategy have been submitted to support the scheme. This concludes that the site is within Flood Zone 1 in an area of low risk of flooding where residential development is appropriate. The drainage strategy includes the use of infiltration drainage to mitigate the impact of an increase in the impermeable area of the site on surface water run-off. Foul drainage is proposed to be connected to the existing public sewer.
- 8.31 The HBBC drainage officer has raised concerns with regard to the submitted Drainage Strategy and whether infiltration testing will be compatible with ground conditions. It has been requested that a pre-commencement condition is put in place to ensure that surface water drainage details, incorporating SUDS, is agreed with the LPA. Should it not be compatible, an alternative method must be sought and agreed with the LPA.
- 8.32 The imposition of a condition to require the submission of a more detailed sustainable surface water drainage system in accordance with the submitted drainage strategy for prior approval, would be reasonable and necessary to ensure that the scheme would not result in the creation or exacerbation of flooding and would be in accordance with Policy DM7 of the adopted SADMP. The disposal of foul drainage from the site to the existing public sewer would be subject to separate Building Regulations and water company approval.
- 8.33 Concern has also been raised by Natural England with regard to foul drainage and its disposal into a sewage treatment works. More information has been requested from the applicant in this regard as it is unclear from the submission where the foul sewage will be disposed of. Whilst awaited, it is considered to be a matter that can be appropriately considered post determination of the application by Planning Committee prior to issuing the decision notice.

Impact on biodiversity/ecology

- 8.34 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation value. Objections to the proposal have been received on the grounds of loss of wildlife habitat.
- 8.35 A Bat Survey was submitted with the original submission but a further assessment was carried out following comments from Leicestershire County Council (Ecology). As works have commenced on site in relation to the extant consent the existing buildings left have a negligible opportunity for roosting bats or nesting birds and it is unknown as to whether the buildings included such habitat prior to the commencement of works on site.
- 8.36 In the absence of any existing habitat, further surveys are not required as works on site have started. However a condition is proposed for the siting of 12 bat boxes, and barn owl, stock dove, house martin and swallow next boxes, with details to be submitted prior to commencement.
- 8.37 There is little landscaping immediately prevalent on site at present given the current building works, however, by virtue of the low density of development proposed, the site provides ample opportunity for mitigation of any losses through replacement planting in and around the development that could be secured by the imposition of a planning condition should the application be approved.
- 8.38 Further information is required in relation to any impact of the development upon the River Mease. Natural England wrote to the Council in March to highlight an impact on the River Mease catchment area, within which this site falls . Further information is

required in relation to nutrient discharge (phosphorus). This information is a relatively recent request and the impact of nutrient neutrality is a recent issue raised by Natural England. The recommendation is therefore subject to this information being provided and subject to appropriate sign off by Natural England.

#### Infrastructure contributions

- 8.39 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.40 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.41 Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. The Open Space and Recreation Study (2016) provides further advice on the facilities at each designated public open space.
- 8.42 The proposed layout does not include any onsite provision for open space and the existing amenity green space and children's equipped play area is located to the centre of the village, a short distance from the application site. The quality standard of the space is assessed as only 58% and therefore the space falls below the target standard of 80%. A lack of access to provision for younger people is identified.
- 8.43 In order to mitigate the impact of additional users of the play and open space and recreation facilities as a result of the proposed development, a contribution to be reported has been identified using the figures provided in the Open Space and Recreation Study. This could be used towards a scheme aimed at improving the quality standard of the site and the range of facilities provided.
- 8.44 The infrastructure contribution identified above is considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant. The contribution could be secured through the completion of a suitable section 106 planning obligation if supported by the currently outstanding commuted sum assessment, the outcome which will be reported as a late item to this agenda.

#### Other Issues

- 8.45 Objections have been received on behalf of the owners and occupier of the commercial unit located to the south east of the closest dwelling. The new scheme proposes an additional dwelling to be located closer than those previously approved, thus raising new concerns. A Henton and Son has been operating a Class B2 use from the adjacent site for over 40 years, with a steel fabrication business being based at the site for over 100 years, and the Overhead Line Fittings Limited operating since the 1960s. This is reflected in the allocation of the site for employment purposes in the Site Allocation Plan.
- 8.46 This level of operation can result in noisy activities taking place and the generation of fumes and other environmental issues. Introducing additional residential

development in this environment is considered to be contrary to paragraph 182 of the NPPF and the guidance on the subject in the PPG.

- 8.47 Paragraph 182 of the NPPF references that planning decisions should ensure that new development can be integrated effectively with existing businesses, and where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. This requirement of the NPPF introduces the principle of the agent of change whereby new development must ensure that it would not inhibit the workings of existing businesses.
- 8.48 HBBC Environmental Officers have reviewed the proposed scheme and raise no new objections in relation to noise or pollution from fumes in regard to this business use on future residential occupiers. There are existing residential properties closer to the business use than those proposed and potential noise mitigation requested by condition is in relation to proposed mechanical ventilation that may be used on individual properties.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application. There are no known equality implications arising directly from this development.
- 9.3 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1 Objections to the application have been received on the grounds that the proposal is unsustainable development due to the location of the development outside of the settlement boundary, lack of services and facilities in the settlement to support additional dwellings and resulting in car dependency.
- 10.2 The application must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Notwithstanding the lack of services, Policy 13 of the adopted Core Strategy supports infill development within the

settlement boundary of rural hamlets. The majority of this site is located within the development boundary, with an extant permission already in place. The low density/number of units proposed would not be significantly out of proportion with, or over-dominate, the settlement or be in significant conflict with the spatial strategy for the Borough.

- 10.3 By virtue of the layout, low density, scale, design and subject to control of external materials the proposed scheme would complement the character of the surrounding area.
- 10.4 By virtue of relative levels and separation distances and subject to appropriate boundary treatments and window restrictions where necessary, the scheme would not result in any significant or unacceptable adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 10.5 Safe and satisfactory access to the site and adequate off-street parking provision can be provided to serve the development. Conditions can be imposed to secure satisfactory surface water drainage and protection and enhancement of biodiversity/landscaping within the site.
- 10.6 Play and open space contribution and future management and maintenance of the proposed open space for the public benefit of the wider settlement can be secured through the completion of a suitable section 106 planning obligation, with details to be reported.
- 10.7 The proposal would be in accordance with Policies 13, 15 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the adopted SADMP, the overarching principles of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. Notwithstanding the objections received, the proposal is considered to be sustainable development and therefore recommended for approval subject to conditions and the completion of a suitable section 106 planning obligation.

## **11. Recommendation**

### **11.1 Grant planning permission** subject to:

- Confirmation of acceptance of the scheme to Natural England in terms of nutrient impact on the River Mease SAC
- Play and open space contribution and future management and maintenance of the proposed open space to be secured through a S106 agreement
- Planning conditions outlined at the end of this report.

### **11.2** That the Planning Manager be given powers to determine the final detail of planning conditions.

## **12. Conditions and Reasons / Reasons**

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

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.



2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Plans and Elevations Unit E Drg No: 9000.13 Rev D
- Proposed Site Layout Drg No 9582.11 Rev B
- Floor Plans Drg No 9582.14 Rev C
- External Works Layout Drg No 9582.13 Rev F
- Proposed Elevations 2 of 3 Drg No 9161.11 Rev C
- Proposed First Floor Plans Drg No 9161.09 Rev D
- Proposed Elevations - Units F and Cart Hovels to Units C,D and E Drg No 9582.16C Rev C
- Proposed Ground Floor Plans Drg No 9161.08 Rev D
- Proposed Elevations 3 of 3 Drg No 9161.12 Rev C
- Proposed Elevations Farmhouse, Units A, B and E Drg No 9161.10
- Site Location Plan, Drg No. 9582.10

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence on site until a scheme to provide a sustainable surface water drainage system (SuDS) in accordance with the Flood Consequence Assessment and Drainage Strategy dated July 2018 has 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.

**Reason:** To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first occupation of any of the dwellings hereby permitted, full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable surface water drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

6. No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: i. proposed finished levels or contours ii. hard surfacing materials iii. retained trees and hedgerows iv. planting plans v. written specifications vi. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. vii. implementation programme. The landscaping scheme shall be carried out in accordance with the approved details and shall thereafter be managed and maintained in accordance with the Landscape Management and Maintenance Plan to be approved under condition 5 of this planning permission at all times thereafter.

**Reason:** To enhance the appearance of the development and biodiversity of the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the first occupation of any of the dwellings hereby permitted, a landscape management and maintenance plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The management and maintenance of the public open space hereby permitted shall thereafter be carried out in accordance with the approved details.

**Reason:** To conserve and enhance features of nature conservation within the site and in the interests of visual amenity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until such time as full details of all boundary treatments including walls, fencing and hedgerows have been submitted to and approved in writing by the local planning authority and the scheme shall be implemented and thereafter maintained in accordance with the approved details prior to the first occupation of each of the dwellings hereby permitted.

**Reason:** To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence on site until details of bat and bird boxes, to include 12 bat boxes, barn owl and stock dove nest boxes, 6 house martin terrace boxes, 7 house martin nest cups and 7 swallow nest cups have been submitted to and approved in writing by the Local Planning Authority. All agreed nest boxes and nest cups shall be installed prior to first occupation.

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development above foundation level of any of the dwellings hereby permitted shall take place until representative samples of the types and colours of materials to be used on the external elevations of the dwellings have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No development shall commence on site 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.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Units C and D hereby permitted shall not be occupied until such time as vehicular visibility splays have been provided at the site access in accordance with drawing number 9582.100. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019).

14. The development hereby permitted shall not be occupied until such time as the access arrangements, parking and turning facilities have been

implemented in accordance with External Works Layout, drawing number 9582.13 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

15. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays between 07.30am to 18.00pm; Saturdays between 08.00am to 13.00pm and at no time on Sundays and Bank Holidays.

**Reason:** To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 13. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.