

PLANNING COMMITTEE

22 January 2013

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

BACKGROUND PAPERS

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

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Item: 01
Reference: 12/00889/FUL
Applicant: Ms Elaine Smithard
Location: Land Off Nailstone Road Carlton
Proposal: ERECTION OF ELEVEN DWELLINGS
Target Date: 21 January 2013

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

This application seeks full planning permission for the erection of eleven affordable dwellings on land off Nailstone Road, Carlton.

The eleven dwellings comprise of nine social rented two bed dwellings and two intermediate two bed dwellings. Seven houses and four bungalows are proposed.

The properties will be owned and managed by Nottingham Community Housing Association, a Registered Provider of social housing.

A single new vehicular access is provided from Nailstone Road with an additional site access for pedestrians located on the Barton Road boundary. The scheme also proposes twenty two car parking spaces and twenty two cycle spaces. An area of open space to the northern part of the site also forms part of the proposal.

During the course of the application, the applicant has submitted:-

- revised site plan to include visibility splays
- re-location of storage and waste bins
- archaeology report.

Re-consultation has been undertaken with the Director of Environment and Transport (Highways), the Head of Business Development and Street Scene Services (Waste Minimisation), and Directorate of Chief Executive (Archaeology) on the respective matters:-

- revised site layout plan to show the removal of the fence to the northern boundary this now proposes a new hedgerow only
- revised rear elevation plan to show additional fenestration details in plots 1, 3, 10 and 11 (as shown in Elevation H-H).

No formal re-consultation was undertaken on these plans as they are considered minor revisions.

The Site and Surrounding Area

The site lies to the northern edge of the village envelope and forms the top of a 'V' shaped piece of unused agricultural land measuring 0.43 hectares between Nailstone and Barton Road. The site slopes down from east to west.

The east and west boundaries have established hedging, whilst the north boundary is open and the southern boundary is open with views to derelict agricultural buildings and residential properties beyond. A hedge runs east to west through the middle of the site.

The site is located outside of the settlement boundary of Carlton, as defined by the Hinckley and Bosworth Proposals Map, 2001.

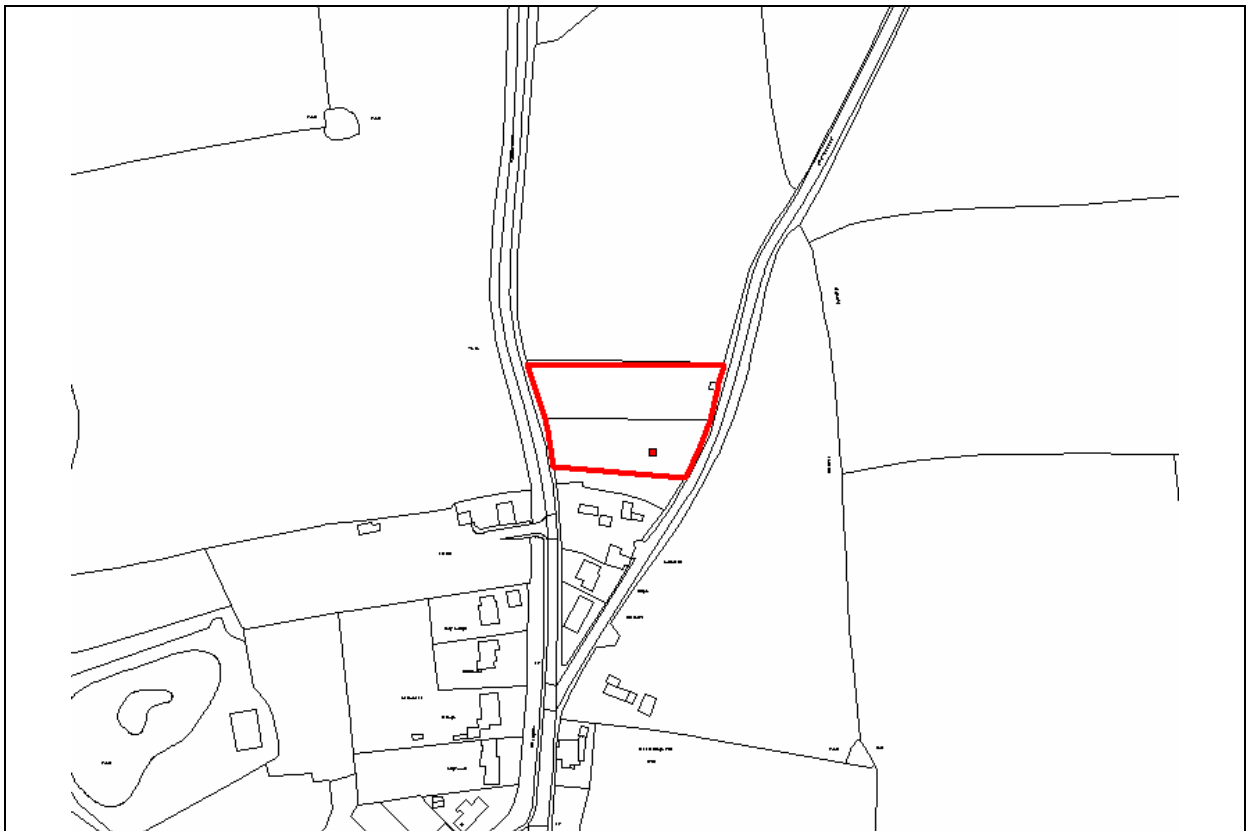
Technical Document submitted with application

The application is accompanied by:-

Affordable Housing Statement
Ecology Report
Design and Access Statement
Great Crested Newt Survey
Heritage Statement
Landscape Details
Planning Statement
Statement of Community Involvement

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Shackerstone Parish Council
Carlton Parish Council
Director of Chief Executive (Archaeology)

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Director of Children and young Peoples Services (Education) requests £19,663.79 for the high school sector and £20,190.68 for the upper school sector
- b) Director of Environment and Transport (Civic Amenity) requests £518.00 towards the nearest civic amenity site at Barwell
- c) Director of Adults and Communities (Libraries) makes no request
- d) Directorate of Chief Executive (Ecology) makes no request.

Director of Environment and Transport (Highways) has recommended refusal on the basis that the applicant has failed to demonstrate that their proposal will be in location where services are readily and safely accessible by walking, cycling and public transport however they have provided suggested conditions should the planning authority be minded to approve the application.

Site notice and Press notice were displayed and neighbours notified.

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

- 1) Carlton Parish Council have mislead, and misinformed residents, facts and figures have been manipulated and residents have never been asked if this is what they wanted
- 2) are the Nottingham Housing Association aware of all the misleading facts Carlton Parishioners have been given?
- 3) there has been no terminology of what affordable housing is were led to believe that the scheme is a low cost starter and retirement homes and residents and have now learnt that the criteria laid down by the Council has to be met
- 4) Parish Council have used the Parish Funds to purchase the land when there are other much more important needs that could benefit the village
- 5) "it doesn't seem fair that someone who doesn't work or who could be an unsavoury character being able to have the same village location handed to them on a plate"
- 6) does not meet the two criteria to be met for a development outside of the village boundary namely lack of widespread public support
- 7) PPS3 Section 30 states that Rural Exception Site policy is to ensure that rural areas develop as sustainable and inclusive communities – Carlton has no amenities
- 8) it would appear that the basis of the support of this project was based on the 2006 needs of only one person, who has since left the village, what are the needs based on now?

- 9) Affordable Housing SPD requires Housing Needs Survey to be carried out every 5 years, the survey was carried out in 2006 – which is at least 7 years once the properties are built
- 10) the Planning Statement states that an update was carried out in February 2012 which is in-correct
- 11) Affordable Housing will not be integrated with market housing
- 12) rural Exception Sites should not normally exceed 10 houses, this development is for 11 which is a material increase
- 13) precedent for further development; will not stop at 11 houses
- 14) Carlton is rapidly losing its small friendly village atmosphere
- 15) intrusion into the open countryside; Building on Green Belt
- 16) loss/damage to trees; remove significant established hedgerows
- 17) if the village boundary is to be extended to accommodate this scheme will this also apply to others with land adjoining the village boundary
- 18) no infrastructure to sustain this social housing development; No shops, children play areas, schools, doctors, dentists, nursery, youth club etc and limited bus service; could be further cuts still and current local services such as police, fire brigade and ambulance services are already limited in Carlton
- 19) the proposals of 'Diamond Jubilee Garden' is inappropriate for the village and who would maintain it?
- 20) loss of privacy
- 21) detriment to the conservation area
- 22) poor design and change the appearance and streetscene of the area
- 23) loss of view
- 24) overshadowing/overbearing
- 25) dust/fumes
- 26) noise/disturbance
- 27) located in the most dangerous place in the village; was rejected as children's play area on the grounds of safety
- 28) dangerous entry and exit point
- 29) increase in traffic generations
- 30) un-safe pedestrian access with no pavements or street lighting would be dangerous to cross and walk
- 31) lack of adequate public transport links
- 32) inadequate traffic calming measures
- 33) existing car parking and speeding vehicles problems including farm traffic
- 34) number of new schemes over the recent years, suffered from the noise, traffic dirt and disruption associated with these developments, when is this going to end?
- 35) ludicrous to invite more housing projects to this already over-developed village
- 36) concern over potential bad neighbour behaviour and boy racers speed down the road already
- 37) a section 106 agreement has not been entered into nor has it been incorporated into the planning application.

Three letters of support has been received stating the following:-

- 1) careful and well designed scheme
- 2) good design and public space will minimise the impact on the countryside
- 3) highway improvements
- 4) has good footpath connections to the village centre
- 5) provide public space providing ecological enhancements and wildlife habitats
- 6) only small number of existing of affordable homes in Carlton this will redress the balance and hopefully will encourage young people to populate this well run village
- 7) Affordable Housing Schemes help to keep villages alive and similar schemes have been very successful in other villages

- 8) for future generations of great last benefit to the local community providing for the young and old
- 9) needs have increased since the survey in 2006 and this is evidenced by the fact that this project is already over-subscribed
- 10) it is the most sustainable location in the two parishes within walking and easy cycling distance of Market Bosworth, on the bus route, adjacent to the settlement boundary and can be connected to a public sewer.

A petition signed by 48 signatures has been received supporting the scheme by endorsing the following statement:-

- 1) have been fully informed
- 2) understand the difference between this proposed scheme and 'council housing'
- 3) for the long term good of the community
- 4) will allow people with local connections to live here
- 5) within easy walking and cycling distance of the centre of Carlton village, and of Market Bosworth
- 6) on the Market Bosworth-Leicester bus route and people in the new development will be closer to the bus-stop than the majority of the parishioners
- 7) good design, in keeping with a village development
- 8) Planting scheme will improve the appearance of this approach to the village
- 9) this village can only gain from a reputation as a welcoming and supportive community
- 10) 'everyone needs a chance'; wholehearted support the scheme.

County Councillor Ivan Ould makes the following observations:-

- 1) prior to the submission of the application there was little objection to the scheme, however there is now both objection and support
- 2) mislead by the Parish
- 3) loss of hedgerow on a rural lane could be visually intrusive
- 4) site was considered un-safe by the parish council as a children's play area and with speed of traffic on Barton Road and no proper footway, pedestrian safety remains a concern
- 5) concern over parking facilities for each dwelling and visitor spaces and surrounding area un-suitable for parking
- 6) highway Officer's and Police's comments should be taken into consideration
- 7) no footway linking Carlton to Market Bosworth and an infrequent bus service
- 8) access for the Council's Refuse Wagon access the site, it may have to reverse in or out?
- 9) repeated view that for a small village, Carlton has already has its share of expansion, if an additional 11 are built the village will have increased by 20% over a short period of time
- 10) in support residents hold the view that the development is essential if both young and old are to have options to stay in the village, have been fully informed, closer to the bus stop that most other residents and a suitable planting scheme will improve the approach to the village
- 11) given the divided opinion over proper communication, the request for a parish poll and the conflicting viewpoints this small rural community has become so polarised.

Councillor Mike Cooper objects on the following grounds:-

- 1) not in the best interests for the village
- 2) the only valid survey undertaken revealed 61% objected to the proposal
- 3) not clearly informed by the Parish Council as to the nature of the project
- 4) only recently have we been informed and able to voice our complaints

- 5) village has no amenities, other than an hourly bus service, no nearby job opportunities, not a vibrant place to live
- 6) the development will dilute the attractiveness of a quiet village way of life
- 7) flawed concept that this would benefit either the current parishioners, or even those future occupiers
- 8) contrary to the development plan
- 9) inadequate access, traffic/parking
- 10) interference with adjacent property
- 11) intrusion into the countryside
- 12) loss of view
- 13) noise/disturbance
- 14) poor design
- 15) other non-planning reasons.

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

The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 13a: Regional Housing Provision
Policy 14: Regional Priorities for Affordable Housing
Policy 15: Regional Priorities for Affordable Housing in Rural Areas

Local Plan 2006-2026: Core Strategy 2009

Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural Needs
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy NE2: Pollution
Policy NE5: Development within the Countryside
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE14: Archaeology Field Evaluation of Sites
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): Rural Needs
Supplementary Planning Guidance (SPG): New Residential Development
Supplementary Planning Document (SPD): Affordable Housing
Supplementary Planning Document (SPD): Play and Open Space
Supplementary Planning Document (SPD): Sustainable Design

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon the countryside, overall appearance, impact upon residential amenity, highway considerations, infrastructure improvements, archaeology, ecology, drainage and flood risk and other matters.

Principle of Development

This application relates to the erection of eleven affordable dwellings on a rural exception site adjacent to the settlement boundary of the rural hamlet of Carlton. The properties will be owned and managed by Nottingham Community Housing Association, a Registered Provider of social housing.

The definition of affordable, as defined by the NPPF is “Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house process. Affordable housing should include provision to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision”.

Rural Exception Site

Annex B of the National Planning Policy Framework (NPPF) defines a Rural Exception Site as:

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.”

Paragraph 54 of the NPPF stipulates that in rural areas “local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”

Policy 17 of the Hinckley and Bosworth Borough Council Core Strategy supports the development of a Rural Exception Site, usually for 10 dwellings or less, provided the local need has been identified in a Needs Survey or Parish Plan, and that the properties will be occupied by people with a local connection to the village

As such the primary policy consideration for this application is Core Strategy Policy 17: Rural Needs.

Local Need

This policy requires that a local need has been clearly identified in an up-to-date Needs Survey or Parish Plan, which has been agreed by the Borough Council.

A Housing Needs Survey was conducted in 2007 which stipulates a local housing need of:-

- seven 2 bedroom houses for rent
- two 2 bedroom bungalows for rent
- two 2 bedroom houses for shared ownership
- one 1 bedroom bungalow for shared ownership

When Homes and Communities Agency funding became possible in 2012, a public consultation event was carried out in February 2012 in Carlton, which identified a further 14 individuals with housing need in the area. Therefore the 'local need' is considered to be clearly identified in an up-to-date Needs Survey.

Carlton is a Rural Hamlet with a tight settlement boundary hugging the built form of this linear settlement. As such there is very little, if any, additional capacity for new housing development of the capacity proposed, either disaggregated or as one cluster. Therefore it is considered that the identified local need cannot be provided within the settlement boundary of Carlton.

The policy also requires the scale and design of the development to fully respect the character of the settlement and level of need identified. The scale of development at 11 properties meets the level of need identified however the scale and design will be discussed in full later in the report.

Policy 17 requires that for a rural exception site, the development is small scale (usually 10 dwellings or less) and will be exclusively for the provision of affordable housing. The development proposal due to its nature and location is considered a rural exception site and whilst this stands one over the usual 10 permitted, the development is still considered small scale. The submitted application information confirms that all of the proposed 11 dwellings will be either socially rented or shared ownership. Shared ownership falls within the definition of intermediate housing. As such the scheme is considered to conform to this element of the policy.

Local Connection

The final part of Policy 17 requires a legal agreement to be entered into to ensure a local connection for occupants of the dwellings and ensure no more than an 80% share of the affordable housing is permitted to be sold.

This Rural Exception Site is unusual as it is being established as a "cluster" site, to meet the needs of 2 parishes: Carlton and Shackerstone. This approach is supported in the Hinckley and Bosworth Borough Council Rural Needs Supplementary Planning Document paragraph 4.19 which states: "There is an opportunity for a site to respond to the need of two or more parishes, where those parishes request and support a joined up approach."

As there is currently no affordable housing in Carlton, there is no information from the housing register since applicants are not registered for settlements where there is no stock. The neighbouring parish of Shackerstone has applicants on the housing register for 3 of its settlements. The following numbers have identified themselves as having a local connection to that settlement:

- Barton in the Beans 5
- Congerstone 7
- Odstone 1

The properties once developed would be available for people with a local connection to Carlton parish in the first instance, and Shackerstone parish in the second instance. Shackerstone Parish Council agrees that vacant properties shall be offered first to eligible people with a close connection to the parish of Carlton, and second to those with a close connection to the parish of Shackerstone.

The following consideration has been agreed with the applicant Nottingham Community Housing Association. As such it is considered that an applicant with a local connection is someone who:-

- a) has previously lived in the Parish of Carlton for 3 years or more or
- b) has been a permanent resident in the Parish of Carlton for the last 12 months or
- c) used to live in the Parish of Carlton for 3 years or more but has/have been forced to move away though lack of Affordable Housing or
- d) has been in permanent employment in the Parish of Carlton or
- e) has/have a close family member who has been a permanent resident in the Parish of Carlton for the last 3 years or
- f) needs to move to the Parish of Carlton to give or receive a significant amount of care or support to a close family member who is a permanent resident in the Parish of Carlton.

This requirement has been agreed with the applicant Nottingham Community Housing Association and if the application is approved will be enshrined within the legal agreement.

In summary, based on the above discussion, the development proposed is considered to comply with Policy 17 of the adopted Core Strategy and overarching intentions of the NPPF.

Sustainable Development

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. Providing a development is consistent with these criteria, the development should be considered sustainable and acceptable in principle.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by co-ordinating development requirements, including the provision of infrastructure. It is considered that the local economy would benefit through the creation of jobs for the construction of the development.

Social – in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The scheme is a full affordable housing scheme, appealing to groups who may have otherwise been excluded from the locality. The design of the dwellings incorporates architectural features common to the locality. Overall the scheme would contribute towards an affordable rural housing shortfall which will enhance the quality, vibrancy and health of the local community.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The dwellings proposed will be built to the

latest environmental standards for this area, and the scheme proposes landscaping and native hedgerow planting.

In summary, based on the above discussion, the development proposed is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Impact upon the Countryside

The site lies outside of the current settlement boundary of Carlton, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Whilst both Saved Policies NE5 and RES5 of the adopted Local Plan are relevant to development in the countryside (outside the settlement boundary), the fact that Core Strategy Policy 17 specifically deals with rural exception sites policies NE5 and RES5 are not applicable in this case.

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, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

Paragraph 17 of the NPPF states that planning authorities/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 site is just outside of settlement boundary of Carlton. The boundary ends at the adjacent dwelling Northfields to the south of the site. It is therefore considered that this site would form a natural extension, given its close proximity to built development and the settlement boundary. The scheme given its close proximity to built development would also be seen against the backdrop of it.

The density, layout and appearance of the proposed development are discussed later in this report but it is considered that there is no identified harm upon the character and appearance of the countryside.

In summary, for the reasons discussed above and those later in this report it is considered that it would be difficult to sustain an objection based on the impact of the development on the character and appearance of this countryside setting.

Overall Appearance

The application proposes 11 dwellings on a 0.43 hectare site equating to a net density of 25 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Rural Villages. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement of Carlton and therefore within the countryside. Given the surrounding countryside to the north, east and west a higher density scheme would be to the detriment of the countryside beyond. The slightly lower density scheme is therefore considered more suitable in this location.

The application is bound to the south by predominantly two storey dwellings. Plot 1, 11, 8 and 7 are single storey bungalows, with the rest of the scheme being two storey dwellings. As such the scale of the dwellings is reflective of that of dwellings within Carlton. The eaves levels within the two storey dwellings differ creating a varied roofscape. The bungalows are located at either end of the scheme, which it is considered ensures that the scale of the development is reduced towards the peripheries of the site, allowing the units to assimilate into and reduce the impact upon the surrounding countryside location.

The units have been designed to face into the courtyard with amenity spaces provided to the rear of the plots, with plots 3 and 10 framing the access; this provides a sense of enclosure and well proportioned spaces. The layout proposes one main vehicular access from the east, with a pedestrian access only to the west

In respect of other visual elements there is a mixture of frontage parking, with other parking discretely located within the site, under linking roofs, within bays formed by buildings or partly shielded by hedges. The application shows a mixture of 1.2 metre high hit and miss timber fencing, 1.8 metre high close boarded timber fencing and 0.45 metre high timber knee rails. The appearance of the fencing is appropriate in this location.

An area of landscaping is proposed to the north of the site, providing an area of separation from the built form to the surrounding countryside. The hedge along Nailstone Road will be re-located to allow for the visibility splays and new hedgerow planting is proposed (to be secured by way of condition). A variation of shrub planting is proposed between plots, with wild flower planting surrounding the pedestrian access. The level of landscaping is considered appropriate to contribute to the overall rural character of the area and will contribute to the visual amenity of the development.

Carlton Parish Council have confirmed that whilst they have no powers to fund housing directly, they are supporting this project by buying a strip of land across the northern side of site and carrying out the required landscaping works on this land with the help of local volunteers. The Parish Council have stated that this part of the site will become the Carlton Diamond Jubilee Orchard, and provide a new pedestrian links between Barton and Nailstone Roads.

The acceptability of the external finishes has not been fully considered as the Local Planning Authority would request that samples are first submitted for consideration this can be secured by the imposition of a planning condition.

In summary, it is considered that by virtue of the range of proportions, architectural detailing, boundary treatments, shrubs and landscaping that the scheme provides strong attractive street scenes and high quality dwellings.

Accordingly the scheme is considered to be in accordance with Saved Policy BE1 (criterion a) of the Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Impact upon Residential Amenity

Saved Policy BE1 (criterion i) 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 residential dwellings most immediately impacted upon as a result of the proposal would be Northfield located to the south of the application site, which has rear windows.

There is a distance of approximately 22 metres between the rear elevation of this neighbouring dwelling and the boundary with the application site and a further 7 metres between the boundary and the proposed residential properties. There is also the existence of outbuildings, associated with Northfields that would screen some of the development, in addition to the 1.8 metre close boarded timber fence proposed to the boundary. The SPG on residential development suggests a back to back distance of 25 metres to ensure there is no impact upon amenity. As such a distance of 29 metres is considered sufficient to ensure that the development does not result in any significant overlooking, overshadowing, or overbearing impacts. All other properties are located further from the development than Northfield.

In respect of future occupiers of the site, given that the properties are adjoined and/or located in close proximity to each other, some extensions and alterations normally allowed under permitted development rights could give rise to detrimental impacts. As such it is considered necessary to withdraw permitted development rights (secured by the imposition of a planning condition) to prevent any overshadowing, overlooking or overbearing impacts upon the occupiers of the dwellings from future extensions or alterations.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring residents and future occupiers. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given some weight in the determination of this application. Saved Policy T11 is not considered to be wholly consistent and therefore carries little weight in the determination of this application.

A single new vehicular access is provided from Nailstone Road with an additional site access for pedestrians located on the Barton Road boundary. The scheme also proposes twenty two car parking spaces and twenty two cycle spaces.

The Director of Environment and Transport (Highways) has recommended refusal but also provided suggested conditions should the LPA be minded to approve the application.

The Director of Environment and Transport (Highways) states that:-

“The proposal seeks permission for the erection of 11 dwellings, which represents a 10 per cent increase in the size of the village this increase, is considered material. The application site is located on the edge of the rural hamlet of Carlton. The village is remote from main centres and lacks community facilities, shops and employment areas and therefore scores very poorly from a sustainability point of view. The nearest town offering facilities of this nature is Market Bosworth, 1.5 miles to the south. Census data for the Parish underlines the reliance on car borne trips with an average distance travelled to work of 22 km (14 miles) and over 95 per cent of households owning at least one car. Only 4 per cent of the village use the hourly bus service between Market Bosworth and Leicester to commute to work. Prevailing planning guidance seeks to locate new development in sustainable locations where residents can benefit from genuine transport choice thus reducing the number and length of motorised journeys. These principles are enshrined in the NPPF and LCC’s LTP3. HBBC’s Core Strategy acknowledges that Rural Hamlets have limited services and are therefore not considered sustainable locations for anything but a small amount of local needs development.”

As such the Director of Environment and Transport (Highways) recommends the following reason for refusal:-

“The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 and Policy IN6 of the 6Cs Design Guide seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 and the 6Cs Design Guide reflects Government guidance contained in the NPPF.”

The site is located within the Rural Hamlet of Carlton, as defined by the adopted Core Strategy where because of the limited services; development is confined to infill housing development and local choice schemes. It is therefore acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car and whilst there are some services, it is hoped that development within the village will increase the viability and sustainability of the immediate area. Paragraph 55 within the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As such it is considered that the policy support and potential benefits that could arise as a result of the development are sufficient to outweigh this objection.

Approval subject to the imposition of planning conditions

The Director of Environment and Transport (Highways) has confirmed that adequate visibility at the site can be provided under the applicant's control, if hedgerows are removed from the site, and the amount of parking provision (2 spaces per dwelling) is appropriate. The Director of Environment and Transport (Highways) has also stated that the position of the access is located a short distance outside the 30mph speed limit and therefore this is a point on Nailstone Road where vehicles are generally accelerating and that to address this, the applicant will need a Traffic Regulation Order to move the speed limit terminus signs and road markings to the other side of the access as well as extending existing street lighting to cover the new junction.

Accordingly the Director of Environment and Transport (Highways) has recommended a number of conditions.

Suggested Condition 4: Before development commences, the applicant is to submit a scheme of improvements to Nailstone Road. The Director of Environment and Transport (Highways) has recommended that these improvements be the relocation of the speed limit, new lighting and new signing/lining.

It is considered that the re-location of the signage and extension to the existing street lighting to the Nailstone Road frontage is considered necessary to make the development acceptable and therefore should be secured through a planning condition.

Infrastructure Improvements

The application proposes 11 residential units which attracts infrastructure contributions.

The general approach to 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. As a result

of the Developer Contributions consultation, the following contributions have been requested:-

- a) Director of Children and young Peoples Services (Education) requests £19,663.79 for the high school sector and £20,190.68 for the upper school sector
- b) Director of Environment and Transport (Civic Amenity) requests £518.00 towards the nearest civic amenity site at Barwell.

In this case the Children and Young Peoples Services (Education) requests has been considered to be CIL compliant, however the Director of Environment and Transport's (Civic Amenity) evidence states that the development would only produce an additional 0.09% and there is no information which assists in establishing whether the contribution is necessary to make the development acceptable in planning terms and why it cannot be accommodated within the existing facilities. As such, the civic amenity request is not considered to be CIL compliant.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

This equates to 5 square meters of children's equipped play space and 15 square metres of informal children's play space per dwelling. This results in a total requirement for on site play and open space of 220 square metres.

Due to the financial constraints of the scheme there is only limited capacity to secure on site open space provision but at the same time there is a need for the development to be appropriately softened and greened, particularly along its northern boundary. To this end the application seeks to provide a multifunction area of landscaping and recreation adjacent to the site northern boundary. This area is multifunctional in so far as it will soften and green the visually prominent edge of the development but will also provide an amount of open space that can be used for informal recreation. In terms of its physical size this area exceeds the space requirement of the SPD but does not provide any children's play equipment due to the inherent cost of such an installation.

For the avoidance of doubt there is no other existing open space within 400 metres of the development and therefore no opportunity to take a developer contribution towards off site provision.

Accordingly, a situation is presented whereby a non-policy complainant offer is presented that will have a recreational use and make a valuable contribution to the occupants of the proposal and the village as a whole.

In respect of maintenance there would be a requirement to pay £9,465.80 to the Borough Council to maintain this informal children's play space over a twenty year time period.

Carlton Parish Council have confirmed that they are in agreement with the scheme presented and that they are already in negotiations with the applicant to purchase the multifunctional area of land and will to carry out the required works on this land with the help of local volunteers to make it the Carlton Diamond Jubilee Orchard and create this new recreational facility. It is then the intention that once in ownership of the parish, financial requests of any other future residential development, falling within 400 metres of the site and satisfying the specific criteria could then be secured.

In summary, the proposal fails to comply with the requirements of Policy REC3; however it does propose an area of land that can and will be use for recreation. Due to the viability

issues associated with this scheme as discussed later in this report there is no scope for the further delivery of equipped play space on the site. The matter of future maintenance would typically be subject to a developer contribution however this also is not viable. Carlton Parish Council has confirmed that they are entering into an agreement with the applicant to secure the long term maintenance of the space. In the viability circumstances and subject to appropriate planning conditions to control delivery, planting and future maintenance programmes, sufficient mechanisms are in place to secure the provision of and future delivery of this land within these special circumstances and tight economic.

Viability of the Scheme

The application is accompanied by a Viability Assessment which concludes that the financial appraisal demonstrates that the scheme would be unable to sustain this full affordable housing provision in addition to other financial contribution requests.

In more recent years it has become recognised that the economic viability of any development is to play a fundamental role in the delivery of schemes. Recent appeal decisions have confirmed that economic viability is a determining factor in deliverability and should be a material consideration in the determination of any planning application.

The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

Paragraph 173 within the NPPF states that sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Paragraph 205 also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 40%, but that this figure may be negotiated on a site by site taking into a number of factors. The applicant is not seeking to negotiate on this basis as the scheme is 100% affordable and if it wasn't wouldn't be considered a rural exception site and would not comply with policy for such.

In accordance with current internal working arrangements Coventry City Council have been consulted on the submitted viability appraisal and confirm that the applicant's appraisal is reasonable and confirms that the development with other contributions, is not viable.

In recent years officers have sought to take a pragmatic view towards the delivery of development whilst meeting policy objectives, therefore embracing the planning authority's role as a controller and enabler. This has been reinforced through the implementation of the NPPF. Based upon the evidence provided if the education requests were required to be provided then the scheme would be financially unviable.

It is considered, that having regard to the Viability Assessment and the advice at paragraph 173 of the NPPF requiring decision makers to have regard to the need to provide competitive returns to developers and landowners that only providing affordable housing and not the education request, or informal children's play space maintenance contribution is in this specific case acceptable.

A legal agreement is under negotiation to secure the provision of the affordable housing units.

Archaeology

Saved Policy BE14 states that where an initial assessment indicates that archaeological remains may exist; the Local Planning Authority will require the prospective developer to arrange for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. The results of the evaluation should be made available to the Local Planning Authority before it determines the application.

An archaeological evaluation has been submitted by the applicant. The Director of Chief Executive (Archaeology) has confirmed that the evaluation report and work has shown that the proposed development is unlikely to disturb archaeological remains as such no further archaeological work will be required on this site.

In summary the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policy BE14 of the Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the NPPF.

Ecology

An Ecology and Great Crested Newt Survey have been submitted with the application, which has been considered by the Directorate of Chief Executive (Ecology).

Notwithstanding the two applicant's ecological reports recommended additional surveys of all ponds and a reptile survey, the Directorate of Chief Executive (Ecology) does not require that surveys are undertaken prior to determination but requests conditions be imposed based on the recommendations in the reports.

The report outlines mitigation measures for badgers, bats and breeding birds as well as enhancements in the form of a reptile and amphibian refuge area, bird and bat boxes, bird friendly lighting, hedgehog boxes and planting of native shrubs, broadleaved trees, and species rich-wildflower meadow. It is considered necessary to impose a condition to ensure the development is carried out in accordance with these mitigation measures.

In summary, subject to the imposition of a planning condition, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Drainage and Flood Risk

The scheme has been considered by Severn Trent Water and the Head of Community Services (Land Drainage) both of whom have no objection subject to the imposition of a planning condition requiring details for drainage plans for the disposal of surface water and foul sewage. In the absence of full details and in the interests of flooding it is considered necessary to impose this suggested condition in accordance with Saved Policy NE14 of the Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Other issues

Letters of Representation

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

- 1) For the avoidance of doubt the site is located outside of the settlement boundary of Carlton and therefore designated as countryside. The site is not designated as Green Wedge or Green Belt and is not in a Conservation Area
- 2) A right to a physical view is not a material planning consideration
- 3) The existing “boy racers” is not a material planning consideration in the determination of this application
- 4) The existing traffic and parking issues in Carlton cannot be used as a reason for refusal on this application as it is an existing situation, only the impacts as a result of this development can be considered
- 5) In response to County Councillor Ould’s comments, the views of the Police Architectural Liaison Officer have been sought, but no representation has been received. Nevertheless the Traffic Regulation Order, it is a separate, private agreement which HBBC are not party to
- 6) A letter of representation has stated that if the village is to be extended to accommodate this scheme will this also apply to others with land adjoining the village boundary. If this application is approved, the settlement boundary may be extended to include the site, through the site allocations procedure, due to be adopted in December 2014. Any other potential subsequent applications would need to meet the criteria required, before the boundary was extended
- 7) In response to the limited services and infrastructure, in respect of health care, the primary care trust has not sought a financial contribution on this application. In addition it is not expected that the occupiers of 11 units would result in any significant adverse impact upon the existing facilities and amenities within the village. In addition, as previously discussed it is hoped that development within the village will increase the viability and sustainability of the immediate area. Paragraph 55 within the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As such it is considered that the policy support and potential benefits that could arise as a result of the development are sufficient to outweigh objections on this basis.

Land Contamination

Due to the potentially contaminative past agricultural use the Head of Community Services (Pollution) has recommended conditions requiring a scheme of investigation to be submitted and approved by the LPA and requirements should contaminants be found to be present during development. Conditions to this affect are suggested.

Recycling

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site at the adopted highway boundary. A condition to this affect is suggested.

Sustainability

In line with Policy 24 of the adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This

standard is in line with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Conclusion

In conclusion, the principle of development of this site has been demonstrated to be in compliance with the adopted Core Strategy policies, adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework.

The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing the Head of Planning be granted powers to issue planning permission, subject to the conditions below. Failure to complete the said agreement by 22 February 2013 may result in the application being refused:-

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 of 11 affordable dwellings, would not have an adverse impact upon the character and appearance of the countryside; would not have adverse impacts upon flooding, ecology, and archaeology. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- NE2, NE14 RES5, IMP1, BE1 (criteria a, i and g), REC3, T5 BE14.

Local Plan 2006-2026: Core Strategy (2009):- Policies 15, 16, 17, 19 and 24.

Local Plan 2006-2026: Local Development Framework: Supplementary Planning Guidance SPGs: New Residential Development and Rural Needs.

Local Plan 2006-2026: Local Development Framework: Supplementary Planning Document SPDs: Affordable Housing.

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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.

- 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: Front Elevations drawing no. 1923/P 06 D; Ground Floor Plans drawing no. 1923/P 04 D; First Floor Plans drawing no. 1923/P 05 D received by the Local Planning Authority on 22 October 2012 and

amended details: Existing Site Plan and Location Plan drawing no. 1923/P01 and 02 received by the Local Planning Authority on 1 November 2012; Proposed Plan drawing no. 1923/P03 L received by the Local Planning Authority on 19 November 2012 and Rear Elevations drawing no. 1923/P 07 F received by the Local Planning Authority on 12 December 2012.

- 3 Notwithstanding the submitted details, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed 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 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have 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.
- 5 No development shall commence until a drainage scheme incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and plans for the disposal of surface water and foul sewage have been submitted to 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.
- 6 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 90 metres (right) and 2.4 metres by 120 metres (left) shall be provided at the junction of the access with Nailstone Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 7 Before the first occupation of any dwelling hereby permitted, the respective car parking provision shall be surfaced, marked out and made available in accordance with Drawing No. 1923/P03 N received by the Local Planning Authority on 13 December 2012.
- 8 Before the start of the development, facilities shall be provided and maintained during the carrying out of the development to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent extraneous material being carried out onto the highway.
- 9 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 10 The development hereby permitted shall only be carried out in accordance with mitigation measures contained within 3.2 (a-c), 5.4 (a and b), 5.5 (a and b) and 7.4 (ii, iii and iv) of the approved ecology report prepared by EMEC received by the Local Planning Authority on 22 October 2012.
- 11 Prior to the first occupation of the residential units hereby approved a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

- 12 No development shall commence until a scheme for the investigation of any potential land contamination on the site has first 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.
- 13 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.
- 14 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- a) means of enclosure
 - b) other vehicle and pedestrian access and circulation areas.
 - c) hard surfacing materials
 - d) retained historic landscape features and proposals for restoration, where relevant.
 - e) Proposed hedgerow scheme to the northern and eastern boundaries
 - f) planting plans
 - g) written specifications
 - h) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - i) maintenance plan
 - j) implementation programme.

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.

- 15 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 on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.
- 16 No development shall commence until a scheme of highway improvements in accordance with Proposed Plan drawing no. 1923/P03 N is first submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the any dwelling hereby approved.

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 and Bosworth Local Plan 2001.
- 4 To ensure that the development has a satisfactory visual appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 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 to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the NPPF.
- 6 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 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 2001.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 In the interests of species and habitat protection and enhancement to accord with the intentions of the NPPF.
- 11 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001
- 14 In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 and NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 16 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 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.
- 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 relation to Condition 12; advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.'
- 6 Surface water must be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, permeable paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.
The access road, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 7 Separate consent will be required under Section 1 of The Road Traffic Regulation Act 1984 for the changes to the speed limit on Nailstone Road. You should contact the County Council's Transport, Schemes and Development team on 0116 305 0001 (etd@leics.gov.uk) for further information.

Contact Officer: - Ebony Mattley Ext 5691

Item: 02

Reference: 12/00873/FUL

Applicant: Mr Peter Mayne

Location: The Stables Pine Close Stoke Golding

Proposal: ERECTION OF SOLAR PANEL FIELD AND ASSOCIATED INFRASTRUCTURE

Target Date: 28 January 2013

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

Full planning permission is sought for the erection of solar photovoltaic (PV) panels and associated infrastructure. The scheme seeks consent for a 25 year time period.

The scheme, following the submission of amended plans now seeks consent for the erection of 7,870 PV panels, with 44 invertors (the device which converts solar energy to electricity) mounted on the underside bracket of the PV panels, 1 no. substation, and 1 no. control room, and associated landscaping including a wildflower meadow, mound, tree and hedgerow planting.

The 7.870 PV panels each measure approximately 1 metre in width by 1.96 metres in length and 4.6 centimetres (46 mm) in depth. The panels are arranged so that two panels are adjoined creating an overall length of 3.92 metres and then laid out parallel to one another. There are 44 rows of panels in six blocks in total, covering an area of approximately 6.78 hectares (16.75 acres). The rows are defined on the plan as 'solar strings'

Given the overshadowing that can be caused by blocks upon each other, the scheme proposes vertical spacing and differing angles. The panels are proposed to be ground mounted, held in place by brackets, and are angled at between 20 – 25 degrees. Accordingly part of the panels is located close to ground level (0.7 to 0.8 metres) with the other side located between 2.05 to 2.15 metres, depending upon the specific angles. The panels are aligned to face to the south.

The scheme also proposes security fencing to a height of 2.4 metres comprising of black galvanised posts and galvanised and polyester coated black mesh fencing is proposed internally within the confines of the site. Two areas of hard standing for access and parking during maintenance visits are proposed – one within parcel 3 and one within parcel 6.

During the course of the application the applicant has provided the following amendments:-

- Removal of PV panels in parcel 1, and creation of a wildflower meadow/sanctuary (covering 0.4 hectares);
- Additional PV panels throughout the site

- Proposed mound measuring 1.5 metres in width by 1.7 metres in height with proposed native hedgerow above along the western elevation and the border with the wildflower meadow;
- Additional hedgerow proposals to the north, south and west of parcel 6 and north of parcel 1;
- Planting proposals for the wildflower meadow, mound, trees and hedgerows;
- Removal of 16 no. housed inverters;
- Re-location of the sub station.

Re-consultation has been undertaken with all those originally consulted and all those who have provided letters of representation up until the 12 December 2012 as well as Stoke Golding Parish Council, Stoke Golding Heritage Group and the Head of Community Services (Pollution).

During the course of the application the applicant has provided the following additional detail:-

- A revision to the statement of community involvement, following a meeting at Baxter Hall on Sunday 2 December 2012;
- A PV panel materials statement;
- Confirmation that the connection cables will be underground;
- Confirmation that the alarm system will be silent;
- Confirmation that there will be no artificial lighting installed;
- Confirmation that the maximum height of a PV panel would be 2.15 metres and the angle between 20-25 degrees. On installation the brackets may be lower, which would allow the higher angle, but would not exceed 2.15 metres;

Following concerns raised by officers the applicant has provided an additional plan depicting the location of the inverters to be hung from the side of the solar strings. Additional re-consultation has been undertaken with all those originally consulted and all those who have provided letters of representation up until the 20 December 2012, as well as Stoke Golding Parish Council, Stoke Golding Heritage Group and the Head of Community Services (Pollution).

During the course of the application the applicant has produced a series of revised Flood Risk Assessments and re-consultation has been undertaken with the Environment Agency. In addition, during the course of the application the applicant has undertaken a desk based archaeological assessment and a geophysical survey report and re-consultation has been undertaken with the Directorate of Chief Executive (Archaeology). Furthermore a Noise Statement has been submitted and re-consultation undertaken with the Head of Community Services (Pollution).

Following concerns raised by officers the applicant has provided an additional plan showing the retention of the oak tree and removal of PV panels in Parcel 3 and dispersal of PV panels throughout the scheme. No-formal re-consultation has been undertaken on this latest change.

The Site and Surrounding Area

The site is currently in an equestrian use, with post and rail fenced paddocks and hedgerows with an existing stable block and telecommunications mast to the east of the site. The site is generally flat and is served by an existing access from Pine Close.

The site is immediately adjoined to the north by a telephone exchange building, doctors surgery and the nearest residential properties No's 22 and 26 Pine Close. The Stoke

Golding Recreation Ground and Hall, (which includes cricket and football teams) immediately adjoin the site to the west, divided by a post and rail fence and broken hedgerow. Beyond the existing stable block and telecommunications mast to the east the site is bordered by agricultural fields. Mature hedgerows and trees are located to the south of the site.

The site is located outside of the settlement boundary of Stoke Golding, as defined by the Hinckley and Bosworth Proposals Map, 2001.

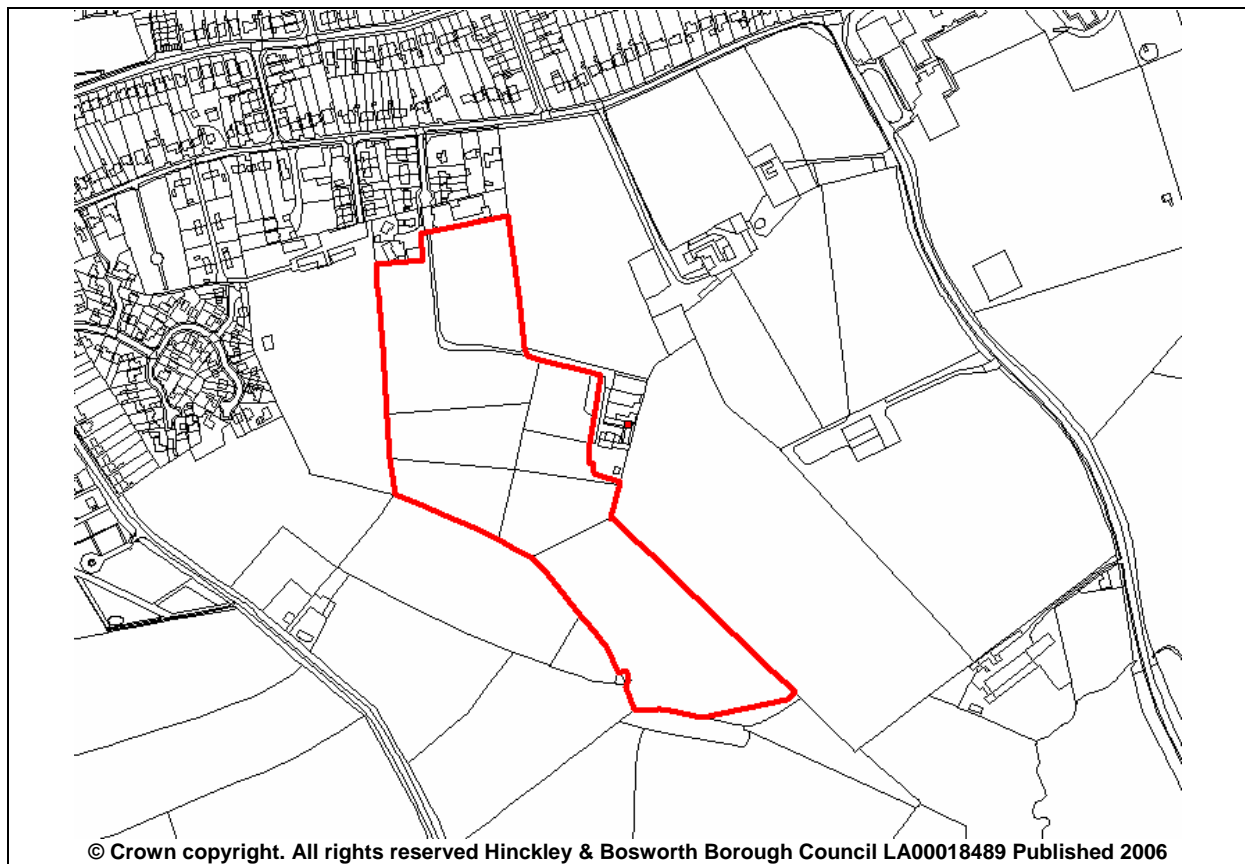
Technical Document submitted with application

The application is accompanied by:-

Design and Access Statement
Ecology Report
Flood Risk Assessment
Statement of Community Involvement
Module Specification
Installation Method
Landscape and Visual Impact Assessment
Planning Statement
Parking Statement
Biodiversity Report
Archaeological Risk Assessment

Relevant Planning History:-

07/00669/FUL	5 m extension to existing 15 mast with 3 no. antenna, 1 no. dish, 2 no. cabinets and ancillary equipment	Refused	03.08.07
01/00822/GDOT	Erection of telecommunications mast four dishes and ten equipment cabins	Approved	14.09.01
93/00674/4	Erection of seven stables	Approved	06.10.93



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)

No objection subject to conditions have been received from:-

Environment Agency
Head of Community Services (Pollution)

Stoke Golding Parish Council states that:-

- 1) the applicant shall implement in full the final landscaping features detailed in their application (to include wildflower conservation area, with the security fencing and bund to be relocated along half the boundary with the recreation area and the bund being overplanted with shrubs and hedges to hide the security fence
- 2) the facility must not breach appropriate legislation on nuisance caused by noise
- 3) appropriate measures will be provided to ensure that flooding does not impact on adjacent areas

Stoke Golding Heritage Group makes the following comments:-

- 1) any alarm system installed should not be intrusive either from light or sound. Unauthorised entry to the site should trigger a message to the police or a private security firm
- 2) connection to the PV arrays to the National grid should be underground
- 3) the height of the security fencing along the boundary with the village recreation ground is visually intrusive fence should be moved away from the boundary and a thick hedge planted on a bund
- 4) the requirement to erect a high netting above the fence should be re-assessed as a resident who watches matches on a regular basis has not seen balls crossing the boundary at this height
- 5) such mitigation measures should be incorporated as conditions in any approval which may be given

Site notice and Press notice were displayed and neighbours notified.

Throughout the whole consultation period, 11 letters of support have been received:-

- 1) there is no valid reason for this application not to progress; no reason why this does not get approval; no sound reasons to object; see only advantages
- 2) will only have a beneficial effect supplying renewable energy; supplies green energy
- 3) a lot better than a wind farm
- 4) mitigation measures undertaken by the developer to minimise the visual impact from public areas
- 5) a number of borough and national planning policies are complied with
- 6) valid and well thought out installation application
- 7) will prevent about a hundred houses being built on the site in our lifetime
- 8) "as usual in the village a few misinformed do gooders have stirred up a fuss about nothing"; amazed at the short sightedness and misinformation being supplied by the "Action Group" who is opposing the installation
- 9) "Action Group" should be made to substantiate their claims and they are "scaremongering" the older and less informed residents of the village and "bullying tactics" regarding petition signing
- 10) Solar Power is one of the safest and friendliest forms of energy production
- 11) Freetricity have kept everyone well informed
- 12) offering many facilities to benefit the village; the latest landscape proposals include a wildflower conservation area, a bund, a free solar panel installation for the village hall – the "Action Groups" have not mentioned these benefits
- 13) the development will be quiet and unobtrusive and once assembled no transport movements will be required
- 14) many other examples of successful solar farms around the country which have not, as yet, shown any detrimental effects
- 15) perhaps as beneficial aspect to the local amenities, the company proposing this development may be invited to adopt the sixty foot of currently un-adopted road at the end of Pine Close currently in a bad state of disrepair
- 16) the world is facing major or even catastrophic problems – rapidly growing energy demands with dwindling natural resources; energy prices are going to keep rising as supplies of fossil fuels fall
- 17) everybody who wishes to continue to have electricity at a reasonable price should accept such installations
- 18) at other places in the country people have to live alongside nuclear power or large power station for the benefit of the rest of the population, it is not considered that living in the vicinity of a solar panel farm being a passive, quite, non polluting

installation to be a big penalty if society is to even start to combat the world's energy and pollution issues

- 19) lack of fuel/energy resources in the future is a serious issue that needs to be addressed

A petition with 454 signatures has been received opposing the development.

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

- 1) intrusion into the countryside; eyesore; alien feature
- 2) detrimental to the countryside; the attractive link between the village and the countryside will be destroyed
- 3) scale of the development, relative to the village is significantly large and larger than any of the newly built estates in Stoke Golding; the size of 16 football pitches is unbelievable
- 4) negative impact on the area and general aspect from Hinckley Road and Pine Close
- 5) location is wholly un-acceptable; too close to the village; could another less visible field be used? It should be moved one field away from the recreation ground to reduce its impact or be placed on an urban brownfield/industrial location
- 6) inappropriate in this location; "right project, wrong field"; Appreciate the need for sustainable energy, but a balance is required between providing this and protecting the countryside and way of life
- 7) this is a major industrial development on the outskirts of the heart of Stoke Golding, could never be considered to be in keeping with its proposed surrounding in terms of both scale and character
- 8) damaging to the strong, vibrant, mixed community; severely detrimental to the village for the users of the recreational ground and the users of the equestrian facilities and could reduce the number of residents and tourists
- 9) angered that the council thinks that Stoke Golding village is a suitable "test site"
- 10) the security fencing is an unsightly addition to the view of the countryside it is too industrial in nature, has a detrimental impact on this landscape; Fence makes our village a prison camp; 8 foot steel fence is not at all in keeping with the surroundings; If it goes ahead, can the planning authority insist on better fencing around the site?
- 11) many enjoy watching horses graze, it is in keeping with village life
- 12) environment Impact, the current environment has a very positive effect on well being and that will be significantly reduced
- 13) the inverter buildings are larger than the security fencing; five of the inverter buildings are directly adjacent to the recreation ground
- 14) a large proportion of the fence has little or no natural cover that would obscure the proposed security fence; the natural cover is deciduous and so would provide minimal cover over the winter months
- 15) poor design
- 16) depending upon the tilt can exceed the height of 2 metres; the angle of the solar panel could rise to 3 metres if mounted at 30 degrees
- 17) Stoke Golding is within a Conservation Area
- 18) the development is contrary to criteria i, ii or iii of Policy NE5, Local Plan objective 5d) and the Local Development Framework
- 19) the land is outside of the permitted development boundary and therefore should not be considered
- 20) the development does not meet all of the requirements set out in their own landscape and visual assessment
- 21) loss of visual amenity of the recreation ground; too visible from the public recreation area; the recreation ground is very open with views across the fields
- 22) glare and what are the impacts of glare this on those playing cricket and football
- 23) concerned for the needs of the cricket and football club

- 24) recreation ground is very utilised by local residents and those living nearby; numerous generations of families have enjoyed this recreation ground; this recreation ground is well used by children, young people, adults, dog walkers, sports teams, village events and village hall events and for a variety of leisure activities; particularly important to those who suffer various degrees of disability who would find more difficult walks hard to achieve/impossible
- 25) the core strategy identified a key objective for the village to 'address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Stoke Golding' a dedicated team, a true community project supported by local people have improved the recreation ground over the last few years; the scheme is destroying an important public view
- 26) will not show any reduction in our energy bill; of no benefit to the village, a more enlightened developer would include the community within the development as a beneficiary, to some degree, of the power being generated on site within the village
- 27) inefficient energy production; motivation for the development is government grants only and even with the subsidies, the scheme would have to be in place for 25 years to make economic sense. It will take 20 years to break even i.e. we are going to be stuck with this eyesore for at least 25 years'
- 28) inadequate drainage and flood risks, likely to cause run off or even flooding which would affect the recreation ground which if exacerbated will cause further loss of games (loss of amenity)
- 29) the panels will shade ground from both sun and rain, impacting upon the growth of the grass and other plants, affecting the biodiversity and agricultural value of the fields
- 30) the biodiversity report was conducted in October, when most invertebrates and amphibians will be dormant or hibernating, the mammal and bird population will also differ from summer population, as such it is likely that the report is incomplete
- 31) science daily notes a study done in Hungary demonstrating that solar panels may be ecological traps for certain wildlife that breeds in water, insect species confuse the dark surface for water and lay their eggs which fail to hatch and the insects are vulnerable to predators whilst on the panel
- 32) there may be other undiscovered solar panel environmental impacts to other species
- 33) loss/damage to trees
- 34) impact to nature and wildlife will be catastrophic; native and migrating birds are frequent users of the area;
- 35) no documentation to tell what substances are contained within the panel
- 36) the panels are made from substances which are known to be toxic products potential for soil contamination or affect water courses in the area. Silicon dust solar panels are made out of silicon, inhaling silicon dust over long periods of time can develop a disease called silicosis, and there is no known treatment for this yet
- 37) glass is fragile and easily broken; the solar panels could be damaged by cricket balls and vandalism
- 38) emit electromagnetic radiation, given that there is already a telephone mast at the site there is concern that this has an impact on the local environment and needs consideration; people can suffer from electromagnetic hypersensitivity, solar systems produce high levels of this radiation and cause people with the condition to persistently suffer from headaches, insomnia, fatigue, dizziness, nausea, heart palpitation, digestive disturbances and dermatological conditions
- 39) the application is across from St Martin's school
- 40) HBBC owe its citizens a duty of care
- 41) dust/fumes
- 42) upheaval for residents for an extended period of time due to the type, volume of industrial traffic; there will obviously be noise and disruption to the traffic and to local residents whilst it is set up

- 43) impact upon residential amenity from noise; the solar panels/inverters produce a low hum, and panels would produce a noise of 50 decibels per inverter during operation (day time). Another solar farm development had gone into operation at night, due to bright moonlight, which would contravene the guidelines of the WHO who state 45 decibels as the maximum for night time noise levels
- 44) addition to local noise and disruption exacerbated by building development at St. Martins Convent; already consideration of development taking place within the village from Mar City
- 45) loss of privacy
- 46) loss of view
- 47) loss of amenities
- 48) excessive light reflection by the panels
- 49) interference with adjacent property; proximity to existing housing development; proximity to the doctor's surgery
- 50) development is so close to where people live, the developer has not been able to provide comparable examples
- 51) overshadowing
- 52) substation located close to Pine Close, ensuring the developers would incur a small connection cost, this gives no consideration to the visual impact upon nearby residents/overbearing
- 53) the presentation by Freetricity did not show other examples where dwellings were near the site, in other words their sites were not as close to a village as the one here would be
- 54) impact on property prices to all adjacent properties
- 55) affects everybody's back yard
- 56) anti-social behaviour and that any attempt to prevent incursions from footballs or other missiles will result in security fences that will exacerbate the impact of the development
- 57) Stoke Golding is a village and the fields surrounding the village are green fields and should be dedicated to farming
- 58) will the site adopt a brownfield status or return to its agricultural status? If becomes brownfield will become difficult to defend this area is there has already been industry allowed
- 59) not aware of any de-commissioning plans, how will this be financed and how effective will it be? The site should be returned to pastureland, how can the company guarantee this and how will it be free from contamination?
- 60) set a precedence
- 61) site solar panels on roofs of existing large buildings, such as roofs of factories, hotels, car parking shelters, supermarkets and out of town shopping centres and the like
- 62) renewable energy projects are usually placed in much more remote areas
- 63) siting solar panels on roofs is two storey, has smaller footprint and less impact. If 10% of suitable UK roofs were fitted with solar panels the government target for green energy would easily be achieved without destroying even one field of our irreplaceable farm land
- 64) in a new housing development would the planning department give permission for ten acres of bungalows? No it would require, two and increasingly, three storey buildings to make best use of the available space and the same rule should apply to solar panels
- 65) location is based upon opportunism rather than any land use policy, If the land owner was concerned for the environment and wished to obtain an eco-friendly income this would be done by either planting permanent woodland or fast growing willows for wood chip boilers, both options are commercially viable
- 66) destroying precious and limited agricultural land
- 67) CCTV will reduce the privacy of those at the recreation ground
- 68) security and alarm systems which will spoil the peace and quiet of the village

- 69) limited access to the site
- 70) loss of parking - the land has been used to provide parking and to contribute to village events such as popular 'Stoke Fest'
- 71) radio suppression with possible interference to mobile transmissions
- 72) so much for openness and transparency; planning process is flawed; there was no prior consultation; should have been consulted as the application is on residents doorstep; insufficient time to find out about the proposal; there has not been long enough or wider enough consultation; where has the application been advertised?; why hasn't the developer made more effort to consult?; The proposals should be made more public
- 73) full advantages and disadvantages from an independent source are required before these plans go any further
- 74) in-sufficient consultation for a major development, notice displayed for only 1-2 days, portal closed down over the weekend; putting the scheme on the website is inadequate; parish council and council have failed to consult and applicant have handled this poorly in a disingenuous and deliberate attempt to limit the time available for residents to have their say
- 75) the application must be halted immediately and further investigation carried out on the health issues; A full Health, Safety and Environment report should be undertaken
- 76) concerns about the accuracy of the visual assessment and all reports; there is a request that all submitted reports are carefully scrutinised to check whether they are true and accurate representations; misleading reports
- 77) the planning department should officially visually assess the site; alternative siting and points of view looked into before any decisions are made
- 78) the planning committee should undertake a site visit to get a true picture
- 79) if permitted, conditions should be attached to ensure that once the use ceases all equipment on the land must be removed and the site returned to agricultural use.

57 further letters of objection has been received in additional to photographic supplements raising the following additional objections:-

- 1) the small revision of the plans does not go far enough as it only addresses the concerns of one property in Pine Close; two or three other properties whose visual impact is also as bad and for some of these properties it is their front views
- 2) still a number of outstanding issues which have not been resolved to the satisfaction of the Local Authority
- 3) not addressed the issues associated with the choice of site and have not made a case why this is considered a suitable site for this type of development; in short, no clear site selection has been provided
- 4) parcels 1 and 6 should be omitted
- 5) inverters have been removed, where and why have they gone and sudden escalation in number of inverters from 15 to 44
- 6) why has the substation been relocated and no height details of the control room whose height is unknown as no details of this appear to have been provided in plan view this appears to be a significant building, being similar in size to the sub station
- 7) playing "spot the difference" with revised plans is annoying
- 8) not a good enough barrier between the village boundary and the solar farm
- 9) the hedge and tree planting scheme consists of immature deciduous species and would not provide adequate screening; trees will take a significant amount of time to grow (5-10 years); will not reduce the visual impact of this development
- 10) the wildflower meadow is poor compensation for the loss of amenity caused by the development and no thought on species composition, detailed specifications, establishment, evidence of soil type or assessments or management

- 11) mound doubts whether the mound can support the planting of trees. The mound will cause disturbance of the ground within the crown spread and lead to failure of existing trees and the mound itself will cause a serious risk to trees
- 12) mound does not enhance the scheme as it too narrow and restricted space for future maintenance
- 13) planting would not be effective in late autumn, winter and early springs, consisting as it does of deciduous trees, shrubs and hedging
- 14) provide a set distance around the edge of the field to at least allow the wildlife a chance
- 15) no detailed information/survey provided of existing trees and vegetation
- 16) proposed tree planting indicated 10/12 cm girth trees (select standard) to be planted, however on the drawing key it shows trees to be 50% standard and 50% feathered not selected standards
- 17) hedgerows would be vulnerable to wind, rain and drought conditions – more like small trees not hedge plants, with no numbers given, just percentage of mix shown
- 18) would there be a committee appointed by the parish council that will liaise with the developer to agree the best screening option and would this be made a condition?
- 19) loss of mature oak tree; Request for Tree Preservation Order
- 20) the development is outside the designated boundary of the village; contrary to development plan
- 21) major industrial development; should be sited on an industrial estate
- 22) loss of agricultural land; precious agricultural land to produce food
- 23) contrary to NE1
- 24) will not provide any local jobs
- 25) regard the solar panels as preferable to oil-seed rape with its allergenic properties
- 26) detrimental on quality of peoples lives
- 27) what height will the solar panels reach?
- 28) policies referred to are obsolete and the NPPF is not referenced once or discussed
- 29) a photo visualisation has been submitted by the agent which omits the fence, inverters and solar panels so is misleading and inadequate
- 30) submission is poor, irrelevant photos and deliberate angles taken; no artists impression or photomontage has been provided showing the visual impact at all public vantage points; no photos of fencing, selective choice of vantage points
- 31) incomplete documentation and misleading reports; misrepresentation
- 32) nearly two months since the application was submitted and the developer has not produced a noise impact assessment, a health and safety assessment or at the time of writing an acceptable FRA
- 33) advised that low frequency below 18 HZ can cause serious problems for buildings and health and WHO has supported concerns that low frequency noise pollution is dangerous
- 34) no single document that pulls all the other documentation together
- 35) lack of Environmental Impact Assessment; application should be invalid; reject and withdraw; If the planning application proceeds and is subsequently approved then judicial review will be sought; the proposed development falls within the description of development of an industrial installation for the production of electricity, steam and hot water and exceeds 0.5 hectares
- 36) not all those objecting have received follow up letters and therefore they have not been given the opportunity to comment again
- 37) impact upon elderly residents
- 38) offering the village amenities as a sweetener so we will go away and be quiet
- 39) how will the land be restored, how will the installation be removed and who will pay? How many years until it would be good agricultural land suitable for growing crops for human consumption?
- 40) late changes giving people very limited time to review and comment on the revised proposals – why wasn't this in the original submission?

- 41) concerned that the applicant has been allowed to “make it up as they go along” and the planners, consultees and residents have been put under time pressure to meet the developer’s deadline
- 42) confused and bewildered at constant change
- 43) a further 7 days allowed which is being progressed over a holiday period when the post is obviously less reliable and at a time when many are away anyway
- 44) in the absence of a renewable energy siting policy, the determination of this application will be treated as a precedent in line with para 98 of the NPPF which states then determining planning application authorities should expect subsequent applications for commercial scale projects to meet the criteria selected for this site, implications are that few if any sites could be rejected alongside a village.

Information leaflets circulated to residents of Stoke Golding have also been provided.

MP David Tredinnick MP raises the following observations:-

- 1) met with residents who are strongly opposed to this application and received correspondence from a significant number of villagers who also object to the scheme
- 2) general feeling that the application is being rushed in order to beat deadlines in respect of energy subsidies and as a result many residents feel there has been a haphazard approach to the proposal with various amendments adding to the confusion and important questions about accuracy, consistency in relation to the information provided in respect of the technical aspects of the proposal
- 3) surprise and disappointment that HBBC does not have a planning policy in respect of major solar energy installations
- 4) people are un-happy about the lack of community consultation regarding a major planning application in the village
- 5) close proximity to Stoke Golding with the recreation ground being of primary concern. HBBC’s own Core Strategy document has a key aim to improve green spaces in Stoke Golding and there is a large amount of scepticism around how this application on Greenfield land bordering the recreation ground would fit in to such an objective and unanswered concerns in terms of the proposing landscaping around the development
- 6) the NPPF backing for sustainable development will no doubt be used as an argument in favour of this scheme, but, significantly, even if a scheme is deemed to meet such criteria the plan does of course have to be balanced and considered in the context of the document’s commitment to building strong and viable communities
- 7) members would benefit greatly in the understanding of the matters the residents are raising by visiting the site prior to making a decision
- 8) trust that the views of local residents and elected representatives will be taken into consideration.

County Councillor Ivan Ould raises the following concerns:-

- 1) numerous telephone calls, written letters and meetings have taken place
- 2) the scheme is contrary to Policy NE5 which seeks to protect the countryside for its own sake
- 3) loss of visual amenity from the recreation ground; visually intrusive
- 4) latest landscaping proposals are considered inadequate
- 5) alien, industrial nature, adverse effect on the appearance and character of the landscape
- 6) visual intrusion, panels could reach 2.9 metres above ground level, hedgerows are not continuous
- 7) this development would enclose the recreation field and poses a potentially serious issue of liability for damages in terms of balls damaging the solar panels or

vandalism, who would be held accountable? Given that it is the Planning Committee of the Borough Council who will approve or reject the planning application, presumably HBBC will bear the costs of damages to the solar panels it would not be acceptable for these potential costs to fall upon the Parish Council or sports teams using the recreation ground it would be necessary for HBBC to formally record their liability for any damages should they approve this planning application

- 8) a proper ecological assessment should be made, not restricted to a single visit in October and the nature and size of the application may require an Environmental Impact Assessment which without one deems the application invalid; this legal aspect requires immediate clarification. If HBBC has failed to determine the legality of this application accurately, then it should be immediately withdrawn and the process of applying should start all over again? It is beyond dispute that such a planning application requires an EIA so why hasn't one been provided or asked for?
- 9) what happens after 25 years? Should the application be approved a condition to the effect that the land has to revert to its original use should the solar panel farm cease to operate should be added
- 10) the EA are recommending refusal on the grounds that the FRA is inadequate –there are existing drainage problems as the recreation field and existing flooding issues in Shenton this land drains towards the River Tweed. There are no proposals for a Sustainable Urban Drainage System
- 11) objectors have referred to un-known health issues as the solar panel farms are in their infancy; already known to emit electromagnetic radiation when present in large quantities. Not known whether chemicals are released into the environment as the panels age and whether or not any ground contamination occurs
- 12) it is not helpful as HBBC do not have a policy for solar panel farms; this glaring omission means that those who argue for the proposal, and those who argue against, have no agreed local policy to examine the pros and cons of planning applications of this type and have to fall back on the NPPF. It would be appropriate for this application to be deferred until the Borough Council has such a policy in place. Clearly this would not suit the developer as there is a reduction in subsidy and presumably the Borough Council because of its failure to have a policy in place, would be liable for any loss of subsidy over the 25 years period if its refuses this planning application.

Councillor Michael Mullaney raises the following observations:-

- 1) contacted by numerous residents concerned about the plans on a field next to the village's recreation ground
- 2) in principle promoting alternative energy is right, however a development of this scale needs to be in the right location and next to the village's recreation ground is not an appropriate location
- 3) the recreation ground is one of the main facilities and to have this development would be unsightly, severely impact on the visual amenity of the Recreation Ground – a public space widely used by many residents of the village and therefore not comply with the NPPF
- 4) in effect it can be seen as major industrial development in Stoke Golding and is not in keeping with its surroundings in terms of scale or character and therefore risks not complying with Policy NE5 of the HBBC Local Plan
- 5) residents strongly believe that to put this development next to a public park is in the wrong place to have such a large-scale development and would urge that it not be permitted on this proposed site

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
Planning for Renewable Energy: A Companion Guide to Planning Policy Statement 22 (PPS22)

Regional Policy Guidance: East Midlands Regional Plan 2009

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

Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 12

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy BE1: Design and Siting of Development
Policy BE14: Archaeology Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording

Supplementary Planning Guidance/Documents

Supplementary Planning Document (SPD): Sustainable Design

Other Guidance

Kyoto Protocol

Appraisal:-

The main considerations in respect of this application are the principle of development, impact upon visual landscape, drainage and flood risk, impact upon residential amenity and other issues.

Principle of Development

The application site lies outside of the settlement boundary of Stoke Golding, as defined on the proposals map of the adopted Local Plan 2001, and is therefore within an area designated as countryside.

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

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

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

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

- a. not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b. approve the application if its impacts are (or can be made) acceptable. (Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.)

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

Policy NE5 of the adopted Local Plan seeks to protect the character and appearance of the countryside for its own sake, with criteria a – c categorising acceptable forms of development. Although the proposed development does not fall within one of the categories of acceptable development as defined within this policy, since the release of the NPPF, these criteria are not considered to be consistent with the core theme of sustainable development within the NPPF and thus are considered to have limited weight. This said, the design related criteria (i – iv) of this policy are consistent with the intentions of the NPPF, and thus, remain applicable.

The scheme proposes a 7870 PV panel's solar farm which is estimated to generated 2.3 MW to power approximately 600 homes.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, regional and local level and it is considered that the proposed installation of the 7870 PV panels solar farm would provide a valuable contribution to the overall output of renewable energy within the area and thus will be consistent with the intentions of national and local planning policy.

The proposed development will meet the key principles of PPS22 Technical Annex and the NPPF and, in this case, can demonstrate potential environmental and economic benefits.

Accordingly whilst there is no in-principle objection to the use of Photo Voltaic (PV) panels, this must be carefully balanced against all other planning matters being adequately addressed.

Impact upon the Visual Landscape

As discussed earlier in this report the application site in policy terms lies outside of the defined settlement boundary of Stoke Golding, and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

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

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 have to meet the following criteria:-

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

Paragraph 97 of the NPPF supports this, stating that cumulative landscape and visual impacts of renewable energy sources should be addressed. PPS22 Technical Annex suggests that the colour and appearance of the modules should be considered, however there is no enforceable requirement to submit supporting documentation with a planning application to support this. This said, in order to give an indication only of the appearance, the applicant has submitted photographic evidence, during the course of the application.

The PV panels are to be strategically sited in uniform, parallel rows. Following the submission of amended plans showing a proposed mound, hedgerow and tree planting to the western periphery the previously most exposed elevation could be adequately screened, subject to the correct planting. There is already the presence of existing hedgerow and post and rail fencing to the east and southern boundaries, and the scheme also proposes additional native hedgerow improvements to the north of the site and aligning the access drive.

The panels themselves are relatively low level in nature, with one side of the panels being located higher than the other, the angle of the panels determining the overall height. The applicant has confirmed that the panels would be no higher than 2.15 metres from the ground level and a condition is recommended to secure this.

As such there will be post and rail fencing and hedgerow to the east and south, with a mound and hedgerow and tree planting to the eastern and north east elevations. A comprehensive landscaping condition is recommended which would secure full details of densities, species and siting of the planting to be agreed to the satisfaction of the Local Planning Authority, prior to the commencement of development. This condition aims to ensure the correct type of species and densities are planted to provide adequate screening.

In terms of wider views, such views as there would be would be either filtered through hedgerows and trees or from sufficient distance for the impact to be low.

Based on the amended plans there is a distance of 23 metres between the proposed mound and hedgerow and solar panels ensuring that excessive growth would not interfere with the solar exposure of the panels. In respect of management, given the development does not attract contributions, then a contribution cannot be secured and therefore management of the landscaping proposals would lie with the applicant. Notwithstanding that position, a landscaping condition is recommended to secure all further details including implementation of these proposals and a requirement that any species that were to die within a five year period would be replanted in accordance with the approved details.

Security fencing to a height of 2.4 metres is then proposed inside both the existing and proposed landscape features. It is considered that given the security fencing is to be proposed on the inside of the existing and proposed landscaping features that it would not be visually prominent within the landscape. Letters of representation have referred to the scale of security fencing, whilst others have expressed concern over vandalism, security, people jumping over the fencing and ensuring the area is made safe for children and users of the recreation ground. A reduction in the height of the fencing to more of a domestic scale would not be security fencing. A higher fence may deter people jumping over, but would then be more prominent in the landscape. As such it is considered that a height of 2.4 metres is acceptable in this case, but that the external colour and finish of the fencing be negotiated, and a condition is recommended to secure this.

During the course of the application the substation has been re-located to the north of the site, and the inverter houses removed. The removal of the 15 inverter houses is welcomed as there would be fewer structures within the site, and instead these are to be hung on the side of the solar strings. The substation has also been re-located during the course of the application at the northern corner of the site because this is where the incoming supply of the network is and gives ease of connection to the grid. The substation measuring 2.6 metres by 5.3 metres and to 2.8 metres in height would now be viewed against the backdrop of, and in context of, the surrounding development, namely the telephone exchange building, ensuring it is less visually prominent in the surrounding countryside.

A large number of representations have raised objections on the loss of view and loss of amenity of the adjacent recreation ground. The recreational ground does not have the same level of rights in terms of overshadowing, loss of light, overlooking or causing overbearing impacts as residential properties. In addition, the recreational ground, like residential properties does not have a right to a view. The scheme is not located on the recreation ground and would not prevent any of the existing current activities taking place should the scheme be implemented. It is also not considered that it would reduce the attractiveness of the recreation ground for use by residents and others.

In response to comments raised by the MP and other residents, Core Strategy Policy 11 states that to support the local services in Stoke Golding and maintain rural population levels the council will address the existing deficiencies in quality, quantity and accessibility of green space and play provision in Stoke Golding as detailed in the council's most up to date strategy and the Play Strategy. The site itself is not designated as a play space and so there is no loss of play space in this respect. In addition, the applicant has sought to address the visual impact from the surrounding countryside (including from the recreation ground) through the proposed landscaping proposals.

Given the relatively low level of the panels, combined with existing and proposed landscaping and fencing, it is considered that the panels would not be visually prominent within the landscape and there are not considered to be any adverse impacts arising from

the siting of the development on either the character of the surrounding countryside or landscape, or in terms of visual amenity from the street scene or recreation ground. The security fencing as discussed would be screened with existing and proposed landscaping features and by virtue of its materials and colour finish to be agreed would not be visually prominent within the landscape.

Notwithstanding the suggested landscaping conditions, an amended landscaping plan has been requested and will be reported on as a late item.

Although the land in question is currently undeveloped, on balance, when weighed against the sustainability credentials of the proposal, the scale of the proposal is not considered to warrant refusal of the scheme. The development is therefore considered consistent with the intentions of criteria i – iii of policy NE5 of the Local Plan.

Impact upon Residential Amenity

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

In respect of noise, during the course of the application the applicant has also submitted a Noise Statement and re-consultation has been undertaken with the Head of Community Services (Pollution).

The inverter cabinets have been removed during the course of the application and have been substituted by inverters to be hung at the end of each array. These are located to the east of the solar strings in parcels 1-5 and to the west of solar strings in parcel 6. These are responsible for the conversion of the light to electricity which is then transferred via cabling to the substation. The substation has also been re-located during the course of the application at the northern corner of the site because this is where the incoming supply of the network is.

The site is immediately adjoined to the north by a telephone exchange building, doctors surgery and the nearest residential properties No.'s 22 and 26 Pine Close and letters of objection have been received from both of these residential properties.

There is a distance of some 90 metres between the south of No. 26 Pine Close and the closest panels in parcel 1, and 40 metres between the dwelling and panels in parcel 6. Given the proposed native hedgerow trees and wildflower meadow and doctor's surgery to the east then there would be sufficient distances and screening to ensure that there would not be any significant detrimental impacts upon the residential amenity of this neighbouring dwelling.

No. 22 Pine Close would be located approximately 19.5 metres from the southern western point of the dwelling to the sub station and approximately 28 metres to the nearest panels. The existing confirmers at the entrance to the site and the proposed native hedgerow planting to the north and west of parcel 6 will provide a level of screening from the dwelling.

The scheme and additional Noise Statement has been considered by the Head of Community Services (Pollution).

The Head of Community Services (Pollution) has assessed a worst case scenario for the first 11 rows, by not taking into consideration the reduction in the noise levels as the rows move further from the properties i.e. the noise generated by the inverters on all 11 rows were

calculated as if positioned at row 1 and the resulting noise level as the nearest residential premises were calculated.

For the avoidance of doubt the inverters do not operate outside of daylight hours, therefore at the most sensitive times i.e. night time when people are trying to sleep the inverters would not be in operation.

The Head of Community Services (Pollution) does not believe that either a significant impact shall be caused by either the inverters or the substation.

All other residential properties are located further from the site than No.'s 22 and 26 Pine Close.

During the course of the application, the applicant has also confirmed that the alarm system will be silent and a condition to secure this is considered necessary in the interests of residential amenity. Given the absence of full external details of the inverters, it is also considered necessary to attach a condition to secure these details.

The Head of Community Services (Pollution) has stated that owing to public concern only, a condition could be imposed requesting a construction management plan. A condition requiring that the development be carried out in accordance with the installation document submitted is recommended in the interests of residential amenity.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

During the course of the application the applicant has produced a series of revised Flood Risk Assessments the latter of which was dated December 2012 and re-consultation has been undertaken with the Environment Agency.

Whilst the Environment Agency does not accept that there will be only a negligible increase in surface water run-off as a result of the provision of over 2 hectares of solar panels on the site, but because there is a technical solution to resolve this issue they have recommended that the proposed development will be acceptable only if a planning condition is included requiring drainage details to be provided prior to the commencement of development.

In the absence of full details and in the interests of flooding it is considered necessary to impose this suggested condition.

In summary, subject to the imposition of a planning condition it is considered that the proposed works would be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Other issues

Archaeology

Saved Policy BE14 states that where an initial assessment indicates that archaeological remains may exist; the Local Planning Authority will require the prospective developer to arrange for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. The results of the evaluation should be made available to the Local Planning Authority before it determines the application. Policy BE14 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.

The application has been accompanied by an Archaeological Risk Assessment and during the course of the application the applicant has submitted a desk based assessment. The scheme has been considered by the Directorate of Chief Executive (Archaeology) who has requested that a Geophysical Survey report be undertaken.

The Directorate of Chief Executive (Archaeology) has confirmed that they are satisfied with the results of the survey confirming that no significant archaeological remains are present and that no further work is required.

In summary, the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policy BE14 of the Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the NPPF.

Impact upon Designated Landscapes

The application has been accompanied by an Ecology and Biodiversity report which has been considered by the Directorate of Chief Executive, LCC (Ecology) who has no objections to the scheme, subject to the applicant being made aware of the recommendations within the ecology report. It is considered that a note to applicant be added.

Impact upon Trees and Tree Preservation Order (TPO)

Following the submission of amended plans the mature oak tree sited within parcel 3 has now been retained. The applicant has confirmed that it has never been their intention to remove the tree, but that it was shown to be removed to incorporate parcels, lost as a result of the wildflower meadow and other landscaping proposals. The applicant has sought to work positively and proactively in providing additional landscaping and biodiversity on the site and now seeks to retain the existing oak tree. Their approach and latest proposals are welcomed.

A request has also been made and considered for a TPO on an oak tree within the site. The request is made on the basis that the tree would not be affected by the original proposed development, but the latest plan shows the removal of the tree to make way for the PV panels and that the tree should be retained at all costs, as it forms a focal point in the open views towards Hinckley when viewed from the recreation ground.

Environmental Impact Assessment (EIA)

The proposed development was screened by the Local Planning Authority in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether it constituted EIA development and if a subsequent Environmental Statement was required to be submitted for consideration.

Based on the information provided it was concluded that the proposed solar panel farm was not EIA development and therefore an Environmental Statement was not required.

For the avoidance of doubt Policy NE1 (Environmental Assessment) is not a saved Local Plan Policy.

Health Issues

During the course of the application the applicant has provided a materials statement which confirms that silicon panels comprise of tempered glass, aluminium, copper, plastics and silicon. The applicant confirms that there is no hazardous material that could be released during the panel's life, but that if there was to be a fire then like common plastic materials, the solar PV can emit chemical substances. The applicant confirms that at the end of their life span or if a panel becomes damaged then they have to be handled and un-installed by qualified personnel, and stored in a dry place and have confirmed if one panel becomes damaged, it's likely that it would be sent back to the manufacturer for a replacement. As for the whole installation, it would ordinarily be decommissioned and recycled. As much as 84% of the module weight can be recycled.

It is considered that a de-commissioning condition be attached which would secure the full details of the method undertaken to remove the modules once they are at the end of their life (in addition to restoration works) and should any module which should become damaged or need to be replaced in the meantime should be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. In addition, conditions relating to the installation and maintenance, including a log book to be kept, are also suggested.

The companion Guide to PPS22 covers health issues associated with other sources of renewable energy such as wind turbines but gives no indication of any health issues associated with PV panels.

Glare

In respect of glare, the applicant states that there is a misconception with glare and that the design chosen has low reflectivity of 9% of visible light as opposed to 17% for glass, thereby reducing glint and glare risks.

From a recent solar panel farm in the Borough of Charnwood, Charnwood Borough Council reported that glare is something avoided because it is an indication that light is being lost in the generation process and that evidence from an existing solar farm site in Newark demonstrates that photovoltaic panels are a matt dark blue colour seen from the front, although oblique views of the arrays tend to have a dull, lighter grey metallic sheen caused by the framing of the panels and that the likelihood of glare being a significant issue appears to be low.

Consultation

In respect of the consultation and notification process, only those residential properties which adjoin the site are directly notified and given 21 days to comment and a site notice, which was posted after the letters were sent out, allows 21 days for any other interested parties to make their representations. A press notice was also posted in the Hinckley Times. At the request of the local Parish Council, local Ward Member and County Councillor, the consultation period was informally extended and then formally extended until 23 December 2012.

Following the submission of amended and additional plans all neighbouring properties originally consulted and those who had made letters of representation have been formally re-consulted on the application, allowing a further extension of time until the 27 December 2012.

For the avoidance of doubt Paragraph 66 of the NPPF states that: “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.” As such as the NPPF explains there is an expectation but not a formal requirement, and does not state that any development that does not should be looked on less favourably. There also needs to be recognition that this development is what it is, in terms of solar panels set out to take advantage of natural light and therefore design options are limited.

A site visit has been undertaken to assess the potential impacts upon the locality. A request has been made for a site visit to be undertaken by members of planning committee, prior to the committee meeting.

Letters of Representation

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

For the avoidance of doubt the site is located outside of the settlement boundary of Stoke Golding and therefore designated as countryside. The site is not designated as Green Wedge or in Green Belt land and is not in a Conservation Area.

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

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

There is no planning requirement for the applicant to adopt, improve or maintain the un-adopted road at the end of Pine Close.

In respect of comments raised about the quality of land, the loss of the best and most versatile agricultural land is not a material planning consideration in this case.

For the avoidance of doubt there is not a specific policy for every single form of development, and as such the Local Planning Authority has to consider the scheme in relation to relevant Saved Local Plan Policies and the overarching guidance contained at national level. There is no specific solar farm policy but this is not a valid reason to defer or refuse the application. The applicant is within their rights to appeal against non determination and make a costs claim if this was the case.

Concerns have been raised that the proposal is of a commercial scale. In response to this, the scheme submitted has been considered on its merits, and in terms of sustainability and providing for future energy needs, in principle, a large scale scheme can only be considered beneficial. In principle, the scheme in question is considered consistent with the intentions of the NPPF, which is supportive of, and seeks to encourage the development of sustainable energy technologies.

Letters of representation have requested that the panels be moved another field away. There is no requirement for the consideration of alternative sites, the site applied for has been considered, and determined on its merits. Similarly in response to a letter of representation suggesting solar panels in different locations and forms, the planning application is considered as per the application and it must be assessed on that basis.

In respect of concerns over the future use and land designation of the site, the NPPF confirms that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the development land and any associated fixed surface

infrastructure. The definition then goes on to include exceptions. This application is a temporary permission, as the lifetime of the scheme is over a 25 year period. After this date the applicant, in accordance with suggested conditions, is required to remove the PV panels and associated equipment and infrastructure from the site and restore the site. The concerns also state that other development could then be allowed on site. The Local Planning Authority would have to take a view and determine any subsequent application at this time on its own merits and this has no relevance to the determination of this application.

In terms of the liability concerns raised by County Councillor Ivan Ould if the Council grants planning permission where the impact is detrimental and it has not fully considered and balanced the impact against the benefits of permission then those adjoining landowners affected may have a claim for judicial review of the decision but where the Council grants planning permission and has carefully balanced its impact on neighbouring properties as it is consider it has recommended in this case then that is not the case. In terms of the impact from cricket balls and other sports equipment from the recreation ground, the applicant has confirmed that the installation will be insured against any potential damage. The potential for netting is being considered by the applicant and will be reported on as a late time. The security fencing is also designed to prevent intruders and may assist in preventing some balls from entering the site.

All accompanying reports have been carefully considered by experts in their particular field, for example the Ecology and Biodiversity Reports has been considered by Directorate of Chief Executive (Ecology), the Archaeological Risk Assessment has been considered by Directorate of Chief Executive (Archaeology) and the Flood Risk Assessment by the Environment Agency and Head of Community Services (Land Drainage).

The Director of Environment and Transport (Highways) raises no concerns in respect of neighbouring objections upon the limited access and disruption on local residents as a result of traffic whilst the development is set up.

Conclusion

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

There is specific planning policy support for renewable energy projects both at national, regional and local level. It is considered that the proposed PV panels would contribute to the overall outputs of renewable energy targets for the East Midlands Region. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The scheme has been assessed from its landscape and visual impacts, impacts upon drainage and flooding, areas of historical and designated landscapes, impacts upon residential amenity and other associated impacts.

By virtue of the siting and scale of the PV panels, and the existing and proposed landscape features, there are considered to be no adverse impacts on the character or appearance of the countryside, nor is the scheme considered to result in any other material impacts, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

As such the proposals are considered to be in accordance with Saved Local Plan Policies NE5 (criteria i-iii) BE1 (criteria a and i) and central government guidance contained with the NPPF and the Companion Guide PPS22.

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

RECOMMODATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the photovoltaic panels will contribute to renewable energy production whilst as a result of their location, scale and design they will not have an adverse impact on the character or appearance of the countryside, residential amenity, flood risk, designated sites or protected species.

Hinckley & Bosworth Local Plan (2001):- Policies NE5, NE14 (criteria i - iii), BE1 (criteria a, and i) BE14.

Local Plan 2006-2026: Core Strategy (2009):- Spatial Objective 12.

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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. Written confirmation of the date of the first export of electricity to the grid shall be provided to the local planning authority within one month of the date of this taking place.

To ensure that a record can be kept of all operational PV panels and 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 details: Location Plan Drawing No. 01S; Solar Panel Detail Drawing No. 03S; Inverter Substation Detail Drawing No. 06S; Substation and Control Room Detail Drawing No. 07S; Security Fence Detail Drawing No. 05S received by the Local Planning Authority on 29 October 2012 and amended details: Wildflower Meadow Detail Drawing No. 08S received by the Local Planning Authority on 12 December 2012 and Site Block Plan Drawing No. 02S and Detailed Planting Proposals 07S received by the Local Planning Authority on 9 January 2013.

For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the submitted details no development shall commence until representative samples and colour finish of the PV panels, brackets, substation, control substation and security fencing are first be submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

In the absence of full details and in the interests of visual amenity to accord with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 4 Notwithstanding the submitted details no development shall commence until full scaled plans of the external appearance of the proposed inverters and method of fixing shall first be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

In the absence of full details and in the interests of visual amenity to accord with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 5 Notwithstanding the submission of amended plans no development shall commence until full comprehensive 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, including security fencing
- b) Proposed mound details
- c) Proposed native hedgerow planting
- d) Schedules of all planting, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
- e) Implementation programme.

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.

In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 and NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001..

- 6 No development shall commence until a 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 to accord the overarching intentions of the NPPF.

- 7 No development shall commence until a Removal Method Statement shall be submitted to and approved in writing by the Local Planning Authority in the event any PV module needs to be removed or replaced before the expiry of this planning

permission. The removal or replacement of any module shall be carried out in compliance with the approved Removal Method Statement

To ensure best practices throughout the removal phase of the development are used in accordance with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 8 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of the first export of electricity (in conformity with Condition 1) to the grid from the PV panels hereby permitted, after which time use shall cease and the PV panels and associated equipment and infrastructure shall be removed from the site in accordance with Condition 9.

The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policies BE1 (criterion a) and NE5 (criterion i) of the Hinckley and Bosworth Local Plan 2001.

- 9 Within one year of first export of electricity (in conformity with Condition 1) a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-

- a) decommissioning and works for the removal of the PV panels
- b) decommissioning and works for the removal of all other ancillary equipment and structures
- c) the depth to which the PV panels and ancillary equipment would be dismantled and removed from site
- d) method of removal
- e) works for the restoration of the site
- f) timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with Policies NE14, BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 10 The solar panels hereby approved shall not be sited higher than 2.15 metres above ground level.

For the avoidance of doubt and in the interests of visual amenity to accord with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 11 The alarm system shall be silent at all times.

In the interests of preserving residential amenity to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 12 All cables within the development site shall be set underground.

In the interests of visual amenity in accordance with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 13 The development hereby permitted shall be carried out in strict accordance with Installation Document received by the Local Planning Authority on 5 October 2012.

To ensure best practices are employed throughout the development phase in accordance with Policies NE14, BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

- 14 The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

To ensure the panels are checked and maintained in the interests of visual amenity and to ensure that that best practices are maintained in accordance with Policies NE14, BE1 (criterion a) and NE5 (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.
- 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's attention is drawing to the recommendations in section 7 of the Ecology Report.
- 6 In respect of Condition 6 the drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 20% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event The scheme shall also include:
 - a) surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - b) limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 20% (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
 - c) provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm
 - d) detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements
 - 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.

Contact Officer: - Ebony Mattley

Ext 5691

Item: 03
Reference: 12/00950/EXT
Applicant: Mr Terry Poulton
Location: 42 Ashby Road Hinckley Leicestershire
Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION
09/00778/EXT FOR OUTLINE RESIDENTIAL DEVELOPMENT
(05/00684/OUT)
Target Date: 5 February 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes a major development of more than 10 dwellings.

Application Proposal

This application seeks an extension of time to the three year time limit for the implementation of the previously extended planning permission 09/00778/EXT for residential development of up to 37 dwellings at land to the rear of Ashby Road, Hinckley. This is the second extension of time application on this site relating to the original planning permission reference 05/00684/OUT.

The Site and Surrounding Area

The application site consists of 42 Ashby Road and land to the rear bounded by the Ashby Road Cemetery to the south and east, residential properties facing Ashby Road to the west and by the big pit, a large body of water formed from former brickworks to the north. The site has an area of 0.75 hectares.

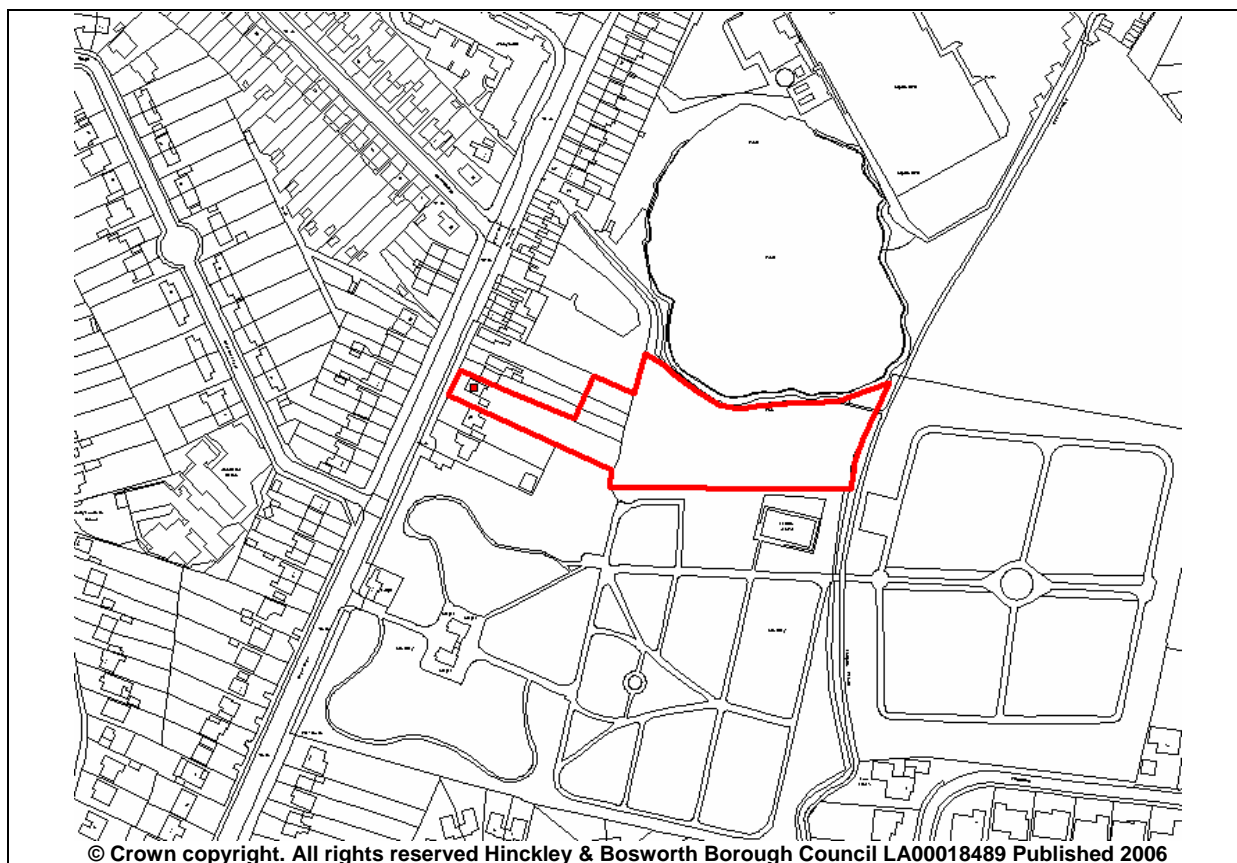
The site has been used as part of the brickyard clay extraction operation at the adjacent pit. An angling club has also been associated with the land. The character of the area is predominantly residential with a local shopping centre nearby. It is on the main vehicle route north out of Hinckley. The site is currently overgrown.

Technical Documents submitted with application

None.

Relevant Planning History:-

09/00778/EXT	Extension of time of 05/00684/EXT	Approved	11.01.10
05/00684/OUT	Residential Development	Allowed on Appeal	30.01.07



Consultations:-

No objection from:-

Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive (Ecology)
Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Environment Agency
Head of Community Services (Pollution)
Head of Business Development and Street Scene Services

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Directorate of Chief Executive (Ecology) no request
- b) Director of Children and young Peoples Services (Education) Primary Sector: £85,340.20. Higher Sector: nil. Upper Sector: £67,914.09 to provide additional places at both primary and upper sector level
- c) Director of Environment and Transport (Civic Amenity) £1741 to go towards improvements in capacity at Barwell Civic Amenity Site
- d) Director of Adults and Communities (Libraries) £27.18 per 1 bed unit, £54.35 per 2 bed unit, and £63.41 per 3/4/5 unit to increase resources at Hinckley Library.

One neighbour objection received on the following grounds:-

- a) dust
- b) fumes and smell
- c) inadequate access

- d) interference
- e) intrusion into countryside
- f) loss of view
- g) damage to trees
- h) noise and disturbance
- i) infrastructure deficiency
- j) loss of amenities: overshadowing, overbearing, privacy
- k) traffic and parking.

Policy:-

National Planning Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
 Policy 13a: Regional Housing Provision
 Policy 14: Regional Priorities for Affordable Housing

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
 Policy 15: Affordable Housing
 Policy 16: Housing Density, Mix and Design
 Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

BE1: Design and Siting of Development
 REC2: New Residential Development Outdoor Open Space Provision for Formal Recreation
 REC3: New Residential Development Outdoor Play Space for Children
 RES5: Residential Proposals on Unallocated Sites
 T5: Highway Design and Vehicle Parking Standards
 IMP1: Contributions towards the Provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Appraisal:-

The main consideration in determining this application is whether any development plan policies or other material considerations have changed significantly since the earlier grant of permission (09/00887/EXT) which may lead to a different conclusion on the acceptability of the application.

The only change in planning policy is the arrival of the National Planning Policy Framework. The Framework is intended to simplify the previous regime of planning policy statements and provides a presumption in favour of sustainable development. The Framework confirms that there are three strands to the definition of sustainable development, those being economic, social and environmental.

The application site is located within a defined settlement boundary for Hinckley, where there are arising material impacts on the environment, highway safety or residential amenity.

Accordingly, the development by nature of its type is considered to be sustainable and compliant with the objectives of the NPPF.

Therefore given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions are still relevant and necessary, whether additional conditions should be imposed or whether there are changes required to the Section 106 agreement previously signed.

Conditions

Condition no.3 which requires the reserved matters application to include the following information:

- a) the provision to be made for vehicle parking and turning within the site
- b) the provision to be made for loading and unloading within the site
- c) the method of disposal of surface and foul water drainage, which shall be on separate systems
- d) the provision to be made for screening by walls and fences
- e) the provision of open spaces within the site
- f) the phasing of the development
- g) the floor levels of the proposed dwellings in relation to the existing ground levels and finished levels of the site.

This is an invalid condition and fails to meet the tests of Circular 11/95 as it requires more than the statutory requirement for reserved matters. This condition must be omitted.

Condition no.16 relates to the retention of the adjacent pit and other than through ownership is not related to the application. This condition is not necessary.

It is considered that the remaining conditions are valid (subject to some minor rewording) and should be carried forward to any new permission.

Developer Contributions

The general approach to 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.

Both of the earlier applications were subject to legal agreements to secure developer contributions. In the determination of the current application it is necessary to reassess the case for any developer contribution to ensure that they are compliant with the development plan and the CIL Regulations of 2010.

The current proposal attracts the following developer contributions:-

Affordable Housing

In accordance with the requirements of Policy 15 of the Adopted Core Strategy, 20% affordable housing provision is required based on a tenure split of 75% social rent and 25% intermediate.

This contribution has a sound policy basis and is considered to be necessary to make the development acceptable in planning terms and therefore satisfies the CIL Regulations.

Play and Open Space

In accordance with the requirements of Policies REC2 and REC3 of the Local Plan contributions towards play and open space provisions are triggered. The indicative layout plan attached to the original 2005 planning permission shows the provision of 1410 square metres of on site open space however the exact amount of space and its functional use as a play and open space is not known at this stage and will not be known until the reserved matter for layout is considered and approved. It is always the Council's preferred option to seek open space as part of any development and in this instance on site provision for children's equipped space and informal children's play space is considered possible and necessary at a rate of:

5 square metres per dwelling for children's equipped
15 square metres per dwelling for informal children's play

Maintenance will be secured at the following rates in accordance with the SPD:

£353.50 per dwelling for children's equipped maintenance for 20 years.
£79.50 per dwelling for Informal Children's Play maintenance for 20 years.

Due to the amount of space required for formal sport provision this cannot be provided on site, however in accordance with the adopted SPD this can be secured for use at Richmond Park. The level of contribution will be in accordance with SPD as follows:

£322.80 per dwelling
£264.00 per dwelling for maintenance for 10 years.

The Green Space Strategy 2007 (GSS) confirms that the Council's long term intention is to protect and improve the quality of the existing outdoor sports facilities in Hinckley. The 2007 GSS confirms that Hinckley has a -12.5 deficiency of outdoor sports space when compared to the national average. Accordingly, this development will further compromise this figure and the contributions secured will help to address this deficiency and improve outdoor sport provision within the locality of the development, making the development compliant with the requirements of Policy REC2 and acceptable in planning terms.

These contributions have a sound policy basis and are considered to be necessary to make the development acceptable in planning terms and therefore satisfies the CIL Regulations.

Education

Leicestershire County Council seeks the following developer contributions in respect of infrastructure provision or education.

£2,904 per dwelling for Holliers Walk Primary School.
£1836 per dwelling for John Cleveland College.

In line with recent appeal decisions and the information provided by the education authority this contribution is considered to be necessary to make the development acceptable in planning terms and therefore satisfy the CIL Regulations.

Libraries

Leicestershire County Council seeks the following developer contributions in respect of Libraries to be used at Hinckley Library.

£27.18 per 1 bed unit, £54.35 per 2 bed unit, and £63.41 per 3/4/5 bed unit

The supporting information supplied with the request does not justify the contribution is necessary to make the development acceptable in planning terms because it is not shown that there is a noticeable impact from the development. The existing active borrower base is 11,000 but analysis indicates a wider catchment area of approximately 46,300 who use the library in Hinckley. Accordingly it is not considered to result in a noticeable increase that demonstrates that any improvement is required to make the development acceptable in planning terms. Accordingly this request fails to satisfy the CIL Regulations.

Civic Amenity

Leicestershire County Council seeks the following developer contributions in respect of Civic Amenity Infrastructure provisions at the existing Barwell site.

£1741 per dwelling

The supporting information supplied within the request, suggests that the development subject to the application will result in an additional 10 tonnes of waste per annum, however the site current receives 8,200 tonnes per annum and this increase is not considered to result in a noticeable increase that demonstrates that any improvement is required to make the development acceptable in planning terms. Accordingly this request fails to satisfy the CIL Regulations.

The 2005 permission included a Unilateral Undertaking agreeing to retain the adjacent pit as a water body. The pit remains as a water body today and is within the ownership of the applicant but is not subject to this application and is outside of the application site. Accordingly, there is no planning requirement for the pit to be retained as a water body and any such legal obligation fails the tests of the CIL Regulations.

Other issues

The earlier extension of time (2009) failed to secure that the development to be delivered in accordance with the requirements of Policy 24 of the adopted Core Strategy and be constructed to Code Level 3 of the Code for Sustainable Homes. This policy is a valid development plan policy and any new development within Hinckley should be delivered in accordance. Accordingly a condition is proposed to secure this.

Conclusion

As this application is only to be considered in terms of changes to planning policy or other material considerations that have occurred since the previous permission it is considered that the extension of the scheme is acceptable subject to conditions and the signing of a legal agreement.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities and education, the Head of Planning be granted powers to issue outline consent, subject to the conditions below. Failure to complete the said agreement by 22 April 2013 may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the earlier appeal decision, the changes to the development plan, other material considerations since that decision and representations received, 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 the site is within the settlement boundary, the access would be suitable to serve the development, and a Section 106 agreement would secure appropriate contributions towards infrastructure requirements.

Hinckley and Bosworth Local Plan 2001:- RES5, BE1, T5, IMP1, REC2, REC3, NE12

Local Plan 2006-2026: Core Strategy (2009):- Policy 1, Policy 15, Policy 16, Policy 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.

- 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.
- 3 No development shall take place until a comprehensive and detailed assessment of the impact of the proposed access on adjacent residential properties and mitigation measures to be carried out, to include details of all acoustic walls and fences to be provided along the boundary of the access, have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 4 No development shall take place until a comprehensive and detailed assessment of the safety measures to be undertaken on the northern boundary of the site with the pit have been submitted to and approved in writing by the local planning authority. The approved safety measures shall be implemented prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) car parking layouts
 - d) other vehicle and pedestrian access and circulation areas
 - e) hard surfacing materials
 - f) retained historic landscape features and proposals for restoration, where relevant
 - g) planting plans
 - h) written specifications

- i) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - j) implementation programme.
- 6 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.
- 7 No development shall take place until details of the proposed footpath link between footpath U76 and Ashby Road have been submitted to and approved in writing by the local planning authority. The footpath link shall be constructed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 8 Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme (SUDS), in accordance with the principles of sustainable drainage systems set out in Planning Policy Statement 25: Development and Flood Risk (PPS25), and the results of that assessment have been provided to the local planning authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.
- 9 Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the local planning authority before the development commences. Those details shall include a programme for implementing the works. Where, in light of the assessment required by condition (8), the local planning authority concludes that a SUDS scheme should be implemented, details of the works shall specify:-
- a) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime
 - b) the responsibilities of each party for implementation of the SUDS scheme, together with a timetable for that implementation.
- 10 The approved method for disposal of surface and foul water drainage shall be constructed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 11 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 12 Means of vehicular access to the residential development hereby permitted shall be from the site of 42 Ashby Road only. Notwithstanding the details shown on Drawing No. 09946-PL01 Rev B, details of the width and radii of the access shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The access shall be constructed in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.

- 13 No development approved by this planning permission shall be commenced until:-
- a) a desk-study has been carried out which shall include the identification of the previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced
 - b) a site investigation has been designed for the site using the information obtained from the desk-study and Conceptual Model. This should be submitted to and approved in writing by the local planning authority prior to the investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements
 - c) the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been completed
 - d) a written Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the site investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site
 - e) the works specified in the remediation requirements have been completed in accordance with the approved scheme
 - f) appropriate validation that the remediation requirements have been implemented in accordance with the approved scheme has been submitted in writing to the local planning authority.
- 14 If during development works any contamination should be encountered that has not been appropriately considered in the Method Statement, then details should be submitted immediately to the local planning authority, and any revised remediation requirements should subsequently be carried out in accordance with a revised scheme of works submitted to and approved in writing by the local planning authority prior to the commencement of the revised remediation works. Appropriate validation that the revised remediation works have been implemented in accordance with the approved revised scheme shall be submitted in writing to the local planning authority prior to the first occupation of any dwelling hereby permitted.
- 15 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 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 does not have a detrimental impact on adjacent residential properties to accord with policy BE1 of the adopted Local Plan.
- 4 To ensure the retention of the Pit does not create a danger to future occupiers of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the development has a satisfactory appearance to ensure compliance with the requirements of Policy BE1 (e) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the pedestrian access is maximised to reduce the reliance on travel by car, in accordance with the requirements of Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 - 11 To ensure the development is provided with 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 to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 12 In the interests of highway safety and to ensure compliance with the requirements of Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13&14 To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure compliance with the requirements of Policy 24 of the Adopted Local Plan 2006-2026: Core Strategy 2009.

Notes to Applicant:-

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

Contact Officer: - James Hicks Ext 5762

Item: 04
Reference: 12/00964/FUL
Applicant: Mr Jim Dawson
Location: Land Off Bagworth Road Nailstone
Proposal: ERECTION OF FARMHOUSE, AGRICULTURAL BUILDINGS AND NEW ACCESS
Target Date: 11 February 2013

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

This application seeks full planning permission for a new farmstead. The development comprises of a detached four bedroomed dwelling, with a double garage, integral office and downstairs shower room; a cow shed measuring 44.6m by 22.3m incorporating a milking parlour and dairy; silage clamp and muck store.

The proposed farmstead would be located to the north of Bagworth Road, and north-east of the village of Nailstone. A new access is proposed off Bagworth Road to provide access to the proposal.

The proposed dwelling is double aspect with two projecting wings to the north-western elevation and central projecting gable to the south-western elevation. It would be sited to the west of the access into the site. The cow shed and milking parlour would be located to the east of the access with the muck storage and silage clamp located beyond.

The Site and Surrounding Area

The application site is located to the north-east of the village of Nailstone, approximately 350m from the settlement boundary, and therefore within the countryside. The application is on a greenfield site that is currently arable land and part of the existing agricultural holding. The countryside is gently undulating, with a slope down from south to north to the stream located to the north of the site. Fields are generally separated by hedgerows.

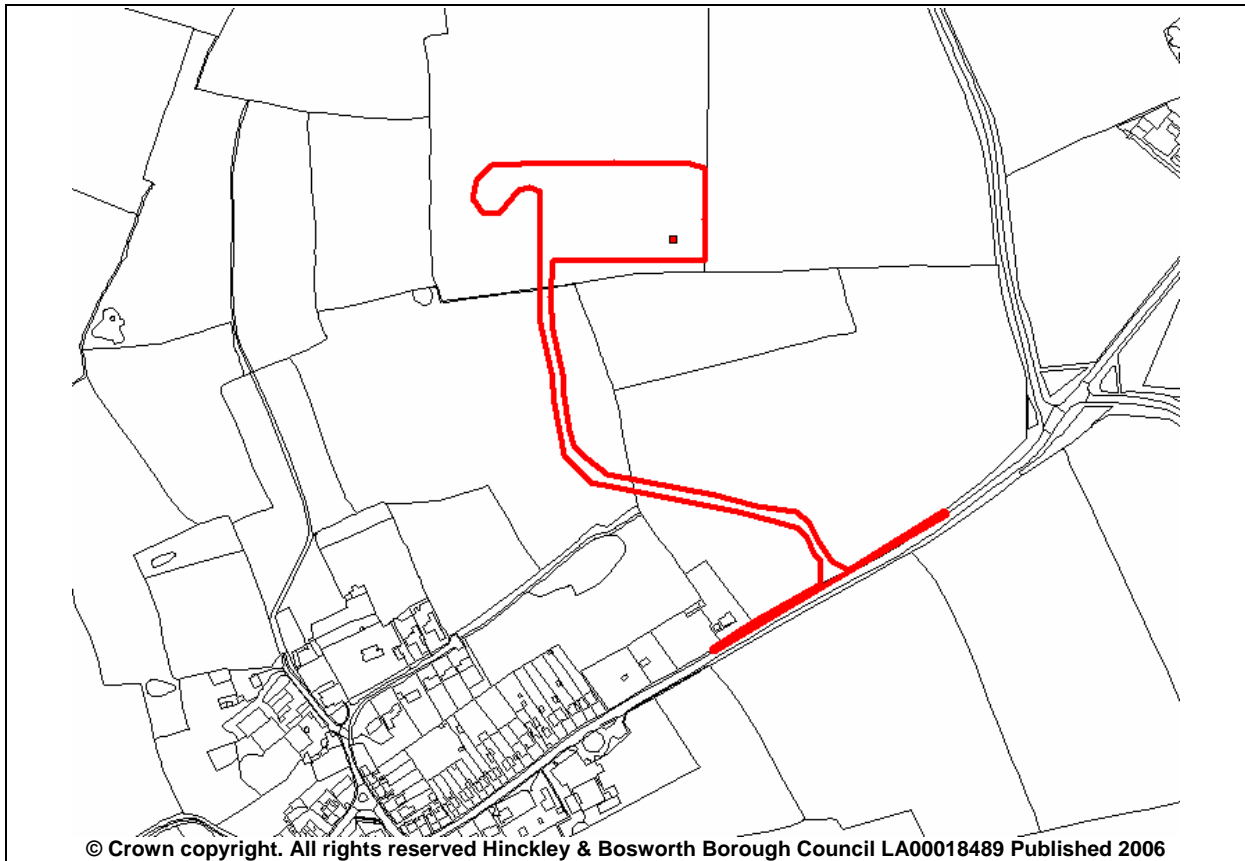
Technical Document submitted with application

Agricultural Appraisal
Protected Species Survey
Archaeological Evaluation and Geophysical Surveys
Flood Risk Assessment

None relevant to site.

Relevant Planning History to Yew Tree Farm:-

10/00757/FUL	Conversion of farm buildings into dwelling and erection of two new dwellings	Approved	02.12.10
07/00747/FUL	Conversion of farmhouse and farm buildings into three dwelling and erection of two new dwellings	Approved	30.08.07



Consultations:-

No objection has been received from:-

Severn Trent Water Limited
The Borough Council's Agricultural Appraisal Consultant

Directorate of Chief Executive (Ecology)
No objection subject to conditions have been received from:-
Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Rights of Way)
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Head of Business Development and Street Scene Services
Environment Agency

Site notice and Press notice were displayed and neighbours notified.

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

Neighbours
Nailstone Parish Council
Ramblers Association
Police architectural Liaison Officer
Leicestershire Footpaths Association

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

IMP1: Contributions towards the provision of infrastructure and facilities
RES5: Residential proposals on unallocated sites.
RES12: New Agricultural dwellings
BE1: Design and Siting of Development
NE2: Pollution
NE5: Development in the Countryside
NE12: Landscaping schemes

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): Design and siting of agricultural buildings

Appraisal:-

The main considerations with regards to this application are the principle of development, the need and justification for an agricultural workers dwelling, the scale, design and appearance of the proposals, highway safety, archaeology, flood risk, pollution and landscaping.

Principle of Development

The proposal is outside the settlement boundary of Nailstone, and therefore considered to be within the countryside. The relevant policies have to be considered in light of the NPPF. The NPPF has a presumption in favour of sustainable development, and with regard to isolated new dwellings in the countryside allows them in special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work' (paragraph 55). The NPPF supports economic development, specifically stating that plans should seek promote the development and diversification of agricultural business (paragraph 28).

The Councils Policies are contained within Policies NE5 (development in the countryside), and RES12 (new agricultural dwellings). Policy NE5 supports development in Countryside providing it is:-

- important to the local economy
- for the change of use, re-use or extension of existing buildings
- for sport or recreation.

And where;

- it does not adversely affect the landscape
- it is in keeping with the scale and character of existing buildings
- where necessary it is effectively screened
- proposal will not generate traffic likely to exceed the capacity of the highway network.

Policy RES12 states that when assessing applications for dwellings to accommodate a person employed in agriculture the following matters will be considered:-

- a) the agricultural holding must be of a nature that requires a person to live on the site
- b) viability of the holding
- c) the availability of suitable alternative accommodation.

In accordance with Paragraph 215 of the NPPF the conformity of these policies with the NPPF has been considered. Policy NE5 is considered to have limited conformity with the NPPF; however Policy RES12 is considered to have a high degree of conformity. In accordance with the above the proposal for an agricultural workers dwelling and farm buildings is considered to be acceptable in principle.

Essential Need for agricultural dwelling

The dwelling would be located outside the settlement boundary and therefore is considered to be an isolated new dwelling. Both the NPPF and Policy RES12 of the Local Plan support dwellings for agricultural workers where there is an essential need for a person to live on the site.

The farm is an existing enterprise operating from Yew Tree Farm, within the village of Nailstone. Planning permission has been granted on this site for residential development, including the conversion of the existing farm house. Yew Tree Farm consists of brick buildings, which are no longer fit for modern agricultural purpose and the location within the village centre has resulted in access problems. The residential proposal was considered acceptable on these grounds. This has resulted in a need for the farm operation to be relocated within the existing holding.

The applicant has submitted an agricultural appraisal in support of the application. This, including the business accounts, has been independently assessed. The enterprise consists of a dairy herd of 100 dairy cows, 27 dairy replacements and 27 beef cattle on a holding totalling 88 hectares. The independent consultant has acknowledged that dairy and associated breeding and calf rearing represent a highly demanding agricultural regime, including looking after the general welfare of the cattle, reproductive requirements of the stock and continuous daily programme of milking. The independent assessor has confirmed that there is a clear requirement for the proposed dairy unit to have a key worker on site.

The appraisal has calculated that this size of herd would result in 2.25 full time persons being employed with one being resident at the farm house. The enterprise currently employs the applicant, his son, on a part time basis, and one relief milker, one day a week. The independent assessor has evaluated the enterprise as requiring 2.10 full time workers, and whilst slightly less than the applicants appraisal, this still justifies a little over 2 full time

workers and is more than currently employed. The assessor has inspected the accounts for the business and confirms that it is financially viable and therefore a sustainable enterprise.

Alternative accommodation was investigated and the local housing market surveyed. Whilst there were found to be two four bedroom dwellings for sale within a 1 mile radius neither of these would be on the site and therefore divorced from the agricultural buildings. These dwellings would not meet the welfare requirement of the stock and the management needs of the unit would not be met.

It is considered that the applicant has sufficiently demonstrated that the nature of the enterprise requires somebody to live on the site and that the enterprise is sufficiently viable to sustain at least one full time worker. It is considered therefore that the requirements of Policy RES12 and NPPF paragraph 55 have been met.

Design, appearance and scale

Dwelling

The proposed dwelling has been designed with active frontages on two sides. It is a four bedroomed dwelling with projecting gable features. The design incorporates bay windows, strong lintels across the windows and a chimney. The property would be seen as an isolated dwelling without any other dwellings nearby to take reference from. The proposal is set well back from the highway and away from the public footpath. It is considered that the proposed design and appearance is acceptable and complies with Policy BE1 (a).

The proposed dwelling is four bedroomed with one en-suite and bathroom, including attached double garage with large utility with shower room and office. The size of the dwelling is justified as being comparable to that currently occupied at Yew Tree Farm. The size of the proposed dwelling is therefore considered acceptable.

Agricultural Building

The proposal is for an agricultural building measuring 22.3m by 44.6m with a dairy attached to the north western corner of the building measuring 6.2m by 15.1m. The main building contains pens either side of a feed drive and milking parlour with access to the dairy. Whilst the main building is constructed out of concrete panels to the bottom 2.4m with York hit and miss boarding above and steel cladding to the roof, the dairy is a brick structure with steel cladding to the roof.

The design and appearance of the building is in keeping with other modern agricultural buildings. The scale is considered acceptable and the independent assessor has stated that the proposed new unit would meet the required minimal spatial and behavioural needs of the dairy herd having regard to the Red Tractor Scheme and Farm Animal Welfare Council Report.

It is considered that the siting- grouping the building and structures together, scale and appearance of the agricultural building is considered acceptable and complies with Policy BE1 (a).

The proposal also seeks provision for a muck store and silage clamp. These are concrete enclosures approximately 3m in height located to the east of the agricultural store. These are lower structures that would be partially dug in to the hillside and therefore their profile would be reduced. The siting and location of these elements of the scheme are considered acceptable.

Highway safety

The proposal would result in a new access being created from Bagworth Road. Bagworth Road is an unlit Class C road subject to the national speed limit. It is proposed to create a new access located 80m from the boundary of the last dwelling 81 Bagworth Road. The applicant has included within the red line of the site visibility splays measuring 2.4m by 120m to the west and 2.4m by 160m to the east. These require the hedgerow to be moved back and the landscape plans provide the details of the replacement hedgerow species.

The Director of Environment and Transport (Highways) has no objection subject to conditions. One of which is a condition requiring details of signage to be agreed. The reason given is to prevent heavy goods vehicles from entering Nailstone. The existing farm yard is within the village and therefore the situation at the moment requires traffic to go through the village. Should the development go ahead, this situation would improve and whilst at first traffic may take a wrong turn; this will be no worse than the current situation. It is therefore considered that this condition is not necessary to make the development acceptable and can not be imposed.

Footpath Q83 crosses the site running from Bagworth Road to the west of the proposed entrance to the east and across the proposed access road, finally joining Grange Lane, opposite Grange Cottages. The Director of Environment and Transport (Rights of Way) has commented that whilst the conflict between pedestrians and vehicular traffic should not be significant however the applicant will have to ensure that pedestrians continue to have free access at all times along footpath Q83. It is recommended that directional waymarked posts are installed by the applicant where the footpath crosses the access drive. Whilst this is something the applicant needs to be aware of, no objection has been received from the Director of Environment and Transport (Rights of Way), and a note to applicant will be added drawing their attention to the comments of the Director of Environment and Transport (Rights of Way).

Archaeology

The application has been submitted with an archaeological report which documents the findings of a series of trial trenches across the site. A total of 11 trench's were opened across the site, 4 along the length of the proposed access and 6 within the area containing the dwelling, cow barn, silage clamp and muck store. Only one trench revealed heritage assets of any significance. The Directorate of Chief Executive (Archaeology) has referred to the report within their representations however has requested a condition requiring a scheme of archaeological investigation. It is considered that this has already been done and further clarification of Directorate of Chief Executive (Archaeology) has been sought to establish if the submitted report is sufficient and if not clarification as to what is required has been requested.

Levels

The site is on a gently undulating site that falls away to the north. Levels have been submitted which indicate that the site of the farm building would be levelled out, resulting in the buildings, muck and silage stores being partially dug into the slope. This reduces the impact of the proposals when viewed from Bagworth Road to the South, and from the north the mass of the buildings would be seen against the hillside. This is considered an acceptable treatment.

Landscaping

The applicants have submitted a landscaping scheme in support of the proposal providing details of the re-planting behind the visibility spays and within the site along the proposed access road and to screen the proposed buildings from the public footpath. The species proposed are native species including field maple, hazel, oak, hawthorn, blackthorn and dog rose. It is considered that the submitted landscape scheme is acceptable and a condition is recommended to ensure that it is implemented.

Other issues

Pollution: - The Head of Community Safety due to the past potentially contaminative past agricultural use of the site has requested a condition requiring a Land Contamination report should there be soft landscaping areas proposed. The site has been used as paddock land, with possibly some crops grown which may have resulted in the land being sprayed with insecticide or other chemicals. However it is considered that the levels used would not be harmful and over time would have dispersed into the soil. The majority of the site will form a new farm holding with buildings where fertilisers and insecticide may be stored. A small part would form the dwelling. Given the above a condition requiring a Land Contamination report is considered unreasonable and not necessary and therefore can not be imposed.

Flooding: - The Environment Agency initially recommended refusal on the basis that no flood risk assessment had been submitted with the application. The applicants have since submitted an acceptable Flood Risk Assessment and the Environment Agency has withdrawn their objection, however have requested conditions regarding drainage.

Conclusion

The proposed new farm house has been adequately justified and is considered to be a sustainable business that can support a full time worker on site. The size of the agricultural buildings has been justified and considered acceptable given the number of stock currently within the enterprises. The design, siting and appearance of the development is considered acceptable. The proposal is therefore considered to comply with Policies NE5, BE1, BE12 and T5 of the Hinckley and Bosworth local Plan (2001).

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The applicants have adequately demonstrated the need for an new agricultural dwelling and farm buildings; the siting, and appearance of the proposal is considered not to harm the character and appearance of the area; the proposal is supported by a comprehensive landscaping scheme and a safe access is proposed into the site, it is considered that the proposal is acceptable and in accordance with adopted Policy.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES5, RES12, BE1, BE16, NE2, NE5, NE12

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.

- 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: OS Site Location Plan (scale 1:2500), F11075/01A (Proposed site access arrangements), 08.760.001 a (landscape masterplan), JD/NFBR/01 (REV A) (Proposed site plan), JD/NFBR/03 (REVA) (Proposed cow barn), JD/NFBR/02(REVA) (Proposed site sections and elevations), JD/NFBR/05 (proposed replacement farm dwelling) received 12 November 2012
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling, cow barn and dairy 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 The vehicular access to the site shall be constructed in accordance with the details shown on the Bancroft Consulting drawing no. F11075/01 rev A and shall be thereafter maintained.
- 5 Prior to the commencement of development, a scheme to prevent stones, mud etc, being carried from the site on to the public highway during the period of construction, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 6 Before first use of the development hereby permitted the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 17 metres behind the highway boundary and shall be so maintained at all times.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details no later than the first planting season following occupation of the dwelling house. 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.
- 8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, Dated 7 December 2012, Ref: 2012/1139 and the following mitigation measures detailed within the FRA:-
 - a. limiting the surface water run-off generated by the all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 5l/s, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Section 4
 - b. provision of a minimum of 249m³ of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all

- rainfall events up to the 100 year plus 30% (for climate change) critical rain storm. Provided in the form of an open water balancing pond. Section 4 and 5
- c. identification and provision of safe route(s) into and out of the site to an appropriate safe haven. Section 5
 - d. confirmation of the preservation of the existing channel/flow capacity within the watercourse for any proposed bridge or culvert access into the site. Section 4
 - e. finished floor levels for residential building/s are set a minimum of 1m above the adjacent bank top level of the ordinary watercourse/bank level at access road crossing point (levelled to Ordnance Datum (AOD) Section 5

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

- 9 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow, or widower or such a person, and to any resident dependants.
- 10 Prior to the first occupation of the dwelling house the livestock building, muck store and silage clamp shall be completed and ready for use.

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 (i) of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interest of highway safety and in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan..
- 8 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; To ensure safe access and egress from and to the site; To reduce the risk of flooding from blockages of the proposed access road culvert (s) and To reduce the risk of flooding to the proposed development and future occupants. in accordance with paragraph section 10 of the NPPF.
- 9 The dwelling house is only acceptable in connection with the agricultural enterprise, in accordance with Policy BE12 of the adopted Hinckley and Bosworth Local Plan.

- 10 The dwelling house is only acceptable in connection with the relocation of the agricultural enterprise, in accordance with Policy BE12 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (LLFA) (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed culvert forming part of the ordinary watercourse drainage system.

Any proposed crossing of the watercourse associated with the proposed new access road will require the prior consent of the LLFA as detailed above.

The applicant should be aware that liquid collected from silage clamps and muck stores or unscrapped milking parlours (material which has a high readily available Nitrogen content of more than 30 percent) is classed a slurry as and such is subject to the Nitrate Vulnerable Zone Regulations and corresponding storage requirements and spreading restrictions. You should refer to the Guidance for farmers in Nitrate Vulnerable Zones, leaflets 1-9.

www.defra.gov.uk/environment/water/quality/nitrate

Silage clamps (and slurry stores) must be built to the requirements contained in the Water Resources (Control of Pollution) (Silage Slurry and Agricultural Fuel Oil) Regulations 2010.

- 6 All works within the limits of the highway with regard to the access including the erection of signage on Bagworth Road shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001)

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 section 184 of the Highways Act 1980 from the Adoptions team. For further information, including contact details, you are advised to visit the County Council website as follows: -

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

Details of the signage on Bagworth Road will need to be submitted and agreed with the Highway Authority as part of the s184 process

A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

The highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

Contact Officer: - Sarah Fryer Ext 5682

Item: 05

Reference: 12/00992/FUL

Applicant: Mr Spiby

Location: Land Off Ratby Lane Markfield

Proposal: ERECTION OF NEW FARM BUILDINGS AND CREATION OF ACCESS

Target Date: 11 February 2013

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

Permission is sought for the erection of two agricultural buildings, with a new access on land off Ratby Lane, Markfield. The proposed grain store would measure 24.4m long with a width of 15.2m and a height to the eaves of 4.9m with a shallow pitched roof above. The southwestern corner of the building would be sited 24m behind the highway boundary. Beyond this building it is proposed to erect a livestock building measuring 45.7m by 36.6m with a height to eaves of 5.2m with a shallow pitched roof above. A new access with a width of 6.1m would be created off Ratby Lane, with radii of 6m and visibility splays of 2.4 by 166m.

This application seeks the relocation of farm buildings due to planning permission for residential development being granted on the existing site. The application therefore seeks to provide alternative modern accommodation for an existing farming enterprise.

The Site and Surrounding Area

The application site is located to the east of Ratby Lane, Markfield, approximately 400m south of Markfield Court, 350m to the south of Oak Farm, and 500m 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 4m in height separating the field boundaries. The site is separated from the highway by a verge approximately 5m 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

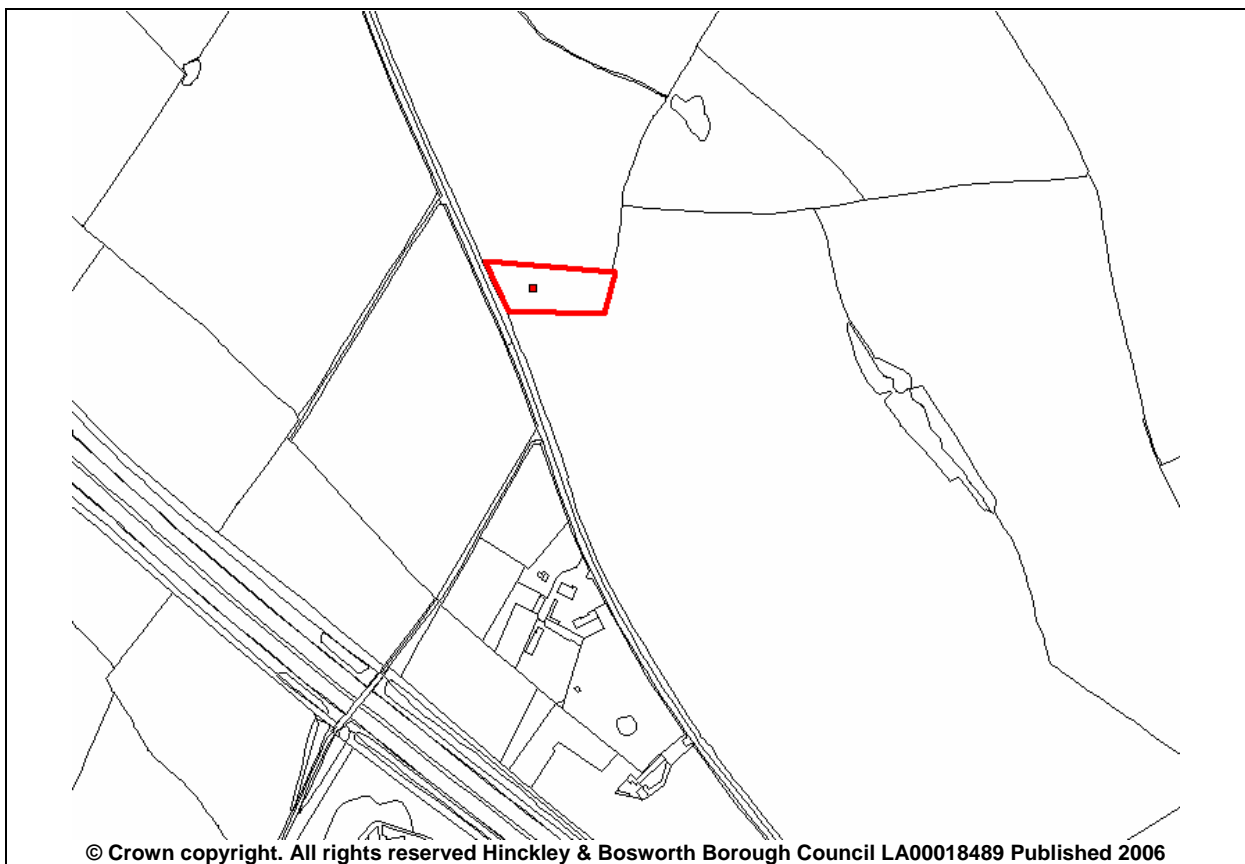
Farm Appraisal

Relevant Planning History:-

None with regard to this site

On Land opposite Oak farm, Ratby Lane, Markfield

12/00029/FUL	Partial demolition and extensions to existing building and erection of new livestock building	Withdrawn	26.03.12
11/00184/FUL	Erection of Agricultural building	Withdrawn	24.05.11



Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Director of Environment and Transport (Rights of Way)

No objection subject to conditions have been received from:-

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

The Environment Agency has declined to comment on the application as the proposal does not present either a high risk to the environment or would offer significant environmental benefit.

Site notice and Press notice were displayed

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

- a) how will the animal waste (slurry and manure) be disposed of
- b) manure heaps will, through the gases and fumes given off, present a health risk to neighbouring communities
- c) odours are toxic and dangerous to health
- d) highway safety concerns regarding the intensification of Ratby Lane, especially from slow moving tankers and cattle lorries
- e) buildings will be visible from the road, will dominate the streetscene and spoil the rural character
- f) prevailing winds will carry toxic gases towards Markfield Court, which houses a nursing home and a community more susceptible to the diseases and conditions they trigger
- g) how will the cattle be disposed of?
- h) the designated area is not fit for purpose
- i) concerns raised about animal welfare
- j) local residents will be unable to sit outside enjoying the countryside
- k) danger of pollution to watercourses
- l) use is more akin to Industrial rather than agricultural.

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

Markfield Parish Council
Ramblers Association

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy BE1: Design and siting of development
Policy NE2: Pollution
Policy T5: Highway safety and design

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): Design and Siting of Farm Buildings

Appraisal:-

The main considerations with regards to this application are the principle of development, the need for buildings of this scale, character of the area, air, soil and water pollution and impact on amenity, and highway safety.

Principle of development

The proposal is outside the settlement boundary of Markfield and are therefore considered to be within the Countryside. The relevant policies have to be considered in light of the NPPF. The NPPF has a presumption in favour of sustainable development, and with regard to agricultural buildings seeks to promote the rural economy by promoting the development and diversification of agricultural business (paragraph 28).

The relevant policy is contained within Policy NE5 (development in the countryside) which supports development in the countryside providing it is:-

- important to the local economy
- for the change of use, re-use or extension of existing buildings
- for sport or recreation

And where;

- it does not adversely affect the landscape
- it is in keeping with the scale and character of existing buildings
- where necessary it is effectively screened
- proposal will not generate traffic likely to exceed the capacity of the highway network.

In accordance with Paragraph 215 of the NPPF the conformity of these policies with the NPPF has been considered. Policy NE5 is considered to have limited conformity with the NPPF, especially with regard to point's a-c.

It is considered that the principle of agricultural buildings within the countryside complies with the principles of the NPPF in that it supports the rural economy. The principle of the application is therefore acceptable.

Scale and appearance

The building is required to enable an existing agricultural enterprise to relocate due to planning permission being granted for residential development on the existing agricultural holding at London Road, Markfield. The enterprise currently farms beef cattle, sheep and approximately 170 acres (68 hectares) of combined crops. The farmstead off London Road contains a collection of brick built out houses currently used for storage of materials, stabling and housing of some animals; 4 modern livestock buildings for overwintering animals and a couple of silos. Many of these buildings are out dated for modern agricultural methods, resulting in increased workload and a less productive enterprise.

The proposal seeks consent for two buildings, a grain store and livestock building. The livestock building is being proposed with a central feeding channel. The existing livestock buildings on the London Road site have an area of 1660.2 sq m. The farm appraisal calculates the space required for the number of stock using The Agricultural Budgeting and Costing Book (73rd Edition – November 2011). Based on stock totalling 274, this gives a requirement for an area of 1634 sq m. The floor area of the proposed livestock building

equates to 1672.3 sq m including the central feeding passage. It is considered therefore that the area of the building is sufficiently justified to serve the current stock levels of the farm.

The livestock building is a modern steel framed agricultural building with concrete panels to a height of 2.4m with Yorkshire boarding above to the north and east elevations and one gable of the west. The remaining and the roof would consist of fibre cement sheeting. These materials are considered appropriate and the finished colour can be conditioned to ensure that the proposal blends in with the surrounding area as much as possible. The grain store again would consist of concrete panels with fibre cement sheeting to the walls and roof.

The design of the proposal is typical of many modern agricultural buildings designed to meet the requirements of modern agriculture practices. Therefore, subject to a condition requesting the finished colours, it is considered that the design and appearance of the buildings is considered acceptable.

Impact on Character

The site is located within the countryside, to the north of Ratby Lane. The proposal is located within an area where the character of the countryside is derived from the farming activities taking place. Isolated farm buildings within the landscape contribute to this character. The buildings would be sited against the southern field boundary, in this instance a hedgerow approximately 4m tall. Between the highway and application site is a wide verge (5m), ditch and 2.5m tall hedgerow. Immediately to the west of the site the height of the hedgerow increases. A 1m high earth bund with planting is proposed to the north of the development, softening the impact of the built form from the north.

Whilst the buildings would be visible from Ratby Lane, these would be broken by the existing and proposed landscaping, reducing the impact. This is in accordance with the advice contained within the Councils SPG on Design of Farm Buildings which recommends siting modern farm buildings adjacent to existing features to screen the development and using trees to reduce the visual emphasis of the building. It is considered that by siting the buildings adjacent to the hedgerows there will be immediate screening, reducing the mass of the building and impact on the character of the area.

There is a trunk sewer that runs to the north east of the site with an easement width of 18m. This restricts the location of the proposal.

It is considered that the proposal would not significantly detrimentally affect the character of the area, and is considered to be in accordance with Policy BE1 (a) of the Local Plan.

Pollution

The farm operates a traditional system. The cows calve in the spring inside the buildings and then the calves are suckled by their mother on grass during the summer and weaned in the autumn. All cattle are overwintered inside and let out on pastures in the summer. The cattle are kept on straw bedding under cover reducing run off as a result of rain. The building is emptied of straw in the spring once the cattle are let out, at which point the straw and muck is left to decompose before being spread on the fields as fertiliser. This method does not produce slurry and therefore no slurry store is required.

Agricultural practices are controlled by regulations imposed by DEFRA. The Environment Agency also has advice and controls relating to the protection of the environment. The Environment Agency has not commented on this application as it does not present a high risk to the environment or would offer significant environmental benefits.

The Head of Community Safety (Pollution) has raised no objection to the proposal, given the distance from residential properties, namely Markfield Court located 400m to the north and Whittington Edge, Markfield Road, Ratby located 300m to the south.

Agricultural enterprises may result in odours from time to time however; the industry is strictly governed and managed through other regulations. The Environment Agency has declined to comment on the application and the Head of Community Service has no objection to the proposal. The proposal is considered to comply with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

Objections have been received on the basis that the prevailing winds will carry odours and other noxious gases towards the residents of Markfield Court. The prevailing wind is south-westerly and therefore would carry any odours in a north-easterly direction. Markfield Court is located to the north with Oak Farm sitting directly between the application proposal and Markfield Court. Whilst there will be occasions where the wind is from the south and blowing directly towards Markfield Court, given the distance between the proposal and Markfield Court it is not considered that even on these occasions the proposal would significantly detrimentally affect the amenities enjoyed by these residents.

Highway safety

The proposal includes a new access onto Ratby Lane, at a point where the national speed limit applies and is unlit. Ratby Lane at the site of the proposal is generally straight and good visibility can be achieved in either direction. The verge has a width of 5m allowing visibility spays over 250m in both directions being achievable without the removal of any hedgerow except that required to provide the access.

The Director of Environment and Transport (Highways) has no objections to the proposal subject to conditions requiring surfacing, minimal set back of gates, and control radii. These are considered to be acceptable conditions. A condition is also requested requiring visibility spays of 2.4m by 215m. This would require the applicant to maintain land outside of his ownership and as such the condition would be unreasonable.

It is considered that the proposed new access would be acceptable and in compliance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Other issues

Concerns have been raised regarding animal welfare. This is controlled under separate legislation and is not a material planning consideration.

No one has the right to a view and therefore loss of view is not a consideration in the determination of this application.

No cattle will be disposed on site and therefore this is not a consideration of this application.

Conclusion

This is an application for agricultural buildings required for agricultural purposes, within the countryside. The NPPF supports the development of the rural economy. The proposal due to the siting adjacent to substantial hedgerows and proposed landscaping is not considered to detrimentally affect the character of the area. Given that no objection has been received from the Head of Community Service (Pollution) and the Environment Agency has declined to comment on the application, it is not considered that the proposal would detrimentally affect the amenities of neighbouring residents. The proposal is therefore considered acceptable.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the setting of the proposal close to existing hedgerows, the need for the buildings, and distance from the nearest residential properties, the proposed grain store and livestock buildings are not considered to detrimentally affect the character of the area, highway safety or the amenities of neighbouring residents.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1, NE2, 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.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural buildings 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.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan (Proposed New Farm Buildings, Ratby Lane, Markfield), Plans (various scales) received 12 November 2012.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) means of enclosure
 - b) hard surfacing materials
 - c) planting plans
 - d) written specifications
 - e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - f) implementation programme.
 - g) details of the hedgerow to be retained.
- 5 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.
- 6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 12 metres behind the highway boundary and shall be hung so as to open inwards only.

- 7 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 8 Before first use of the development hereby permitted the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 12 metres behind the highway boundary and shall be so maintained at all times.
- 9 Prior to the commencement of development, a scheme to prevent stones, mud etc, being carried from the site on to the public highway during the period of construction, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 10 Nothing shall be allowed to grow above a height of 0.6 metres above ground level within 2.4m of the metalled part of Ratby Lane for the length of the application site.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) and NE5 (i) of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To help screen the development in the interest of preserving the character of the area in accordance with Policy BE1 (a) and NE5 (iii) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 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 afford easy access to the site and protect the free and safe passage of traffic in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that there is adequate visibility from the proposed entrance 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.
- 4 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)

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.
For other minor, domestic accesses, contact the Service Centre Tel: (0116 3050001).

The highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

Contact Officer: - Sarah Fryer Ext 5682

Item: 06

Reference: 12/00821/FUL

Applicant: Cartwright Homes Ltd

Location: Land St Francis Close Hinckley

Proposal: ERECTION OF 28 DWELLINGS (AMENDED SCHEME)

Target Date: 12 February 2013

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

This application seeks full planning permission for the erection of 28 dwellings on land off St. Francis Close, Hinckley. A previous planning consent in 2004 for residential development on

the site for the erection of 59 dwellings comprising 27 x three and four bedroom houses and 32 x two bedroom flats (subsequently amended) has been partially implemented (reference 06/00164/FUL) with the construction of nine dwellings, the access road and sewers. This application proposes 20 x 3 bedroom two storey houses and 8 x two bedroom two storey houses (i.e. a reduction of 22 units from the original scheme) together with associated parking and landscaping and alterations to the turning head. The architectural style reflects that of the nine dwellings already completed. The amended scheme has been submitted as a result of changes in the demand for flats and three storey dwellings.

Amended plans have been submitted to provide a pedestrian link to the adjacent Richmond Gate development as provided within previous permissions on the site, to address concerns in respect of the layout and design of the proposed dwellings and revised parking provision. The amendments have resulted in a removal of one unit (Plot 44) from the initial 29 and a change in the house type mix. Re-consultation has been undertaken with the Highway Authority and neighbours.

The Site and Surrounding Area

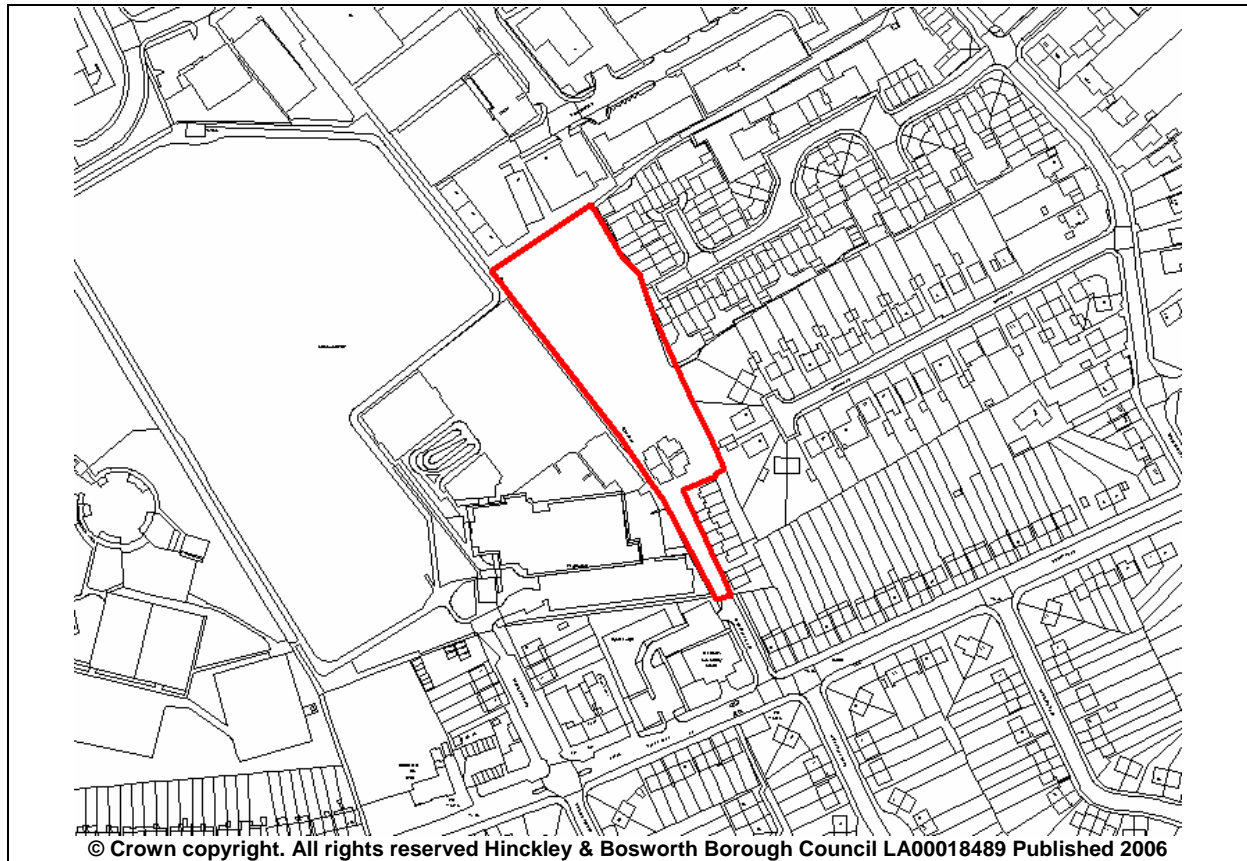
The application site measures approximately 0.69 hectares and is located within the settlement boundary of Hinckley to the north west of Tudor Road. Apart from the access road and former site compound the site is currently overgrown awaiting development. There is residential development to the north east and south east, an industrial estate to the North West and Richmond Park (including Hinckley Club for Young People) to the south west. The boundaries to the site are defined by 1.8 metres high close boarded timber fencing to the north east, 2 metres high metal palisade fencing to the north west and south west.

Technical Document submitted with application

Design and Access Statement (incorporating Planning Statement and Historical Statement)
Viability Assessment/Calculations.

Relevant Planning History:-

08/00267/FUL	Erection of 7 x two bedroom houses & 5 x one bedroom flats	Approved	04.07.08
08/00058/FUL	Substitution of house types (plots 1 & 2)	Approved	20.03.08
06/00164/FUL	Revisions to layout and substitution of house types	Approved	06.07.06
04/00228/FUL	Residential development of 59 units & associated parking	Approved	23.02.05



Consultations:-

No objection has been received from the Environment Agency.

No objection subject to conditions has been received from:-

Severn Trent Water Limited
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services

Director of Environment and Transport (Highways) does not object in principle but recommends amendments to the layout to provide links to surrounding development and revised parking arrangements. A further response to the amended plans has not been received at the time of writing this report.

Directorate of Chief Executive (Ecology) does not object in principle but requires clarification in respect of the existing hedgerow and trees along the south west boundary of the site.

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:

- a) Directorate of Chief Executive (Ecology) requires no contribution
- b) Director of Children and Young Peoples Services (Education) requests a contribution of £53,229.96 towards the Upper School Sector (John Cleveland College) to address additional capacity issues as a result of the proposed development. No contributions are requested for the Primary and High School Sectors where there are no capacity issues

- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £1364 to address additional demands on the Civic Amenity site at Barwell as a result of the proposed development
- d) Director of Adults and Communities (Libraries) requests a contribution of £1740 to address additional demands on Hinckley library facilities as a result of the proposed development.

Site notice and Press notice were displayed and neighbours notified.

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

- a) detrimental to a Conservation Area
- b) loss of privacy from overlooking
- c) loss of views
- d) loss/damage to trees
- e) noise and disturbance
- f) loss of wildlife habitat

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

Primary Care Trust
Leicestershire Constabulary Crime Reduction Officer
Cyclist Touring Club

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 14: Regional Priorities for Affordable Housing
Policy 43: Regional Transport Objectives

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
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 and Bosworth Local Plan 2001

Policy BE1: Design & Siting of Development
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy T5: Highway Design & Vehicle Parking Standards
Policy REC2: New Residential Development: Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Supplementary Planning Document (SPD): Affordable Housing
Supplementary Planning Document (SPD): Play and Open Space
Supplementary Planning Document (SPD): Sustainable Design
Supplementary Planning Guidance (SPG): New Residential Development

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and design and its impact on the character of the area, the amenities of neighbouring properties and highway safety, viability and developer contributions and other issues.

Principle of Development

The principle of residential development of the site has been established by the approval of previous planning permissions which remain extant by virtue of the commencement of development of the site. The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The site is within the settlement boundary of Hinckley and in a sustainable location. Residential development of the site will contribute to the social role of sustainable development by providing additional housing to meet local need and contribute to the environmental role by enhance the appearance of this currently overgrown 'stalled' site. The proposals are in accordance with Policy 1 of the adopted Core Strategy which seeks to provide a minimum of 1120 new dwellings and the overarching principles of the NPPF and are therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Layout and Design and Impact upon the Character of the Area

The NPPF states that good design is a key aspect of sustainable design. Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to scale, layout, density, design, materials and architectural features. Policy BE1 (criterion h) requires that future occupiers of the development are not adversely affected by activities within the vicinity of the site that are likely to cause a nuisance.

The layout of the development now proposed has been determined to a large extent by the construction of the main access road and sewers through the centre of the site as part of the previous planning permission, although minor alterations to form a turning head are proposed. The Design and Access Statement advises that the principle reason for this amended scheme is the shift in the housing market and the fall in demand for flats and three storey houses. The omission of flats from the scheme has resulted in a reduction in the density on the site from 71 dwellings per hectare to 41 dwellings per hectare although this is still acceptable in this location and will not result in any harm to the character of the area. The amended layout provides a pedestrian link to the adjacent development to the east to increase permeability through and from the site and details of a landscaped bund to be provided within the north west boundary of the site to protect the amenities of plots 33 to 41 inclusive from the industrial estate. Notwithstanding the bund details provided, the Head of Community Services recommends a condition requiring further information to be submitted to demonstrate the effectiveness of the mitigation measures to accord with Policy BE1 (criterion h).

There are five different house types proposed, three of which (Redwing, Lapwing and Siskin) were approved under previous schemes and provide variation and interest within the street scene. The fourth and fifth (Dunnock and Dunnock II) are new house types which benefit

from a dual frontage in order to provide additional interest in critical areas within the development such as the entrance to the site, exit from the site and frontage onto Richmond Park previously provided by the flats. The proposed house types provide a mix of two and three bedroom two storey houses that reflect the character and architectural style and treatment of those previously approved and those already constructed as part of the previous permission.

Overall, the proposed layout and house types are considered to be acceptable in design terms and to complement the character of the surrounding area in accordance with Policy BE1 (criterion a) of the adopted Local Plan and the overarching principles of the NPPF.

Impact on Neighbours Amenities

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

Plots 18, 19, 20 and 21 face towards the rear gardens of Nos. 34 and 39 York Road. However, as a result of the separation distance of 15 metres to the boundary of the site and approximately 28 metres to the rear elevation of these neighbouring properties together with existing and proposed boundary treatments there will be no adverse impact on residential amenity from either overbearing impact or loss of privacy from overlooking.

Plots 22, 23 and 24 back onto the rear garden of No 32 York Road. Whilst the separation distance to the boundary of the site is only 8 metres, the proposed dwellings are on a different orientation to 32 York Road and it benefits from a large garden such that the separation distance to the rear elevation is approximately 24 metres. As a result of these factors and the existing and proposed boundary treatments there will be no adverse impact on residential amenity from either overbearing impact or loss of privacy from overlooking.

Plots 25, 26 and 27 back onto the rear garden of 77 Richmond Gate and a parking court. The proposed dwellings are on a different orientation to 77 Richmond Gate such that the elevations do not directly face each other. The separation distance to the boundary of the site from the rear of Plot 23 is only between 5-6 metres (10 metres to the side elevation of No. 77) and therefore, notwithstanding the existing 2 metres high close boarded timber fencing, some degree of overlooking from first floor windows of plots 22-24 will result. However, the proposed siting of these plots is consistent with the previous planning permissions on the site. There are no side elevation windows on 77 Richmond Gate facing the site. No objection has been received from the occupier of No. 77.

Plots 31 and 32 back onto the rear gardens of Nos. 48, 50 and 52 Richmond Gate. The separation distance from the rear elevations of plots 31 and 32 to the boundary of the site (a 2 metres high close boarded timber fence) is 8 metres and a further 9 metres to the rear elevations of Nos. 48 - 52. Notwithstanding that this is less than the 25 metres separation distance suggested in the Council's SPG on New Residential Development it is characteristic of the overall pattern and grain of this and the adjacent development and is therefore considered to be acceptable in this case. No objection has been received from the occupiers of No's 48 - 52.

The side elevation (gable) of Plot 33 is located approximately 14 metres to the rear of Nos. 40 and 42 Richmond Gate and between 2.5 and 3.5 metres inside the boundary of the site. The separation distance of 14 metres to the side elevation is consistent with guidance in the Council's SPG on New Residential Development and will not result in any adverse overbearing impact on the neighbouring properties. The only windows on the side elevation of Plot 33 are a first floor bathroom and ground floor toilet. Subject to conditions to control the

type of window and glazing of the bathroom window no loss of privacy or amenity from overlooking will result.

One objection has been received from a neighbouring property in respect of loss of privacy from overlooking however, the proposed dwellings will not directly overlook the rear garden or face directly into any windows on the objectors dwelling.

Overall, the proposed development is consistent with previous planning permissions on the site and will not result in any additional adverse impact on the amenities of neighbouring properties and is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

Policies BE1 (criterion g) and T5 of the adopted Local Plan require adequate highway visibility and on and of-street car parking provision and manoeuvring facilities to be provided.

The main access road has already been constructed although there will be some amendments to form turning heads within the development. The proposed scheme is for 28 two and three bedroom dwellings and an overall parking provision of 59 spaces. All plots are provided with at least one designated car parking space within sight of the dwelling, some plots are provided with two such spaces. In all there are 41 designated car spaces and a further 18 non-designated spaces for occupiers and visitors (11 of which are located close to the entrance to the development and 7 spread throughout). The overall parking provision is in excess of two spaces per dwelling and this is considered to be acceptable in this location and to accord with Policies BE1 (criterion g) and T5 of the adopted Local Plan.

The Director of Environment and Transport (Highways) has provided an initial response in which there is no objection in principle but recommends amendments to the layout to provide links to the adjacent residential development on Richmond Gate and Richmond Park together with revised access and parking arrangements. He also advises that revisions to the existing section 38 (adoption) agreement will be required to address changes within the site. An amended layout has been received providing a pedestrian link to Richmond Gate as approved within previous consents. However, following recent development of the Hinckley Club for Young People (Green Towers) and the provision of formalised facilities in the area of Richmond Park adjacent to the development a link in this area is not practical. In addition, the link would require engineering operations to bridge the existing culvert and to address significant changes in ground levels between the site and the park and there are already viability constraints in respect of the proposed development. The development is in a sustainable location and there is an alternative, slightly longer, route into Richmond Park via Tudor Road. It is considered that the lack of a direct link into Richmond Park does not result in the current proposals being unsustainable or unacceptable in planning terms. The formal consultation response to the amended plans from the Director of Environment and Transport (Highways) has not been received at the time of writing this report and will be reported as a late item.

Viability and Developer Contributions

The application site constitutes a part of a larger site, of which 9 units (of an approved 59 units) have already been constructed. A Section 106 agreement in respect of the whole site has been completed and contributions paid towards Play and Open Space (£101,480) for the whole site and a part payment of £12, 000 towards Education has been paid direct to the County Council. The site has remained vacant awaiting development and has become overgrown. This application seeks to provide an opportunity to allow the development to proceed to completion in the current economic climate.

A viability assessment has been submitted which suggests that the development cannot sustain any additional developer contributions above those already paid in respect of the previously completed section 106 agreement. Accordingly no affordable housing or any other additional contributions are currently proposed.

An independent viability appraisal has been provided by Coventry City Council which concludes that the development cannot support any additional contributions and that no further Section 106 contributions are sought. This is a stand alone application and is not linked to the previous permissions on the site therefore the application is not accompanied by any further legal agreement.

Other issues

The Directorate of Chief Executive (Ecology) does not object to the application in principle but requires clarification in respect of the existing hedgerow and trees along the south west boundary of the site. In addition, an objection has been received in respect of the loss of/damage to trees and loss of wildlife habitat. There are a number of semi mature trees and sections of hedgerow located along the south west boundary of the site (adjacent Richmond Park). Whilst the Design and Access Statement submitted states that the existing hedge will be retained where possible, no landscaping proposals have been submitted therefore a condition requiring the submission of these details prior to development commencing is reasonable and necessary in this case. There is no evidence to suggest that development of the site would adversely affect any protected species or result in the loss of any wildlife habitat of any significance.

The dwellings are to be constructed to Code Level 3 of the Code for Sustainable Homes in accordance with Policy 24 of the adopted Core Strategy.

Noise and disturbance from construction is temporary in nature and will not have any adverse impact on the long term amenities of neighbouring properties.

The site is not within a conservation area and loss of views is not a material planning consideration that can be taken into consideration in determination of this application.

Conclusion

The principle of residential development on this sustainable site has been established by previous planning consents. This application seeks to amend the approved scheme to meet market demand and enable the site to come forward despite the current economic climate. The viability issues have been confirmed by the Borough Council's independent consultant. The amended layout and design of the proposed dwellings is acceptable and will complement the character of the area. The current proposals will not have any additional impact on neighbouring properties from those schemes already approved. The proposals include adequate access and parking to serve the development such that there will be no adverse impact on highway safety. The proposals are therefore in accordance with Policies 1, 16 and 24 of the adopted Core Strategy (2009) and Policies BE1 (criteria a, c, e, g, h and i), NE12 (criteria b, c and d), NE14 and T5 of the adopted Local Plan (2001) together with the overarching principles of the National Planning Policy Framework. The application is therefore recommended for approval subject to conditions and no new significant material objections being received prior to the expiry of the consultation period on 17 January 2013.

RECOMMENDATION: - Permit subject to no significant material objections being received prior to the expiry of the consultation period on 17 January 2013 and to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The site is in a sustainable location and by virtue of the layout and design the proposals will complement the character of the area and will not have any adverse impact on the amenities of neighbouring properties, highway safety or ecology.

Hinckley and Bosworth Borough Council Local Plan 2006-2026: Core Strategy (2009): - Policies 1, 16 and 24

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 (criteria a, c, e, g, h and i), NE12 (criteria b, c and d), NE14 and T5.

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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.

- 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 drawing No. 107 and Dunnock House Type drawing No. 103 received by the Local Planning Authority on 13 November 2013; Siskin House Type drawing No. 104A, Redwing House Type drawing No. 105A, Lapwing House Type drawing No. 106A, Redpol House Type drawing No. 110A and Western Boundary Retaining Wall and Land Drainage Details drawing No. IP04_013_02/037 Rev E received by the Local Planning Authority on 7 January 2013; and Site layout drawing No. 101F and Dunnock II House Type drawing No. 110C received by the Local Planning Authority on 7 January 2013.
- 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 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed 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.
- 5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to 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.

- 6 No development shall commence until a scheme for protecting the proposed dwellings from noise from the adjacent industrial/commercial operations has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before first occupation of any of the dwellings hereby permitted.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - g) implementation programme.
- 8 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.
- 9 All the car parking spaces, access drives and turning areas indicated on the approved site layout plan shall be surfaced in accordance with the approved hard landscaping scheme, shall be provided before the development is first brought into use and once provided shall be retained for such use at all times thereafter.
- 10 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the dwellings hereby approved, a final certificate demonstrating that the dwellings have been constructed to a minimum of Code Level 3 shall be provided to 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 and Bosworth Local Plan.
- 4 To ensure that the development does not have an adverse impact on the character of the area or residential amenity to accord with Policy BE1 (criteria a and i) of the adopted Hinckley and Bosworth Local Plan.
- 5 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 to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 6 To protect the amenities of the future occupiers of the dwellings hereby approved in accordance with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with Policies BE1 (criterion e) and NE12 (criteria b, c and d) of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that adequate access, parking and turning is available to serve the development in accordance with Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 In the interests of sustainable development to accord with Policy 24 of the adopted Core Strategy.

Notes to Applicant:-

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

Contact Officer: - Richard Wright Ext 5894

Item: 07
Reference: 12/00942/FUL
Applicant: Mr Steve Powers
Location: 82 Coventry Road Burbage Hinckley
Proposal: ERECTION OF THREE DWELLINGS WITH ASSOCIATED PARKING AND ACCESS
Target Date: 11 January 2013

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 Inman due to reasons including overdevelopment, impact on neighbouring properties and highway safety.

Application Proposal

This application seeks full planning permission for the erection of three detached dwellings on garden land to the rear of 82 Coventry Road, Burbage. The scheme includes 2 x two storey houses and 1 x bungalow. The proposed dwellings have individual designs with traditional gable end roof form and subordinate two storey, 1½ storey and single storey projecting elements. Parking is provided within covered bays and to the fore of each dwelling. Private enclosed rear amenity areas are proposed to the rear of each dwelling. A new shared private drive is to be constructed adjacent to the east boundary of the site. The dwellings are proposed to be constructed in red/orange facing bricks with natural slate roof tiles. Parking for the existing dwelling is to be provided within the front garden.

The Site and Surrounding Area

The site is located on the north side of Coventry Road within the settlement boundary of Burbage. The application site, that includes the existing dwelling, measures approximately 0.2 hectares and currently contains an outbuilding used for ancillary storage surrounded by lawns and a number of trees (predominantly fruit trees) The main part of the site is enclosed by a 2 metre high conifer hedge on the west boundary, a dense belt of conifer trees approximately 6 metres in height and a 2 metre high timber panel fence to the north boundary, and a mix of hedgerows and 2 metre high timber panel fencing along the eastern boundary. The site is surrounded by existing dwellings and gardens of varying size, types and scales. The dwellings fronting Coventry Road are predominantly detached and semi-detached two storey dwellings with long gardens. To the west and east of the site there are later, higher density developments of detached and semi-detached two storey dwellings. To the north is a car parking area serving 2 x three storey blocks of apartments.

Amended plans have been submitted to correct a minor error on the west front boundary of the site. Given the minor nature of the amendment no re-consultation has been undertaken.

Technical Documents submitted with the Application

Design and Access Statement
Draft Heads of Terms: Unilateral Undertaking for Play and Open Space Contribution

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

- a) the proximity of plot 3 to 82 and 84 Coventry Road will be greatly detrimental to the amenities of these properties and represents overdevelopment of the site
- b) proposals also detrimental to the amenities of other neighbouring properties and will have an overbearing effect
- c) effect on traffic on Coventry Road
- d) access is close to the junction with Robinson Way and presents a hazard for vehicles travelling along this busy road where speed limit is frequently ignored.

Site notice posted and neighbours notified, five letters of objection have been received raising the following issues/concerns:-

- a) overdevelopment of the site
- b) adverse impact on amenity due to loss of privacy
- c) adverse impact on amenity from overshadowing/overbearing
- d) inadequate access and increase in traffic - detrimental to highway and pedestrian safety
- e) noise/disturbance from vehicle movements
- f) inadequate parking
- g) inadequate boundary fencing/loss of security
- h) loss of trees/screening
- i) inadequate drainage
- j) poor design
- k) loss of view
- l) dust/fumes/noise/disturbance during construction period
- m) detrimental to Conservation Area
- n) intrusion into countryside

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Burbage 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 NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
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

Supplementary Planning Guidance/Documents

Burbage Village Design Statement: (BVDS) 2006

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Sustainable Design

Supplementary Planning Document (SPD): Play and Open Space.

Appraisal:-

The main considerations with regards to this application are the principle of development, the siting, layout and design of the proposed dwellings and impact on the character of the area, impact on the amenities of neighbouring properties, impact on highway safety, impact on public play and open space, sustainable design considerations and other matters.

Principle of Development

The site is located within the settlement boundary of Burbage as defined in the adopted Local Plan Proposals Map where there is a presumption in favour of residential development subject to all other planning matters being appropriately addressed. Adopted Core Strategy Policy 4 supports development within Burbage to deliver a minimum of 295 new residential dwellings.

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. The site is considered to be in a sustainable location close to local amenities and services. However, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

Siting, Layout, Design and Impact on the Character and Appearance of the Area

Policy BE1 of the adopted Local Plan 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. This policy relates to the design and siting of development and seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. 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. The Burbage Village Design Statement (BVDS) Guidance Note (GN) 1 requires building plots to reflect the typical form of plots in the area and for buildings to respect the established building lines and separation distances which characterise the area. GN 2 of the BVDS requires (amongst other things) future development to have an emphasis on smaller more affordable units, to reflect the basic settlement character. 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.

The current density on the site is just 4.8 dwellings per hectare. The proposed scheme will result in a density of approximately 19 dwellings per hectare which, whilst lower than the more recent developments located to the north, east and west of the site, better reflects the density of the older dwellings fronting onto Coventry Road. Notwithstanding GN1 and GN2: 2.6 of the BVDS, the NPPF clearly provides a presumption in favour of sustainable development. Whilst the scheme will result in backland development, as a result of the proposed layout and the mixed character of developments surrounding the site, the proposals are considered to complement the character of the surrounding area. The proposed individual designs of two and single storey also reflect the individuality of the dwellings fronting Coventry Road. The designs benefit from a variety of architectural features including feature chimneys, brick corbelled eaves and pointed verges to the roof and stone cills and brick soldier headers to fenestration. The use of traditional red/orange facing bricks and natural slate roof tiles will further enhance the appearance of the development.

On balance, as a result of the siting, layout, scale, design and proposed materials the proposals are considered to result in an attractive development that will complement the character of the surrounding area and are therefore in accordance with Policy BE1 (criterion a), the Council's SPG on New Residential Development and the overarching principles of 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 Council's Supplementary Planning Guidance (SPG) on New Residential Development states that proposals that constitute backland development should not have a detrimental impact on the amenities and privacy enjoyed by the occupiers of adjoining property. 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.

12 Cotes Road is a two storey detached dwelling located to the north east of Plot 1. Plot 1 will project approximately 5 metres to the rear of 12 Cotes Road at 2 storey scale at a separation distance of 4.8 metres off the boundary, and a further 5.8 metres at single storey at a separation distance of 2 metres off the boundary. Whilst the proposals will result in built form extending a total of approximately 12 metres beyond the rear elevation of 12 Cotes Road and to the south west, as a result of the scale and design (including the roof form) of Plot 1 and the proposed separation distances, it is considered that the proposals will not result in any adverse overbearing impact on 12 Cotes Road. In addition, the only first floor window on the side elevation of Plot 1 is to a bathroom and subject to a condition requiring the window to be obscurely glazed and fixed, no overlooking or loss of privacy will result. Any impact from the ground floor side elevation windows can be mitigated by appropriate boundary treatment, including retention of the existing 1.8 metre high timber panel fence. In view of the backland nature of the development and the proximity of neighbouring dwellings it is considered reasonable in this case to seek to control boundary treatments around the site in order to protect the privacy and amenity of neighbouring occupiers. A landscaping and boundary treatment scheme can be secured by an appropriate condition.

The proposal will result in the removal of a number of conifer trees forming a tall tree screen inside the north boundary of the site. There is a parking court immediately to the north of the site serving 2 x three storey apartment blocks on Willow Close. The apartment blocks are located approximately 31.5 metres to the north of Plot 1 and approximately 26.5 metres to the north of Plot 2. Whilst the proposals include the removal of a majority of the tall conifer screen, as a result of the separation distances between habitable room windows no adverse impact on residential amenity will result. New tree planting is indicated inside the boundary

but no details have been submitted. These will be required as part of the landscaping scheme.

14 Cotes Road is a two storey detached house located to the north east of Plot 1 on an adjacent development. The front elevation of No. 14 is approximately 30 metres from the rear elevation of Plot 1 and as a result no adverse overbearing impact or loss of privacy to No. 14 will result.

7 and 8 Maple Close are two storey semi-detached houses that lie to the west of Plot 2. There are main habitable room windows on the rear elevations of these dwellings that face towards the application site. However, the orientation of Nos. 7 and 8 is offset and the built form of Plot 2 extends across only three quarters of the rear boundary of No. 8 and not at all across that of No. 7. In addition, the separation distance to the side elevation of Plot 2 is approximately 11 to 13 metres and there is a 2 metre high conifer hedge in between along the boundary that is to be retained. As a result, there will be no adverse overbearing impact on the rear of Nos. 7 or 8 Maple Way. The only first floor window on the side elevation of Plot 2 is to a bathroom and subject to a condition requiring the window to be obscurely glazed and fixed, no overlooking or loss of privacy will result. Any impact from the ground floor side elevation windows can be mitigated by appropriate boundary treatment including retention of the existing 2 metres high conifer hedge.

9 Maple Close is a two storey semi-detached house located to the west of the site. The side gable elevation faces the application site. The only first floor window on this elevation is a small obscurely glazed window. The 1½ storey element of Plot 2 is located 3 metres within the boundary of the site, the built form extends only part way across the side boundary with No. 9 and it is designed such that the roof slopes away from the boundary. Plot 3 is single storey in scale and located 8 metres within the boundary of the site. As a result of the layout and design of Plots 2 and 3 together with the existing screening provided by the 2 metre high conifer hedgerow along the boundary that is to be retained, the proposals will have no adverse overbearing impact on No. 9. In addition, there are no windows that will overlook the side or rear garden of No. 9 or result in a loss of privacy.

84 Coventry Road is a two storey detached house located to the south of the application site. Plot 3 is located approximately 22.5 metres from the main rear elevation and is single storey in scale. In addition there is mature planting along and inside the north boundary of No. 84 that will help to protect privacy. As a result, the proposals will not result in any overbearing impact or overlooking or loss of privacy to 84 Coventry Road. The proposed turning head within the site, to the rear of No. 82, will introduce vehicle movements where none currently exist. However, the turning head is located 3 metres from the boundary of No. 84 and given the small scale of the development, the separation distance of approximately 14.5 metres from the rear elevation of Nos. 82 and 84 and proposed screening by a new 1.8 metre high close boarded timber fence along the eastern side boundary of No.84 these measures are considered to be adequate to mitigate any impact from the use of the turning head such that no adverse impact on amenity will result.

80A Coventry Road is a two storey detached house located to the south east of the main part of the application site and east of the new access. There is also a detached double garage within the rear garden with ancillary accommodation above. There is a 2 metre high hedgerow and timber fencing along the eastern boundary of the application site that currently protects amenity. The proposed new access will result in vehicle movements adjacent to the rear garden of 80A Coventry Road and its ancillary annex to the rear. However, the new access road will run alongside the access drive of No. 80A and the proposal is only for three dwellings. Given this small scale development the level of the use of the access and turning area is not considered likely to result in any material adverse impact on residential amenity from noise or disturbance subject to appropriate boundary treatment of the site.

On balance, it is considered that as a result of the layout, scale and design, separation distances and subject to screening by appropriate boundary treatments, the proposed development will not have any adverse impacts on the residential amenities of neighbouring properties from overbearing/overshadowing impact, loss of privacy from overlooking, loss of amenity from noise and disturbance as a result of the use of the new access or loss of security. The proposals are therefore in accordance with Policy BE1 (criteria I and c) 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.

Access to the site will be via the existing/altered private drive for 82 Coventry Road then via a new shared private drive adjacent to the eastern boundary of the site. Two off-street car parking spaces are to be provided within the front curtilage of 82 Coventry Road to serve the existing dwelling. Two covered car parking spaces are provided for each of Plots 1 and 2 together with one covered space for Plot 3 and incidental additional parking and a formal turning area for larger vehicles within the site. The internal parking and turning arrangements are considered to be acceptable to serve both the existing and proposed dwelling.

Whilst objections have been received relating to the impact of the development on highway and pedestrian safety as a result of an increase in traffic, and additional movements close to the existing junction with Robinson Way, the Director of Environment and Transport (Highways) raises no objection subject to conditions in respect of the provision of satisfactory visibility splays, surfacing of the access and that no gates are erected on the access unless they are a minimum distance of 5 metres back from the highway boundary. As a result, the proposed access and layout are considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

Public Play and Open Space Contributions

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.

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 and Audits of Provision 2007 (Update).

As the proposed development will result in a net gain of 3 residential units and is within 400 metres of Britannia Road Recreation Ground (Neighbourhood Park) 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 of 2005 which awarded a low quality score of 37.5%. 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 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 £3,752.40 (made up of £2,453.40 provision element and £1299 maintenance element). The size of 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. A Unilateral Undertaking is currently under negotiation to secure off-site play and open space financial contributions.

Sustainable Design

The site is within Burbage where Policy 24 of the adopted Core Strategy requires new residential development to be constructed to a minimum of Code Level 3 of the 'Code for Sustainable Homes'. No formal 'Code for Sustainable Homes' assessment report has been submitted to support the application and therefore the submission of further details demonstrating that the dwellings can, will be and have been constructed to a minimum of this standard are required to comply with Policy 24. These details can be secured by the imposition of a condition.

Other issues

Whilst the proposed development will result in the loss of a number of trees, none of the trees indicated to be removed are considered to be of significance in terms of quality or contribution to visual amenity (many being either fruit trees or over-large conifers) to warrant protection from a tree preservation order and as such they could be removed from the site at any time. The submission of a landscaping scheme for prior approval to enhance the appearance of the development and provide additional/replacement planting can be secured by condition.

The proposals indicate the provision of a sustainable surface water drainage scheme. The Head of Community Services (Land Drainage) advises that additional details of the scheme should be submitted. Severn Trent Water Limited has no objection subject to a condition requiring the submission and prior approval of a drainage scheme for the site. There is no evidence to suggest that there is an existing problem with surface water drainage or that it could not be satisfactorily addressed and therefore this issue can be addressed by a suitably worded condition.

The location of the bin collection store is adjacent to the public highway as required for the collection service and given the temporary nature of the store will not have any material adverse impact on any neighbour's amenities.

Disturbance from noise/dust/fumes etc during construction is temporary in nature and will not be detrimental to amenities over the long term.

The loss of a physical view is not material to the determination of this application.

The site is not within a conservation area or in the countryside.

Conclusion

The application site is in a sustainable location within the settlement boundary of Burbage where residential development is normally acceptable in principle. Notwithstanding the backland nature of the development as a result of the layout and design and mixed character of surrounding development the scheme will make more effective use of land and is considered to complement the character of the surrounding area. Subject to the use of obscure and fixed glazing in critical windows and appropriate boundary treatments the proposals will not have any adverse impact on residential amenity. Adequate visibility and off-street parking and turning space can be provided to serve the existing and proposed dwellings therefore the scheme will not have any adverse impact on highway safety. Subject to the completion of an appropriate legal agreement the scheme will contribute to public play and open space facilities. Conditions can be imposed to address sustainable design and drainage issues. As a result the proposals are considered to be in accordance with Policies 4 and 24 of the adopted Core Strategy, Policies BE1 (criteria a, c, e, g and i), RES5, NE12 (criteria a, b, c and d), NE2 (criterion a), NE14, T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Councils adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards public play and open space facilities, the Head of Planning shall be granted delegated powers to grant planning permission subject to the conditions below.

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 Burbage 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 sustainable design and technology, appropriate landscaping and drainage and would contribute to public play and open space facilities.

Local Development Framework: Core Strategy: Policies 4 and 24

Hinckley and Bosworth Borough Council Local Plan (2001) :- Policies BE1 (criteria a, c, e, g and i), RES5, NE2 (criterion a) NE12 (criteria a, b, c and d), NE14, T5, IMP1 and REC3.

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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.

- 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 Drawing No. B11/14/L01A at 1:1250 scale; Block Plan Drawing No. B11/14/BL01A at 1:500 scale and Proposed Site Plan Drawing No. B11/14/P01E received by the Local Planning Authority on 11 December 2012 and Plot 1 Plans and Elevations Drawing No. B11/14/P05A; Plot 2 Plans and Elevations Drawing No. B11/14/P06A and Plot 3 Plans and Elevations Drawing No. B11/14/P04C received by the Local Planning Authority on 16 November 2012.

- 3 The development hereby approved shall be implemented in accordance with the existing and proposed ground levels of the site, and proposed finished floor levels as submitted on approved Site Plan Drawing No. B11/14/P01E received by the Local Planning Authority on 11 December 2012.
- 4 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.
- 5 Notwithstanding the submitted details, the first floor window in the east elevation of Plot 1 (facing 12 Cotes Road) and the first floor window in the south west elevation of Plot 2 (facing 8 Maple Close) shall be obscure glazed and fixed and retained as such at all times thereafter.
- 6 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) existing trees and hedgerows to be retained
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 7 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.
- 8 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to 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 in to use.
- 9 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first

occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

- 10 Notwithstanding the submitted details, before 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 Coventry Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 12 Before first occupation of the development hereby permitted the access drive shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

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 appearance and in the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To protect the privacy and amenity of neighbouring properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 6 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 BE1 (criteria e and i) of the adopted Hinckley & Bosworth Local Plan.
- 7 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.
- 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 risk of pollution to accord with Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 10 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 highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 11 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord 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.
- 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 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 6 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- 7 This planning permission is subject to a legal agreement under section 106 of the Town and Country Planning Act for developer contributions of £3752.40 towards the provision and maintenance of off-site play and open space facilities.

Contact Officer: - Richard Wright Ext 5894

Item: 08
Reference: 12/00998/FUL
Applicant: Mr Jeff Penman
Location: Unit G And H Maple Drive Hinckley
Proposal: ERECTION OF 3 INDUSTRIAL BUILDINGS (B1,B2,B8)
Target Date: 15 February 2013

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of three industrial/warehouse buildings comprising of 7 units (Use Classes B1/B2/B8).

Units 1 and 2 located to the western part of the site comprise of a total floor area of 594.39 square metres. Units 3, 4 and 5 are located to the north of the complex adjacent to the balancing pond, comprising a total floor area of 645.71 square metres. Units 6 and 7, comprising a floor area of 394.23 square metres, are located to the eastern part of the site, adjacent to the landscaping buffer and beyond that the Ashby de la Zouch Canal.

All the units are rectangular in form, with shallow curved roofs. Units 1 and 2 measure a maximum of 8.9 metres in height, with units, 3, 4 and 5 measuring 7.8 metres to the top of the curve and units 6 and 7 measuring 7.9 metres high. All units include roller shutter doors, and glazed canopy porch entrances, with window units above.

All units will be constructed from a cladding system with aluminium glazing panels and aluminium roofs.

The scheme intends to comprise of 544.7 square metres of light industrial space (Use Class B1c); 544.7 square metres of general industrial floor space (Use Class B2) and 544.7 square metres of storage and distribution floor space (Use Class B8). In total 1634 square metres of floorspace is proposed.

The scheme proposes a total of 33 car parking spaces including 7 disability parking bays. The units are intended to be operational for 24 hours a day.

The scheme also proposes a landscaping buffer to the east of the proposed units, adjacent to the Canal.

During the course of the application amended plans have been received showing the red edge boundary extended to the edge of the Ashby de la Zouch Canal boundary and re-consultation has been undertaken with all statutory consultees and neighbouring properties.

Following concerns raised by officers, the applicant has provide amended plans showing additional glazing in the side of unit 1, and the introduction of high level glazing in units 6 and

7 and additional detailing to the side elevation of unit 5. Re-consultation undertaken with the Council's Conservation Officer.

Revision to the block plan to incorporate units J and D have also been received as well an additional 'Statement of Justification for Proposed Development Density'.

During the course of the application, an addendum to the original Flood Risk Assessment has been submitted and re-consultation has been undertaken with the Environment Agency and Severn Trent Water and Head of Community Services (Land Drainage).

The Site and Surrounding Area

The site covers an area of 0.39 hectares. A surface water balancing lagoon is sited to the north of the site. Unit's G and H are located to the northern periphery of Tungsten Park Development, located to the north of Unit F where an industrial/warehouse building (ref: 11/00706/FUL) was approved on 27 October 2011 and adjacent to the Ashby de la Zouch Canal.

Tungsten Park is located to the north of Coventry Road and to the west of the Ashby Canal. The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement, Traffic Generation Assessment, a Flood Risk Assessment Addendum and a Statement of Justification for Proposed Development Density.

Relevant Planning History:-

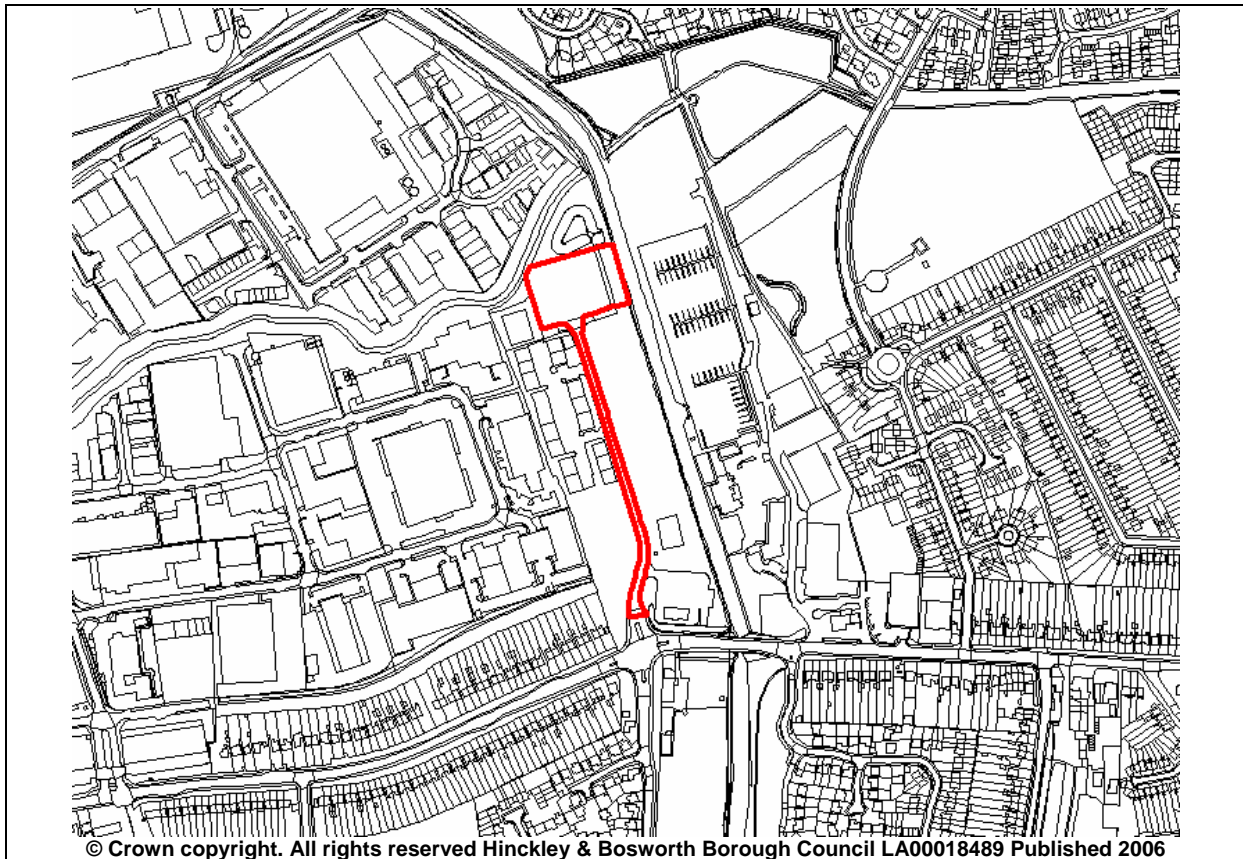
12/00486/FUL	Erection of motor dealership including workshop, outdoor car sales display areas and associated works	Approved	06.09.12
12/00402/FUL	Erection of squash club building	Approved	29.06.12
12/00067/FUL	Erection of 2 no. industrial buildings (Use CllasesB1/B2/B8)	Approved	12.04.12
11/00706/FUL	Erection of industrial/warehouse building (Use Classes B1/B2/B8)	Approved	27.10.11
07/01150/FUL	Mixed commercial development comprising B1, B2, B8 and Sui generis uses	Approved	12.12.07
07/00529/FUL	Mixed commercial development comprising B1, B2, B8 and Sui Generis uses	Refused Dismissed at Appeal	29.08.07
05/00615/FUL	Erection of 10 Commercial units	Approved	01.08.05
05/00216/REM	10 Commercial/Industrial/ Office units	Withdrawn	02.03.05

03/00411/CONDIT Variation of condition 3 of application 99/00048/OUT to allow extension of time for submission of reserved matters

Approved 09.06.03

99/00048/OUT Industrial Development for B1, B2 and B8 use

No LPA Decision Appeal Allowed 09.05.00



Consultations:-

No objection has been received from:-

Ashby Canal Association
Canal and River Trust
Inland Waterways Association
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

No objection subject to conditions has been received from:-

Environment Agency
Severn Trent Water Limited
Director of Environment and Transport (Highways)

The Council's Conservation Officer considers the layout acceptable but the elevation of unit 6/7 and 3/4/5 facing the canal lacks interest and should be improved.

Both the Inland Waterways and Ashby Canal Association have no objections to the scheme but have requested that the towpath hedgerow is strengthened, existing towpath hedge maintained and implementation of the indicated landscaping strip parallel with the canal.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 18: Regional Priorities for the Economy

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 T5: Highway Design and Vehicle Parking Standards
Policy BE7: Development in Conservation Areas
Policy REC6: Ashby Canal Corridor

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Ashby Canal Conservation Area Appraisal

Appraisal:-

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

Principle of Development

The NPPF states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

It is considered that the proposal by virtue of it being for commercial purposes is economic development. It is considered that this would benefit the economic competitiveness of the site which in turn would benefit the wider economy of the immediate area and the Borough. The principle of a mixed use commercial development on this site has already been established through the earlier grant of planning permission (ref: 07/01150/FUL). Subsequent planning permissions have been granted on the site for B1, B2 and B8 Use Classes. As such

there is no in principle objection for the erection of three industrial buildings (Use Classes B1/B2/B8) subject to all other planning matters being appropriately addressed.

Siting, Density and Design and Impact upon the Character and Appearance of the Conservation Area

The site lies adjacent to Ashby-de-la-Zouch canal, which is a designated Conservation Area and is afforded protection through Policy BE7 and Policy REC6 of the Hinckley and Bosworth Local Plan. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area, as stated within Local Plan Policy BE7. Policies BE7, REC6 and Criteria a) of Policy BE1 are considered consistent with the NPPF and as such these policies remain relevant considerations in the determination of this application.

In terms of siting, it is considered that the principle of units to the northern part of Tungsten Park has already been agreed through the earlier grant of planning permission ref: 07/01150/FUL. The 2007 permission showed two adjoining units, G and H located approximately 41 metres from the canal, and 55 metres from the surface water balancing lagoon. Given the associated infrastructure proposed within the two units, the closest built development from the canal was approximately 24 metres and from the surface water balancing lagoon was approximately 35 metres. This scheme, whilst located closer to the surface water balancing lagoon, does not propose to be located any further towards the canal than that of Unit B and recently approved Unit E (squash club) ref: 12/00402/FUL.

As such it is considered that the separation distance from building development and the canal is retained within this scheme.

In respect of density, within the 2007 application, Units G and H cumulatively proposed 518 square metres in floor space. This scheme intends to provide 1634 square metres of floor space, a difference of 1116 square metres. The previous scheme also proposed 1 block whereas this scheme proposes 3. It is therefore acknowledged that the density within the scheme has significantly increased. As a result of this density, there is now less separation between the buildings on site and that of the surface water balancing lagoon and fewer views through the site from the Ashby de la Zouch Canal Conservation Area. The footprints of the units, however, are similar to that of adjacent units.

In terms of design, the curved roof and shallow pitch roof designs of the units respects that of the other commercial buildings on Tungsten Park, both those that are already constructed and those approved awaiting construction. All 3 buildings are of a simple rectangular form with the curved roof adding some further mass and visual interest to the unit, whilst not detracting from the inherent curved roof form of the wider development. Following the submission of amended plans there is now glazing wrapped around the corner towards the southern elevation of unit 1 to provide a more attractive visual end stop, in addition to a variation in colour to provide vertical emphasis on the side elevation of unit 5 and high level glazing to the rear elevation of units 6 and 7 to provide additional interest when viewed from the canal. In respect of materials, the elevations of the units are a combination of cladding and glazed panels, with aluminium window and door units, reflective of the materials used in the surrounding units.

Following the submission of amended plans extending the red edge to the canal boundary the Local Planning Authority is now able to exert some control over the landscaping between the Canal and the units.

It is considered that the canal hedgerow is an important feature which preserves the character and appearance of the Ashby Canal Conservation Area. For the avoidance of doubt, the existing canal side hedgerow is to be retained and it is considered necessary to

ensure that this existing hedgerow is protected during construction by attaching an appropriate condition.

In respect of proposed landscaping, it is considered paramount to ensure that additional landscaping/planting is strictly controlled along this important elevation and in the absence of full details it is considered necessary to impose a condition. It is considered that any landscaping should take be complimentary to that already approved across the site this will ensure consistency will aid the preservation of the character and appearance of the Conservation Area. As such appropriately worded conditions are considered necessary to secure these full details.

In terms of wider visual impacts, it is considered that by virtue of the separation distances from the canal, the design of the units and the presence of existing and additional landscaping that there would be no significant detrimental impacts from the scheme when being viewed from the canal towpath and the marina to the east. Given the units positioning in the northern part of Tungsten Park combined with a difference in levels between the site and Coventry Road the units will not be visually prominent from Coventry Road. Units H1-2 and H3-4 will be screened by existing development, and by other developments that have received consent.

In summary, it is acknowledged that the footprint of the units proposed is larger than that approved in 2007, resulting in less open space and views through the site. The scheme does however; ensure that units are sited as far from the canal as possible and accords with the general siting and scale of existing industrial units on the site, ensuring that the units appear in keeping with the scale and character of existing development. The design and materials, combined with the retention of the canal side hedgerow and additional hedgerow and landscaping ensures that the character and appearance of the Conservation Area is preserved in this case. As such, the development is considered to be in accordance with Saved Policies BE1 (criterion a), BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

During the course of the application, the applicant has submitted an addendum to the original Flood Risk Assessment (FRA) and re-submitted the original Drainage Design Statement. This has been considered by the Environment Agency, Severn Trent Water limited and the Head of Community Services (Land Drainage).

The Environment Agency have subsequently removed their objection and consider that the proposed development would only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment (FRA) Addendum submitted, are implemented and secured by way of a planning condition on any planning permission.

Whilst the original FRA has been discharged, to ensure that this development is carried out in accordance with the required addendum to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site the recommended condition is considered necessary.

Severn Trent Water Limited raises no objection to the proposal but has asked for conditions in respect of drainage details to be submitted. The scheme does not propose any alterations to the drainage details. during the course of the application the original Drainage Design Statement was submitted in support of the application.

In addition the addendum to the FRA confirms that the scheme has been fully implemented in it's entirely in accordance with the original drainage design statement and all other

supporting information and has been in operation in this way since late 2008. In 2012 the foul water pumping station and rising main leading from the pumping station to the existing Severn Trent Water mains sewer to the north of Harrow Brook has been adopted by Severn Trent Water Limited.

Given that the surface and foul drainage was subject to a separate condition within the previous application (ref: 07/01150/FUL) and was discharged on 6 June 2009 and there are no alterations to the drainage details it is considered that no such condition is required in this respect.

In summary, subject to the imposition of the recommended condition, it is considered that the proposal would not have any significant impacts upon flooding in accordance with the overarching intentions of the NPPF.

Impact upon Residential Amenity

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

The residential dwellings most immediately impacted upon as a result of the proposal would be No.391 Coventry Road to the south west of Tungsten Park. There is a distance of nearly 300 metres from the closest unit (Unit G) and the residential dwelling which is considered sufficient to not create any significant material impacts.

Given the likely trips generated, as discussed below it is not considered that there would be any significant impacts from traffic movements upon the occupiers of neighbouring dwellings. In addition it should also be noted that there is an existing acoustic fencing and that an additional landscaping buffer with mature planting proposed along the western boundary as part of recently approved application ref: 12/00486/FUL.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policy T5 is considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

The application seeks to take access from the Tungsten Park spine road and proposes thirty three car parking spaces, including seven disability spaces. The development has been considered by the Director of Environment and Transport (Highways) who has no objection subject to the imposition of a condition to secure covered cycle parking.

The application has been accompanied by a Traffic Generation Assessment which compares the trip generation between the previously consented site and the proposed scheme, including the recently consented car showroom and squash club concluding that the proposed scheme would result in a net decrease of 91 two way vehicle trips during a typical weekday morning peak hour and a net decrease of 54 vehicles trips during a typical weekday evening peak hour when compared to the consented development.

The Director of Environment and Transport (Highways) has confirmed based on their own calculations the additional floorspace would generate an additional 34 peak hour movements

and to put this into context, the original development would have generated roughly 274 movements. As such the Director of Environment and Transport (Highways) concludes that whilst there may be a small increase in traffic to/from the site, this is not at a level where the impact on the highway network would be 'severe'.

In summary, the increase in traffic movements is not considered to be detrimental and it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Conclusion

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and help achieve economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The principle of mixed use commercial development on this site has already been established by the earlier grant of previous planning permissions. This scheme proposes B1, B2 and B8 buildings for commercial purposes to be sited on an existing employment site.

The scheme is considered to preserve the character and appearance of the adjacent Conservation Area, does not give rise to any significant materials impacts upon drainage and flood risk, the occupiers of neighbouring dwellings, or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered economic development on an employment site, would not be detrimental to visual or residential amenity, drainage and flood risk, highway safety and is considered to preserve the character and appearance of the Conservation Area.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), T5, REC6, BE7.

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

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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.

- 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: Lakeside Court: Floor Plans Drawing

No. 6605/167D received by the Local Planning Authority on 16 November 2012 and amended details: Lakeside Court: Location Plan Drawing No. 6605/170B; Lakeside Court: Site Plan Drawing No. 6605/166F received by the Local Planning Authority on 18 December 2012 and Lakeside Court: Block Plan Drawing No. 6605/171E; Lakeside Court: Unit 01 & 02: Elevations Drawing No. 6605/168D; Lakeside Court: Unit 03, 04 + 05: Elevations Drawing No. 6605/169D and Lakeside Court: Unit 06 + 07: Elevations Drawing No. 6605/176B received by the Local Planning Authority on 21 December 2012.

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed 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 No development shall commence until details of a scheme to safeguard the existing hedgerow along the eastern boundary of the site during construction of the development and programme of implementation have first been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved scheme.
- 5 Notwithstanding the submitted plans no development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
 - a. planting plans
 - b. written specifications
 - c. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d. maintenance schedule
 - e. implementation programme
 - f. areas to be grassed
 - g. treatment of hard surfaced areas
 - h. details of the landscape management plans for the hedgerow to the eastern boundary in its entirety.
- 6 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.
- 7 Before first use of the units hereby approved, the respective car parking provision as shown in Lakeside Court: Site Plan Drawing No. 6605/ 166 F received by the Local Planning Authority on 18 December 2012 shall be provided and shall thereafter permanently remain available for such use.
- 8 Before the development hereby permitted is first used, a scheme for cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and retained thereafter.
- 9 The development hereby permitted shall be carried out in strict accordance with the Flood Risk Assessment and mitigation measures submitted as part of the Master Plan for the wider site, planning application No. 07/01150/FUL and the addendum to the

Flood Risk Assessment received by the Local Planning Authority on 17 December 2012. The mitigation measures shall be fully implemented prior to occupation and subsequently 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

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To protect the existing hedgerow during development in order to secure its retention as a wildlife habitat and to protect the character, appearance and biodiversity importance of the adjacent canal corridor and to preserve the character and appearance of the Ashby Canal Conservation Area to accord with Policies BE1 (criteria a and e) BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 In the interests of visual amenity, to accord with Policies BE1 (criteria a and e) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criteria a and e) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 In the interests of preventing flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with guidance contained within 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.

- 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 For clarification, this application does not provide consent for the illustrated signage. A separate application for advertisement consent will be required for all signage. It is a criminal offence to display signage without first obtaining the required consent.

Contact Officer: - Ebony Mattley Ext 5691

Item: 09

Reference: 12/01012/FUL

Applicant: Mrs Susan Klenk

Location: Stanmaur Farm Breach Lane Earl Shilton

Proposal: ERECTION OF OCCUPATIONAL DWELLING FOR BOARDING KENNELS

Target Date: 14 January 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an occupational dwelling requiring a functional and financial appraisal to be undertaken.

Application Proposal

This application seeks full planning permission for the erection of an occupational dwelling in association with a boarding kennels business at Stanmaur Farm, Breach Lane, Earl Shilton. The proposal is for a two bedroom bungalow with approximately 150 square metres external floor area incorporating an office. The main element of the proposed bungalow measures approximately 15.2 metres in length x 9.2 metres in width with a main ridge height of approximately 6.65 metres and eaves height of 2.65 metres. The accommodation comprises a lounge, kitchen/diner, two bedrooms, a bathroom/toilet, office, hallway and a utility room and porch within a subordinate projecting element approximately 4 metres square on the south elevation. The proposed bungalow would replace an existing temporary occupational dwelling (mobile home) granted planning permission on appeal for a period of three years in February 2010. The proposed bungalow would be located immediately to the north of the existing temporary dwelling to enable continued occupation whilst the permanent dwelling is constructed. Parking for two vehicles is included in the application. The proposals include the planting of a hedgerow comprising native species to define the associated residential curtilage.

Amended plans have been submitted to confirm the location and removal of the existing mobile home on completion of the proposed occupational dwelling but retention of the concrete base.

The Site and Surrounding Area

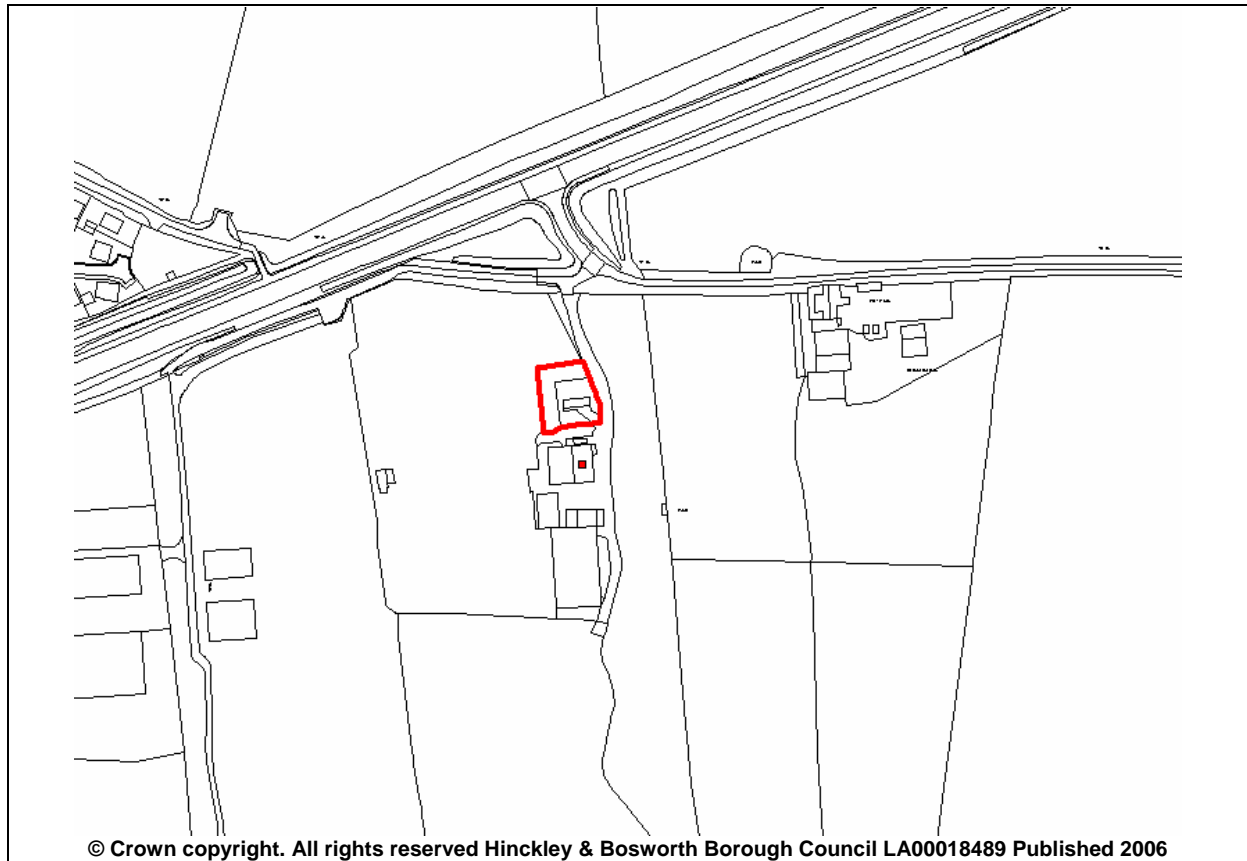
The application site measures approximately 0.1 hectares and is located in the countryside to the south of Breach Lane and the Earl Shilton By-Pass. It forms part of a larger land holding of approximately 3.23 hectares. Within the holding, in addition to the temporary mobile home, there are four steel portal framed buildings. One measuring approximately 18.2 metres x 12.2 metres is used for kennel accommodation. The others are used for stables (approximately 15.8 metres x 9.1 metres), a hay store with lean-to (approximately 9.1 metres x 14.3 metres max) and machinery and hay/store (approximately 18.3 metres x 9.1 metres). There is also an all-weather manege with post and rail fencing (42 metres x 22 metres). A small lake is located adjacent to the southern perimeter. The site is surrounded by agricultural land, to the west, south and east, with the Earl Shilton Bypass approximately 180 metres to the north. The land falls gently from north to south.

Technical Document submitted with application

Design and Access Statement
Agricultural Appraisal
Access/Parking Statement
Landscaping Statement

Relevant Planning History:-

09/00840/TEMP	Temporary Occupational Dwelling	Refused	26.11.09
09/00591/CLU	Certificate of Lawful Proposed Use for the Formation of more than 10 Boarding Kennels	Approved	09.10.09
09/00246/TEMP	Temporary Occupational Dwelling at Boarding Kennels	Refused Appeal Allowed	06.05.09 11.02.10
08/01053/FUL	Change of Use of Implement Store to Boarding Kennels	Approved	18.12.08.



Consultations:-

No objection has been received from:-

The Borough Council's Agricultural Appraisal Consultant
Director of Environment and Transport (Highways)
Earl Shilton Town Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

Site notice was displayed and neighbours notified. One objection has been received on the grounds that the site is outside development limits and an application for a new dwelling has previously been refused on these grounds.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
Policy RES12: New Agricultural Dwellings
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 Guidance/Documents

Supplementary Planning Guidance: New Residential Development

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact on the character and appearance of the surrounding landscape, neighbouring properties, highway safety and other matters.

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. Whilst only limited weight can be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF, the design criteria of the policy are still considered to be compliant with the principles of the NPPF. 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 proposal is for an occupational dwelling for dog boarding kennels and is not agricultural in nature, it is not unreasonable to have regard to the same functional and financial considerations and availability of alternative housing when assessing the planning merits of other occupational dwellings in the countryside.

In determining the planning appeal (reference APP/K2420/A/09/2115425) against the refusal of planning permission (reference 09/00246/TEMP) for the existing temporary mobile home the Planning Inspector accepted that the functional test for an occupational dwelling for the dog boarding kennels was met as there was a need for 24 hour presence on site for animal welfare and emergencies and that this function could not be reasonably served by other residential properties nearby. The Inspector also considered that the projected accounts confirmed that the enterprise had been planned on a sound financial basis and that the financial test had been met. As a result, planning permission was granted for the temporary siting of a mobile home for a period of three years from 11 February 2010 to enable the applicant to establish the viability of the business.

The supporting information submitted with this application advises that the applicant's intention was to start with ten kennels and build up to 20 over the three year period but because of the success of the business the applicant now has a boarding kennel licence for up to 46 dogs at any one time and that due to demand additional kennels may be installed in the coming year.

The Borough Council's Agricultural Appraisal Consultant has assessed the current proposal against National Policy Guidance and Local Plan Policies and has had regard to the Planning Inspectors Appeal Decision in respect of the temporary dwelling. The independent appraisal report provided concludes that there is an essential functional need for a key worker to be present at the location of Stanmaur Farm with regard to the dog boarding kennels, to enable it to function properly and continue trading under the terms and conditions of the boarding kennel licence. The report also concludes that, based on the summaries of the actual trading accounts for the past two years and third year projections (which are consistent with the original business plan forecasts) overall the business is in a financially viable position.

Accordingly the proposal is considered to be in accordance with the principles of Saved Policy RES12 (criteria a, b and c) of the adopted Local Plan. In addition, the proposal will contribute to the social and economic roles of sustainable development by providing housing accommodation for the applicant and by providing the applicant with employment and enabling the continued viability of this rural business which contributes to the rural economy.

An objection to the erection of a new dwelling in the countryside has been received and reference is made to a previously refused application for similar development. However, that previous proposal did not meet either national or local plan policy requirements unlike the current proposal, the functional need of which has been established at appeal.

In conclusion, the proposed occupational dwelling is considered to be acceptable in principle subject to all other planning matters being addressed. A condition tying the occupation of the dwelling to a person employed in the operation of the boarding kennels at Stanmaur Farm is considered to be reasonable and necessary as permission for a dwelling in this location would not normally be acceptable save for the special circumstances of the application.

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.

The siting of the proposed bungalow would be well related to the existing buildings on the site being immediately to the north of the existing temporary dwelling and close to the boarding kennels building. The siting will enable continued occupation whilst the permanent dwelling is constructed and provide adequate supervision of the kennels and surveillance of the access to the site at all times in the interests of security. The proposed bungalow is designed with a traditional steep pitched roof with gable ends and low eaves consistent with the rural character of the area. Architectural features include a brick plinth detail and a chimney together with subordinate projecting elements to add interest to the overall design. The proposed materials include Ibstock Ivanhoe Red Mixed facing bricks, Sandtoft Slate Grey 10:20 roof tiles and Irish Light Oak upvc window frames and these are considered to be appropriate to protect the character of this rural location having been assessed on site. A condition removing permitted development rights is considered to be reasonable and necessary in this case to enable control over future extensions in order to protect the visual amenity and rural character of the area.

It is proposed that the residential curtilage be defined by a stock proof fence together with hedgerows consisting of a mix of native species. As insufficient information has been provided to enable proper assessment of the appearance of the boundary treatment a condition requiring further details to be submitted for approval is reasonable and necessary in this case.

As a result of the siting, single storey scale, overall design, proposed external materials and landscaping the proposed occupational workers dwelling will complement the rural character of the area and will not be out of keeping with existing buildings within the site to which it will be well related. The proposal is therefore in accordance with Saved Policies NE5 (criteria i, ii and iii) and BE1 (criteria a, c and e) of the adopted Local Plan together with the overarching principles of the NPPF.

Impact on Neighbouring Properties

Saved Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring residential properties are located in excess of 100 metres to the north east (Breach Lane Farm) and over 200 metres to the north west to the north of Earl Shilton Bypass. As a result the proposed occupational dwelling will have no adverse impact on any residential amenities. The proposals are 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 existing access to Breach Lane and the Earl Shilton Bypass beyond provides adequate visibility for road users to serve the proposed development and existing uses on the site. The proposals include the provision of two car parking spaces and turning to serve the occupational dwelling together with existing parking and turning facilities for visitors. The proposals are in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Other issues

In this case, there is 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.

It is proposed that foul drainage from the site will be disposed of via a private package treatment plant. Although no details have been provided foul drainage disposal will have to comply with Building Regulations requirements and will therefore meet the requirements of Saved Policy NE14 of the adopted Local Plan.

Conclusion

The functional requirement for an occupational dwelling and 24 hour presence on the site in association with the dog boarding kennels business was established at appeal in 2010. The independent appraisal report in respect of the current application also concludes that there is an essential need for a key worker to be present at Stanmaur Farm to enable the business to

function properly and continue trading under the terms and conditions of the boarding kennel licence. The report also concludes that the business is in a financially viable position. The siting, scale, design and appearance of the dwelling is considered to be acceptable, will complement the rural character of the area and will not have any adverse impact on the character or appearance of the surrounding landscape, the amenities of neighbouring properties or highway safety. Accordingly the proposed occupational dwelling is considered to be in accordance with Saved Policies RES12 (criteria a, b and c), NE5 (criteria i, ii, iii and iv), BE1 (criteria a, c, e, g and i), NE12, NE14, and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development and as a result of its siting, scale, design and appearance will complement the character of the surrounding area and will not have any adverse impact on the character or appearance of the surrounding landscape, the amenities of neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies RES12 (criteria a, b and c), NE5 (criteria i, ii, iii and iv), BE1 (criteria a, c, e, g and i), NE12, NE14, and T5.

In dealing with the application, through ongoing negotiation and the receipt of amended plans 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.

- 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 at 1:1250 scale and Block Plan at 1:500 scale received by the Local Planning Authority on 21 November 2012 and Elevations and Plans Drawing 01 received by the Local Planning Authority on 19 November 2012.
- 3 The occupational dwelling hereby permitted shall be limited to a person solely or mainly employed at the boarding kennels at Stanmaur Farm within the area edged blue on the Site and Land Ownership Plan, or any resident dependants.
- 4 The materials to be used on the external elevations of the proposed dwelling hereby approved shall be Istock Ivanhoe Red Mixed facing bricks, Sandtoft Slate Grey 10:20 roof tiles and Irish Light Oak upvc window frames.
- 5 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed 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 Prior to any development commencing on site a timetable for ceasing the residential occupation and use of the existing mobile home and then removing it from the site shall be submitted to and agreed in writing by the Local Planning Authority. Once the occupational dwelling hereby approved is first ready for occupation, the residential occupation and use of the mobile home shall then be ceased and the structure removed from the site in accordance with the approved timetable.
- 7 The residential curtilage of the occupational dwelling hereby approved shall be limited to the area enclosed by the red edge as indicated on the submitted Block Plan at 1:500 scale received by the Local Planning Authority on 21 November 2012.
- 8 Notwithstanding the submitted landscaping details, prior to first occupation of the occupational dwelling hereby approved, full details of the method by which the residential curtilage will be enclosed and thereafter maintained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details during the first available planting season following first occupation of the dwelling and maintained as such at all times thereafter.
- 9 The two car parking spaces shown on the approved plan shall be provided before first occupation of the occupational dwelling hereby permitted and once provided shall thereafter remain available for such use at all times thereafter.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A - E inclusive shall not be carried out unless planning permission for such development has first been granted 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 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. But for the special circumstances of the applicant the Local Planning Authority would not have been prepared to grant permission to accord with Policy RES12 (criteria a, b and c) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the development does not have an adverse impact on the character of the area to accord with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 6 To define the permission and to ensure that the temporary mobile home is removed from the site to protect the character and appearance of the countryside to accord with Policies NE5 (criteria i and ii) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.

- 7 To define the residential curtilage and for the avoidance of doubt to accord with Policies NE5 (criterion i) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 8 To define the residential curtilage, to enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii), BE1 (criterion e) and NE12 (criterion b and d) of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that adequate car parking facilities are available to serve the dwelling to accord with Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To safeguard the visual amenities and the rural character of the area to accord with Policies NE5 (criteria i and ii) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Richard Wright Ext 5894

Item: 10
Reference: 12/01040/CONDIT
Applicant: Mrs S Alexander
Location: 6 Clarendon Road Hinckley Leicestershire
Proposal: Removal of condition no. 2 of planning permission 12/00535/FUL
Target Date: 30 January 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the Head of Planning considers it necessary to be considered by Members as the application seeks removal of a condition imposed by Planning Committee Members.

Application Proposal

Consent is sought for the removal of Condition 2 attached to planning permission 12/00535/FUL. Members will recall that planning application 12/00535/FUL seeking the retention of an air conditioning unit was approved at committee in October where Members imposed condition 2 that read:-

Within one month of the date of this decision, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. Within 2 months of the approval in writing the agreed mitigation scheme shall be implemented.

It is this condition that the applicant is now seeking to remove as the applicants do not believe it to be necessary.

The Site and Surrounding Area

6 Clarendon Road is a detached property with an off-street parking to the front. Clarendon Road is a mainly residential street with a few commercial properties including a dentist and the nursery. 6 Clarendon Road has been extended to the rear with a conservatory and various flat roofed extensions.

To the east the application site shares a boundary with 4 Clarendon Road, a semi-detached two storey dwelling located at a slightly higher level than the application site. This property is separated from the application site by a close boarded fence re-enforced by a conifer hedge approximately 5 metres from the rear elevation of the application property.

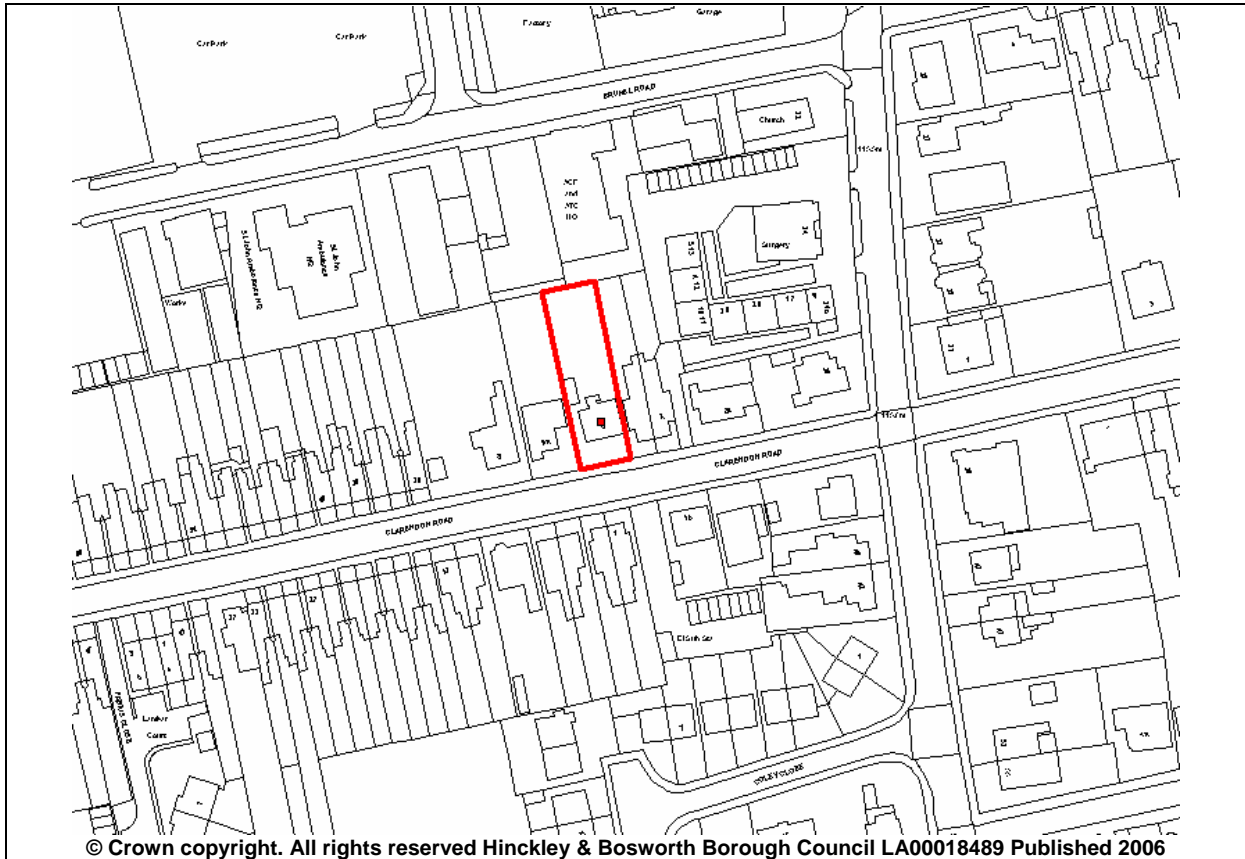
To the west of the site (6a Clarendon Road) is a two storey detached dwelling, separated from the application site by a mixture of vegetation and a close boarded fence.

Technical Document submitted with application

None submitted.

Relevant Planning History:-

12/00535/FUL	Installation of an air conditioning unit (retrospective)	Approved	24.10.12
12/00021/S	Enforcement enquiry		
07/00348/FUL	Extensions and alterations including a conservatory incorporating an emergency means of escape	Approved	22.05.07



Consultations:-

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

Site notice was displayed and neighbours notified.

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

- a) interference with adjacent property
- b) noise/disturbance
- c) noise assessment was carried out when the outside temperature was 12 degrees therefore unit was not operating on full hot or cold. Further tests need to be carried out when outside temperature is extreme hot or cold. Request that the decision of the planning application be held until adequate testing has taken place.

At the time of writing the report comments have not been received from the Head of Community Services (Pollution).

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance: East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

BE1: Design and siting of development

NE2: Pollution

Appraisal:-

The main consideration with regard to this application is whether the noise emitted from the air conditioning machine is such that it requires a scheme of mitigation so as not adversely impact upon the amenities of neighbouring residents. The principle for the development has been established under reference 12/00535/FUL.

At the time of the application for the retention of the air conditioning unit, a noise survey was carried out. The impact was measured on no 4 Clarendon Road as the nearest noise receptor to the air conditioning unit. The following is an extract from the committee report that went before Members in October.

Measurements were taken in two positions. Position 1 was at freefield position with readings taken 3.5 metres from the nearest reflective surface and 1.2 metres from the ground. Position 2 was at façade position with readings taken 1 metre from the nearest façade of the closest sensitive receptor. At measuring position 1 noise from the unit was barely audible over the background noise of passing traffic and light breeze in the trees above the monitoring position. At monitoring position 2 the noise from the unit was audible but not intrusive against the background noise. The following table sets out the monitoring results taken on 5 October 2012 from the rear garden of no. 4 Clarendon Road:-

Location	Recording	Time	Period	L _{aeq} (dB)	L ₉₀ (dB)
Freefield					
1	Unit on full hot	12:15- 12:20	5 min	48.0	44.6
1	Unit on full cold	12:21- 12:26	5 min	48.8	45.7
1	Unit off	13:45-14:44	59 min	47.0	43.0
Façade					
2	Unit on full hot	12:36- 12:41	5 min	49.0	47.6
2	Unit on full cold	12:45- 12:50	5 min	47.4	45.4
2	Unit off	12:57-13:42	45 min	46.7	43.5

The World Health Organisation guidelines for Community Noise indicates levels of 50-55dB in gardens over 16 hours in the day and 35dB in living rooms over 16 hours in the day. A standard calculation of a 15dB reduction would be applied to indicate indoor noise levels with an open window. The indoor noise levels would meet the World Health Organisation guidelines for Community Noise for living rooms. The same calculation would also meet the "good" standard within BS8233.

The Head of Community Services (Pollution) also carried out an assessment using BS4142. BS4142 assesses the likelihood of complaints by considering the noise from the equipment against background noise levels. This assessment indicated that the difference between background noise level and rating level ranged between 2.9dB and 8.5dB. A 5-10dB difference indicates an increase of marginal significance. A score of over 10dB indicates that complaints are likely. The applicants indicate that the unit is only used to modify the temperature in the conservatory so that babies can sleep there and it only operates for around an hour and half in the morning and two hours in the afternoon. However, using worst case scenario, by assuming that the unit will operate throughout the day, the assessment shows an increase in noise levels of "marginal significance".

Members resolved to approve the application subject to an additional condition that required a noise mitigation scheme to be submitted and approved within one month of the approval of the application. The applicant considers based on the previous survey work that the condition is not necessary as the noise emitted from the unit is not such that it can be considered to impact upon the neighbours in planning terms and are seeking to remove the condition.

Notwithstanding the previous survey data and the views of the applicant, an objection has been received stating that the noise levels increase during periods of extreme temperature variation and therefore it is considered that the survey carried out does not accurately reflect the noise at these times which is more intrusive. The Head of Community Services (Pollution) has indicated willingness to undertake an additional survey during a cold spell but unfortunately the weather conditions have not yet been suitable for this to be undertaken.

Officers have been in continuous discussions with The Head of Community Services (Pollution). At the time of compiling the agenda, the outside temperature has fallen allowing the required survey to be undertaken. Unfortunately the results will not be available prior to the agenda being compiled and will be reported as a late item.

Advice on the use of conditions is contained within Circular 11/95. This states to be valid, conditions should meet 6 tests:-

- a) necessary
- b) relevant to planning
- c) relevant to the development
- d) enforceable
- e) precise
- f) reasonable in all other respects.

At the time of writing the report Officers have no evidence that the air conditioning unit without any noise mitigation measures produces significant noise to have a detrimental affect on the amenities of neighbouring residents. In fact the noise readings already taken suggest that the unit operates within an acceptable level. Therefore the condition is not necessary to make the development acceptable and therefore fails the first test within the circular.

The Head of Community Services has a noise complaint open regarding the noise of the air conditioning unit which is currently being investigated. Within Environmental Protection Act

1990, the Head of Community Services has powers, if at a later date surveys indicate that the unit is causing a nuisance to neighbouring residents, mitigation can be sought through this legislation. Planning conditions should not be used to address a matter that can readily be addressed by alternative legislation should a problem arise.

Conclusion

A noise survey undertaken at the time of the original application demonstrated that the noise emitted from the air conditioning unit without any mitigation measures is with the permitted guidelines of the World Health Organisation and therefore not considered to detrimentally affect the amenities of neighbouring residents. It is not considered that Condition 2 attached to Planning Permission 12/00535/FUL is necessary to make the development acceptable in planning terms and therefore does not meet the tests within Circular 11/95. As such it is considered that this application to remove the condition should be approved.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The air conditioning unit is not considered to have a detrimental impact on residential amenity and accordingly the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy BE1

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.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details attached to planning application 12/00535/FUL, as follows: Site Location Plan at 1:1250, Block Plan at 1:500 and Plans and Elevations at 1:100 and 1:50 received by the local planning authority on 30 August 2012.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.

Contact Officer: - Sarah Fryer Ext 5682