

PLANNING COMMITTEE

26 March 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

PLANNING COMMITTEE AGENDA - 26 March 2013 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
12/00873/FUL	Mr Peter Mayne	The Stables Pine Close Stoke Golding	01	02
12/00781/REM	Mr Terry McGreal Jelson Limited	Land London Road Markfield	02	42
12/01052/OUT	Milner Arable	Land Adjacent Stanton-Under- Bardon Primary School Main Street Stanton Under Bardon	03	55
12/01026/FUL	Mr John Deakin David Wilson Homes	Land South Of 26 To 28 Britannia Road Burbage	04	73
12/01079/FUL	Mr John Deakin David Wilson Homes	Land South Of 26 To 28 Britannia Road Burbage	05	83
13/00018/FUL	Miss Joanna Squires	Land Adjacent Lodge Farm Wood Road Nailstone	06	95
12/01107/OUT	Everards Brewery Ltd	The Brant Inn Leicester Road Groby	07	100
13/00007/FUL	Mr Anthony Milner	Upper Parks Farm Ratby Lane Markfield	08	115
13/00062/FUL	Mr Jeff Howarth	Hinckley And Bosworth Community Hospital Ashby Road Hinckley	09	122
13/00077/HOU	Mr & Mrs A Stay	14 School Close Burbage	10	128

Item: 01
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

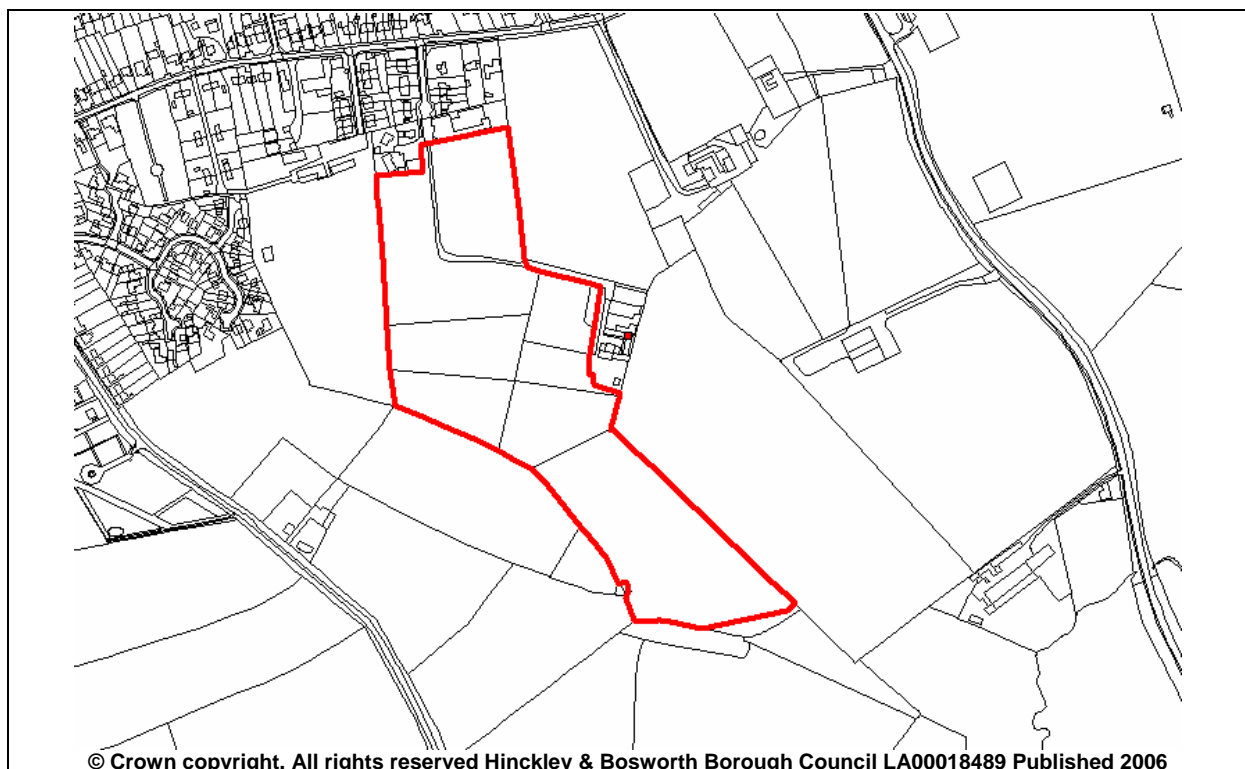
Introduction:-

This application has returned to Committee following the need to reconsult on the latest amended plans.

Members will recall that they resolved to grant planning permission subject to the imposition of planning conditions at the last committee on February 19 2013.

Members are, of course, entitled to have regard to such relevant matters as they see fit when they give further consideration to this application, but the Committee will doubtless bear in mind the advisability of considering whether the further consultation that has been carried out raises any new and substantial material consideration that indicates there is a compelling reason to depart from its previous decision.

A copy of the previous report to planning committee is enclosed within Appendix A and a copy of the late items enclosed within Appendix B of this report.



Consultations:-

One letter of representation has been received stating the following:-

- a) asking that the Local Planning Authority publish all information in respect of discharge of conditions on the planning portal along with their plans, and
- b) publish the assessments of the plans to ensure that they are fit for purpose and promoting the openness of the planning department.

Appraisal:-

In response to the letter of representation anything submitted by the applicant or agent in respect of discharge of conditions is available to view on the Council's website and not on the planning portal.

Assessments of plans, and discharge of conditions is undertaken by officers in accordance with the Constitution and their decision on the acceptability of the information provided is updated to the website too.

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

- 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.
- 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: Site Block Plan Drawing No. 02S; Wildflower Meadow Detail Drawing No. 08S received by the Local Planning Authority on 14 January 2013 and Detailed Planting Proposals 07S received by the Local Planning Authority on 11 February 2013.

- 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.
- 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.
- 5 Notwithstanding the submission of amended plans no development shall commence until the 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) Implementation programme.

The approved landscaping works shall be carried out in accordance with the approved details and retained that way thereafter.

- 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.
- 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.
- 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.
- 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.

- 10 The solar panels hereby approved shall not be sited higher than 2.15 metres above ground level.
- 11 The alarm system shall be silent at all times.
- 12 All cables within the development site shall be set underground.
- 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.
- 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.
- 15 The soft landscaping schemes as detailed within the submitted Detailed Planting Proposals drawing no. 07S received by the Local Planning Authority on 11 February 2013 and Wildflower Meadow 08S received by the Local Planning Authority on 14 January 2013 shall be implemented within the first planting season and maintained for a period of five years from the date of planting. During this period any trees, shrubs or planting which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs and planting of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

- 1 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 For the avoidance of doubt and in the interests of proper planning.
- 3&4 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 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 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 To ensure best practices throughout the removal phase of the development are used in accordance with Policies NE14, BE1 (criterion a) and NE5 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 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 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 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 In the interests of preserving residential amenity to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 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 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 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.
- 15 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.

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 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.

6 The applicant's attention is drawing to the recommendations in section 7 of the Ecology Report.

Appendix A: Committee Report (19 February 2013)

Introduction:-

Members will recall that this application was deferred from the previous planning committee in light of the consultation response from Sport England and to allow for further consideration of the development on any potential impact upon the recreation ground.

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 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. Following this retention, and requested improvements from officers, the applicant has produced and updated all plans to show the retention of the mature oak tree, loss of solar PV panels to this location and re-location of them to the end of existing solar strings, re-siting of the mound to the boundary with the recreation ground and extension of this to the wildflower mitigation area and changes to the tree and hedgerow species.

For the avoidance of doubt the revised plans received are entitled Site Block Plan, Detailed Planting Proposals Plan and Wildflower Meadow Detail Plan.

Given there are no changes to the number of solar PV panels and the changes relate to a minor re-positioning of the mound, and other minor improvements, no formal re-consultation has been formally undertaken.

For the avoidance of doubt the total number of panels proposed is 7,870 and the total number of inverters proposed is 50.

Following concerns raised by Sport England the applicant has provided an additional statement and then a subsequent recreational statement, following a study undertaken at the recreation ground and Sport England have been provided with this information.

Following the submission of the statement, an assessment was conducted on the application site and the recreation ground site on 3 February 2013 when marked posts were set up to indicate the points at which the fencing and panels would be sited and a local team player took 5 shots in the direction of the relevant area.

The applicant maintains that a cricketer would be hard-pushed to clear a distance of 74 metres, the shortest distance from any side of the cricket pitch to the nearest panel, in any case. The applicant maintains that the playing field will be used in its original form and as such finds no grounds to support the objections from Sport England as the proposals do not impact upon the recreation ground. In short, the applicant maintains that the use of the recreation ground will continue as normal and remain completely unaffected.

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 Documents submitted with application

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:-

Sport England
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)
Head of Corporate and Scrutiny Services (Tree Officer).

Sport England's latest response is as follows:-

- 1) Glare from the Solar Panels – this is not considered to be an issue with regard to the south facing panels, based on current knowledge and information from the applicant
- 2) Damage – The repositioned solar panels should minimise the potential from damage from cricket balls. In addition any damage from both sports teams and from others within the Recreation Ground would be covered by the developer and it is understood that this arrangement will confer no liability on the individuals, teams, clubs or the Parish Council.
- 3) Flooding is no longer considered to be an issue
- 4) Loss of balls still remains a major issue for cricket and the inability to retrieve balls. The loss of footballs is not considered to be an issue which would result in an objection as the developer have suggested the provision of additional balls and the return of balls at regular intervals; however Sport England is not sure that this can be covered by a condition
- 5) Sport England believes that the cricket and football teams have over a number of years enjoyed good will with the adjoining neighbour in order to retrieve balls from over the recreation boundary; however it is considered that this could have been prevented over the years and therefore Sport England could not maintain an objection on this issue alone
- 6) Sport England are concerned that this could impact on the continuation of sport at the recreation ground and that further discussion can continue which may resolve this issue, such as a ball stop fence.

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.

Stoke Golding Parish Council state that the majority of residents oppose the development and have valid objections supported by planning policies; accordingly the Parish Council agrees to strongly oppose the development on behalf of the residents. Should the application be approved, however, Stoke Golding Parish Council wishes for the following conditions to apply:-

- 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.

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 paragraph 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.

Immediately prior to the last planning committee nine additional letters of objection were received stating:-

- 1) inadequate noise assessment, FRA archaeological and landscape and visual impact reports and the planning statement contains out of date policies
- 2) landscaping and screening proposals that are inconsistent and ambiguous
- 3) application has been rushed, documents are undated or wrongly dated, no consistent and no overarching documents pulling information together
- 4) failure to provide a proper application, application is invalid and must be withdrawn and re-submitted when all the necessary information is available to an acceptable standard;
- 5) lack of public consultation and re-consultation
- 6) no expert to assess the landscape and visual impacts
- 7) failure to properly address the impact upon recreational amenity
- 8) the manner in which the application has been assessed through the committee report is fundamentally flawed; unlawful to grant planning permission; no specific development plan policies, report does not assess the impact upon the visual landscape
- 9) There is still confusion at this late stage of the application regarding which documents on the HBBC web site are valid and which are not
- 10) no assessment of the public views from the recreation ground; no assessment of character
- 11) failure to address Stoke Golding residents valid objections
- 12) application should be deferred
- 13) new security fencing information added
- 14) new substation enclosure drawing
- 15) visualisations that miss out important details such as the fencing and solar panels
- 16) inverters that move around the site and multiply
- 17) no detailed information regarding existing material and protection measures for existing trees during construction
- 18) no definitive quantities or numbers and varying tree girth sizes
- 19) no established and long term management plans for the wildflower meadow
- 20) in-consistencies between the planting schedule and the key
- 21) the mound is still located within the existing crown spread
- 22) the original scheme and subsequent revised planting scheme has not been produced by any qualified professional landscape designer a suitable person or practice should be commissioned
- 23) adverse visual impact, out of character eye sore; 2.15 metres panels and 2.4 metres fencing is now low and will dramatically change the character of the area

- 24) the type of security fence to be installed should not be left as an issue to be controlled with a planning condition. The public are entitled to see exactly what is being proposed & voice their opinion
- 25) does not adhere to the three principles of sustainability enshrined in the NPPF; report relies upon the benefit of providing renewable energy and cannot be considered sufficient to outweigh the harm identified
- 26) concerns of the cricketers have been dismissed regarding insurance claims; who would be liable?
- 27) strong possibility that clubs and teams will need to find alternative premises
- 28) failure to consult Sport England; in-sufficient time for the concerns raised by Sport England to be properly addressed
- 29) no local benefits; scheme needs to be proposed under a co-operative format
- 30) HBBC does not have policies on solar power and ignore or minimise NE5
- 31) scale too large in such a small village
- 32) key omissions – ignoring Stoke Golding Parish Council's objections to the proposals
- 33) questionable balancing of planning laws
- 34) absence of a formal screening opinion on an Environmental Impact Assessment; the application does have significant environmental effects
- 35) contrary to para 66 of the NPPF which requires applicants to work closely with the community
- 36) the loss of the best and most versatile agricultural land is a material consideration in this case
- 37) politics and fear of a claim from the applicant against non determination are influencing this irrational objective recommendation
- 38) council Risk Strategies should ensure there are adequate policies to protect the council against claims
- 39) planning committee site visit was cancelled and this is essential for members to appreciate the scale of the development and associated impacts.

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 makes 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

Sustainable Design (SPD)

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 7,870 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 7,870 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 Recreational Ground

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.

Flooding

Following re-consultation, Sport England are of the opinion that flooding is no longer considered to be an issue. In terms of flooding, the applicant will be required to comply with the condition imposed by the Environment Agency.

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.

The applicant in its statement maintains that glare has already been addressed within the statement of community involvement and landscape and visual impact assessment and that the panels are specifically designed to absorb light and so are of a lower reflectivity than regular windows and the metal frames are of a matt finish and/or will be predominantly shaded by the panels as a result of their facing south, and the fencing will be masked by the hedgerow/trees. In addition the applicant claims that the installation will be sufficiently screened with the existing and proposed bund, trees and hedgerow.

Following re-consultation with Sport England, they no longer consider that glare from the solar panels is an issue, based on current knowledge and information provided by the applicant.

On investigation by officers, 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.

Usage of Recreation Ground

In respect of the other matters raised regarding the loss of cricket balls or footballs on someone else's land this is not a material planning consideration.

For the avoidance of doubt, Sport England have since confirmed that their primary concern is that of cricketers being unable to retrieve a cricket ball during the course of a match should the cricket ball go over the security fencing. However, Sport England accept that the current and historic position of being able to do that has only been at the goodwill of the adjoining landowner to allow access to retrieve the balls during the match, and that this could have been prevented at any time over the years. As such, Sport England has confirmed that they would be unable to maintain an objection.

Sport England feel that further discussion should continue with the parish council which could resolve this issue such as a ball-stop fence but that they are unable to continue to raise an objection to this application.

The applicant maintains within their statement that the losing of cricket balls or footballs on someone else's land should not be the responsibility/fault of the landowner/agent on whose land they are lost, but, as a gesture of goodwill, the applicant will make a donation of the relevant sporting goods (cricket balls and footballs).

The Council considers that a requirement to replace equipment would not meet the relevant tests of circular 11/95 and therefore could not be imposed by condition. This would be a separate private agreement between the applicant and the clubs.

Liability

Liability for damage caused by cricket is not a material planning consideration.

It is considered that the parish council and/or the users of the recreation ground (depending on the circumstances) would be liable for damage caused by stray balls and it is for the parish council and the company to come to an arrangement.

The applicant in their statement have confirmed that they will cover damage and replace panels resulting from stray balls, using their warranty so the Clubs and/or parish council would not be liable and that the applicants insurance covers vandalism from objects deliberately thrown from the recreation ground by vandals. In addition, the recreational statement confirms that the applicant will remove liability from the Club or the Parish Council in respect of any accidental damage caused by the recreational activities.

It is considered that the parish council and the club need to secure an undertaking in writing from the applicant to that effect, and the applicant has indicated that it would, if appropriate, supply nets and replace balls, but the Local Planning Authority is unable to impose a condition as it would not meet the tests in Circular 11/95.

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.

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.

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 sufficient 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.

Landscaping

The mature oak tree within parcel 3 is set to be retained.

During the course of the application, a number of revisions to plans have been provided showing landscaping improvements. The latest amended plans have subsequently been received showing a set back of the mound from the existing boundary with the adjacent recreation ground further into the development site, which reduces the competition for sun light and thus allows for greater establishment of the specimens. The mound has also been extended along the length of the site into the wildflower planting area. In addition, revisions to tree and hedgerow species and densities are welcomed as they are native, suited to the conditions and offer a greater chance of survival and establishment.

The latest amendments have been considered by the Head of Corporate and Scrutiny Services (Tree Officer) who is satisfied with the proposed mound in terms of siting and scale but has confirmed that there are mistakes in the size of the nursery stock specified, with a contradiction between the sizes shown in the table and those shown in the Key.

Notwithstanding the acceptability of the siting of the mound, officers consider that a landscaping condition is imposed and still retained which requires details of a full compressive landscaping scheme, including details of boundary treatments and security fencing and will ensure that the outstanding errors in respect of the size of the nursery stocks are altered and that the approved scheme landscaping scheme is maintained for a period of five years from the date of planting.

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 a significant impact would 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.

Following the submission of amended plans the Head of Community Services (Pollution) has confirmed that he has no further comments to make.

In response to specific neighbouring concerns raised the Head of Community Services (Pollution) has re-confirmed that the inverters will only operate during daylight hours and on the understanding that such inverters operate within peoples homes (those who have solar panels on their roofs) also leads him to the conclusion that a significant impact will not be generated.

The Head of Community Services (Pollution) also confirms that he has made attempts to identify resources that would indicate concern from low frequency noise but has failed to identify any. The Head of Community Services (Pollution) concludes that there is no known evidence that inverters produce such low frequency noise levels that would cause concern.

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 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.

Consultation

In respect of the consultation and notification process, only those residential properties which adjoin the site are required to be 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.

All original neighbours consulted on 30 October 2012 were given 21 days to comment until 20 November 2012. The at the request of the local Parish Council, local Ward Member and County Councillor, the consultation period was informally extended to the 23 December 2012. During this time amended plans were received and a 10 day re-consultation was undertaken on 12 December 2012 formally extended the consultation period to 23 December 2012. In addition, an additional plan was then received depicting the location of the inverters to be hung from the side of the solar strings and re-consultation was undertaken on 20 December 2012 for a period of 7 days allowing comments to be received until 27 December 2012.

As such all neighbouring properties originally consulted and those who had made letters of representation up until 20 December were given a further extension until 27 December 2012.

As such it is considered that residents have been continually given an extension of time for the submission of comments until 27 December, which would have otherwise expired on 20 November 2012.

The latest plans show minor changes to the scheme and it is not necessary to re-consult on every minor change to the scheme. It is not unusual for changes to be made during the course of an application again in line with the National Planning Policy Framework requirement that Local Authorities work proactively with developers to resolve problems during the course of applications.

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 February 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. In addition the NPPF is clear that where a plan is silent on an issue then National Policies should take precedence. It does not advise that development should be delayed because of the lack of a relevant policy. In fact the NPPF indicates that a plan is absent or silent on a matter then the NPPF takes precedent.

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 submitted 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 having regard to policies in existence at that time and therefore 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 considered it has recommended in this case then that is not the case.

The Ecology and Biodiversity Reports have been considered by the 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).

Original objections expressed by the Environment Agency and the Directorate of Chief Executive (Archaeology) have both been overcome.

The Environmental Impact Assessment screening opinion has now been made publically available. For the avoidance of doubt 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.

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. In respect of the original concerns raised by Sport England it is considered that these have now been overcome.

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 within the NPPF and the Companion Guide PPS22.

Accordingly the application is recommended for approval, 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 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 and Bosworth Local Plan (2001):- Policies NE5, NE14 (criteria i - iii), BE1 (criteria a, and i) and 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.

Reason: 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: Site Block Plan Drawing No. 02S; Detailed Planting Proposals 07S and Wildflower Meadow Detail Drawing No. 08S received by the Local Planning Authority on 14 January 2013.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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

Appendix B: Late Item

Introduction:-

The applicant has produced a revised detailed planting proposal amending the stem diameters and re consultation has been undertaken with the Head of Corporate and Scrutiny Services (Tree Officer) and the Head of Corporate and Scrutiny Services (Green Spaces).

The applicant has confirmed:-

- 1) Netting can be provided, but (unless otherwise stated) this is evidently not required, as per the study conducted and hence the withdrawal of the holding objection made by Sport England as a result of satisfying this concern with our existing fencing (“The applicants have confirmed that a ‘weld mesh type fencing would be installed on the boundary rather than ‘Palisade’ type. This fence type should prevent balls going through the fence”)
- 2) The security fencing can not be sited closer to the arrays, because this will result in shadowing issues developing. For a ball to be retrieved, permission must be sought from the landowner irrespective of the proposal. Otherwise, the ball would be replaced (already satisfied with our offer to donate such sporting goods). Note: although the secured area will require consent for access, cricketers are freely permitted to access the wildflower meadow area in order to retrieve balls.

Consultations:-

No objection from:-

Head of Corporate and Scrutiny Services (Tree Officer)
Head of Corporate and Scrutiny Services (Green Spaces).

The Chair of Stoke Golding Cricket Club is satisfied with the positioning of the security fencing, given that there will be no security fencing between the boundary of the panels area and the wildflower meadow area.

One letter of representation has been received which seeks to address concerns previously raised:-

- a) in respect of the lack of public consultation – the applicant has used the Parish Council as their link to consult with the community and information was regularly passed. If there are any shortcomings, it is the Parish Councils failure to effectively inform the village, and in their defence this would have been difficult because of the speed at which events were taking place and the Parish are tied to only meeting on a monthly basis; there is no requirement for developers to consult with Actions Groups or the Heritage Group as they are not democratically elected to represent the community
- b) in terms of the public opposing the application, this was based on a petition and a survey taken before the amended landscaping proposals had become widely available and before the community were aware of the community benefits being negotiated by the Parish Council both factors which could have significantly reduced the strength of opposition to the application
- c) do not believe that there have been any significant or meaningful changes since the revised landscaping proposals went out for public consultation and this left time for additional comments in order to influence the officer's report. The improved landscaping scheme addressed and mitigated the visual impact issues identified by the Action Group
- d) residents were fully aware of the issues, as information had been circulating around the village from mid November onwards. The 10 day consultation period, plus the distribution of the newsletters, gave residents appropriate and accurate information and adequate time in which to respond to the revisions of the 12 December 2012
- e) in respect of local benefits, the Parish Council negotiated for community benefits directly and had a written commitment to provide solar panel installation for the Village Hall, tarmac a stretch of un-adopted road at the end of Pine Close and provide a mature horse chestnut tree on the recreation ground that had been felled. In addition schemes for the donation towards the replacement/refurbishment of the existing Sports Pavilion, a donation toward the development of community facilities on the land at the Convent Site and the provision of solar panels systems for the two schools in the village were also being considered but of course all are based on approval being granted.

A newsletter produced by the Parish in December 2012 has also been provided.

Three letters of objection have been received stating:-

- a) not in keeping in terms of size and character of the village
- b) seriously affect the visual amenity of the recreation ground, contrary to the NPPF
- c) no proper assessment or consideration has been given to the visual impact of this scheme from the main approaching road into the village from Hinckley; the football posts and pavilion at the recreation ground are clearly seen and therefore the fields in front of these and being closer covered with nearly 8,000 panels will also be an un-welcome intrusion on the landscape
- d) the report fails to balance the clear harm to the village and residents of Stoke Golding, with any advantage the solar panel farm might have, none of which are to Stoke Golding
- e) large industrial type development, which is totally out of scale and proportion with the village
- f) visual impact of the development has been poorly assessed, damaging from a number of views
- g) the change of character of the landscape has not been appropriately assessed and given due weight; there is a major change in the character of the landscape
- h) attractive link between the village and the countryside would be destroyed
- i) planting scheme for screening and the wildflower meadow is severely flawed, neither are fit for purpose, the planting is deciduous and so will not be effective throughout the year which is supported by the expert landscape architect; Planting will not be effective in its

role for 15-20 years because of growth factors; Non deciduous trees or fencing would not be in keeping with the natural flora; Meadow land planting would not be effective for several years (10 yrs) and would require constant attention

- j) one element of the NPPF is economics and this scheme will be highly damaging to the development of tourism; Important area of major historical events, Stoke Golding can only become of more interest to tourists, it is vital that planning policies safeguard the setting of the village and enhances the experience for those who visit. The historical significance of the setting of Stoke Golding in these important events is not in the report
- k) it is unlikely that the solar panel farm will contribute much to the economy, as it is only capable of supplying 400 to 600 houses, which is only a very small proportion of the millions of households in this country
- l) although Sport England have removed their objection to the development, it is quite clear that their comments indicate that the development will be detrimental to sport on the recreation grounds; Inability to set back the boundary fence remains a major issue and insurance and liability have not been properly addressed
- m) Sport England have no power to enforce their findings and so the community looks to the Council to protect their well used sporting and recreational assets
- n) subsidy changes are likely to greatly impact upon the long and even short term viability of the proposed scheme
- o) erection of high metal security fence would affect the whole community
- p) no guarantee that the security system will not be intrusive from light or sound
- q) concern that the quality of the documents to date has been poor and the submissions not expertly assessed
- r) concern at the way the whole issues of the views of the objectors have been reported in the planning officers report and subsequent late items document; Dismayed that documents prepared by experts, such as Green Solutions who are experts in rural planning matters, have not been given appropriate prominence in the report; does not give proper prominence to important contrary professional opinion and have attempted to disguise the amount of opposition to the scheme whilst emphasising the support which is limited
- s) the application has been poorly and incompetently presented to the Council for consideration
- t) if approved there would be no barrier to other land owners in the village following suit and once an electrical cabling has been agreed, there is likely to be further pressures to use the connections to the grid
- u) well grounded planning reasons why this application should be refused on merit as it involves a totally unsuitable location that will be damaging to the villagers and their enjoyment of their only and well used area of public space.

Copies of the leaflets and petition have also been provided.

Penny Bennett, Landscape Architect states on behalf of objectors that:-

- a) extremely concerned about the quality of both the landscape proposals and the visual assessment, a chartered landscape architect should carry out a competent land scheme
- b) the document produced is not a landscape and visual assessment as such with notable flaws and omissions and much of the professional guidance has been ignored
- c) no visual information in the report i.e. drawings or photos, where photos are included, but not cross referenced
- d) the plan identified the extent of the Conservation Area but does not include the Solar PV site, the relevance of the arrows indicating protected areas is un-clear
- e) the applicant has lifted un-edited description from a different scheme; not applicable, and although some is relevant and useful, it is lost amongst other irrelevant information

- f) lack of objective comments on the impact on the solar PV field, no acknowledgement of the visual intrusion that may be suffered by nearby properties and no reference to possible intrusion from nearby public rights of ways and roads around the village
- g) no clear description of how the landscape proposals can effectively be used to mitigate the proposals
- h) not possible to create a bund for the dimensions shown without retention structures to support the mound, it is too narrow for its height
- i) the bund will provide a hostile planting environment and limited spaces for trees to establish themselves, will be arid in the summer and unstable and susceptible to wind blow
- j) neither the bund nor the outer hedge should be planted within the canopy and root zone of the existing hedgerow trees, generally considered poor practice to alter the ground level or disturb the ground within the canopy of the trees; the bund should be re-located
- k) tree specification is wrong and would be un-obtainable and the hedge would form a gappy, leggy screen
- l) it is not clear what the intention of the wildflower meadow is, the species shown will never thrive, some species are native but others are non native ornamentals, the elephant grass has no place in what most people imagine as a wildflower meadow and the scratch cultivation is inadequately specified and may not be the most appropriate method for the existing soil conditions
- m) worrying that at the moment there appears to be lack of recognition of the inadequacies of the landscaping scheme, which are neither appropriate, practical nor sustainable
- n) the proposals are not sound; hedges and bund are a quite inappropriate way of providing screening and could leave an unsightly boundary fence looking prominent.

Councillor Ould states that:-

- a) presumably it is not the responsibility of the planning committee, nor the Borough Council to facilitate a planning application that enables the application to access the feed-in-tariff
- b) there is a discrepancy between the number of representations reported in the committee report and the number he has found in the file
- c) this application may well result in a judicial review that would challenge the LPA's use of the term 'it is considered' and 'on balance' and the report does not address the specific points raised by the planning consultants
- d) how can the planning department expect credibility when they judge that this scheme will not be visually noticeable in open countryside is incomprehensible to residents
- e) where is the Environmental Impact Assessment?
- f) the Landscape and Visual Impact Assessment does not actually assess the visual impact
- g) the application does not fit in with the village plan or the proposals in the LDF
- h) the social and environmental aspects of the NPPF have less relevance than the economic aspects, which is particularly harsh for local people whose taxes have to meet the costs of the subsidy
- i) para 97 of the NPPF is quoted at length but the Council does not have a policy within the LDP pertaining to solar farms, without a policy why has so much credence been given to this section of the NPPF and so little to the environmental and social aspects. Where is there and where have you demonstrated that the environment is enhanced as a result of this application
- j) para 98 of the NPPF – residents do not believe that the impact of this has been, or can be made, acceptable; detrimental effect to sport and recreation which is supported by Sport England and CPRE
- k) development equivalent to a single storey development into open countryside covering 16 acres of farmland where it is impossible to determine how run-off rainwater is to be satisfactorily dealt with, and adjacent to an area where there is current drainage concerns; where is the detailed drainage system that the Environment Agency has asked for, have the county council been consulted?

- l) there is a pre-disposition to allow sustainable development where appropriate, but the residents are strongly of the view that this is not an appropriate location, degrades the landscape and should have been recommended for refusal.

MP David Tredinnick states that:-

- a) the report fails to adequately balance the obvious harm caused by this major commercial development which is totally out of scale and proportion with the village
- b) concerns that the visual impact of the development has not been properly assessed and is in-sufficiently covered in the report
- c) residents clearly value views from the recreation ground an important community amenity
- d) the solar farm would also have a major impact on views from a significant number of village resident's properties
- e) the major change in the character of the landscape has not been appropriately assessed and given due weight in the planning report surely in any fair assessment this scheme would be considered to be a major change in the character of the landscape
- f) planting scheme for screening and the wildflower meadow is severely flawed and neither will be fit for purposes and will be ineffective during a considerable period of the year and is supported by expert opinion
- g) documents prepared by experts have not been given appropriate prominence in the officer's report;
- h) whilst Sport England have removed their objection, the comments states that the scheme will be detrimental to sport on the recreation ground
- i) an un-slightly industrial type development visible from many points in the village and its approach will be highly damaging to the development or tourism in and around of Stoke Golding.

Appraisal:-

Further Representations

The comments raised have already been addressed within the main body of the report.

The issues in respect of the positioning of the boundary fence, insurance and liability have all been properly addressed within pages 18 and 19 of the main report.

The Director of Chief Executive (Archaeology) has considered the scheme and has not raised any concerns in respect of the Bosworth Battlefield Conservation Management Plan and for the avoidance of doubt the site falls outside of the registered battlefield boundary and the draft revised battlefield boundary.

For the avoidance of doubt, the site is not located within a Conservation Area.

The applicant has not submitted any details relating to the viability of the scheme and is not required to do so.

The differences in the number of letters relates to the fact that figures within the committee report relates to the number of addresses and not the total number of letter i.e. those letters with the same address were only counted once. All letters of representation are reported in this way. There have been responses from 145 addresses; 133 objecting and 12 in support.

The Environmental Impact Assessment is a process and a part of the process is to screen the development to see if the development constitute EIA development and in this case the scheme does not. Refer to page 24 within the main report.

A detailed drainage system has not been required to be submitted during the course of the application, the Environment Agency have no objections subject to the imposition of a planning condition which would require these details, prior to the commencement of development. This is discussed in full on page 23 of the report. There is no requirement to consult Leicestershire County Council on drainage considerations.

Landscaping

The mound measures 1.5 metres in width by 1 metre in height with proposes native hedgerow planting either side and planting on top. The mound will be created with British standard multi purpose top soil. Five species of native hedgerow is proposed and 4 species of trees. The siting and extension of the mound has already been addressed within page 21 of the report.

The latest amendments to the detailed planting proposals have been considered by the Head of Corporate and Scrutiny Services (Tree Officer) and Head of Corporate and Scrutiny Services (Green Spaces) who both raise no objections to the plans.

As such it is no longer considered necessary to impose a condition to secure these details but to ensure that the development is carried out in accordance with these plans, the planting is undertaken in the first planting season and maintained for a period of five years.

Conditions in respect of security fencing and boundary treatments is still required and condition 5 has been amended to reflect the changes in the details provided.

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. There is specific planning policy support for renewable energy projects both at national, regional and local level. There have been no identified significant impacts upon the character or appearance of the countryside, the adjacent recreation ground, occupiers of surrounding residential properties or any other material impacts that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

Recommendation:-

Condition 2 amended as follows:-

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: Site Block Plan Drawing No. 02S; Wildflower Meadow Detail Drawing No. 08S received by the Local Planning Authority on 14 January 2013 and Detailed Planting Proposals 07S received by the Local Planning Authority on 11 February 2013.

Condition 5 amended as follows:-

Notwithstanding the submission of amended plans no development shall commence until the 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) Implementation programme.

The approved landscaping works shall be carried out in accordance with the approved details and retained that way thereafter.

Additional Condition

15 The soft landscaping schemes as detailed within the submitted Detailed Planting Proposals drawing no. 07S received by the Local Planning Authority on 11 February 2013 and Wildflower Meadow 08S received by the Local Planning Authority on 14 January 2013 shall be implemented within the first planting season and maintained for a period of five years from the date of planting. During this period any trees, shrubs or planting which die or are damaged, removed, or seriously diseased shall be replaced by trees, shrubs and planting of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: 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.

Contact Officer:- Ebony Mattley Ext 5691

Item: 02

Reference: 12/00781/REM

Applicant: Mr Terry McGreal - Jelson Limited

Location: Land London Road Markfield

Proposal: Approval of reserved matters for appearance, landscaping, layout and scale of outline planning permission 09/01009/OUT

Target Date: 18 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 is the reserved matters submission for the development of 105 residential units, previously approved in outline for 112 residential units at Land off London Road, Markfield.

The outline consent, granted at appeal in September 2010 provided approval for the access only and therefore this reserved matters application seeks consent for layout, scale, appearance and landscaping.

The scheme proposes 105 dwellings including the full 40% provision of affordable units, 166 car parking spaces, plus garaging, two areas of public open space and a balancing pond.

The scheme proposes a mixture of detached, semi detached and terraced dwellings of 1,2,3,4 and 6 bed configuration.

Following concerns raised by officers during the course of the application the applicant has provided revised plans to show:-

- a) re-location of one of the public open space to the west to a more centrally located area
- b) pedestrian footpath link provided around area of public open space to the east and balancing pond
- c) pedestrian footpath access to the allotment gardens
- d) new hedgerow planting, retention of trees and buffer zones
- e) substitution of plant species
- f) re-location and spread of affordable housing units
- g) reduction in dwelling numbers from 107 to 105
- h) re-alignment of the plots to the north of the site to front London Road
- i) new hedgerow planting and timber post and rail fencing to London Road
- j) improvement of layout of individual plots and areas within the site
- k) external chimney stacks and additional fenestration details to key plots
- l) removal of hipped house type.

Re-consultation was undertaken with the parish, all neighbouring properties as well as those who have commented on the application and relevant statutory consultees for a period of 10 days.

The Site and Surrounding Area

The site consists of agricultural land and farm yard and associated buildings including some of stone construction, with mature hedgerows bordering the site and separating fields within the site. Trees are located to the southern side of the farm complex, and a copse where the site adjoins the rear gardens of properties on Birchfield Avenue.

The site is located within a natural dip in the landscape.

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

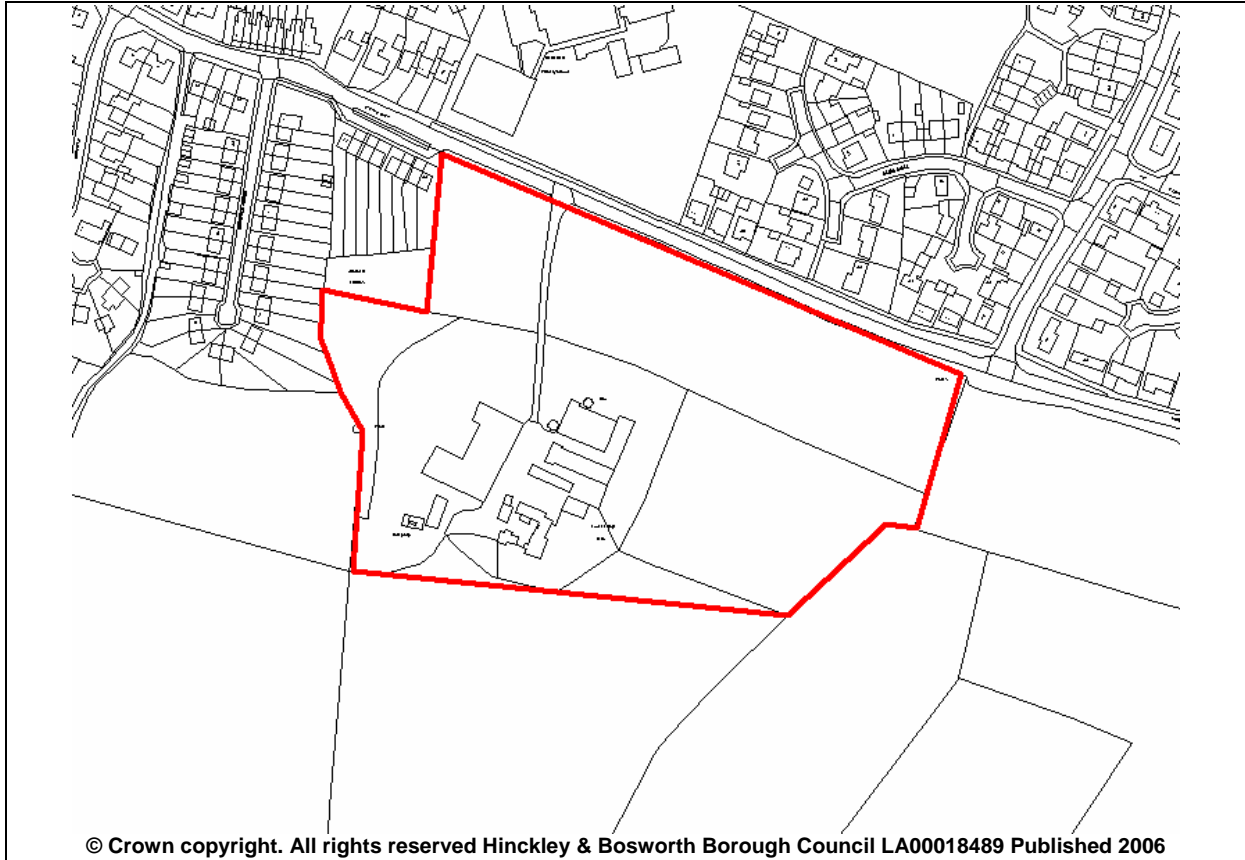
Technical Documents submitted with application

The application was accompanied by soft landscape specifications and is accompanied by a Planning Performance Agreement.

Relevant Planning History:-

10/00005/PP	Appeal Against Refusal of Planning Permission Appeal Ref: APP/K2420/A/10/2125649	Appeal allowed	07.09.10
09/01009/OUT	Residential development (outline) with access	Refused	18.03.10
87/00230/4	Residential development outline	Refused	28.04.87
85/00136/4	Residential development	Refused	19.03.85

76/00347/4	Use of land for residential development	Refused	29.06.76
76/00346/4	Use of land for residential development	Refused	29.06.76



Consultations:-

No objection has been received from:-

- Network Rail
- The Environment Agency
- Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

- Directorate of Chief Executive (Archaeology)
- Director of Environment and Transport (Highways)
- Head of Business Development and Street Scene Services (Waste Minimisation)
- Head of Corporate and Scrutiny Services (Green Spaces).

The Directorate of Chief Executive LCC (Ecology) recommended that the application be refused or withdrawn on the grounds that inadequate protected species information was submitted and the impact of the development on ecology had not been adequately addressed.

The National Forest raised concerns in respect of the loss of an area of mature trees and shrub to the west of the site and supports the view of the Directorate of Chief Executive LCC

(Ecology) that surveys should be undertaken for protected species prior to the determination of the application.

Markfield Parish Council objects on the following grounds:-

- a) loss/damage to trees, Dutch Elm won't make an acceptable hedge, garden hedge not protected by hedgerow legislation must have it written into deeds and other hedgerows have nothing to stop removal and should be conditioned; Wildflower seed mixes must be sown and there must be a correct maintenance regime and concerns over aquatic plant species and ash trees
- b) poor design
- c) public space too small for tractor hedge cutter and too small so no functional value, other public space off centre to the development and the parish maintains a well equipped play area
- d) location of pond will encourage anti social behaviour.

Site notice and Press notice were displayed and neighbours notified.

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

- a) dust/fumes
- b) flooding/washland
- c) inadequate access – should be moved further up London Road to the existing farm entry
- d) re-location of access will reduce light and noise pollution to dwelling opposite
- e) access road continuation to new roundabout at Chitterman Way
- f) another access should be made from Ratby Lane to reduce traffic congestion
- g) the dry balancing pools may cause water pollution
- h) intrusion into the countryside
- i) loss of view
- j) noise/disturbance.

As a result of the re-consultation:-

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

No objection subject to conditions have been received from:-

The Head of Business Development and Street Scene Services (Waste Minimisation)
Severn Trent Water Limited.

As a result of the re-consultation the consultation period now expires on 14 March 2013 as such at the time of writing revised comments have not yet been received from:-

Markfield Parish Council
The Environment Agency
National Forest
Director of Environment and Transport (Highways)
Directorate of Chief Executive, LCC (Ecology)
Head of Corporate and Scrutiny Services (Green Spaces)
Head of Community Services (Land Drainage)
Neighbours.

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

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres

Policy 8: Key Rural centre relating to Leicester

Policy 15: Affordable Housing

Policy 16: Housing Density, Mix and Design

Policy 17: Rural Needs

Policy 19: Green Space and Play Provision

Policy 21: National Forest

Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development within the Countryside

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The main issues for consideration are those of layout, scale, appearance, and landscaping and other matters including impact on residential amenities, highway considerations, drainage and flood risk, affordable housing and infrastructure improvements, sustainability and recycling and waste provision.

Principle of Development

The principle of residential development on this site has already been established at appeal by the earlier grant of outline planning permission which was subject to conditions and a Section 106 agreement. For the avoidance of doubt the outline application was for access only.

Layout, Scale, Appearance and Landscaping

The site falls outside of the settlement boundary of Markfield, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001) and therefore in an area designated as countryside.

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.

The design criteria within Saved Policy NE5 remain generally relevant to development within the countryside. It states that development will have to meet the following criteria:-

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

The site also lies within an area identified as the National Forest, and therefore calls to be considered in terms of Policy 21 of the adopted Core Strategy which supports proposals that increase woodland cover and enhancing biodiversity provided that:-

- a) The siting and scale of the proposed development is appropriately related to its setting within the forest
- b) The development respects the character and appearance of the wider countryside and
- c) The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.

The Policy also requires new developments to reflect the Forest context in their accompanying landscape proposals.

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria-based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'.

Saved Policies NE5 (criteria i-iii) and BE1 (criterion a) of the Local Plan are considered to be consistent with the intentions of the NPPF and therefore carry weight in the determination of this application.

Layout

The submitted plans show a layout for 107 dwellings, a reduction of 5 residential units in comparison to the originally suggested scheme at the outline stage. During the course of this application this has been further reduced by another 2 residential units resulting in a total of 105 dwellings.

The density of the scheme is 105 dwellings over an area of 3.94 hectares resulting in a net density of 26.6 dwelling per hectare (dph). Given the reduction in number of units, compared within the 112 suggested at outline, the lower density has resulted in a scheme which is considered more spacious and does not result in overdevelopment of the site.

The latest layout proposes one main access road off London Road which then breaks up in to three main routes, two of which are separated towards the south of the site by the public open space to allow privacy for Lower Grange Farm. There are a number of secondary roads, serving specific plots for 9-14, 15-18, 42-45, 62-63 and 66-67 and 72-75.

Pedestrian routes are proposed off London Road, via the main access route and additional footpaths in the vicinity of plots 12-15 and adjacent to plot 66. Following the submission of amended plans, the scheme now shows the extension of the latter discussed pedestrian route, beyond the public open space to the east of the site. In addition, a more legible pedestrian route in the western corner of the site showing the route to the allotment gardens is now shown.

The scheme shows two areas of public open space, one to the sites eastern periphery and the other to the south west of the site, in addition to a balancing pond. Following concerns raised by officers, the public open space to the south west has been more centrally located within the scheme. As such it is considered that this is more of a focal point within the scheme and is surrounded by residential properties, ensuring natural surveillance and integration into the development.

Following the submission of amended plans the majority of plots to the northern periphery now front on to London Road and all other properties within the site have been designed to face onto the road frontages so that they address the road and create gardens to the rear with garaging and parking bays attached where possible, providing both natural surveillance and attractive street scenes. Dwellings' occupying prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Members should be aware that the location of affordable housing units within the scheme has been subject to extensive scrutiny. The applicant, in line with the outline planning permission is required to provide 42 affordable housing units. During the course of the application the applicant has submitted amended plans and has interspersed the units throughout the site into five areas ensuring a separation between the affordable units and integration within the wider market dwellings. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

Dwellings provide appropriately sized gardens commensurate to the size of the dwellings they serve.

Scale

There are a range of house types within the immediate vicinity of the site consisting of terraces, semi and detached properties, of single and two storey proportions. As such the scheme proposing two storey proportions is considered acceptable in this setting.

There are three properties (House Type D6/01) located at plots 1, 50 and 87 which are of 2 and half storey proportions, however they are occupy key focal views and are considered to be acceptable on this basis.

In terms of footprint, the proposed dwellings occupy fairly similar footprints to dwellings on London Road, Chitterman Way and Beech Close. The scheme proposes a mixture of detached, semi detached and terraced dwellings are also reflective of existing surrounding dwellings.

The scale of the garaging is subservient in scale to the dwellings to which they serve.

Appearance

In relation to the visual appearance of the built environment, there are a range of 18 house types proposed within the scheme. Each house type proposes different materials and design features which adds additional interest to the external appearance of the site as a whole. During the course of the application, there have been alterations to the design to ensure that some house types include external chimney stacks, to reflect the local vernacular.

Given the range of terraced, semi-detached and detached properties of 1,2,3,4 and 6 bedroom configurations within the site, there are also a number of differing footprints and heights within the site.

In respect of other visual elements there is a mixture of frontage parking, single and double garaging which are subservient in scale and using similar materials to the proposed dwellings. The roof design and architectural detailing on the garaging is also reflective of the style of the dwellings to which they serve.

No representative samples of the types of materials to be used on the external elevations of the dwellings and garages or boundary treatments have been submitted with the application and given that there was no such condition within the outline application it is considered necessary to impose conditions to ensure that these important details will be submitted to and approved in writing by the Local Planning Authority.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

In summary, the proposed development accords with the general siting and scale of dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable. Accumulatively as a result of the differing styles, features and materials it is considered that the scheme provides attractive streetscenes and is not considered to give rise to any significant impacts upon the surrounding countryside beyond or National Forest. As such, subject to the imposition of planning conditions the residential scheme is considered to be in accordance with guidance contained within Saved Policies NE5 (criteria i-iii), BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, Policies 16 and 21 of the Core Strategy 2009, the principles outlined in the Council's SPG on New Residential Development and the overarching guidance contained within the NPPF.

Landscaping

Policy 21 of the adopted Core Strategy states that developments shall provide on-site or nearby landscaping that meets the National Forest development planning guidelines and that landscaping will generally involve woodland planting, but can also include creation and management of other appropriate habitats, open space provision and the provision of new recreational facilities.

The application is accompanied by soft landscape proposals which have been revised during the course of the application resultant of the changes in layout and original comments provided by the National Forest, the Directorate of Chief Executive, LCC (Ecology) and the Head of Corporate and Scrutiny Services (Green Spaces).

Following changes and substitution of planting re-consultation has been undertaken with the National Forest, the Directorate of Chief Executive, LCC (Ecology) and the Head of Corporate and Scrutiny Services (Green Spaces) and their representations will be reported on as a late item. In the interim it is suggested that a condition be imposed securing full landscaping details.

Condition 14 attached to the outline consent required all planting, turfing and seeding to be carried out in accordance with the details provided in the reserved matters application and that any trees or plants which die, are removed or become damaged or diseased within a 5 year period will be replaced. As such it is not considered necessary to replicate such a condition within this application.

In terms of hard landscaping proposal, details of the roadways, footways, and parking areas, including finished levels, surfacing materials, drainage and edge details this is a specific requirement of condition 5 attached to the outline consent.

Other Material Considerations

Impact on Residential Amenity

Criteria i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, 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.

Lower Grange Farm is located within the application site and owing to the distances to the nearest proposed residential plots would not be significantly impacted upon in terms of overlooking, overshadowing or overbearing impacts.

It is considered that the neighbouring residential dwelling most immediately impacted upon as a result of the proposal would be No. 36 London Road, located to the west of the application site. The side wall contains one first floor side window and despite attempts by officers to contact the owner/occupier it is still not clear whether this window serves a habitable room. Notwithstanding this there are both first floor windows in the front and rear elevation and it is anticipated that this is likely to be a secondary window or serve a landing or stairway. The residents of this property have not commented on the application.

The nearest proposed plot to this is plot 17 which is located between 5-7 metres away and does not contain any side windows. Rear first floor windows are proposed but it is not considered that there would be any additional overlooking upon No. 36 over and above that exerted at present from the existing dwelling to which it adjoins.

Residential properties to the north side of Markfield Road are located in excess of 20 metres from the front of proposed plots fronting London Road, and given the over the road relationship it is not considered that the proposed dwellings would result in any significant adverse impacts.

All other neighbouring residential properties are located at sufficient distances away not to be materially impacted upon as a result of the scheme.

The internal arrangements of the plots within the site are not considered to give rise to any significant overbearing, overlooking and overshadowing upon the future occupiers.

In summary, the proposal is considered to have minimal impacts upon the amenities of existing and future neighbouring residents, subject to the imposition of planning conditions. 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 Policies T5, BE1 (criterion g) and NE5 (criterion iv) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

In response to a neighbour objection regarding the access, the suitability of the access has already been considered within the outline scheme. In addition, the pedestrian crossing facilities, off site highway works and construction vehicle parking and vehicle wheel cleansing facilities are all subject to conditions within the outline consent.

The Director of Environment and Transport (Highways) originally raised no objection to the scheme, but sought to raise the applicant's attention to confirm that the current proposed roads do not conform to an acceptable standard for adoption.

The Director of Environment and Transport (Highways) has confirmed that private roads for such a number of dwellings it not usually acceptable, and that the comments raised about adoptability are for the applicant's information only and do not need to be considered as part of this application. However as the measures required to bring the proposed internal highway works to an adoptable standard may result in an amended layout further discussions are taking place with Highways regarding this matter, the outcome of which will be reported as a late item.

The residential scheme proposes one, two, three, four and six bedroom dwellings. Taking into consideration the garaging and parking spaces the one bedroomed properties have 1 car parking space each, the two bedroomed properties have either 1 or 2 car parking spaces, all three bedroomed properties have 2 car parking spaces, all four bedroomed properties have either 3 or 4 car parking spaces and the six bed properties have 4 car parking spaces each. As such it is considered that the scheme provides car parking provision commensurate to the size of the dwelling it is serving, and in conformity with the Council's car parking standards.

Conditions are also suggested to ensure car parking provision is carried out in accordance with the approved plans and is made available before first occupation of the dwellings and to ensure that the conversion of garaging to habitable accommodation is restricted. Given that car parking standards have only been achieved on the basis of the garaging then should this be removed the car parking standards would be below standard and therefore it is considered necessary to impose the latter condition.

In summary, it is considered that there is sufficient on site parking provision and there would not be any significant impacts upon highways safety. Accordingly the development accords with Saved Policies T5, BE1 (criterion g) and NE5 (criterion iv) of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

The scheme has been considered by Severn Trent Water and the Head of Community Services (Land Drainage) who have recommended conditions.

The outline consent is subject to a condition (condition 11) requiring a scheme for surface water drainage and drainage plans. As such there is no requirement to further condition drainage plans at this reserved matters stage. Accordingly the applicant will be required to discharge condition 11 attached to the outline planning consent.

Recycling and Waste Provision

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.

It is considered that as some plots are served off private drives in the absence of details it is not clear about the siting of the storage and collection at the highway boundary and as such a condition is recommended in this case.

Affordable Housing and Infrastructure Improvements

At the outline stage, a 40% affordable housing provision was secured, however the Inspector found that requests from Leicestershire County Council, the Primary Care Trust and Leicestershire Police for civic amenity, libraries, local surgery facilities and policing were contrary to the guidelines and were not secured.

This application is for the approval of reserved matters following that outline approval and therefore no further legal agreement is required in this case.

In respect of the play and open space a condition, clauses 3.21 and 3.2.2 within the original S106 Agreement dated 26 July 2010 requires that a scheme and strategy relating to the on site open space is submitted prior to the first occupation of the first dwelling.

Letters of Representation

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

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

Conclusion

In conclusion, the principle of residential development on this site has already been established by the previous outline planning consent. The scheme is considered to be acceptable in terms of layout, scale, appearance, landscaping and other matters and does not give rise to any significant impacts upon residential amenity. The previous outline conditions will need to be formally discharged. Accordingly, it is considered that this reserved matters application be recommended for approval, subject to the additional conditions, suggested by this application.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i-iv) BE1 (criteria a, g and i) T5 and T9.

Local Plan 2006-2026: Core Strategy (2009):- Policies 16 and 21.

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 shall be carried out strictly in accordance with the conditions set out in the outline planning permission 09/01009/OUT.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details:- Site Location Plan drawing no. 001; Site survey – as existing drawing no. 005; House type D3/06-R/H drawing no. 028; House type D3/06-L/H drawing no. 015 revision A; House type D3/10 drawing no. 016 revision A; House type D3/12 drawing no. 017; House type D3/13 drawing no. 018; House type D3/13/K drawing no. 019 revision A; House type D4/05 drawing no. 020; House type D4/11 drawing no. 021; House type D4/12 drawing no. 022; House type D4/12-RH drawing no. 030; House type D4/12-LH drawing no. 022; House type F1/01 & F2/01 – R/H drawing no. 025; House type F1/01 & F2/01 – L/H drawing no. 006 revision A; House type S3/04 drawing no. 010 revision A; House type S3/11 drawing no. 012; House type S3/12 drawing no. 013; House type T2/01 - 4 no. house block drawing no. 009 revision A; House type T2/01 - 3 no. house block L/H drawing no. 008 revision A; House type T2/01 - 3 no. house block R/H drawing no. 026; Double Garage drawing no. 032 and Single Garage drawing no. 033 received by the Local Planning Authority on 19 October 2012 and amended details:- House type D3/05 drawing no. 014; House type D3/05 – R/H with side window drawing no. 036; House type D3/05 – L/H with side window drawing no. 037; House type D4/11- L/H drawing no. 029 revision A; House type D4/11- R/H drawing no. 021 revision A; House type D6/01-R/H drawing no. 031 revision A; House type D6/01-L/H drawing no. 023 revision B; House type T3/04 -L/H drawing no. 027 revision A; House type T3/04 -R/H drawing no. 011 revision A; House type T3/04 -R/H –without chimneys drawing no. 035 received by the Local Planning Authority on 6 February 2013 and Site layout – as proposed drawing no. 003 Revision FF and Soft landscape proposals drawing no. TNA_408_01 Revision D received by the Local Planning Authority on 20 February 2013.
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the dwellings and garages hereby approved are 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 full details of the siting and external appearance of boundary treatments are first submitted to and agreed in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved details.
- 5 No development shall commence on site until such time as the proposed ground levels and proposed finished floor levels of the dwellings hereby approved have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 6 Notwithstanding the submitted details no development shall commence until full details of 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 – (native species to be planted alongside the canal)

- d) Maintenance schedule
- e) Implementation programme
- f) Areas to be grassed

- 7 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the respective curtilage in accordance with the approved plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 8 The garages hereby approved once provided shall not be converted into additional living accommodation.
- 9 No development shall commence until a scheme that makes provision for waste and recycling storage across the site has been 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. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.

Reasons:-

- 1&2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the National Forest and countryside setting, to accord with Policies NE5 (criteria i and iii) BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and Policy 21 of the adopted Core Strategy.
- 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 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.
- 9 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) 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 Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

The proposed roads do not conform to an acceptable standard for adoption and therefore it (they) will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the lpa before any dwelling is occupied.

Contact Officer:- Ebony Mattley Ext 5691

Item: 03

Reference: 12/01052/OUT

Applicant: Milner Arable

Location: Land Adjacent Stanton-Under-Bardon Primary School Main Street Stanton Under Bardon

Proposal: Erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond (outline application - access only)

Target Date: 5 March 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 outline planning permission for the erection of 25 dwellings with associated parking, vehicular access and a surface water balancing pond.

Access is the only matter for determination as this stage, with all other matters being reserved for approval at a later stage. Access will be taken from Main Street.

Whilst not formally seeking approval for layout at this stage, the application is accompanied by an indicative layout.

During the course of the application the applicant revised the indicative plan amending the position of plots to the north-west corner of the site. Re-consultation for a period of 21 days was undertaken with all statutory consultees, parish and neighbours.

The Site and Surrounding Area

The site is currently in agricultural use with an existing area of hardstanding to the west of the site, to the rear of No. 195 Main Street. Land levels rise gently from east to west.

The site is located to the east of Main Street bordered to the west by neighbouring residential properties No.'s 183 to 195 Main Street, to the south by Stanton Under Bardon Community Primary School and to the north by existing allotments.

Public footpath R18 runs east to west to the south of the site, along the existing track.

The site falls outside of the settlement boundary of Stanton under Bardon, as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map (2001).

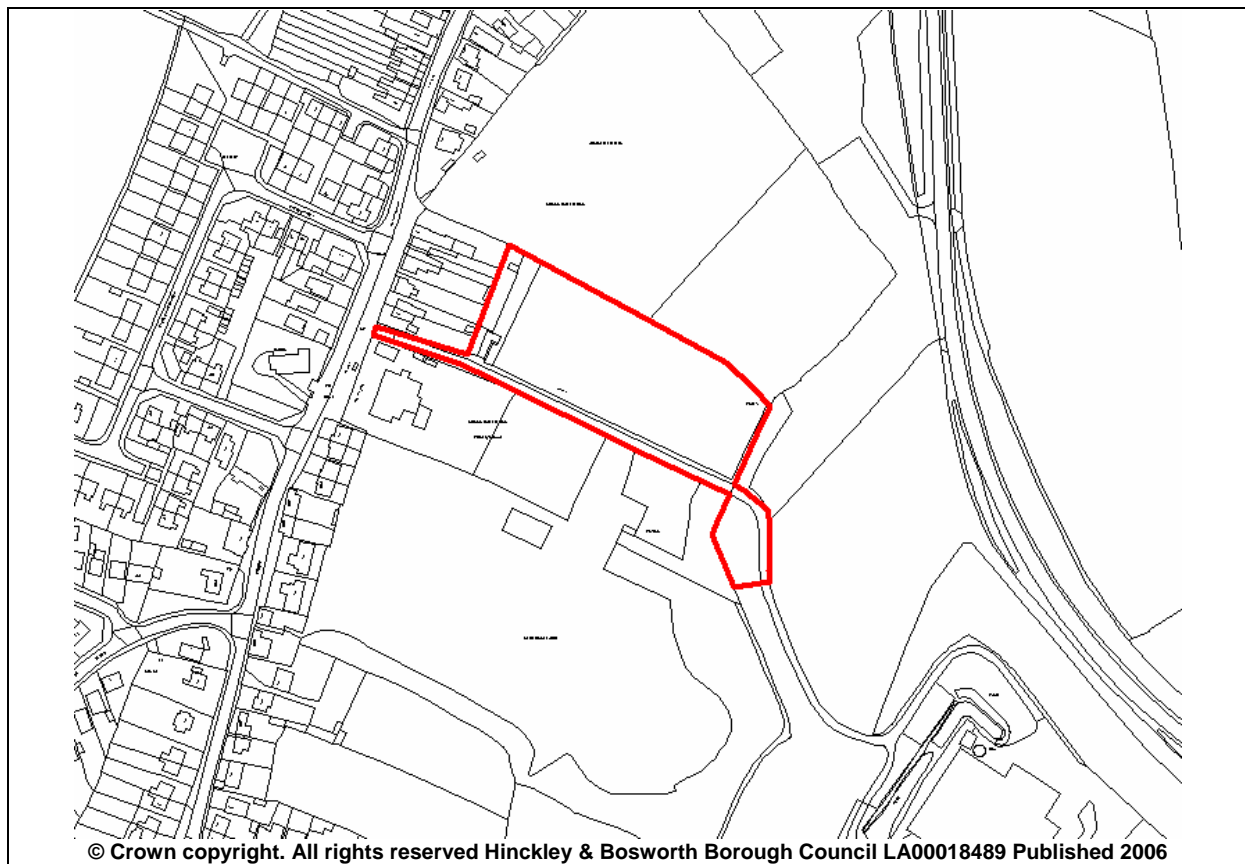
Technical Documents submitted with application

Affordable Housing Statement
Archaeological Report and an Archaeological Desk Based Assessment
Design and Access Statement
Ecology Report
Highway Impact Assessment

The application is also accompanied by a Planning Performance Agreement and Drafts Heads of Terms S106 Agreement.

Relevant Planning History:-

03/01087/FUL	Erection of stables	Approved	03.12.03
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Consultations:-

No objection has been received from:-

Environment Agency
Coal Mining Authority.

No objection subject to conditions has been received from:-

Severn Trent Water Limited
Directorate of Chief Executive (Ecology)
Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

The County Planning Authority (Minerals & Waste) has stated that the Local Planning Authority should be satisfied that the proposed dwellings are not likely to be un-acceptably affected by noise and/or blast vibration from the quarry prior to approving the development.

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,777.99 towards mitigating the impacts arising from the increased use as a result of the new development at Coalville Civic Amenity site
- b) Director of Adults and Communities (Libraries) requests a contribution of £1,530.00 towards providing additional capacity at Markfield Library

- c) Director of Children and Young Peoples Services (Education) has not made a financial request
- d) Director of Environment and Transport (Highways) has not made a financial request.

Stanton under Bardon Parish Council raises the following objections:-

- a) The proposed access is narrow and runs adjacent to the school
- b) The area is very congested
- c) The access is on the same side as two other developments already submitted for planning
- d) With two developments in the process providing a total of approximately 66 new homes this increases the size of the village by 25 and a further development at this time is totally un-necessary to conform.

The Director of Environment and Transport (Highways) raises objections to the application notwithstanding the acceptability of the access arrangements on the basis that Stanton under Bardon is a small, linear and relatively isolated village which lacks shops, services, public transport and community facilities, therefore residents are heavily reliant on the use of the motor vehicle. It is therefore considered that the location is unsustainable.

The National Forest has stated that as the application is in outline form, they request that a schedule is added to the S106 agreement that secures 0.19 hectare of either on or off-site planting or a financial contribution in lieu of planting of £3,800, based on 0.19 hectares at £20,000 per hectare.

No response has been received from the Primary Care Trust or Leicestershire Constabulary Crime Reduction Officer in respect of financial requests.

Site notice and Press notice were displayed and neighbours notified.

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

- a) contrary to development plan
- b) detrimental to conservation area
- c) interference with adjacent property
- d) loss of privacy
- e) overshadowing/overbearing
- f) poor design the plan shows too many houses crammed into a small area
- g) 7) there is a footpath link marked on the north boundary of the plan – there is not a legal footpath there currently
- h) loss/damage to trees
- i) loss of amenities
- j) other infrastructure deficiency
- k) intrusion onto the countryside
- l) blot on the view of the National Forest trees and skyline
- m) there is a legal access to the rear of a property on Main Street
- n) are there not alternative access points in the applicant's ownership?
- o) safety of children attending the school is paramount and entrance within 2-3 metres of the children's only pedestrian entrance to the school will mean another road for children to cross which poses a significant increased risk to their safety
- p) parents waiting to collect their children could also inadvertently cause a further hazard as they could create a blind spot to drivers turning both in and out of the proposed road
- q) should balls from the school go over the fence into the new road then this could cause a hazard to both adults retrieving these items for the children and drivers of vehicles using the road

- r) parking issues at present and will become more of a problem on a narrow main street with additional traffic
- s) traffic approaching the proposed junction will mean headlights shining directly into property opposite
- t) traffic generation from new sites not taken into account in surveys
- u) the first observation from LCC Highways is weak and wholly inadequate consultation response, given that this is an outline application specifically in respect of access then comments should be made on this, whilst sustainability is undoubtedly important, the substandard nature of the proposed access, pedestrian footway provision including encroachment onto the adjacent footpath and the additional potential risks arising from the primary school are deserving of greater consideration by these consultants
- v) inadequate access; substandard width, does not measure to the Council's minimums; the access drive is not even 7.1 metres at the critical point; greater width only achieved by cutting back the hedge however this is unlikely to be removed given the ecology report submitted; application should be refused on the basis of inadequate access
- w) proximity of access to the school; endanger school children; access road is not suitable due to its location and volume of traffic it houses at school opening and closing times; there is also an opening opposite the proposed access which serves 3 properties, which in effect creates a crossroad
- x) extra traffic/congestion
- y) the access drive is identified as the Emergency access points for the Ambulance and Fire Brigade for the school and any change to this track would need to incorporate satisfactory provision for these crucial access points for the services to continue should an emergency arise
- z) de-valuation of property prices
- aa) flooding/Washland and Drainage issues – flooding will become a major issue with climate changes and two balancing ponds in the same area will be a risk; water does not drain from existing gardens as it should
- bb) noise and Disturbance
- cc) dust/Fumes and mess during construction
- dd) subsidence with quarry in close proximity
- ee) photos were not taken at a time of day when all vehicles belonging to the houses were present and are not a true reflection of the situation
- ff) there are already 60-70 new houses in Stanton, the village does not have the facilities to cope with another 25 houses, given the schemes already consented; 91 new houses is too many; village doubling in size
- gg) lack of current facilities; no broadband; only 1 small basic shop, a sub post office and one public house; Doctor – no surgery in the village and new housing would put pressure on health and social services; School already has a portacabin to house extra pupils and extra housing will put pressure on teachers and pupils as class sizes will increase in the village school; A bus route is required as amenities in Stanton are not sufficient
- hh) the school is expecting to convert to an academy, go over its capacity numbers and needs financial support to cater for this
 - ii) with the already proposed increased number of dwellings being granted in the village that school needs security measures including a secure safety barrier and zig zag lines outside of the school and these costs would need to be met by the developers
- jj) the consultation period was significantly reduced by Christmas and New Year and the premature closure of the online comments further disadvantages the public; the public notice was undated thereby not providing the starting date of the consultation period.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

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 12: Rural Villages
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 21: National Forest
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

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 BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE16: Archaeological Investigation and Recording
Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE2: Pollution
Policy NE5: Outside Development Limits
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Landscape Character Assessment July 2006

Appraisal:-

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

Principle of Development

National Planning Policy Framework

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the 'presumption in favour of sustainable development' and Paragraph 12 indicates that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

NPPF paragraph 15 confirms that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

The NPPF Core Planning Principles (paragraph 17) identify that planning should be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.

The NPPF constitutes guidance as a material consideration in determining applications. Annex 1 states that 'for 12 months from the day of publication, decision makers may give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this framework', the Core Strategy was adopted in 2009. In other cases 'due weight should be given to relevant policies in existing plans according to their degree of consistency with' the NPPF, this is relevant to the Saved Local Plan policies adopted in 2001.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where there are relevant policies which are out of date; planning permission should be granted unless the adverse impact significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Housing Land Supply

The NPPF requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their requirements with an additional buffer of 5% (moved from later in the plan period) to ensure choice and competition in the market for land.

The housing requirement for Hinckley and Bosworth of 450 dwellings per annum is specified by the Core Strategy over the plan period 2006 to 2026. Past performance is assessed against this requirement as the starting point for identifying the number of dwellings required over the next five years.

The Council has employed a positive methodology in calculating the five-year housing land supply position, following good practice based on the advice provided by DCLG, the Planning Inspectorate (PINS), and the Planning Advisory Service (PAS). An appropriate evidence base (the Strategic Housing Land Availability Assessment (SHLAA)), recent case law, recent discussions with other local authorities, and correspondence with developers and landowners in regards to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods that can be used to determine the Council's five-year housing supply. The Liverpool (residual) method, which spreads the shortfall from previous years under provision over the remainder of the Plan period and the Sedgfield method which places the shortfall into the next five years supply.

This Authority uses the Liverpool method and having regard to that method the housing supply figure as of October 2012 was 5.37 including a 5% buffer.

The Liverpool method was endorsed by the Inspector at the Ratby appeal which post-dates the Stanton under Bardon appeal where the Inspector concluded there was not a five year housing supply and that the Sedgfield method would be most appropriate.

It should be noted that the Ratby Decision is currently being challenged through the Judicial Review process though that does not change the current position which is to utilise the Liverpool method as accepted by the Inspector at that Inquiry. Using that method the authority has a 5 year housing supply.

Even in cases where a five year housing land supply does not exist, The NPPF still requires development proposals to be 'sustainable' and the adopted Local Plan would form a material consideration on how this presumption should be applied locally.

Core Strategy

The Core Strategy forms the strategic element of the Borough's Local Plan for the period 2006 to 2026. It contains a spatial strategy and policies, which when considered as a whole provides a plan led approach to achieving sustainable development locally.

The spatial strategy establishes how development requirements will be accommodated across the Borough over the plan period, including those for housing. The majority of development will be accommodated in and around the Hinckley sub regional centre within the key urban area of the Borough. A proportion of development is also distributed to the rural areas of the Borough to accommodate their particular development needs.

Strategic requirements for development within the settlements of urban area are identified through Core Strategy policies 1, 2, 3 and 4. The approach is aimed to ensure that development takes place in the most sustainable locations available in and around the Borough's urban settlements.

The needs of rural settlements are also reflected in the Core Strategy and a proportion of development is distributed to the settlements within the rural areas of the borough through policies 8, 9, 10, 11, 12 and 13.

The 'Spatial Strategy and Policies: Rural Areas' establish a hierarchy of three main types of settlements across the Borough's rural area: key rural centres, rural villages and rural hamlets. Stanton under Bardon is identified as a rural village and accordingly will be the focus of limited development over the plan period in line with Policy 12. In rural villages the Council will support housing development within settlement boundaries that provides a mix of

housing types and tenures as detailed in Policy 15 and Policy 16. A minimum requirement of 30 new homes is identified as a requirement for allocation in Stanton under Bardon.

To date a total of 69 new homes have been granted planning permission in Stanton under Bardon, which is 39 above the Core Strategy minimum requirement. The proposed development is for 25 dwellings and would, if approved, bring the total number of permitted new homes to 94 or 213% above the Core Strategy minimum requirement.

In summary, the Borough Council currently calculates that its housing supply equates to 5.37 with a 5% buffer. This position was endorsed in the recent appeal decision relating to an application at Ratby (APP/K2420/A/12/2181080/NWF).

Taking this position into account, the Core Strategy's policies can be considered up-to-date. It is considered that this development proposal is contrary to the Spatial Strategy and policies contained within the Council's adopted Local Plan (Core Strategy), as it would lead to a significant over provision of housing within the rural village of Stanton under Bardon. It is considered that the applicant has provided insufficient evidence to establish how this significant over-provision would constitute sustainable development in the context of the Borough's Local Plan.

As such in the opinion of the Local Planning Authority, the development would result in significant over provision of housing within Stanton under Bardon that would be to the detriment of the Spatial Vision of the adopted Hinckley & Bosworth Core Strategy 2009 and therefore contrary to the specific requirements of Policy 12 of the Core Strategy.

Highway Considerations; Access, Parking Provision and Impact on the Local Highway Network

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

The Director of Environment and Transport (Highways) states that notwithstanding the acceptability of the access arrangements, concerns are raised from a transport sustainability point of view.

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

"Stanton under Bardon is a small, linear and relatively isolated village which lacks shops, services; public transport or community facilities and therefore existing residents lack genuine transport choice and are heavily reliant on the use of a motor vehicle. These arguments appear to be well supported by Census data for the village which shows that only 2 per cent of the village use public transport to commute to work. The nearest village offering a good range of shops and services is Markfield, a 30 minute walk (one way) from the site which includes unlit roads (some without pedestrian footways) and a section along a dual carriageway."

The Director of Environment and Transport (Highways) suggests 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."

Concerns within letters of representation have been expressed in respect of the access point, inadequate access, volume of traffic, congestion, existing and likely parking issues, highway safety and safety of school children at the adjacent school.

In response to particular concerns raised by letters of representation in terms of the proposed access width the Director of Environment and Transport (Highways) states that the standards set out in the 6Cs Design Guide are guidelines and are not hard and fast rules and standards quoted by the letters of representation are in respect to an adoptable layout, if these standards cannot be met the development (being 25 dwellings) could be served via a private drive, the standards for which are stipulated in section DG18 of the 6Cs Design Guide, but is short would only require a minimum width of 4.8m for the first 5 metres behind the highway boundary.

In response to highway related letters of objection, the scheme has been considered by the Director of Environment and Transport (Highways) who raise no objections in terms of highway safety. In addition, the existing emergency access points for the school is currently on land not in the ownership of the school and therefore could have already been obstructed. The applicant has sought access from this point and there are no issues raised in respect of highway safety from this access point, as such it is not necessary to consider alternatives. Furthermore, one letter of representation has referred to an earlier application (93/00281/COU) where access to the site has been prohibited "in the interest of highway safety" however application 93/00281/COU takes its access onto Elliott's Lane.

As such whilst no objection is raised in respect of highway safety, it is considered that 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, 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 contrary to Local Transport Plan 3 and Policy IN6 of the 6Cs Design of the Leicestershire County Council policy guide and overarching intentions of the NPPF.

Footpaths

Public Footpath R18 runs east to west to the south of the site, along the existing track.

Director of Environment and Transport (Rights of Way) raises concern that footpath R18 would be shared by the vehicular access serving the proposed development, thus increasing the potential risk of conflict between pedestrians and motor vehicles entering and leaving the application site. As such the Director of Environment and Transport (Rights of Way) recommended that any planning consent be conditional upon the footpath being clearly segregated from the vehicular access to a width of 2 metres.

The Director of Environment and Transport (Highways) has confirmed that the overall corridor width of the access is 7.4 and if a 2 metre footpath is required this leaves 5.4m for the carriageway and any service margins and whilst these measurements fall short of the overall corridor width of 7.5m needed for adoption, there would be no objection to the development being served by a private drive. The Director of Environment and Transport (Highways) confirms the standard for a private drive serving up to 25 dwellings is 4.8m wide as such there is no problem with a condition to allow a 2 metre wide footpath.

Should the application be approved then appropriately worded conditions would be imposed to accord with Saved Policy T9.

In summary the scheme subject to the imposition of a planning condition is considered to be in accordance with Saved Policy T9 of the Local Plan and the overarching intentions of the NPPF.

Other Matters

Impact upon the Countryside/National Forest

As discussed earlier in this report the application site in policy terms lies outside of the defined settlement boundary for Stanton under Bardon and is within the open countryside.

As previously discussed, whilst limited weight can be given to saved Policy NE5 following the release of the NPPF, due to its presumption in favour of sustainable development, the design criteria i-iv remain generally relevant to development within the countryside and are consistent with the NPPF. It states that development will have to meet the following criteria:-

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

Whilst the site is located outside the settlement boundary, it lies adjacent to the existing built form of Stanton under Bardon to its west. Beyond the site to its north is the existing allotments site which has received both outline and reserved matters consent for a residential scheme and village hall. To the south lies Stanton under Bardon Primary School and associated grounds including a recreation ground to its south. The only true open surrounding countryside is to the site's east, and this is maturely planted. As such it is considered that the scheme will be constructed adjacent to existing and proposed development to the north and west and the existing vegetation provides a green buffer to the development and aids its assimilation into the surrounding open countryside to the east.

In summary, it should be considered that this site in context within the surrounding development does not represent 'typical' open rural countryside location, nor is it considered to significantly encroach upon the countryside, due to existing landscape buffers.

Density/Layout/Design/Scale

The application proposes 25 dwellings on a 0.94 hectare site equating to a net density of 26.6 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 a density of at least 30 dph within and adjoining 'Rural Villages' such as Stanton under Bardon. 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, and outside of the settlement boundary and therefore in an area of countryside. It is considered that schemes should assimilate in the countryside and as such density has a key role to play within this. It is therefore considered that a higher

density would be to the detriment of the surrounding countryside and National Forest. The lower density scheme is therefore considered more suitable in this location.

As mentioned within the introduction, this is an outline application which seeks detailed approval for the access only. An indicative plan has been submitted, which indicates number of dwellings and possible layouts, but its detail is not for consideration within this application.

Impact on 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, 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 application is in outline and as such scale, siting, landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy, loss of sunlight and daylight and overbearing form, will be a primary consideration at the reserved matters stage when the scale, layout and appearance are presented for approval.

It is considered, having regard to the indicative details submitted that a suitably designed scheme can be achieved on this site that will not detrimentally impact upon residential dwellings opposite the site. Accordingly the scheme can be suitably designed to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Affordable Housing and Infrastructure Improvements

The application proposes 25 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.

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs, particularly for affordable housing. The NPPF states that Local Planning Authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

This site is in a rural area and therefore Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing, which would give 25 units on site for affordable housing. Of these 10 dwellings, 7 dwellings (75%) should be for affordable rented housing and 3 dwellings (25%) for intermediate tenure.

There are currently the following number of applicants on the Council's housing register for Stanton under Bardon:-

1 bedroomed properties	154
2 bedroomed properties	121
3 bedroomed properties	56
4 or more bedroomed properties	17

It is considered that the current affordable housing provided in the village is limited, consisting of 17 x 3 bedroomed houses and 27 x 2 bedroomed bungalows. In respect of the affordable rented (7 dwellings) 5 should be for two bedroomed dwellings and 2 should be for three bedroomed dwellings. In terms of the intermediate tenure this could be a mixture of 2 and 3 bedroomed houses.

In terms of CIL compliancy this scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Stanton under Bardon as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Should the application be approved then the provision of affordable housing would be secured through a S106 agreement.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

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 Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The following figures are based upon a scheme for 25 dwellings of which 1 dwelling is of 1 bed configuration, as reflected within the applicant's planning application form.

On site: Should the applicant consider providing play and open space on site then they would be required to provide 1,000 square metres of formal open space; 125 square metres of children's equipped play space and 375 square metres of informal un-equipped play space in addition to a maintenance contribution.

Off site: Whilst not for determination at this stage, the accompanying indicative layout gives no indication of any proposed on site play space and given the proximity to existing designated sites it is like that a financial contribution will be secured for off site play space.

The site is located within 400 metres of existing equipped and un-equipped play facilities at Stanton under Bardon Primary School Recreational Facility and within 1km of existing allotments off Main Street. The quality of the Stanton under Bardon Primary School Recreational Facility was considered within the Quality and Accessibility Audit of 2005 which awarded Stanton under Bardon Primary School Recreational Facility 31.5%. The Audit states that "The village has an equipped area for children's play adjacent to the village school. Facilities, are, however, poor quality and offer little for 5-18 year olds...Cost Estimate £50,000".

Informal Equipped Children's Play Space: - A shortfall in the required provision of on site equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped play space at Stanton under Bardon Primary School Recreational Facility and as such under the terms of the policy a financial contribution may be secured against this site. A contribution of £17,953.65 is required for the provision and £8,749.13 for the maintenance.

It is considered that recent signed legal agreements have secured monies for the improvements to the equipped play facilities. Application ref: 11/00988/OUT (rear of 169 Main Street) secured £27,565.20 for the provision and £13,433.00 for the maintenance of equipped play facilities and application ref: 11/00582/FUL (261 Main Street) secured £19,585.80 for the provision and £9,544.50 for the maintenance of equipped play facilities.

Notwithstanding the contributions, which accumulatively have secured £47,151.00 for the provision and £22,977.50 for the maintenance, it considered necessary to request a contribution within this scheme as the size of the units proposed (2, 3, 4 bed units) are likely to appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment. They are likely to use this facility due to the proximity of it to the application site. Given the above the development is considered to be related to the site. The contribution being secured will help to alleviate the impact from the future occupiers (as a result of the development) upon the existing facilities by providing additional facilities and it is considered, based on the above, that the development justifies the provision of additional facilities.

As a result it is considered that a contribution request for the necessary provision of them and to mitigate the impact stated above is both directly, fairly and reasonably related in kind to this development.

Informal (Un-equipped) Children's Play Space: - A shortfall in the required provision of on site un-equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of Stanton under Bardon Primary School Recreational Facility and as such a financial contribution may be secured against this site. A contribution of £2,286.00 is required for the provision and £1,967.63 for the maintenance.

It is considered however, that Stanton under Bardon has a sufficiency of casual/informal play space for its population when compared with the National Playing Fields Standard. It is

acknowledged that a development would result in additional users of this space and could result in the decrease in quality of these spaces but that in light of the facilities already in place the impact would not be significant. It is therefore considered that the development would not significantly impact upon the existing sufficiently to adequately justify additional informal play space. On this basis it is not considered that a contribution would meet the CIL regulations.

Formal Recreation Space: - Similarly off site contributions will also be required for formal open space. Whilst there are no traditional forms of outdoor open space for sports within Stanton under Bardon the Council's SPD on Play and Open Space Guide recognises allotments as a form of outdoor open space/formal recreation. Within the Green Space Strategy 2005-2010, Stanton under Bardon was found to have a deficiency of outdoor sports (-0.50) for its population when compared with the National Playing Fields Standard. The application site falls within 1 kilometre of existing allotments off Main Street and as such financial contributions of £7,989.30 for the provision and £6,534.00 for the maintenance would normally be sought.

There is no assessment of the existing quality of the allotments and no information to substantiate the requirement for additional allotments, as such it is considered that there has been no demonstration that as a result of the development there would be an increased pressure or need for allotments. In addition, application ref: 11/00988/OUT (rear of 169 Main Street) and subsequently 12/01072/REM has secured the formation of 15 full and 21 half new allotments. As such the quality of the new allotments will be high. On this basis it is not considered that a contribution would meet the CIL regulations.

As such, the only contribution sought is £17,953.65 for the provision of informal equipped play facilities and £8,749.13 for the maintenance of informal equipped play facilities. It is considered that these play and open space contributions are required for a planning purpose, are directly related to the development and fairly and reasonably relate in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the adopted Core Strategy, Policies IMP1, REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations and overarching intentions of the NPPF.

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,777.99 towards mitigating the impacts arising from the increased use of the Coalville Civic Amenity site as a result of the new development
- b) Director of Adults and Communities (Libraries) requests a contribution of £1,530.00 towards providing additional capacity at Markfield Library.

The National Forest has stated that as the application is in outline form, they request that a Schedule is added to the s106 agreement that secures 0.19 hectare of either on or off-site planting or a financial contribution in lieu of planting of £3,800, based on 0.19ha at £20,000 per hectare.

On consideration of these requests received in respect of this application it is considered that only the National Forest (£3,800.00) request meets the tests as set out in the CIL Regulations 2010. Neither the libraries or civic amenities request were able to demonstrate that their requests were necessary.

Should the application be approved a Section 106 would be negotiated in order to secure financial contributions towards play and open space and National Forest and provision of affordable housing units.

Ecology

The application is accompanied by an ecology report which has been considered by the Directorate of Chief Executive (Ecology) who has no objection in principle to the scheme as long as the hedgerow along the northern boundary is retained in full, with a buffer zone alongside and the mitigation measures within the ecology report being made into planning conditions.

It is considered that the retention of the hedgerow would be negotiated during any subsequent reserved matters application for layout, at that time and that conditions relating to layout, scale, appearance and landscaping could be secured accordingly.

Drainage and Flood Risk

Concerns have been expressed over drainage and flood risk from letters of representation including one letter of objection which raised concerns over the fact that water does not drain from their garden as it should after stables were built on this land.

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by Severn Trent Water and the Head of Community Services (Land Drainage) who both raise no objections subject to the imposition of planning conditions relating to drainage plans for the disposal of surface water and foul sewage and a condition for drainage details which incorporates sustainable drainage principles, both of which in the absence of full details are considered necessary to impose. As such should the application be approved then appropriately worded condition(s) would be imposed to accord with Saved Policy NE14.

The Environment Agency have not formally responded on the application given that the site is less than one hectare in size and is covered by flood zone one.

In summary, Severn Trent and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Archaeology

Saved Policies BE13 and BE16 are generally consistent with the NPPF and therefore remain relevant to the determination of this application.

The application is accompanied by Archaeological Reports and an Archaeological Desk Based Assessment in accordance with Saved Policy BE13. The scheme has been considered by the Directorate of Chief Executive (Archaeology) who confirms that some archaeological remains in the trenches were located in the western part of the application area so recommends mitigation measures in the form of a soil strip and subsequent investigation and recording prior to construction commencing. As such should the application be approved then appropriately worded conditions would be imposed to accord with Saved Policy BE16.

In summary the scheme, subject to the imposition of a planning condition is considered to be in accordance with Saved Policies BE13 and BE16 of the Local Plan and the overarching intentions of the NPPF.

Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are proposed, owing to the former agricultural use of the site. As such should the application be approved then appropriately worded conditions would be imposed to accord with Saved Policy NE2.

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

Cliffe Hill Quarry

The scheme has been considered by the County Planning Authority (Minerals & Waste) who have expressed concerns over the potential impacts from quarry blasting upon the proposed dwellings and future occupiers from the nearby Cliffe Hill Quarry.

The same concerns were raised within the other recent planning applications submitted in Stanton under Bardon and following these concerns additional investigations were undertaken by the Council which revealed that there would be no material adverse impacts on either the structural stability of the dwellings or on the health and wellbeing of the future occupants. There is no reason to suggest that this scheme proposes any greater risks.

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

Recycling, Waste Collection and Storage

The Head of Business Development and Street Scene Services (Waste Minimisation) raises concerns over collection points. Given that such details are dependent upon the layout of the scheme and layout is not for consideration at this stage, a condition to this affect is not recommended to be carried forward at this stage.

Letters of Representation

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

Access rights, de-valuation of property prices and a right to a view are not material planning considerations.

For the avoidance of doubt there is not a Conservation Area in Stanton under Bardon.

A separate application would be required in respect of official footpath diversions, links or creations.

In respect of concerns relating to construction, should the application be approved a condition would be imposed ensuring vehicle wheel cleaning services are available on site to avoid mud being depositing on the local highway network.

In response to concerns raised regarding the consultation period the site notice was dated the day it was displayed and it is regrettable that the public access website was not available at 4pm on the day of the expiry of consultation, and that it is acknowledged that the system should be amended to allow until 12 midnight, however in this particular case the comments were still able to be submitted by other means and have been received and taken into consideration in the determination of this application.

Conclusion

In conclusion, the Borough Council can demonstrate that it has a five year housing land supply using the residual method, which is an approach that has been supported by a Planning Inspector in a recent appeal decision following a Public Inquiry and taking this position into account, the Core Strategy's policies can be considered up-to-date.

It is considered that this development would lead to a significant over provision of housing within the rural village of Stanton under Bardon, where the applicant has not demonstrated that their proposal would be sustainable development in the context of the Borough's Local Plan and nor is the site located where services are readily and safely accessible by walking, cycling and public transport. It is for these reasons that the application is recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that there is a need within Stanton under Bardon that justifies the development of this Greenfield site which would significantly exceed the locally derived housing requirement for the settlement and does not reflect the spatial vision for the Borough. Therefore the development would be contrary to the Spatial Strategy and policies contained within the Council's adopted Local Plan (Core Strategy) specifically Policy 12 of the adopted Core Strategy and the overarching intentions of the National Planning Policy Framework.
- 2 In the opinion of the Local Planning Authority 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, 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, contrary to Local Transport Plan 3 and Policy IN6 of the 6Cs Design of the Leicestershire County Council policy guidance and the overarching intentions of the National Planning Policy Framework.

Notes to Applicant:-

- 1 This application relates to the following plans:- Location Plan Drawing No. 1002 A and Proposed Layout Drawing No. 1001 B received by the Local Planning Authority on 20 December 2012.

Contact Officer:- Ebony Mattley Ext 5691

Item: 04

Reference: 12/01026/FUL

Applicant: Mr John Deakin - David Wilson Homes East Midlands

Location: Land South Of 26 To 28 Britannia Road Burbage

Proposal: Erection of 9 dwellings (part re-plan of permission 12/00154/FUL (plots 40-45 and 47-49)

Target Date: 27 February 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 John Moore due to it being linked to another application on this agenda (reference 12/01079/FUL) that has been called in to the Planning Committee.

Application Proposal

This application seeks full planning permission for amendments to the layout and the substitution of house types on nine plots (40-45 & 47-49) forming part of a previously approved residential development for 52 dwellings on land to the south of 26 - 28 Britannia Road, Burbage. The application has been submitted to enable a road to be formed within the approved scheme to provide access to an adjacent paddock with the intention of developing that site for an additional nine dwellings. The nine plots that are the subject of this application previously comprised of 5 x 2 storey houses and 4 x 2½ storey houses. The house types proposed now are all 2 storey four bedroom houses and the designs are the same as those already approved on other plots within the development. Amended plans have been submitted that provide chimney details to the proposed house types and delete the details of the proposed adjacent scheme from the layouts.

The Site and Surrounding Area

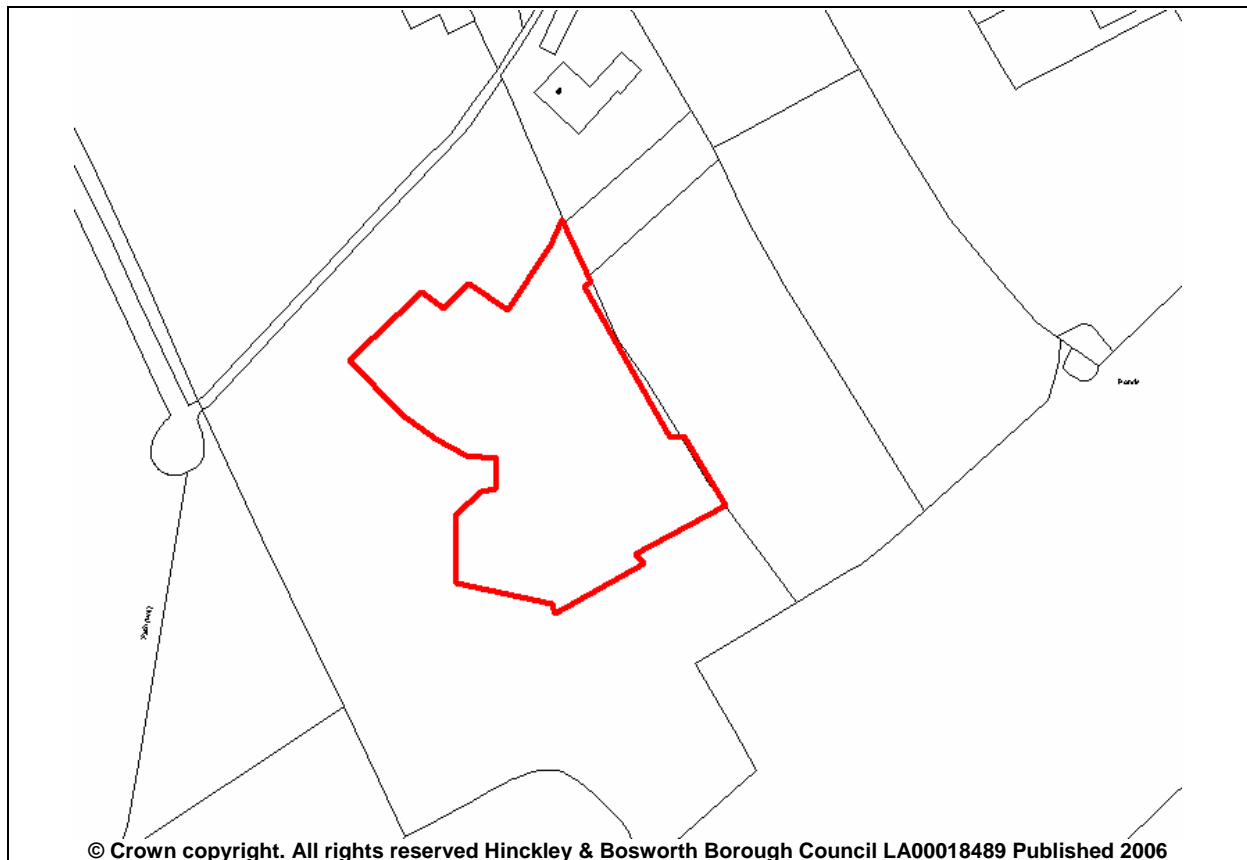
The site area measures approximately 0.33 hectares and forms part of a wider residential development of 2.21 hectares currently under construction to the south of Britannia Road, Burbage. There is a grassed paddock to the east of the application site separated by a field boundary hedgerow with sporadic trees that is subject to a separate application (reference 12/01079/FUL) within this agenda. The consented residential scheme lies to the north, west and south of the application site.

Technical Documents submitted with Application

Statement of Community Involvement
Planning Statement
Design and Access Statement
Buildings for Life 12 Assessment
Affordable Housing Statement
Transport Statement
Flood Risk Assessment Addendum
Phase I Ecological Assessment Report

Relevant Planning History:-

12/01079/FUL	Erection of 9 Dwellings with Garages & Associated Infrastructure	Pending Decision	
12/00154/FUL	Erection of 52 Dwellings with Garages & Associated Infrastructure	Approved	14.05.12
11/00823/FUL	Erection of 52 Dwellings & Associated Garages & Infrastructure	Refused Appeal Withdrawn	08.02.12
10/00381/OUT	Development of 62 Residential Dwellings Including Access	Withdrawn	25.06.10
09/00915/OUT	Erection of 62 Dwellings & Associated Access	Refused Appeal Allowed	23.03.10



Consultations:-

No objection has been received from:-

Environment Agency
Sport England
Burbage Parish Council
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Archaeology)
Severn Trent Water Limited
Head of Community Services (Pollution).

The Borough Council's Arboricultural Consultant considers that the two trees to be removed to enable the formation of an access into the adjacent paddock provide a significant contribution to the landscape and therefore raises concerns regarding their removal.

Press notice and site notice posted, neighbours notified. Two letters received raising objections on the following grounds:-

- a) contrary to development plan
- b) inadequate access
- c) intrusion into countryside
- d) traffic/parking
- e) infrastructure deficiency.

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

Director of Environment and Transport (Rights of Way)
Leicestershire County Council Developer Contributions
Primary Care Trust
Leicestershire Constabulary Crime Reduction Officer
Leicestershire & Rutland Playing Fields Association
Cyclists Touring Club
Ramblers Association.

The consultation period remains open at the time of writing and closes on 24 March 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 43: Regional Transport Objectives

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy NE2: Pollution
Policy NE5 Development in the Countryside
Policy NE12 Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Affordable Housing 2011 (SPD)
Sustainable Design (SPD)
Play and Open Space Guide (SPD)

Other Material Policy Guidance

Burbage Village Design Statement (2006)

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and design and impact upon residential amenity, highway considerations and other matters.

Principle of Development

The application site lies outside, but adjacent to, the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan proposals map and therefore in an area designated as countryside. However, the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and the principle of residential development on this sustainable site has already been established by the earlier grant of two previous planning permissions (including one on appeal), most recently reference

12/00154/FUL which this application seeks to amend. Whilst the Local Planning Authority is able to demonstrate a five year housing supply, Policy 4 of the adopted Core Strategy allocates a minimum of 295 dwellings for Burbage focussed primarily to the north of Burbage but this does not exclude the consideration of other smaller development sites. There is a current requirement for 146 additional dwellings in Burbage to meet this allocation. The proposals are therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Layout and Design and Impact on the Character and Appearance of the Surrounding Area

The NPPF in paragraph 56 states that good design is a key aspect of sustainable design. The design criteria i and ii of Policy NE5 require that development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings. 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.

The revised layout does not propose any additional dwellings to that approved by the previous permission (reference 12/00154/FUL) therefore there is no change in the overall density (23.5 dwellings per hectare) of the development. The application has been submitted to amend the approved layout in order to enable the formation of an access road to the adjacent paddock to the east to enable additional residential development on that site (reference 12/01079/FUL). Viewed in isolation, the revised layout on the consented part of the site would result in a poor visual end stop between plots 43 and 44 and would be unacceptable in design terms. However, taking the adjacent proposal into account the revised layout provides continuity of the character of the wider development with dwellings arranged with a small set back either side of the road and parking provided to the side and rear of each dwelling to provide natural surveillance and avoid a car dominated street scene and is acceptable in design terms. In order to ensure a satisfactory form of development on this site, a clause requiring the development of the adjacent related site to the east to be brought forward (if planning permission is granted), should be included in any legal agreement relating to the site, otherwise, the originally approved scheme (12/00154/FUL) should be reverted to.

The house types proposed now are all two storey detached designs the same as those already approved within the wider development and the applicant advises that this reflects market demand. The layout provides each dwelling with adequate separation distances to adjacent dwellings and adequate private amenity space in accordance with the standards within the Council's SPG on New Residential Development. This application does not relate to any of the affordable housing units within the development which remain as previously approved.

The proposed external materials schedule incorporates materials previously approved for the wider scheme and the distribution plan provides a mix through the development that will enhance the visual appearance of the scheme. The submitted chimney details and their distribution through the development will enhance the appearance of the scheme. The submitted boundary treatment plan will protect the privacy of the future occupiers and define the open spaces within the site. The submitted hard surfacing materials and treatments reflect and continue those previously approved but amended to suit the new access road. As a result these details are all considered to be acceptable for the amended scheme. There are variations in the ground levels of the site and no details of the proposed finished floor or ground levels of the amended plots have been submitted. A condition requiring their submission for prior approval is therefore necessary and reasonable in this case to control the visual appearance of the development.

Policy 24 of the adopted Core Strategy requires new residential units within Burbage to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Whilst the submitted Planning Statement confirms that the homes are to be constructed in compliance with this standard, no details have been submitted with the application; therefore, such details will need to be secured via the imposition of a planning condition requiring relevant details to be submitted for approval.

The proposal is an amendment to a consented scheme and considered to be in accordance with Policies 4 and 24 of the adopted Core Strategy. As a result of the layout, design, scale and appearance of the proposed dwellings they would complement the character of the previously approved scheme and the surrounding area and are therefore be in accordance with Policies BE1 (criterion a) and NE5 (criteria i and ii) of the adopted Local Plan, the guidance contained in the Council's SPG on New Residential Development and the overarching guidance contained with the NPPF.

Impact on Residential Amenity

Policy BE1 (criterion i) and the SPG on New Residential Development state that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties.

This application relates to a part of the wider scheme that does not abut any existing neighbouring properties but is enclosed within the development and adjacent to a grassed paddock. As a result the amended proposals would not give rise to any adverse impacts on residential amenity of existing neighbours. Adequate separation distances are provided between the proposed and adjacent dwellings within the wider scheme such that there will not be any adverse impact on any future occupiers of the development in respect of loss of privacy or amenity from overlooking or overbearing/overshadowing.

The Head of Community Services (Pollution) has re-iterated a recommendation for gas protection measures to be incorporated within the construction of the dwellings as with those on the wider site in order to protect the future occupiers of the site and these can be secured by a planning condition.

Thee proposals would result in no adverse impact on neighbouring properties and are therefore in accordance with Policy BE1 (criterion i) and the SPG on New Residential Development and are therefore acceptable in this respect.

Highway Safety

Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan require development to be provided with adequate access, visibility and parking and turning facilities.

The extended access road is designed with satisfactory geometry and surfacing that would provide adequate access to serve the proposed dwellings within this application and the dwellings proposed on the adjacent site that are the subject of a separate application reported within this agenda (reference 12/01079/FUL). The proposed four bedroom dwellings are provided with three spaces each which is acceptable for their size and meets adopted parking standards. The proposals are therefore in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan. The Director of Environment and Transport (Highways) has no objection to the scheme subject to conditions in respect of the provision of parking spaces and mitigation measures at the junction of Freemans Lane and Windsor Street.

Other Matters

The application does not have any impact on the affordable housing provision within the previously approved scheme. A legal undertaking in the form of a deed of variation is being finalised in order to ensure that the developer contributions towards infrastructure and facilities are tied to this development. There are no additional contributions required as a result of this application as there are no increases in the number of dwellings proposed.

The Borough Council's Tree Officer has highlighted that the formation of the proposed access into the adjoining paddock will result in the loss of two trees, an Ash and a Silver Birch, which he considers make a significant contribution to the landscape and were to be retained in the approved scheme. The applicant proposes to provide mitigation to offset the loss of these trees in the form of a more suitable mature replacement specimen to be planted between plots 44 and 53 of the development close to those being lost together with additional supplemental hedgerow planting and the provision of bat/bird boxes etc. to enhance wildlife opportunities generally. Whilst, mainly due to its size, the Ash does provide some amenity value, it is a multi stemmed specimen and would not be worthy of any formal protection therefore its importance for retention is questionable and the Silver Birch, whilst in good condition, is a much smaller tree. The proposed mitigation measures are considered acceptable to offset the loss of the trees and enhance the site generally and can be secured by a planning condition.

Issues in respect of the drainage of the site, ecology and archaeology were considered and addressed by the use of planning conditions on the previous permission (reference 12/00154/FUL) and can be controlled by similar means. No objection subject to conditions has been received from the Environment Agency, Severn Trent Water Limited and the Directorate of Chief Executive (Archaeology) The consultation response from the Directorate of Chief Executive (Ecology) has not been received at the time of writing this report.

Conclusion

In conclusion, the principle of residential development has already been established by the earlier grant of planning permission. The amendments to the layout and house types would not give rise to any significant material impacts upon the character or appearance of the area, the amenities of the occupiers of existing and future neighbouring dwellings or highway safety. No significant other material adverse impacts have been identified that would indicate that the proposals are not compliant with adopted local development plan policies or the overarching principles of the NPPF. The application is therefore recommended for approval, subject to the imposition of planning 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 vary the original agreement and secure the obligations contained therein, and no new significant planning objections being received before the expiry of the consultation period on 24 March 2013, the Head of Planning or Development Control Manager 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, together with the appeal decision (reference APP/K2420/A/10/2127585), 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 residual housing requirement for Burbage, and by virtue of the layout and design would not have any adverse impact on the character or appearance of the landscape, residential amenity, highway safety, surface water drainage, land contamination, ecology or archaeology, would contribute to public play and open space facilities and incorporate sustainable design measures.

Hinckley and Bosworth Local Plan (2001):- Policies NE2 (criterion b), NE5 Criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE14, BE1 (criteria a, c, d, e. g. h and i), BE16, T5, IMP1, REC2 and REC3.

Local Plan 2006-2026: Core Strategy (2009): - Policies 4 and 24.

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

- 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. S5516/100/03, Plot 45 House Type Plans and Elevations drawing nos. H69.07/H69.08 and Garage Type Plans and Elevations drawing nos. E02S, E51.01 and G21.01 received by the Local Planning Authority on 2 January 2013; House and Garage Types Plans and Elevations drawing nos. Plot 40 - H455.04/H455.03, Plots 41 & 42 - H421.02/H421.01, Plot 43 - H433.04/H433.03, Plot 44 - H436.04/H436.03, Plot 47 - H436.04/H436.03, Plot 48 - H455.04/H455.03, Plot 49 - H469.08/H469.07 received by the Local Planning Authority on 11 March 2013; Planning Layout drawing no. S5516/100/02 Rev Q; Chimney Details and Disposition Plan drawing no. S5516/500/02 Rev D; External Materials Plan drawing no. S5516/500/01 Rev C; Surface Treatments Layout drawing no. S5516/500/03 Rev B; Boundary Treatments Layout drawing no. S5516/500/04 Rev B received by the Local Planning Authority on 14 March 2013.
- 3 No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4 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.
- 5 The dwellings hereby permitted shall be constructed in accordance with the Ground Gas and Remedial Method Statement by GRM Development Solutions Limited dated 15 August 2012.
- 6 No dwelling shall be occupied until the vehicular and pedestrian access and parking spaces serving it have been completed in accordance with the approved plans and materials.

- 7 No development shall commence until full details of highway mitigation works relating to a build out and corner radii provision and associated works at the Freemans Lane/Windsor Street junction, as generally shown on BWB Consulting drawing no. NTT/662/101 P1, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be carried out in accordance with the approved details prior to the first occupation of any dwelling.
- 8 No development shall commence until full details of landscaping mitigation 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) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) implementation programme.
- 9 The approved landscaping mitigation scheme shall be carried out in accordance with the approved details. The 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.
- 10 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.
- 11 No development shall take place within the area shown hatched on the attached plan until an addendum to the Written Scheme of Investigation approved under 12/00154/FUL; Condition 16 has been submitted to and approved in writing by the Local Planning Authority. The addendum will detail an additional programme of work required to complete the archaeological investigation of the development area.
- 12 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological 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.
- 13 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 In the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy.
- 5 To protect the future occupiers of the site in accordance with Policies NE2 (criterion b) and BE1 (criterion c) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate access and off-street car parking facilities are provided to serve each dwelling to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To improve visibility at the junction and to provide an improved radius at the junction in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with Policy NE5 (criterion iii) and NE12 (criteria b and d) of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 10 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.
- 11 To ensure satisfactory archaeological investigation and recording in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 12 To prevent the increased risk of flooding, to improve and protect water quality to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan
- 13 To ensure the protection of controlled waters to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

- 5 In respect of Condition 11, the addendum to the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

Contact Officer:- Richard Wright Ext 5894

Item: 05

Reference: 12/01079/FUL

Applicant: Mr John Deakin - David Wilson Homes East Midlands

Location: Land South Of 26 To 28 Britannia Road Burbage

Proposal: Erection of 9 dwellings and associated infrastructure

Target Date: 12 February 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 John Moore due to the application site being outside the settlement boundary of Burbage. The application is linked to another application on this agenda (reference 12/01026/FUL).

Application Proposal

This application seeks full planning permission for the erection of nine dwellings with associated garages and infrastructure on land to the south of 40 Britannia Road, Burbage. Access is to be taken from a previously approved residential development for 52 dwellings on land to the south of 26 - 28 Britannia Road, Burbage. Amended plans have been submitted to change a number of the house types within the scheme which now proposes 4 x 2½ storey five bed houses and 2 x 2 storey five bed houses and 3 x 2 storey four bed houses arranged around a small square and private driveway. In addition, the amended plans provide chimney details to each house type and additional boundary treatment to the adjacent paddock. The designs of the proposed house types include some of those already approved on the adjacent approved scheme and two additional similar house types.

The Site and Surrounding Area

The site area measures approximately 0.39 hectares and is currently a grassed paddock associated with 40 Britannia Road which lies to the north. An unrelated grass paddock lies to the east, the consented residential scheme lies to the west and agricultural fields lie to the south. The site has boundary hedgerows with sporadic trees to the west and south and post and rail fencing on the east boundary. Ground levels fall gradually to the south

Technical Documents submitted with Application

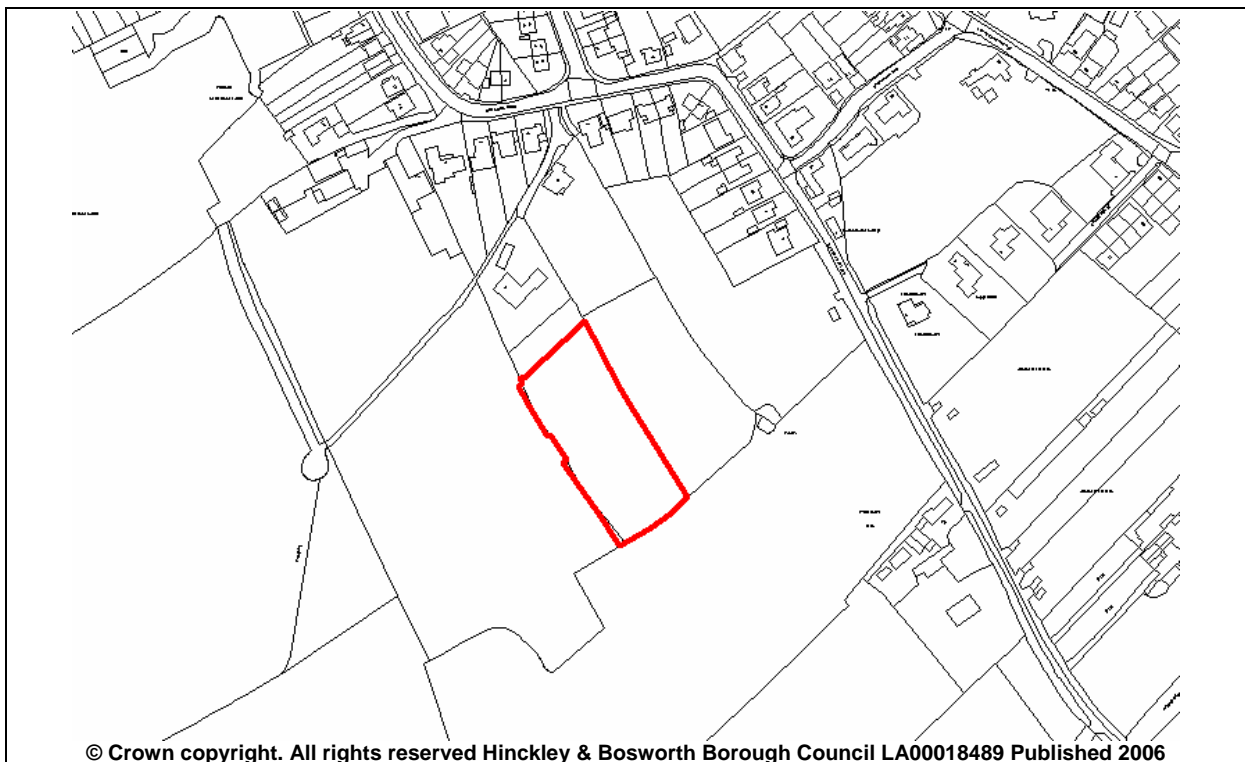
Statement of Community Involvement
Planning Statement
Design and Access Statement

Buildings for Life Assessment
 Transport Statement
 Flood Risk Assessment (addendum)
 Ecological Assessment Report
 Arboricultural Assessment
 Archaeological Written Scheme of Investigation
 Draft Heads of Terms Document for Section 106 Agreement

Relevant Planning History:-

There is no previous planning history on the application site but the following applications are associated with the adjacent site.

12/01026/FUL	Erection of 9 Dwellings (part re-plan of 12/00154/FUL - Plots 40-45 & 47-49)	Pending Decision	
12/00154/FUL	Erection of 52 Dwellings with Garages & Associated Infrastructure	Approved	14.05.12
11/00823/FUL	Erection of 52 Dwellings & Associated Garages & Infrastructure	Refused Appeal Withdrawn	08.02.12
10/00381/OUT	Development of 62 Residential Dwellings Including Access	Withdrawn	25.06.10
09/00915/OUT	Erection of 62 Dwellings & Associated Access	Refused Appeal Allowed	23.03.10



Consultations:-

No objection has been received from Directorate of Chief Executive (Archaeology).

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Severn Trent Water Limited
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services.

Leicestershire County Council (Developer Contributions) has the following comments:-

- a) Directorate of Chief Executive (Ecology) - no contribution requested
- b) Director of Children and Young Peoples Services (Education) requests a total contribution of £42,653.50 to mitigate the impact of the development on education facilities and address capacity issues in respect of the Primary School Sector (£26,133.86) relating to Burbage Infant and Junior Schools, and the Upper School Sector (£16,519.64) relating to John Cleveland College. No contribution is requested for the High School Sector (Hastings High School)
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £423 to mitigate the impact of the development on Barwell Civic Amenity site facilities.
- d) Director of Adults and Communities (Libraries) requests a contribution of £570 to mitigate the impact of the development on Burbage Library facilities.

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

- a) contrary to Borough Council planning policies and Burbage Village Design Statement
- b) greenfield site located outside settlement boundary
- c) unacceptable extension of development into open countryside with loss of visual amenity
- d) individual character of the village and rural vista should be protected/maintained
- e) significant increase in traffic movements detrimental to highway safety
- f) loss of hedgerow and mature trees previously identified as being retained
- g) loss of wildlife habitat.

Press notice and site notice posted and neighbours notified. One letter received raising the following objections/concerns:-

- a) overlooking
- b) loss of open aspect
- c) noise
- d) no screening/planting provided.

The consultation period remains open at the time of writing and closes on 22 March 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 43: Regional Transport Objectives

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage
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 RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Sustainable Design (SPD)
Play and Open Space Guide (SPD)

Other Material Policy Guidance

Burbage Village Design Statement (2006)

Appraisal:-

The main considerations with regards to this application are the principle of development, impact on the character and appearance of the landscape, layout and design, impact on the amenities of neighbouring properties, highway considerations, developer contributions and other matters.

Principle of Development and Impact upon the Character of the Landscape

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and requires development proposals that accord with the development plan to be approved without delay or where relevant policies of the development plan are out-of-date, to be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Paragraph 49 specifically requires applications for housing to be considered in the context of sustainable development. The application site lies outside, but adjacent to, the settlement boundary of Burbage as defined

in the adopted Hinckley and Bosworth Local Plan Proposals Map and therefore in an area designated as countryside. Policies NE5 (criteria a, b and c) and RES5 (criteria a) of the adopted Local Plan seek to restrict development in such areas and are therefore in conflict with the NPPF and can be given little weight in the determination of the application. The design criteria (i, ii and iii) of Policy NE5 are however considered to be in general conformity with the NPPF and can be given weight. These require that development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings and adequately screened by landscaping.

Paragraph 4.5 of the adopted Core Strategy acknowledges that to meet Core Strategy development requirements the authority will identify brownfield/greenfield sites within settlement boundaries followed by land adjacent to settlement boundaries where there is a need to do so. Policy 4 of the adopted Core Strategy makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The policy identifies that the primary focus for new development is to the north of the settlement and permissions have been granted to enable this to be progressed, however, this does not exclude the consideration of other development sites. Policy 4 also seeks to protect and preserve the open landscape to the east of Burbage where the village is separated from the M69.

The housing requirement for Hinckley and Bosworth of 450 dwellings per annum is specified by the Core Strategy over the plan period 2006 to 2026. Past performance is assessed against this requirement as the starting point for identifying the number of dwellings required over the next five years. The Council has employed a positive methodology in calculating the five-year housing land supply position, following good practice based on the advice provided by DCLG, the Planning Inspectorate (PINS), and the Planning Advisory Service (PAS). An appropriate evidence base (the Strategic Housing Land Availability Assessment (SHLAA)), recent case law, recent discussions with other local authorities, and correspondence with developers and landowners in regards to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods that can be used to determine the Council's five-year housing supply. The Liverpool (residual) method, which spreads the shortfall from previous years under provision over the remainder of the Plan period and the Sedgfield method which places the shortfall into the next five years supply. This Authority uses the Liverpool method and having regard to that method the housing supply figure as of October 2012 was 5.37 including a 5% buffer. The Liverpool method was endorsed by the Inspector at the Ratby appeal (APP/K2420/A/12/2181080/NWF) which post-dates the Stanton under Bardon appeal where the Inspector concluded there was not a five year housing supply and that the Sedgfield method would be most appropriate. It should be noted that the Ratby Decision is currently being challenged through the Judicial Review process though that does not change the current position which is to utilise the Liverpool method as accepted by the Inspector at that Inquiry. Using that method the authority has a 5 year housing supply.

Notwithstanding this there is still a requirement for the authority to make provision for at least 146 further dwellings in Burbage to 2026 and to support the delivery of 513 dwellings per annum. In addition, the Site Allocations DPD is not programmed to be adopted until May of 2014 and prematurity is not a reason in itself to refuse planning permission. Evidence to date indicates that it will not be possible to allocate the entire residual housing requirement on previously developed land and therefore provision will need to be made on some greenfield sites. A previous application adjacent to the proposal site has been permitted on appeal for a total of 62 dwellings and subsequently for 52 dwellings. In his decision relating to the adjacent appeal site the Inspector concluded that "the degree of harm to the landscape would be limited. The site is on the urban fringe of the village with existing built development to the north and north-east...In longer distance views it is largely seen against the

background of existing development or man-made interventions in the landscape. As such development of the site for housing would not cause any significant harm to the setting of the village.If housing needs to be provided on land that is not previously developed, it is not an unsuitable site for that purpose." Notwithstanding concerns that the cumulative effects of further development in this area could alter the character of the landscape, the relatively small 'extension' being proposed to the previously approved scheme will go towards meeting the ongoing residual housing requirement in Burbage and contribute to the social role of sustainable development by providing additional housing. In addition, the site is achievable and deliverable and will conform with the Inspectors view that development in this area would not cause any significant or demonstrable harm to the landscape. As a result, the proposals are considered to be in accordance with Policy 4 of the adopted Core Strategy, Policy NE5 (criteria i, ii and iii) of the Local Plan and the overarching principles of the NPPF and therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Layout and Design

The NPPF in paragraph 56 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. The adopted SPG on New Residential Development provides further advice in respect of layout and design of development. Burbage Village Design Statement provides additional design guidance specific to Burbage.

The proposal for nine dwellings results in a density of 23 dwellings per hectare which is comparable with the adjacent approved scheme (23.5 dwellings per hectare) currently under construction and complements the relatively low density of the surrounding area. Therefore, notwithstanding the requirement of Policy 16 of the adopted Core Strategy for a minimum of 40 dwellings per hectare in Burbage, the scheme is considered to be acceptable in this edge of settlement location. The amended proposed layout of this site provides continuity with the adjacent approved scheme, however, in order to make the revised layout of the adjacent site acceptable in design terms (reference 12/01026/FUL); the development proposed by this application would need to be brought forward. Therefore in order to ensure a satisfactory form of development a clause requiring the development of this site to be brought forward (if planning permission is granted), should be included in any legal agreement relating to the site, otherwise, the originally approved scheme (12/00154/FUL) on the adjacent site should be reverted to.

The proposed dwellings are located around a small square and private driveway and the amended plans include a mix of 5 x 2 storey and 4 x 2½ storey dwellings that provide enclosure of the square, focal point interest, good surveillance and complement the scale, density and character of the adjacent scheme. The good quality designs incorporate a number of architectural features including bay windows, dormer windows, chimneys, corbelled eaves, brick headers and cills and canopy porches that provide interest within the street scene. The submitted chimney details and their distribution through the development will enhance the appearance of the scheme. The proposals include the use of the same external materials and hard surfacing treatments as approved on the adjacent development to provide continuity and will enhance the visual appearance of the development and are therefore considered to be acceptable. The proposed boundary treatments will enclose private spaces and protect privacy and amenity of future occupiers whilst enhancing the street scene.

There are variations in the ground levels of the site and no details of the proposed finished floor or ground levels of the amended plots have been submitted. A condition requiring their

submission for prior approval is therefore necessary and reasonable in this case to control the visual appearance of the development.

Policy 24 of the adopted Core Strategy requires new residential units within Burbage to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Whilst the submitted Planning Statement indicates that the proposed dwellings are to be constructed in compliance with this standard, no details have been submitted therefore these details will need to be secured via the imposition of a planning condition requiring submission for prior approval.

The amended layout includes the provision of a refuse and recycling bin collection area to serve the dwellings located on the private drive.

As a result of the layout, design, scale and appearance of the proposed dwellings they would complement the character of the adjacent approved scheme and the surrounding area and the scheme is therefore in accordance with Policies BE1 (criterion a) and NE5 (criteria i and ii) of the adopted Local Plan, the guidance contained in the Council's SPG on New Residential Development, the Burbage Village Design Statement and the overarching guidance contained within the NPPF.

Impact on Neighbours

Policy BE1 (criterion i) and the SPG on New Residential Development state that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties.

The nearest residential dwelling to the application site, 40 Britannia Road, is a detached dormer bungalow located approximately 26 metres from the north west boundary of the site and a further 6 metres from the side elevation of the nearest proposed dwelling (plot 54). There is a grassed paddock between the rear garden area and the site. As a result of the separation distance no adverse overbearing impact will result. There is only a side door on the elevation facing 40 Britannia Road and no windows that would result in any loss of privacy from overlooking. The layout and design of the dwellings also respects the approved layout of the adjacent approved development under construction to the south west of the site such that there would be no adverse impact on the amenities of the future occupiers. There is only a grassed paddock and an agricultural field to the north east and south east of the site. The amended Boundary Treatment Plan proposes 1.8 metres high close boarded timber fencing to separate the site from the adjacent grassed paddocks and will secure privacy for future occupiers of the site and neighbouring occupiers.

As a result of the location, layout and design together with separation distances, the proposals would not result in any adverse impact on neighbouring properties and are therefore in accordance with Policy BE1 (criterion i) and the SPG on New Residential Development and acceptable in this respect.

Access and Highway Safety Considerations

Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan require development to be provided with adequate access, visibility and parking and turning facilities.

The proposed access to the site is through the adjacent approved residential scheme and the extended access road is designed with satisfactory geometry and surfacing that would provide adequate access to serve the proposed dwellings. In respect of any impact on the highway network from the additional nine dwellings, the outline application approved at appeal was for 62 dwellings and the current proposals (9 dwellings) together with the

adjacent consented scheme (52 dwellings) would not exceed that number therefore there are no grounds to refuse the application in respect of impact on highway safety. Nearby junction improvements have been secured by conditions attached to the adjacent scheme. Mitigation works to one of the junctions has not yet been carried out therefore the condition should be repeated.

The proposed four and five bedroom dwellings are provided with four parking spaces each which is adequate for their size and meets adopted parking standards. The proposals are therefore in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan. The Director of Environment and Transport (Highways) has no objection subject to conditions in respect of the width of the proposed private driveway and retention of the garages for parking. However, in this case the private driveway does not serve more than five dwellings and the garages are detached, located to the rear of the dwellings that they serve and two additional parking spaces are provided for each dwelling. As a result the conditions are not considered to be necessary or reasonable in this case.

Developer Contributions

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

The applicant has submitted a draft Heads of Terms for a Section 106 agreement with the application to be used to secure appropriate contributions to meet policies IMP1, REC2 and REC3 of the adopted Local Plan. The applicant indicates that contributions will be made, subject to CIL Regulations and Circular 05/2005 compliance, towards the provision and maintenance of public play and open space, education facilities, library facilities, civic amenity facilities, police facilities and a section 106 monitoring contribution. Having regard to the previous appeal decision the applicant considers that contributions towards healthcare facilities and sustainable transport initiatives have not been justified for this site and do not comply with CIL Regulations.

However, notwithstanding the Heads of Terms submitted, as the development proposes only nine dwellings the only trigger for infrastructure contributions is for public play and open space, there is no policy justification for other contribution requests and therefore these cannot be pursued.

Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to mitigate the impact of additional residential dwellings on the use of such facilities and to comply with policies IMP1, REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Burbage was found to be relatively well served by formal outdoor sports facilities with good access to equipped children's play areas and informal amenity green space, however, the quality of the facilities provided in all cases was found to be poor and reducing its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £350,000 for equipped children's play areas and £150,000 for amenity green space within Burbage. In the Audits of Provision 2007, Britannia Road Recreation Ground (neighbourhood park) was given a quality score of just 37.5%.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use this facility due to its close proximity and linked relationship to the application site. The contribution being secured will help to mitigate the impact from the future occupiers of the development upon the existing facilities by providing additional facilities and maintaining them. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and can be used to enhance and maintain both formal and informal play and open space facilities at Britannia Road Recreation Ground neighbourhood park located adjacent to the site.

In this case the total contribution required will be £11,257.20 (9 x £1250.80 per dwelling) split between a capital sum £7,360.20 and a future maintenance sum £3,897.00).

Other Issues

The submitted Arboricultural Assessment identifies that the development will result in the loss of a number of trees of low arboricultural quality and more notably a well established Common Ash which mainly due to its size does provide some amenity value. The Borough Council's Tree Officer has commented on the application relating to the adjacent site (reference 12/01026/FUL) elsewhere on this agenda that the tree makes a significant contribution to the landscape. The applicant proposes to provide mitigation to offset the loss of these trees in the form of a more suitable mature replacement specimen to be planted between plots 44 and 53 of the development close to those being lost together with additional supplemental hedgerow planting and the provision of bat/bird boxes etc. to enhance wildlife opportunities generally. The tree is not of sufficient quality to be worthy of any formal protection and, notwithstanding the comments of the Tree Officer, the proposed mitigation measures are considered acceptable to offset the loss of the trees and enhance the site generally and can be secured by a planning condition.

Issues in respect of the drainage of the site, ecology and archaeology were considered and addressed by the use of planning conditions on the previous permission (reference 12/00154/FUL). Drainage of the site and ecology mitigation can be controlled by similar means. No objection has been received from the Directorate of Chief Executive (Archaeology) as adequate investigations have been carried out.

The Head of Community Services (Pollution) has re-iterated a recommendation for gas protection measures to be incorporated within the construction of the dwellings as with those on the wider site in order to protect the future occupiers of the site and these can be secured by a planning condition.

The Arboricultural Assessment concludes that a number of trees will need to be removed to enable the development to be implemented but that these are of low arboricultural quality and their loss can be suitably mitigated by new planting.

Noise generated as a result of the construction of the site is temporary in nature and not reasonable grounds to refuse the application. Noise generated from occupation of the dwellings would not give rise to any adverse impact on neighbours amenities given the separation distances and residential nature of the development.

Loss of views is not grounds to refuse the application and given the separation distances to neighbouring properties no overbearing impact will result.

Conclusion

Whilst the site is in the countryside and the Authority can demonstrate a five year housing land supply, additional homes are required to meet the residual requirement of 146 dwellings to meet the Core Strategy residential allocation for Burbage. Evidence to date suggests that the allocation cannot be met on brownfield sites alone. The appeal decision in respect of the adjacent scheme clearly indicates that residential development in this area would not cause any significant harm to the character of the area or setting of the village and that it is not unsuitable for residential development. The layout and design of the scheme would not give rise to any adverse impacts on the amenities of the occupiers of neighbouring dwellings, highway safety, drainage, archaeology or, subject to mitigation measures, ecology. The proposed dwellings would include measures in order to comply with Code Level 3 of the Code for Sustainable Homes and contributions towards public play and open space can be secured by an appropriate legal agreement. No other material adverse impacts have been identified that would indicate that the proposals are not compliant with adopted local development plan policies or the overarching principles of the NPPF. The application is therefore recommended for approval, subject to the imposition of planning 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 play and open space, and no new significant planning objections being received before the expiry of the consultation period on 22 March 2013, the Head of Planning or Development Control Manager 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, together with the appeal decision (reference APP/K2420/A/10//2127585), 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 residual housing requirement for Burbage, and by virtue of the layout and design would not have any adverse impact on the character or appearance of the landscape, residential amenity, highway safety, surface water drainage, land contamination, ecology or archaeology, would contribute to public play and open space facilities and incorporate sustainable design measures.

Hinckley and Bosworth Local Plan (2001):- Policies NE2 (criterion b), NE5 Criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE14, BE1 (criteria a, c, d, e. g. h and i), BE16, T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy (2009): - Policies 4 and 24.

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. S5516/100/03 and Garage Type Plans and Elevations drawing nos. G26.01 and G28 received by the Local Planning Authority on 18 December 2013; Chimney Details and Disposition Plan drawing no. S5516/500/10 Rev A; External Materials Plan drawing no. S5516/500/09 Rev A; Surface Treatments Layout drawing no. S5516/500/11 Rev A; Boundary Treatments Layout drawing no. S5516/500/12 Rev A and House Types Plans and Elevations drawing nos. Plot 53 - H585.04/H585.03, Plot 54 - H533.02/H533.01, Plots 55 & 56 - H597.02/H597.01, Plot 57 - H585.04/H585.03, Plot 58 - H497.02/H497.01, Plot 59 - H597.02/H597.01, Plot 60 - H497.04/H497.03, Plot 61 - H436.02/H436.01 received by the Local Planning Authority on 11 March 2013; Planning Layout drawing no. S5516/100/04 received by the Local Planning Authority on 14 March 2013.

- 3 No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4 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.
- 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 in to use.
- 6 The dwellings hereby permitted shall be constructed in accordance with the Ground Gas and Remedial Method Statement by GRM Development Solutions Limited dated 15 August 2012.
- 7 No dwelling shall be occupied until the vehicular and pedestrian access and parking spaces serving it have been completed in accordance with the approved plans and materials.
- 8 No development shall commence until full details of landscaping mitigation 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) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) implementation programme.
- 9 The approved landscaping mitigation scheme shall be carried out in accordance with the approved details. The 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.

- 10 The development shall be carried out in accordance with the recommendations contained in Section 6 of the Ecological Appraisal dated 21 November 2012 prepared by Ecolocation.

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 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 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy.
- 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 risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 To protect the future occupiers of the site in accordance with Policies NE2 (criterion b) and BE1 (criterion c) of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that adequate access and off-street car parking facilities are provided to serve each dwelling to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with Policy NE5 (criterion iii) and NE12 (criteria b and d) of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 10 To protect and enhance biodiversity within the site to accord with paragraph 109 of the National Planning Policy Framework.

Notes to Applicant:-

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge **MUST** be made before building commences.

Contact Officer:- Richard Wright Ext 5894

Item: **06**

Reference: **13/00018/FUL**

Applicant: **Miss Joanna Squires**

Location: **Land Adjacent Lodge Farm Wood Road**

Proposal: **New access to christmas tree plantation**

Target Date: **9 April 2013**

Introduction:-

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

Application Proposal

This application seeks full planning consent for the creation of a vehicular access to provide access to the land beyond. The proposed access would be located 20m west of the eastern boundary of the site, be provided with 10m radii and a width of 5.5m. The plans indicate that any gates would be set back 15m and surfaced to this point with a hard bound surface.

The Site and Surrounding Area

The site is 2.02 hectares and currently forms part of a field, located on the eastern side of Wood Road in an area of countryside. There is an area of woodland to the north. There is an existing hedge and ditch to the road frontage. The vacant Nailstone Colliery site is located on the opposite side of Wood Road approximately 175 metres to the north.

Wood Road at the point of the application is an unlit classified road subject to the national speed limit and forms part of the County wide 'Lorry Routing Network'.

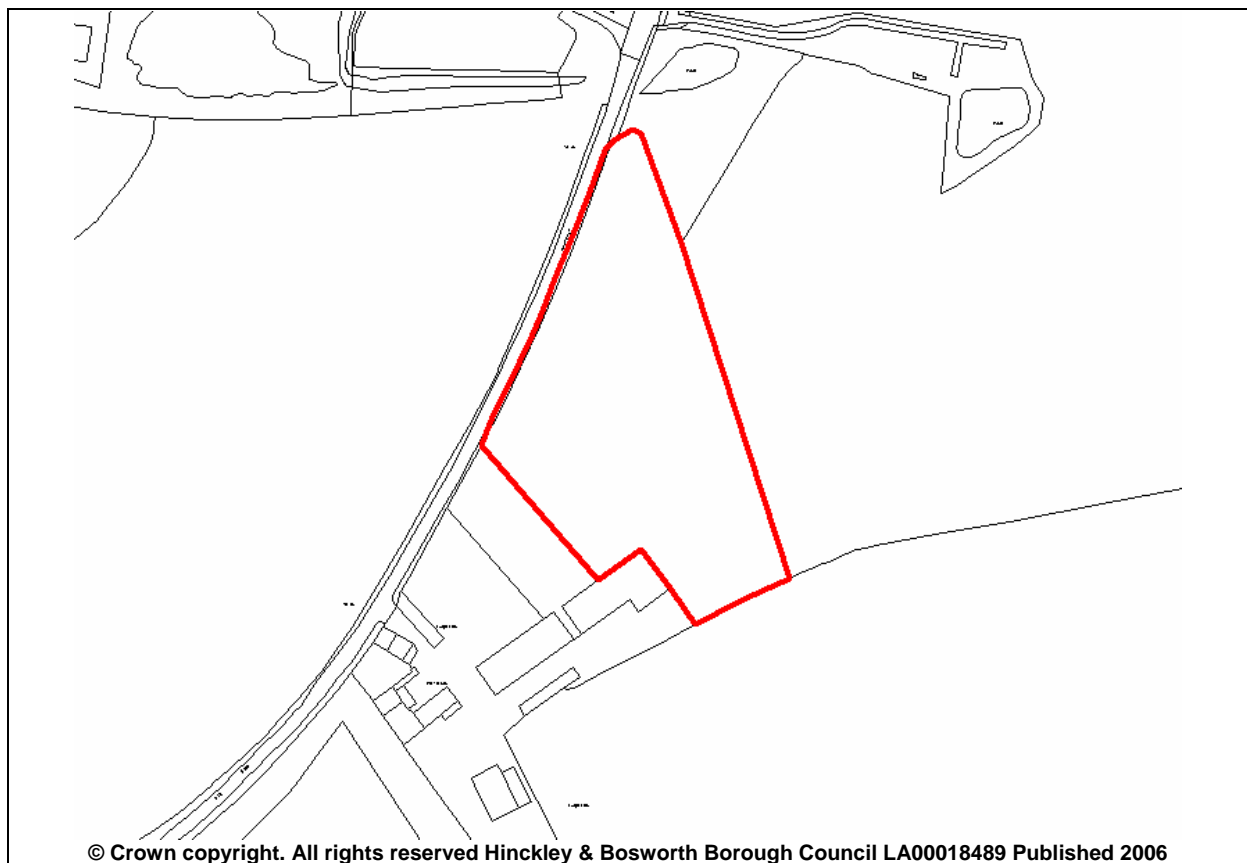
There is an existing access into the site that is unauthorised and subject to an enforcement notice. At the time of the application this entrance was blocked by a tree trunk.

Technical Documents submitted with application

The applicant has submitted a promise in writing not to use the land for the siting of caravans or any use connected with caravans.

Relevant Planning History:-

10/00970/FUL	Change of use of land to gypsy site for one caravan	Refused	02.02.11
09/00339/FUL	New access to a field	Refused	10.06.09
09/00336/FUL	New access to a field	Refused Appeal Dismissed	10.06.09
09/00242/UNAUTH	Enforcement enquiry	On going	
07/01305/COU	Change of use to residential caravan site for four gypsy families with eight caravans including construction of access road, stables and hardstanding	Refused Appeal dismissed	19.12.07



Consultations:-

No objection has been received from:-

Environment Agency
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) has objected to the proposal on highway safety grounds.

Site notice and press notice were displayed and neighbours notified.

One letter of objection has been received raising the following concerns stating that the land was knowingly brought without an access. An illegal access has been made and is still present and this is just another feeble attempt to get on the land and provide another traveller site.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy T5: Highway design and vehicle parking standards

Appraisal:-

The main considerations with regards to this application are the principle of development and impact on the highway.

Principle of Development

The application seeks consent for the creation of a vehicular access to enable the site to be used for growing Christmas Trees. This forestry use is not considered to require consent. The proposal is in the countryside, and not within a sustainable location, however the NPPF supports the development and diversification of agriculture and supports the use of the land. The principle of the application is therefore dependant upon the acceptability of an access to the highway in this location in highway safety terms.

Impact on the highway

Wood Road (B585) is a classified unlit road subject to the national speed limit (60mph) and part of the County wide 'Lorry Routing Network' and provides a through route from junction 22 of the M1 via the A511 to the A447.

Policy T5 states that in considering proposals for new accesses the Local Authority will apply the highway design standards set out in the current edition of Leicestershire County Councils 'Highway requirements for development'. Section 4 of the NPPF promotes sustainable transport and seeks to provide a safe and suitable access to the site and that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (paragraph 32).

There has been a number of planning applications and appeals for development on the site which has included consideration on the safety of the access.

The first appeal in 2008 followed the refusal of planning permission for change of use to residential caravan site for four gypsy families with eight caravans including construction of access road, stables and hardstanding. The application was refused and the decision appealed against. In considering the appeal the Inspector gave weight to the status of the current version of the Leicestershire County Council's 'HdT' documents, the character and status of the road. The Inspector considered that Wood Road catered not just for local traffic but also a high proportion of drivers unfamiliar with the road and given that there are few accesses along this stretch, drivers would not therefore be expecting turning traffic accessing the proposed residential access in this location, and given the speeds of users and unlit nature of the road it was considered that this would result in a danger to users of the Highway and therefore the appeal was dismissed.

In 2009 an application was submitted for the creation of a new access to a field to enable the land to be used for the grazing of horses. Again this application was refused and an appeal lodged. In considering the appeal the Inspector again gave weight to the character of the road, including the accident record along this section of Wood Road. This indicated that in the five years prior to the appeal hearing, there were 6 personal injury accidents within 695m either side of the access. The Inspector considered that even with the reduced number of trips the keeping of horses on the land would generate rather than a residential use, the 'proposal would introduce highway safety risks to users of the access and the drivers of vehicles on the B585 at this location'. The appeal was again dismissed on highway safety grounds.

Since the previous applications and appeal decisions the Government has published the NPPF. This document seeks safe and suitable accesses for sites, however only recommends refusing applications on transport grounds where the impacts are severe.

The Director of Environment and Transport (Highways) has had regard to the history of the site. The Director also had regard to the nature of the road, commenting that Wood Road is an unlit derestricted, Class II highway with 85th percentile speeds in the region of 50mph in both directions. The Highway Authority has considered the proposed use having taken into account policies within the NPPF. As a consequence The Director of Environment and Transport (Highways) has objected to the proposals and recommended a reason for refusal.

In two appeals the Secretary of State has found the proposed land uses acceptable but refused planning permission on highway safety grounds. Since then the character of the road has not changed and it was demonstrated during the appeals that there have been several accidents within the vicinity of the site. It is considered that allowing an access onto this stretch of highway would result in a severe risk to users of the highway by virtue of unexpected turning manoeuvres.

The applicant has submitted a list of other application sites within the countryside where accesses have been granted permission. Each case is assessed on its merits, and the Director of Environment and Transport (highways) has confirmed verbally that there are differences between these cases and the application site.

Other Issues

The proposed access is located to the south of the existing unauthorised access by approximately 10m. The applicant has indicated that should planning permission be granted the unauthorised access would be blocked up.

One objection has been received objecting to the proposal and citing the history of the site. This has been considered above.

The applicant has also submitted an assurance in writing to the Council that she will not use the land for caravans or any use connected with caravans. However given the history of the site this does not overcome the significant highway safety concerns.

Conclusion

Whilst the principle of the use is acceptable, an access onto Wood Road is considered to result in an unacceptable highway danger to both users of the access and users of the highway. This is considered to be contrary to the objectives of Policy T5 of the Hinckley and Bosworth Local Plan supported by the NPPF (paragraph 32).

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposal would result in the creation of a new vehicular access onto an unlit section of Class II road in a location remote from main development where traffic speeds are generally high. An increase in turning traffic in such a location would detrimentally affect highway safety resulting in a un safe and unsuitable access. The proposal is therefore contrary to the Highway Authority's 6Cs Design Guide, paragraph 32 of the NPPF and T5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Sarah Fryer Ext 5682

Item: 07
Reference: 12/01107/OUT
Applicant: Everards Brewery Ltd
Location: The Brant Inn Leicester Road Groby
Proposal: Demolition of existing building and erection of 31 dwellings (outline)
Target Date: 18 April 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

This application seeks outline consent for the erection of up to 31 dwellings at the Brant Inn, Groby with all matters except access reserved for subsequent approval.

The application has been submitted with an indicative layout which indicates two accesses into the site. The existing access to the Brant Inn would be retained as an access drive to a limited number of dwellings. A second and new access would be created through the car park between the properties of 27 and 31 Overdale Avenue which would leave space for dwellings on either side.

The Site and Surrounding Area

The application site is located to the south of the A46, and to the North of Overdale Avenue. The site is currently occupied by the Brant Inn Public House and ancillary grounds. This is a large detached three storey building with a brick lower course and render above. There are various flat roofed brick and rendered extensions to the rear and a large conservatory to the western corner. A large car park is to the front of the building which is separated from Overdale Avenue by a low dwarf wall. Vehicular access is obtained by an access between 13 and 11 Overdale Avenue, and loops up and round the northern boundary of the site.

The south western side of the public house consists of an undulating grassed area, with benches and children's play equipment sited upon it. There are several mature trees within the perimeter of the site, some of which are protected by a Tree Preservation Order (TPO). The site lies with the Rothley Brook Green Wedge and outside the Groby Settlement Boundary.

The Local Government boundary between Hinckley and Bosworth and Blaby Borough Councils transects the site across the top of the two accesses. The majority of the site therefore falls within Groby Parish Council and is under the jurisdiction of Hinckley and Bosworth however the accesses and land up to the rear of the gardens fronting Overdale Avenue are within Blaby Borough Council. An identical application has been submitted to Blaby District Council for the consideration of the parts of the site under their jurisdiction.

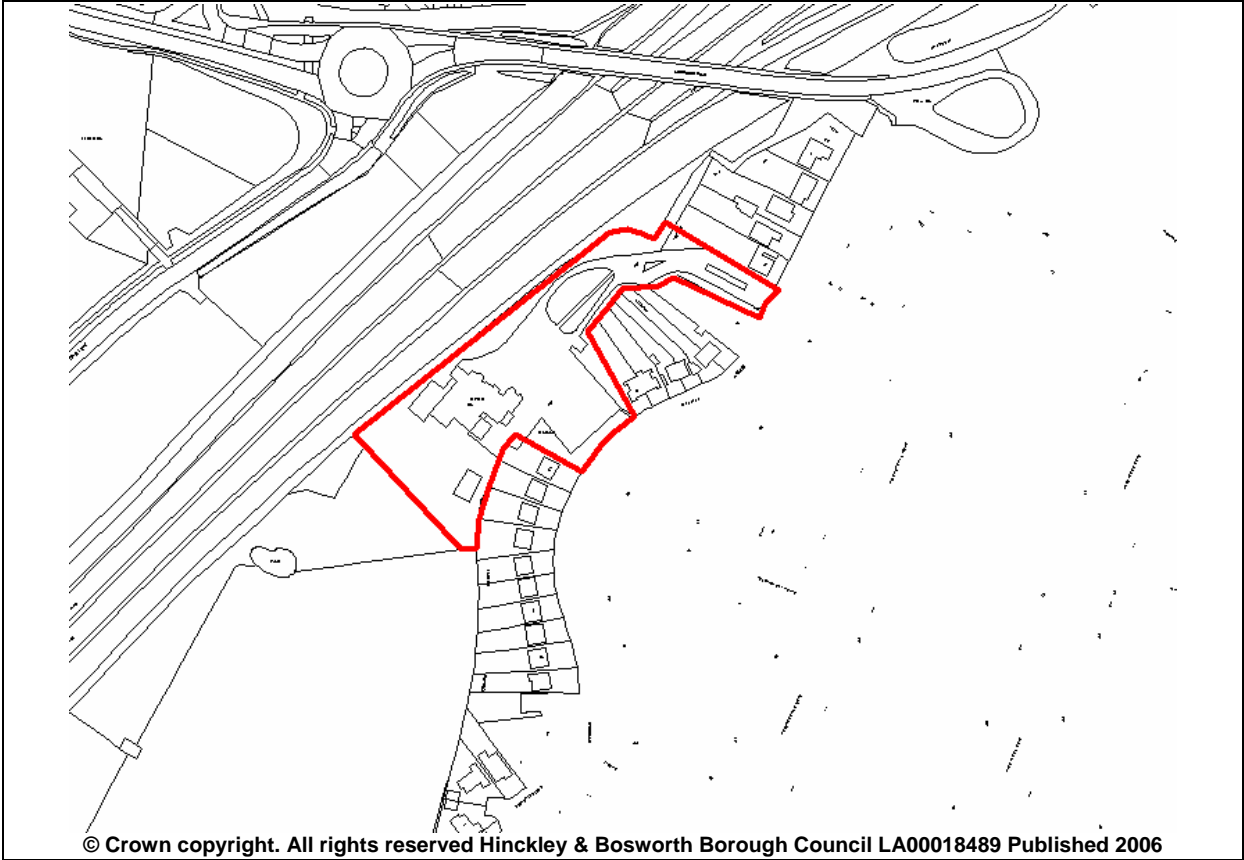
Overdale Avenue is part of a residential development containing a mix of detached and semi-detached 2 storey and single storey dwellings. The dwellings are all set back from the highway behind a verge, footpath and front garden area.

Technical Documents submitted with application

- Air Quality Assessment
- Arboriculture Assessment
- Archaeological Desk Based Assessment
- Ecological Appraisal
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Noise Assessment Report for Proposed Residential Development
- Planning Statement
- Services Report
- Transport Statement
- Affordable housing statement

Relevant Planning History:-.

90/00474/4	Alterations and extensions to public house and extensions to car park	Approved	03.07.90
78/00216/4	Demolition of existing hotel and erection of 20 dwelling with garages and access	Refused	25.04.78



Consultations:-

No objection subject to conditions have been received from:-

Head of Community Services (Pollution)
Director of Environment and Transport (Highways)
The Borough Council's Arboricultural Consultant
Head of Community Services (Land Drainage)
Severn Trent Water Limited.

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

- a) Directorate of Chief Executive (Ecology) - none requested
- b) Director of Children and young Peoples Services (Education) requests a contribution of £5,323.56 towards Goby Martinshaw Primary School, £56,901.00 towards the Groby Community College to off set the impact of the increase in population on the local schools
- c) Director of Environment and Transport (Civic Amenity) - requests £887 per dwelling to mitigate the impacts arising from the development on the Whetstone Civic amenity site
- d) Director of Adults and Communities (Libraries) requests a contribution of £27.18 per 1 bedroom house; £54.35 per 2 bedroomed dwellings and £63.41 per 3/4/5 bedroomed dwellings
- e) Director of Environment and Transport (Highways) - have requested travel packs for each dwelling (£52.85 per dwelling) and two, 6 month bus passes per dwelling to be provided (cost of £325.00 per pass) to promote sustainable travel choices.

Groby Parish Council- Are unable to support this application until the conclusion of the judicial review into the Bloor appeal is known. They consider that the site should be considered as part of the site allocation process.

Director of Environment and Transport (Trees and Woodlands) has stated that a County Tree Preservation Order covers part of the site and a tree survey should be carried out in accordance with British standard 5837:2012.

The Environment Agency object to the application due to the absence of an acceptable flood risk assessment.

Directorate of Chief Executive (Ecology) has issued a holding objection whilst the following information is obtained:-

- a) Further bat and great crested newt survey
- b) There is a revision to the site layout to conserve the veteran Oak.

Site notice and press notice were displayed and neighbours notified.

Eight letters of objection/support have been received raising the following concerns:-

- a) loss of amenities
- b) other non planning reason
- c) brewery should consider redeveloping the pub site financed by selling some of the site for re-development. This would ensure long term future of the pub and provide local jobs
- d) should consider access to the public bridleway and conserving the natural habitat for wildlife

- e) objects to the position of the new road onto Overdale Avenue when they should use the existing access
- f) concern about the traffic generated by the development and impact on highway network leading to congestion in the area
- g) concerns regarding the off street parking provision leading to on street parking in the area, and during construction works
- h) local schools and doctors are already full and cannot cope with more people
- i) noise from Motorway and A46 is bad some days
- j) dust/fumes
- k) inadequate access
- l) loss of privacy
- m) noise/disturbance during construction
- n) overshadowing/bearing
- o) poor design
- p) contrary to development plan
- q) flooding/washland
- r) inadequate drainage
- s) intrusion into the Countryside
- t) will stop children playing and will put them at greater risk from increase in traffic
- u) application site partially in Blaby and partially in Hinckley is flawed as local authorities can only permit development in their own area and as a consequence the application will have to be substantially amended at some point and there is no provision for anything other than minor amendments
- v) loss of Green wedge where no development is permitted
- w) do not consider that the proposal is on a brown field site as one building and car park is not considered to be a brownfield site
- x) application is premature as the site allocations are being considered through the Site Allocations document and applicant should wait for this process to finish
- y) applications will result in the loss of trees to the detriment of wildlife on the site
- z) incorrect information regarding protected species has been submitted, as bats and newts have been observed in some of the gardens to properties backing on to the site
- aa) there is no play provision in the area, and a development of this size should provide some
- bb) disputes the accident information submitted by the applicant and asks that the Council should contact individual insurance companies and seek to ascertain the correct number of accidents on the A46/A50 traffic island
- cc) disputes the trip calculations submitted by the applicant, that 199 trips generated by the Brant Inn is too high and the 172 trips by the proposal is considered to be too low and should be reconsidered
- dd) unsustainable location not close to schools or shops, therefore increasing reliance on the private car
- ee) increase in pollution both during construction and as a result of increase in traffic round the site
- ff) with so many new properties there could be an increase in crime
- gg) allowing this would be contrary to the Governments Localism agenda
- hh) detriment to conservation area
- ii) loss of light
- jj) loss of value
- kk) objects to properties being constructed along boundary of dwelling.
- ll) the site is within Blaby Borough Council due to the position of the sign on the bridge over the A47. The applicant has therefore applied to the wrong authority
- mm) need to establish that no flooding will occur as a result of climate change
- nn) The Brant Inn is a iconic and historical building and was allegedly used to house US servicemen during the war. Has the US Government been consulted?

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

Regional Policy Guidance: East Midlands Regional Plan 2009

Policy 1: Core Objectives
Policy 2: Promoting Better Design
Policy 3: Distribution of New Development.
Policy 12: Development in the Three Cities Sub-area.
Policy 15: Regional Priorities for Affordable Housing in Rural Areas.

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key rural Centres
Policy 8: Key Rural Centres relating to Leicester
Policy 9: Rothley Brook Meadow Green Wedge
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design.
Policy 19: Green Space and Play Provision.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of Infrastructure and facilities.
Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy NE2: Pollution
Policy NE12: Landscape Schemes
Policy T5: Highway design and 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

New Residential Development - SPG
Green Wedge Review Paper (December 2011)

Appraisal:-

The main considerations with regards to this application are the principle of development, highway safety, impact on amenities and developer contributions.

Principle of development

National Policy

The NPPF has a presumption in favour of sustainable development. The development plan is retained as the starting point for decision making, however policies adopted prior to 2004

should be assessed for their conformity with the NPPF. All other policies should be given full weight. The Councils Core Strategy was adopted in 2009 therefore can be afforded full weight; however Policies within the Local Plan (2001) should be assessed for their conformity with the NPPF.

The NPPF retains the need to provide five years worth of housing against their housing requirements. The housing requirement for Hinckley and Bosworth of 450 dwellings per annum is specified by the Core Strategy over the plan period 2006 to 2026. Past performance is assessed against this requirement as the starting point for identifying the number of dwellings required over the next five years.

The Council has employed a positive methodology in calculating the five-year housing land supply position, following good practice based on the advice provided by DCLG, the Planning Inspectorate (PINS), and the Planning Advisory Service (PAS). An appropriate evidence base (the Strategic Housing Land Availability Assessment (SHLAA)), recent case law, recent discussions with other local authorities, and correspondence with developers and landowners in regard to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods that can be used to determine the Council's five-year housing supply. The `Liverpool` (residual) method, which spreads the shortfall from previous years` underprovision over the remainder of the Plan period, and the `Sedgefield` method which places the shortfall into the next five years` supply.

HBBC uses the `Liverpool` method and, having regard to that method, the housing supply figure as of October 2012 was 5.37, including a 5% buffer.

The Inspector at the Ratby appeal considered that the `Liverpool` method provided a reasonable basis for assessing future housing land supply and concluded that the Council had shown that it had a five year supply of land.. The Ratby appeal post-dates the Stanton under Bardon appeal where the Inspector concluded there was not a five year housing supply and that the `Sedgefield` method would be most appropriate.

It should be noted that the Ratby Decision is currently being challenged through the Judicial Review process though that does not change the current position which is to utilise the `Liverpool` method as accepted by the Inspector at that Inquiry. Using that method, the authority has a 5 year housing supply.

Policy 8 of the Core Strategy seeks to allocate land within Groby for a minimum of 110 new homes. To date there is a residue of 103 left to allocate within Groby. Therefore the proposal would contribute to maintaining the Council's supply and ensure that people have access to a range of housing within Groby.

Green Wedge

The site is located outside the settlement boundary of Groby, and is located within the Rothley Brook Green Wedge. Policy 9 of the Core Strategy, is therefore relevant and seeks to provide recreational uses within easy reach of urban residents and continues to list functions that are acceptable within the Green Wedge providing the operational development associated with the uses does not damage the function of the Green Wedge. Residential development is not included within this list.

The site consists of a building with large hard surfaced car park. Annex 2 of the NPPF provides a definition of previously developed land as land which is or was occupied by a

permanent structure, including the curtilage of the developed land. The site is therefore considered to be a brown field site, including the attached amenity land.

The Green Wedge Review (December 2011) will inform a review of the green wedge boundary due to be included as part of the emerging Site Allocations and Development Management Policies Document. The review considered that as this site is previously developed land the Brant Inn does not perform the role and function of the green wedge and therefore recommends its removal. This contrasts with the view of the Groby appeal site where it was concluded that this was a green field site and did perform a function within the Green Wedge.

Sustainability

The NPPF has a presumption in favour of sustainable development and defines this as having an economic role (providing land to support growth and innovation), a social role (providing a supply of housing required to meet the needs of present and future generations), and an environmental role (by using previous developed land before undeveloped land).

The proposed site is located adjacent to an existing housing estate and within walking distance of bus stops and close proximity to the services within Groby and Glenfield. The application involves the development of previously developed land, and would provide residential dwellings to meet the needs of people today and in the future. Whilst the site is within the Green Wedge, the Green Wedge Review found that the site did not contribute to the functions or objectives of the Green Wedge and recommended its removal. It is considered that the proposal complies with the objectives of the NPPF. The principle of development is considered acceptable.

Highway Safety

This is an outline application with all matters reserved with the exception of the access. The scheme proposes two accesses. One utilises the existing access to the site sited between No.11 and No.13 Overdale Avenue whilst a new access is sought through the existing car park. Both of the accesses are located within Blaby District Council.

The Director of Environment and Transport (Highways) has not objected to the proposal stating that the site occupies a sustainable location between Groby and Glenfield. Based on the applicants Transport Assessment there are no grounds on which to object and access can be provided to comply with the required standards.

Objections have been received questioning the trips data, accident records and conclusions of the submitted Transport Assessment. There is no reason to doubt the evidence submitted by the applicant, which would have been based upon verified data. Regard has to be had to the lawful use of the site and the potential traffic movements. Having considered the submitted report and findings The Director of Environment and Transport (Highways) has no reason to doubt the conclusions.

Objections have been received due to inadequate parking being provided within the site both during construction and once the dwellings are occupied. As the layout and siting are not matters for approval, no detail of off street parking has been provided. The Director of Environment and Transport (Highways) has requested a condition to ensure that adequate off street parking would be provided.

There are no parking restrictions on Overdale Avenue that would prevent vehicles parking on the highway. Imposing a condition requiring parking on the site is not enforceable and as such not considered possible to include in this instance.

Other objections have been received on the impact the additional traffic would have on the nearby traffic junctions as traffic already backs up. It is not considered that the increase in trips created by the development would be so great as to significantly impact upon these junctions, and therefore it would not be possible to sustain an objection on these grounds.

Developer Contributions

The application proposes a development of up to 31 residential units which attracts infrastructure contributions. Requests for developer contributions must be considered against the statutory tests in the Community Infrastructure Levy Regulations 2010 (CIL). CIL provides that, where developer contributions are requested, they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, types, tenure and range of housing that is required and plan housing development to reflect local needs particularly for affordable housing. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application as it is in general conformity with the NPPF.

The threshold for the provision of affordable housing in rural areas is 4 dwellings and above. As this scheme is in a rural area, Policy 15 indicates that 40% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure. The applicants have indicated that they will meet the Policy requirements.

The latest housing register for Groby indicate that there are 536 applicants seeking affordable housing of which 243 were seeking 1 bedroomed dwellings; 192 two bedroomed dwellings; 80 three bedroomed dwellings and; 21 four bedroomed dwellings. There is therefore a high demand for properties within the Groby area.

There is an identified need for affordable units within Groby and as such it is considered necessary to provide them within this development. This scheme has triggered a request for affordable housing in line with Core Strategy Policy 15 and is therefore considered to be directly related to the development. The amount and type requested is considered fairly and reasonable related in scale and kind to the development proposed. It is therefore considered that the request complies with the requirements of CIL 2010.

Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Spaces Strategy 2005-2010 and Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3,

SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards to provision and maintenance of formal and informal play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD.

The site is located within 400m of the Stamford Drive/ Sycamore Drive Neighbourhood Park but not within 1km of any formal provision. Under the terms of the Council Policy an off-site contribution can be made towards the Stamford Drive/ Sycamore Drive site however as the site falls outside the catchment for formal provision no request can be justified towards formal provision in this instance.

Within the Green Space Strategy Groby had a deficiency of -0.59 ha per population of equipped play space, a sufficiency of 9.39 of casual informal space and a deficiency of -8.20 of outdoor sports space. Within the Audits of Provision Stamford Drive/ Sycamore Drive scored 50% which within the 2007 update rose to 57.1%.

There is a deficiency of informal play space within Groby when compared with the National Playing Fields standard. The development is of a type that would result in additional use of open space which would be directly related to the development. It is considered that a request to provide onsite play space is therefore fairly and reasonably justified to meet the requirements of the CIL regulations.

Groby Parish Council has been requested to provide information on how any contribution would be spent improving the existing facilities on the Stamford Drive/ Sycamore Drive. At the time of writing no response had been received and this will be reported as a late item.

As such the contribution sought equates to £1,250.80 per dwelling consisting of the following elements:-

£817.80 for provision of Children's equipped play space off site
£433.00 towards maintenance of the off-site provision

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy 19 of the Core Strategy, Policy REC3 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

An objection has been received stating that a development of this size should provide some on site provision. As 27 dwellings are within the boundary of Hinckley and Bosworth Borough, policy REC3 requires approximately 550 sqm of on site provision. An equipped play area requires approximately 400 sqm, of space to provide a junior and toddler play space. Whilst technically this could be provided there would be little green space around the play space resulting in a cramped and unattractive area. It is therefore not considered that a development of this size would support a play space to fulfil the requirements of REC3 and it is recommended that a contribution towards off site provision is sought in this instance.

Other Developer Contributions

The consultation responses set out above specify the requests from:-

- a) Directorate of Chief Executive (Ecology) - none requested
- b) Director of Children and young Peoples Services (Education) requests a contribution of £5,323.56 towards Goby Martinshaw Primary School, £56,901 towards the Groby Community College to off set the impact of the increase in population on the local schools
- c) Director of Environment and Transport (Civic Amenity) - requests £887 per dwelling to mitigate the impacts arising from the development on the Whetstone Civic amenity site
- d) Director of Adults and Communities (Libraries) requests a contribution of £27.18 per 1 bedroom house; £54.35 per 2 bedroomed dwellings and £63.41 per 3/4/5 bedroomed dwellings
- e) Director of Environment and Transport (Highways) - have requested travel packs for each dwelling (£52.85 per dwelling) and 2, 6 month bus passes per dwelling to be provided (cost of £325.00 per pass) to promote sustainable travel choices.

On consideration of all these requests received in respect of this application it is considered that the following contribution requests meet the tests as set out in the CIL regulations 2010:-

- a) Affordable housing (40% provision across the site)
- b) Play and Open Space (£1250.80 per dwelling)
- c) Director of Children and Young Peoples Services (Education) (£62,224.56)
- d) Director of Environment and Transport (Highways) travel packs at (£52.85 per dwelling) and 6 month bus passes at £325.00 per pass, 2 offered per dwelling)

These will be secured through a S106 agreement.

Amenities

Existing Residents

Since the layout or appearance of the dwellings has not been put forward for consideration, it is not possible to assess the impact of the proposal in terms of overlooking, over shadowing or overbearing impacts on surrounding residents. These matters will be considered as part of the consideration of any reserved matters application submitted.

The applicants submitted an air quality report supporting their application that recommended mitigation methods to reduce the dust during construction. It concluded that providing the mitigation measures are followed the development would not detrimentally affect air quality of surrounding residents. The Head of Community Safety (Pollution) has recommended that a dust management plan be requested as a condition.

Future Residents

The A46 is located immediately to the north of the site. This is a busy dual carriageway connecting the M1 with the north of Leicester, Leicestershire and the North East. This is the main source of noise to the site. The applicant has commissioned a Noise Assessment Report for Proposed Residential Development; this recommends that no development should be within 31m of the carriageway boundary and the dwellings to be designed to keep habitable rooms on the opposite side of the dwelling to the A46. They comment on the indicative layout, commenting that in as far as it can it addresses the recommendations made. The Head of Community Safety (pollution) has raised concerns about the scope of the surveys, however acknowledges the mitigation recommendations within the report would address his concerns but requires further details of the proposed mitigation would be

required including justification on the effect this would have. A condition is therefore requested to mitigate the noise generated by the A46 to protect the amenities of future occupiers.

Ecology

Directorate of Chief Executive (Ecology) has requested a holding objection to the proposal due to inadequate surveys and for a revised site layout to remove the veteran Oak (T24 within the accompanying Arboriculture Appraisal) from the rear garden and provide it with space around to ensure its future.

An Ecological appraisal was submitted which included the findings of nocturnal surveys and searches of local ponds. The report concludes that no signs of protected species were found and that the surrounding habitat was not suitable for Great Crested Newts. Residents have reported observing bats foraging in the area and newts in local garden ponds, however the survey found no evidence.

In response to the holding objection from Directorate of Chief Executive (Ecology) additional information has been received from the applicant and the Directorate of Chief Executive (Ecology) has been consulted. At the time of writing the report further comments have not been received. However a verbal conversation with the Directorate of Chief Executive (Ecology), has indicated that the concerns around the surveys stem from a lack of clarity, and agrees with the findings of the report that there is a low potential for bats on the site. Should any further comments be received they will be reported as a late item.

The veteran oak tree T24 is located within the South western boundary of the site. Paragraph 118 of the NPPF states that development that result in the loss or deterioration of aged or veteran trees should be refused. The Arboriculture survey classifies it class 'A' (for retention) and shows it as retained on the accompanying plan. Approval for layout is not sought at this stage and it is considered that its location on the boundary would not compromise the development. Any submitted layout for approval should retain this tree and provide it with adequate space to ensure that its health is maintained.

Trees

Parts of the site are subject to a County Council Tree Preservation Order (TPO) dating from 1978. The order covers from the south-western boundary towards the current building and parts of the area north west of the driveway which backs on to the boundary with the A46. The Borough Council's Arboricultural Consultant, recommends that the TPO order is updated to identify individual trees worthy of protection. The submitted arboriculture assessment is generally accurate; however he draws attention to one tree within the Blaby area of the site which should be retained but is shown for removal and concludes that a full management plan should be submitted with landscape proposals to accompany the detailed layout. The proposed layout retains the majority of the significant trees especially to the boundaries of the site.

The revised TPO will be progressed separately.

Drainage

A Flood Risk Assessment was submitted in support of the application. The site does not lie within any flooding or wash land area. The Environment Agency (EA) have objected to the proposal stating that the submitted flood risk assessment does not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF. In particular the submitted FRA fails to demonstrate the inclusion of a SuDs scheme. The comments to the

case officer continue to state that this can be overcome submitting further information that overcomes the deficiencies. The applicant has sought to address the concerns raised and further comments from the Environment Agency will be reported as a late Item.

Severn Trent Water and the Head of Community Safety (drainage) have raised no objection subject to a condition requesting drainage details of the site and as such will be included as conditions.

Other Issues

Objections have been raised on the following topics that have not been addressed within the main report;

Prematurity - objections have been received that the application is premature and the site should be considered through the site allocations document. The application has been assessed on its merits and in accordance with relevant policy.

Loss of a community facility- the proposal would result in the loss of a public house. Groby has one public house, and a social club and other facilities including supermarket, library, and village hall. There are other facilities near the site within Glenfield. It is therefore considered that the loss of the public house would not result in the loss of a facility to the detriment of the needs of the community.

Objections have been received against the loss of the public house which anecdotal evidence suggests formed a base for USA Military Service Personnel during World War II. At the time of writing there is no forthcoming written evidence to support this claim and hence this information cannot affect the determination of the application.

Loss of value is not a material planning consideration.

The site is not within a conservation area.

An objection has been submitted stating an increase in crime. It is not considered that the proposal would result in an increase in crime in the area and therefore it is not possible to sustain a reason for refusal on these grounds.

Notwithstanding the Localism Act, the NPPF clearly states that the starting point for a decision is the Local Development Plan. Applications therefore have to be determined in accordance with this and the NPPF unless there are material considerations that indicate otherwise. In this instance the application has been considered in accordance with these documents.

Objections have been raised due to buildings being constructed alongside the boundaries of neighbouring dwellings. The layout is indicative only and the impact on the amenities of neighbouring properties will be considered at the time of a reserved matters application.

Conclusion

Outline consent is sought to establish the principle of residential development on the site and the location of the accesses. The proposal would result in the development of a brownfield site, adjoining existing residential development and close to settlements. The principle of the development is considered acceptable.

The applicant has demonstrated that safe accesses can be achieved and that the additional car movements would not affect highway safety in the area.

It has been demonstrated by the indicative layout that important trees within the site can be retained without compromising the development.

At the time of writing there are objections still from the Environment Agency, however additional information has been received and subject to this overcoming the objections the proposal is considered to be an acceptable form of sustainable development which will contribute to the adopted Core Strategy's objective to provide 110 houses in Groby.

RECOMMENDATION:- That subject to overcoming the Environment Agency's objection and 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 affordable housing and financial contributions towards Play and open space, highway improvements and education the Head of Planning or Development Control Manager shall be granted delegated powers to granted planning permission subject to the conditions below. Failure to complete the said agreement by 18 April 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. By virtue of the previous use and development on the site, the location near existing services and the proposed access the proposal is considered to be a form of sustainable development, would not detrimentally affect highway safety in the area. The proposal is considered to be acceptable

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, NE2, NE12, T5, REC2 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 8, 9, 15, 16 and 19.

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

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

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 4489-PL-01 B (Site Location), 4489-L E (illustrative masterplan) received 17 January 2013.
- 4 There shall be no commencement of development unless and until a dust management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5 There shall be no commencement of development unless and until a noise mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the proposed mitigation methods, supported by the reductions in noise these would achieve. The proposal shall be implemented in accordance with the approved strategy.
- 6 Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained.
- 7 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
- 8 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 9 There shall be no commencement of development unless and until drainage plans and proposals for the disposal of surface 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

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & 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 For the avoidance of doubt and in the interests of proper planning.

- 4 To minimise air pollution during construction works to protect the amenities of neighbouring residents in accordance with Policies NE2 and BE1 (i) of the adopted Hinckley and Bosworth Local Plan (2001).
- 5 The site lies immediately to the south of the A46 and a noise mitigation strategy is required to ensure that the site is developed with appropriate mitigation measures to ensure that the traffic noise does not detrimentally affect the amenities of future residents of the site in accordance with Policy BE1 (i).
- 6 To enable a vehicle to stand clear of the highway whilst the garage doors 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 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 in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan and sections 10 and 11 of the NPPF.

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 Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space

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

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to

the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Contact Officer:- Sarah Fryer Ext 5682

Item: 08

Reference: 13/00007/FUL

Applicant: Mr Anthony Milner

Location: Upper Parks Farm Ratby Lane Markfield

Proposal: Erection of a new agricultural building and formation of a concrete apron

Target Date: 18 April 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes development creating over 500 sqm. of floor space.

Application Proposal

This application seeks consent for the erection of a multi purpose agricultural building. The site is located to the north of the complex of buildings forming Upper Parks Farm and would measure 36.57m by 27.43m, with a maximum height of 8.2m. The application includes the formation of a concrete apron to the front of the buildings accessed from a yard to the west. The building would be located 7m to the north of the main livestock building.

Amended plans have been received correcting minor inaccuracy within the plans. A re-consultation period has been undertaken for 10 days which expires on 27 March 2013.

The Site and Surrounding Area

Upper Parks Farm is located 100m to the south of Ratby Lane, and consists of a range of traditional brick buildings typically single storey in scale, a two storey farm house attached to the courtyard of buildings and one modern portal building currently housing livestock (building 1 on the block plan). The site is separated from the southern boundaries of 1-4 Ratby Lane Markfield by a field and a mature hedgerow and the Islamic foundation, located to the west, by a dense band of trees and vegetation.

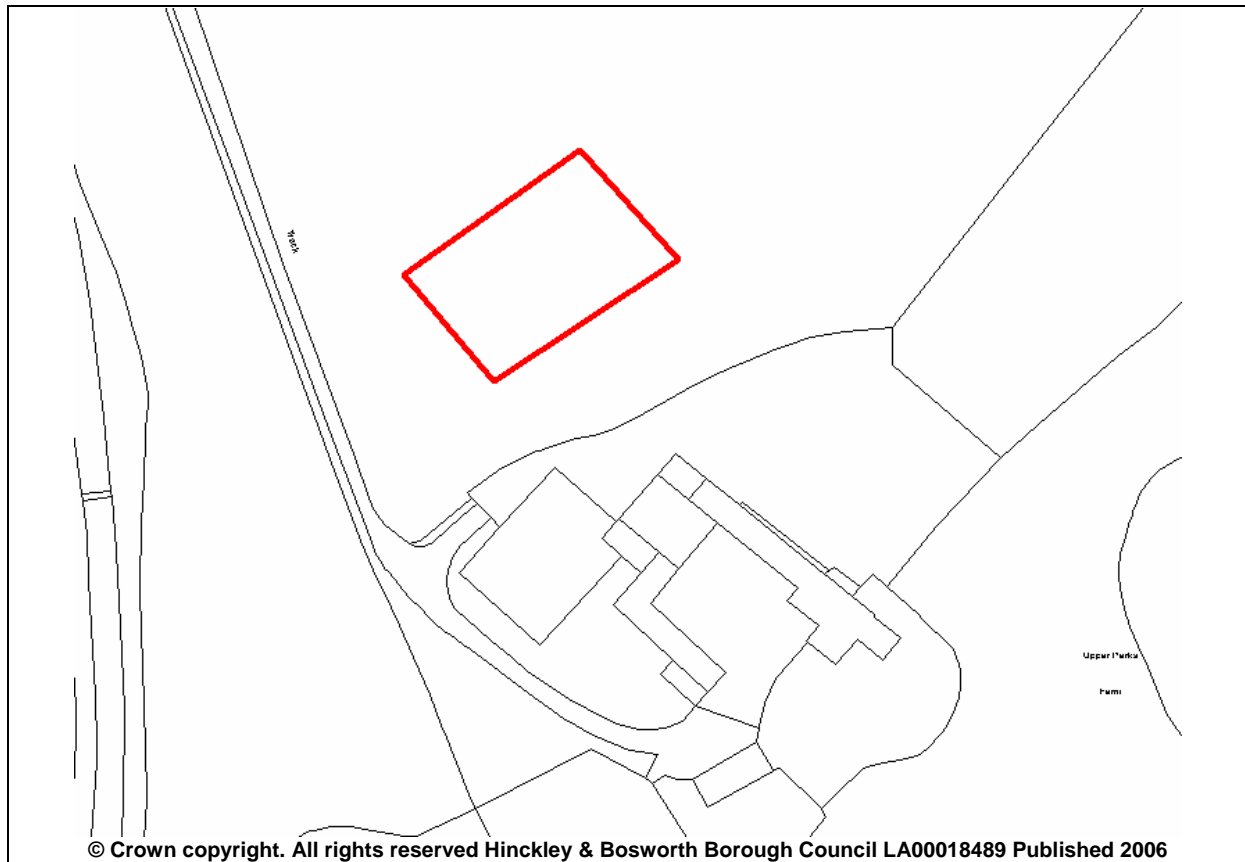
The site is outside the defined settlement boundary of Markfield and therefore within the countryside. The application site is also within the National and Charnwood Forests.

Technical Documents submitted with application

Agricultural Justification report
Design and access statement.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Environment Agency
Severn Trent Water Limited
Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

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

Site notice and press notice were displayed and neighbours notified.

One letter of objection and one letter of support have been received.

The letter of objection raises the following concern:-

- a) objects to the loss of an established tree belt and its loss has not been sufficiently addressed within the supporting documents.

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

Markfield Parish Council
National Forest Company
Friends of Charnwood Forest.

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

Policy 21: National Forest
Policy 22: Charnwood Forest

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy BE1: Design and siting of Development
Policy T5: Highway design and vehicle parking standards
Policy NE12: Landscaping Scheme

Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, the design, siting and layout of the building and the impact on neighbouring amenities.

Principle of Development

The site is located within the countryside and therefore Policy NE5 of the 2001 Hinckley and Bosworth Local Plan is relevant. The NPPF (March 2012) requires all policies adopted prior to 2004 to be assessed for their conformity against the NPPF (paragraph 215). Policy NE5 states that the countryside will be protected for its own sake and development will only be allowed where:-

- a) it is important for the local economy
- b) for the change of use or re-use of existing buildings
- c) for sport and recreation.

And where the following criteria are met:-

- a) development does not have an adverse impact on the appearance or character of the landscape
- b) its in keeping with the scale and character of existing buildings
- c) where necessary its screened by landscaping; and

d) the proposal would not generate traffic likely to exceed the capacity of the highway.

When assessed against the NPPF criteria a-c are not considered to comply whilst points i-iv are.

The NPPF has at its core a presumption in favour of sustainable development, including supporting a prosperous rural economy (paragraph 28) part of which seeks to promote the development and diversification of agriculture and other land-based rural businesses.

The building is required for the expansion of the existing farm enterprise. Upper Parks Farm is a mixed arable and beef suckler enterprise based on two main farmsteads (Upper Parks Farm and Horsepool Grange at Stanton Under Bardon). The enterprise also farms other land at Bagworth and Newbold Verdon. The holding in total comprises 730 acres. The farm is looking to expand the herd of suckler cows from 70 up to 140 cattle. The decision to locate the building at Upper Parks Farm is due to the nearby available grazing and that the family live on this site ensuring that they are close by to attend to the health and well being of the animals. The new building would enable the cattle to be safely housed over winter complying with the relevant space requirements. The building would also be used to store straw and feed, required by the increase in livestock.

The application is sought for the erection of an agricultural building adjoining an existing farm complex. The need for the building is considered to have been adequately justified and to accord with both Policy NE5 and the NPPF. It is considered that the principle of the development is acceptable.

Design

The building is a steel portal building with 2m high concrete panels with York boarding above and fibre cement sheets to the roof. The south east elevations would have photovoltaic panels on top of the fibre cement roofs. The application contains no details of the proposed finished colours or details of the solar panels. It is considered that the solar panels are acceptable in principle as they accord with the governments objectives of reducing carbon emissions. Accordingly these details will be sought by way of a condition. The proposed buildings have the appearance of many modern agricultural buildings that are designed to accommodate modern machinery and livestock. It is considered that the design of the building is acceptable.

Siting

The proposed building would be located to the north of the existing complex of buildings, within a neighbouring field. To access the proposed site part of an existing tree belt would be removed and the existing yard extended north and then north-east. At the closest point the proposed building would be 7m from the existing portal building. The SPG on design of farm buildings suggest that buildings should be grouped together to reduce the impact on the surrounding area. The Tree Belt is not protected and therefore there are no objections raised over the loss of part of it. The landscaping implications are discussed below.

West of the site there is a thick group of trees subject to a Tree Preservation Order (TPO) that prevents views of the site from the west. From the south the existing range of buildings would shield views of the site. The site is more open from the north and east. There is a public footpath located 300m to the east and the rear elevations of the dwellings are located 125m to the north, from which views of the site would be obtained from. However, it is considered that at these distances the impact of the building would be reduced and would not affect the character of the area. Notwithstanding this from the east the proposed buildings would be seen against the TPO group located to the west of the site. When viewed

from the north the proposal would be seen against the buildings beyond further reducing the impact of the building.

A more logical siting would be to the east of the current range of buildings. However, this would then be to the front of the farm house whilst the rest of the agricultural buildings are located at the northern end of the range. The proposed building can not be located closer without removing a larger section of the tree belt or compromising access by vehicles. The application will therefore be considered on its merits.

The proposal has been sited close to existing buildings and is well screened from public view points close to the site. The proposal is therefore considered to have limited impact on the character of the surrounding area and is therefore considered to be in accordance with Policy NE5 criteria i and ii.

Landscaping

The guidance advises that landscaping can assist in breaking up the mass of a building assisting it to blend into the surrounding area. The proposal removes part of an existing tree belt separating the existing farm yard from the field and proposed application site. The site is within the National and Charnwood Forests where additional landscape provision is supported. It is therefore recommended that a condition is imposed requiring landscaping to the north of the proposed building to replace the landscaping to be removed and soften the impact of the proposal when viewed from the north.

Amenities

The nearest residential properties are located 125m to the north of the application site namely Fieldview Cottage, Appletree Cottage, Rowsley Cottage, and Wisteria Cottage, Ratby Lane, Markfield. Given the distance from the proposal to these properties it is not considered that the application would result in any overshadowing. There is no new use proposed on the site. The proposal would result in the agricultural enterprise being located closer to the dwellings than currently, by 20m. It is not considered that this distance would detrimentally affect the amenities of the occupiers of these properties. The Head of Community Safety (pollution has confirmed that no complaints regarding odour have been received from the current enterprise. The properties are therefore considered to be located a sufficient distance from the dwellings not to detrimentally affect the amenities currently enjoyed by residents and the proposal is considered to comply with Policy BE1 (i) of Hinckley and Bosworth Local Plan.

Other Issues

Highways - No objection has been raised by the Director of Environment and Transport (Highways) subject to a condition requiring hard surfacing of the first 10 metres from the highway boundary. The farmstead already has hard surfacing back to the buildings in excess of the required 10m. It is not considered that this condition would be necessary to facilitate the development.

Drainage - The Head of Community Services (Land Drainage) reminds the applicant of their duties under the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991' this will be added as an informative for the applicant.

Conclusion

The principle of the proposal is considered to be acceptable and in accordance with the Development Plan and the objectives of the NPPF. The proposal is considered not to detrimentally affect the character of the area, nor the amenities of the nearest residential properties. The proposal is considered to comply with Policies NE5 and BE1 (criteria a and i) of the Hinckley and Bosworth Local Plan, supported by the NPPF particularly paragraph 28.

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 proposed siting of the building having regard to the location of surrounding development, the proposed use of the building and the impact on the amenities of surrounding properties, the proposal is considered not to detrimentally affect the character of the surrounding area, nor the amenities of nearby residents. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, NE12, BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policies 21 and 22

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: Location plan (scale 1:5000), R462/F/DWS, R462/F/Block, R462/F/DWG2, R462/F/DWG3 received 17 January 2013; R462/F/DWG4, R462/F/layout R462/F/DWG1 received 28 February 2013.
- 3 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) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - d) implementation programme.
- 4 Prior to the commencement of development, details of the proposed photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be implemented in accordance with the approved details.

- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural building 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.

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 adequate landscaping is provided to assist in blending the proposal into the landscape, and to replace trees lost due to the development in accordance with Policy NE5 (iii) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the up stand and details of proposed panels is acceptable in the interest of the visual appearance of the agricultural building to comply with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (i), NE5 (i) of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff-including wash water- and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.

Contact Officer:- Sarah Fryer Ext 5682

Item: 09

Reference: 13/00062/FUL

Applicant: Mr Jeff Howarth

Location: Hinckley And Bosworth Community Hospital Ashby Road Hinckley

Proposal: New car park and circular road including surfacing and setting out of existing parking area

Target Date: 19 March 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is associated with a Class C2 (Hospital) use and the site area exceeds 0.5 hectares.

Application Proposal

This application seeks full planning permission for the construction of a new car park and circular road (including surfacing) together with an extension to, and formal surfacing and setting out of, an existing informal parking area and alterations to increase the width of existing internal roads within the grounds of Hinckley and Bosworth Community Hospital, Ashby Road, Hinckley. The proposal includes the demolition of an existing building towards the rear of the site and would result in a new one way circular road at the rear of the main building, the provision of 25 parking spaces (including 4 disabled) in a new car park and 48 parking spaces (including 2 disabled) in the extended existing parking area and a defined hard-standing area for the collection of refuse.

An amended plan has been received to include the provision of additional landscaping within the south west and north east boundaries of the site to enhance the appearance and indicate a drainage strategy for the site.

For Members information, the proposals are similar to a scheme that was approved last year (reference 12/00031/FUL) to formalise another car parking area located in the south (rear) corner of the hospital site.

The Site and Surrounding Area

The hospital is set within a site measuring approximately 3.3 hectares located in the countryside to the north of Hinckley and to the west of Ashby Road (A447). The part of the site that is the subject of this application measures approximately 0.53 hectares and relates to an area located behind the main building towards the rear (south west) of the site. The application site comprises a two storey red brick building with slate roof which is occupied and to be retained, a vacant single storey red brick and slate roof building in a poor state of repair that is to be demolished, a number of informal parking and landscaped areas and internal access roads. A number of lighting columns are located around the parking areas and internal roads. The hospital grounds are surrounded by agricultural fields. The nearest residential properties lie approximately 100 metres to the east of the application site and front onto Ashby Road. The north west and south east boundaries of the site are defined by hedgerows of an approximate height of 4 metres and containing sporadic mature and semi-

mature trees. The south west (rear) boundary is defined by a post and wire fence of a height of approximately 1.1 metres.

Technical Documents submitted with Application

Design and Access Statement

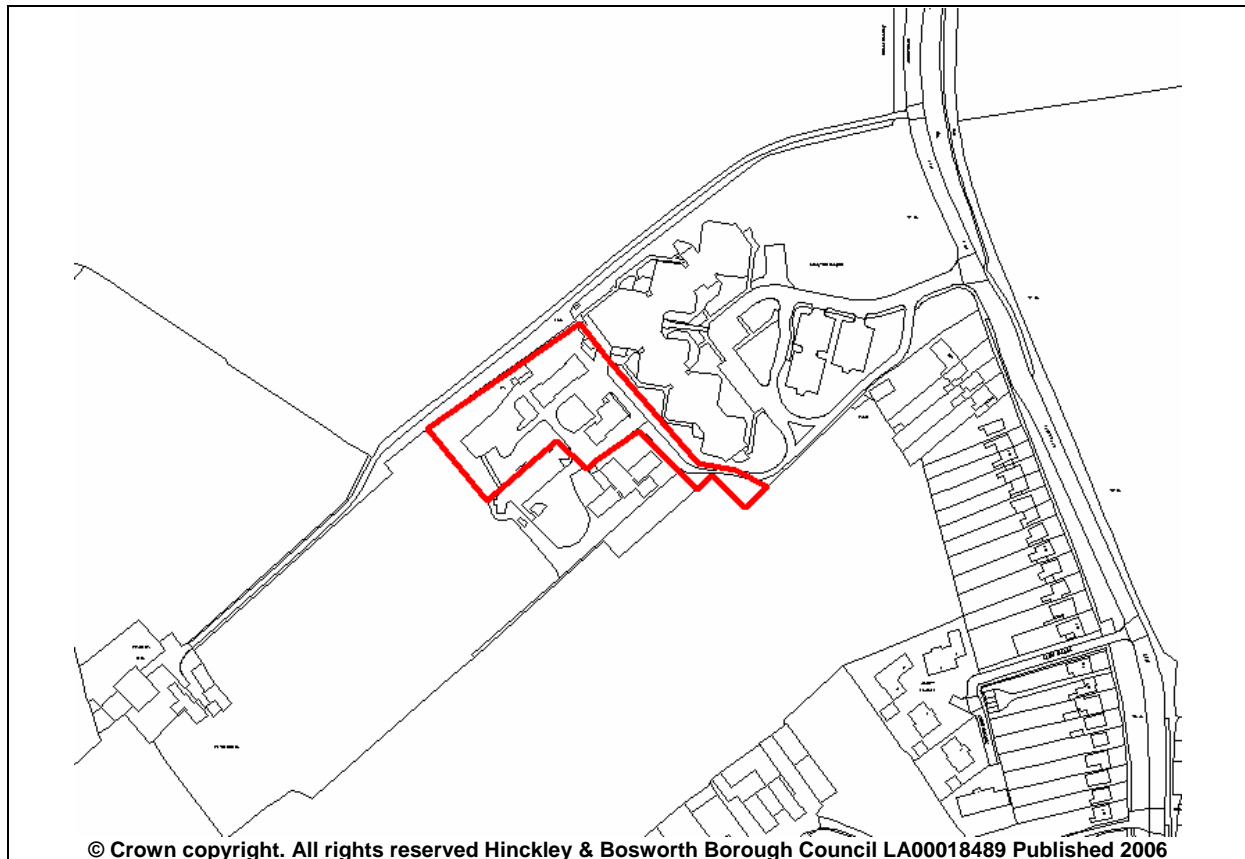
Relevant Planning History:-

12/00031/FUL

Construction of Car Park and
Associated Lighting

Approved

02.04.12



Consultations:-

No objection has been received from Head of Community Services (Land Drainage) subject to surface water being managed by sustainable drainage methods and effective treatment of polluted car park runoff.

Site notice displayed and neighbours notified, no responses received.

The consultation period remains open at the time of writing and closes on 18 March 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

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

Appraisal:-

The main considerations with regards to this application are the principle of development, the layout and design of the scheme and its impact on the character and appearance of the site and surrounding countryside, highway safety, neighbouring properties and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The proposals would contribute to the economic, social and environmental roles of sustainable development in this case by significantly improving the access and parking facilities, and therefore the viability, of this important community healthcare facility whilst also implementing sustainable drainage measures. The hospital site is located in the countryside on the edge of Hinckley. Policy NE5 allows development in the countryside that is important to the local economy or for the extension of existing buildings subject to a number of design criteria being satisfied. The proposals extend the existing access and parking arrangements and are confined within the established boundaries of the hospital site and are therefore considered to be sustainable. The proposals are therefore in accordance with the intentions of Policy NE5 and the overarching principles of the NPPF and are therefore acceptable in principle.

Layout and Design and Impact on Character and Appearance

Policy NE5 (criteria i, ii and iii) and Policy BE1 (criterion a) of the adopted Local Plan require that development in the countryside does not have an adverse effect on the character or appearance of the landscape, is effectively screened by landscaping and complements the character of the surrounding area.

The proposed car parking facilities are located in areas within the site that are already being used informally for parking or where buildings have been or will be demolished. Whilst the proposals result in the loss of some small landscaped amenity areas the benefits of the scheme in improving the parking facilities and the width of the internal access roads outweigh any loss in this respect. The proposals include the formation of a one-way traffic system and the formal surfacing and marking out of the parking and access roads which together with the demolition and removal of the dilapidated building within the site will enhance its overall character and appearance.

The proposed development will not encroach into the countryside outside the boundaries of the site. The application area is screened from the surrounding countryside from the north east and south east by the existing hospital buildings and from the north west by a mature boundary hedgerow of at least 4 metres in height. Whilst the boundary to the south west is more open to the countryside, being defined by a 1 metre high post and wire fence, the parking areas will be viewed against the backdrop of existing hospital buildings and therefore will not have any adverse impact on the character or appearance of the surrounding landscape. The amended plans propose an area of ornamental planting within the south west boundary adjacent to the car parking area to further mitigate any visual impact.

The previously approved layout included a lighting scheme for the car parking areas and there are some lighting columns already within the site. Any new lighting scheme requiring planning permission would be subject to a separate application. No lighting details have been submitted with this application.

As a result of the layout and design of the scheme it is considered to be in accordance with Policies NE5 (criteria i, ii and iii) and BE1 (criteria a and e) of the adopted Local Plan and the overarching principles of the NPPF.

Highway Safety

Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan require development to provide adequate access, visibility, parking and manoeuvring facilities.

The proposals are designed to improve existing access and parking facilities and will not result in any additional vehicle trips or intensification of use of the access onto Ashby Road which is not affected by the proposals. The proposals improve the existing access roads by increasing the width of the carriageway where necessary and creating a one-way system to improve vehicle flows. As a result, the proposals will not have any adverse impact on highway safety and will improve the safety and security of those using the site and are therefore in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan.

Impact on Neighbours

Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties. Policy BE26 (criteria a) requires that lighting schemes do not create a nuisance to neighbouring occupiers.

The nearest residential properties to the application site are on Ashby Road, roughly 100 metres from the nearest area of alterations to the access road and approximately 170 metres from the proposed car parking areas. As a result of the separation distance and the screening provided by existing buildings and boundary planting there will be no adverse impact on residential amenities from noise or disturbance and therefore the proposals are in accordance with Policy BE1 (criterion i) of the adopted Local Plan. As already stated the application does not propose any new lighting provision. Any such lighting requiring planning permission would be subject to a separate application.

Other Issues

The proposed access roads and parking areas are to be surfaced in tarmac. The Head of Community Services (Land Drainage) refers to the use of sustainable drainage systems and permeable paving for the dispersal of surface waters. At this stage the infiltration properties of the ground are not known and therefore the applicant does not know whether the use of permeable paving will be suitable or whether attenuation storage may be required

below ground. The amended plan contains a note confirming that one of these methods will be used to mitigate surface water run-off.

The amended plan includes an area of landscaping within the south west and north west boundaries of the site to screen the car park and enhance the appearance of the site. As no details of the proposed planting have been provided a condition requiring the submission of these details for prior approval is reasonable and necessary in this case.

Conclusion

The proposals are sustainable development as they are extensions and alterations to, and formalisation of, existing access and informal parking facilities and are contained within the established boundaries of the hospital site. The proposals are well screened from the surrounding landscape and will therefore have no adverse impact on its character or appearance and as a result of the separation distance and screening will have no adverse impact on the amenities of the occupiers of neighbouring properties. The proposals will not result in any intensification of use of the access to the site and will therefore have no adverse impact on highway safety. As a result the proposals are in accordance with Policies NE5 (criteria i, ii, iii and iv), BE1 (criteria a, c, e, g and i) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting, layout and design the proposals will complement the character of the site and enhance its appearance whilst having no adverse impact on the character or appearance of the surrounding landscape, highway safety or the amenities of the occupiers of neighbouring properties.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i, ii, iii and iv), BE1 (criteria a, c, e, g and i) 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 1:2500 scale received by the Local Planning Authority on 22 January 2013 and Proposed Plan Drg. No. 2012.4423.01E received by the Local Planning Authority on 7 March 2013.

- 3 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) hard surfacing materials
 - b) planting plans
 - c) written specifications
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - e) implementation programme.
- 4 The approved landscaping scheme shall be carried out in accordance with the approved details. The 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.
- 5 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological 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.

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 enhance the appearance of the development to accord with Policy NE5 (criterion iii) and NE12 (criteria b and d) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE5 (criterion iii) and NE12 (criteria d) of the adopted Hinckley and Bosworth Local Plan.
- 5 To prevent the increased risk of flooding and to protect water quality to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 For the avoidance of doubt, the applicant is advised that this planning permission does not grant consent for any lighting scheme and that such a scheme may require separate planning consent.

Contact Officer:- Richard Wright Ext 5894

Item: 10
Reference: 13/00077/HOU
Applicant: Mr & Mrs A Stay
Location: 14 School Close Burbage Hinckley
Proposal: Extension and alterations to dwelling
Target Date: 28 March 2013

Introduction:-

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

Application Proposal

This application proposes a two storey side and rear extension and single storey rear extension to this detached dwellinghouse.

The Site and Surrounding Area

The dwelling is a conventional pitched roof design but has a projecting gable to the front elevation. Elevations are of red brick and the roof is of grey concrete tiles. There is an existing conservatory to the rear; however this is to be removed should this proposal be implemented.

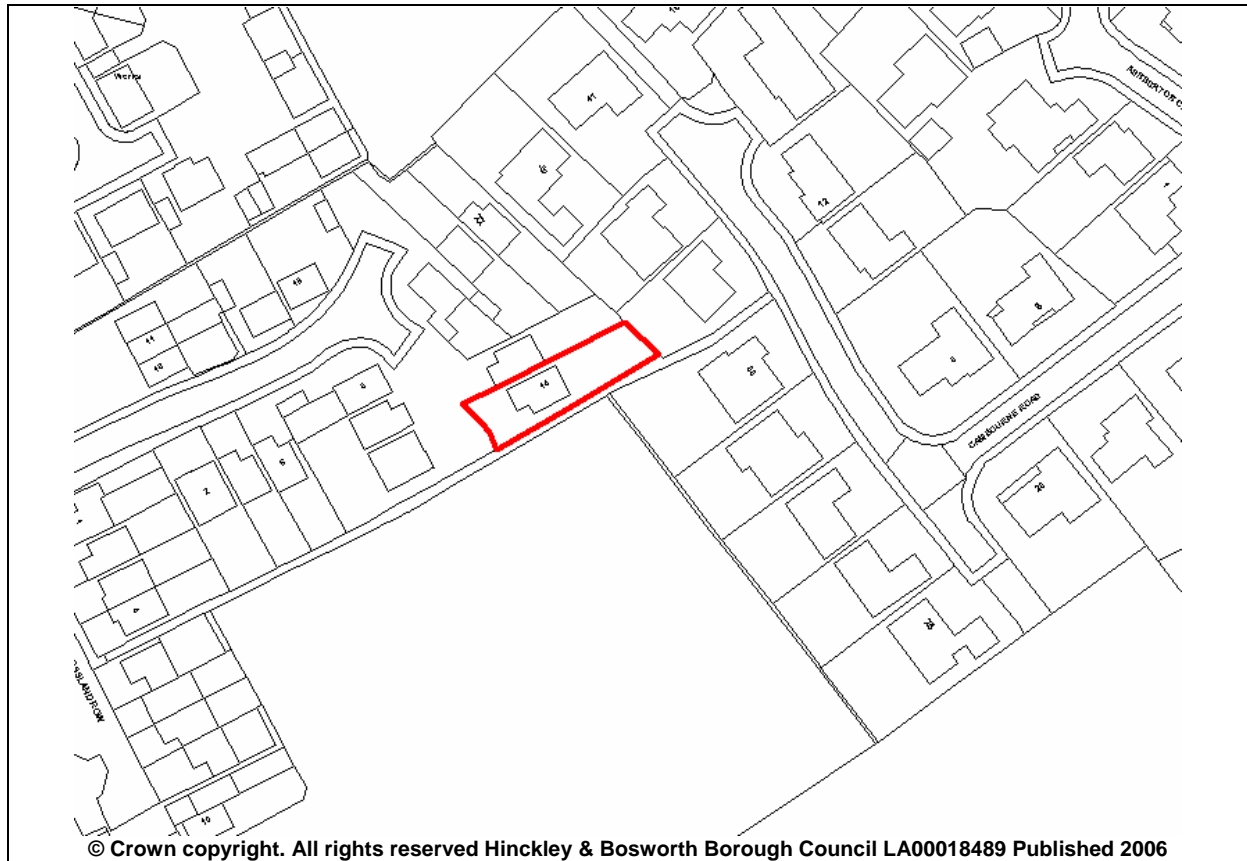
The dwelling is located within a residential cul-de-sac and is adjacent to a public footpath. There is an integral garage and two additional off street parking spaces.

Technical Documents submitted with application

None relevant.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Rights of Way)
Burbage Parish Council.

At the time of writing the report comments have not been received from neighbours.

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

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

BE1: Design and Siting of Development
T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

House Extensions (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and design, impact on neighbours and impact on the highway/right of way.

Principle of Development

The site is located within the defined settlement boundary for Burbage and therefore there is a presumption in favour of development subject to all other planning matters being addressed. This is an extension to an existing dwellinghouse and is therefore considered to be sustainable development for the purposes of the National Planning Policy Framework.

Layout and Design

The proposal has three distinct elements, two storey extensions to the side and rear and a single storey extension to the rear.

The side extension is proposed to be line with the front elevation and to be built right up the adjacent public footpath. The boundary between the dwelling and the footpath is treated with a brick wall with inset timber panels to a height of 1.8 metres. The proposed extension will be built off and therefore inline with the existing brick piers.

Due to the dwellings position at the end of the cul-de-sac, the lack of the set back to the front elevation does not result in any terracing effect. The existing dwelling has a projecting garage gable to the front elevation and therefore the construction of the side extension will maintain the form for the revealed elevation behind the gable, resulting in a well balanced and designed principal elevation.

The side elevation of the extension is finished with a gable with two first floor windows. There are no windows to the ground floor. The mass of the elevation is broken up by the rhythm of the existing piers standing proud of the elevation.

The two storey rear extension projects 3.6 metres from the existing rear elevation and abuts the side boundary to the public footpath to the southeast. A single window is proposed at first floor level. This element is well designed and results in no detriment to the dwelling or the character of the area.

The single storey rear extension is to the northwest edge of the rear elevation and infill's the remainder of the rear elevation adjacent to the two storey element proposed in this application. The extension will project 3.6 metres and has a mono pitch roof, therefore maintaining the overall character of the dwelling house.

In summary the extensions are well designed and satisfy the design requirements of Policy BE1.

Impact on neighbours

Considering the elements of the proposal in turn, the two storey side extension does not result in any material impact on the amenities of others.

In terms of the two storey rear element, a separation distance of 25.4 metres exists between the rear elevation of the extension and the facing elevation of no. 35 Cambourne Road to the northeast, therefore satisfying the distance specified in the SPG.

The single storey extension projects 3.6 metres from the rear elevation and is adjacent to the boundary with no.16. The SPG standard of 3 metres for a single storey extension applies to extension abutting the boundary and in this instance isn't strictly relevant as the proposal is inset from the boundary by 1.2 metres. Accordingly, no material harm is considered to arise to the amenities of the occupiers of the adjacent dwelling as a result of this relationship.

In summary the extensions does not result in any material detriment to the amenities experienced by others and therefore satisfies the requirements of Policy BE1.

Impact on highway/right of way

The proposal results in the creation of one additional bedroom, resulting in a total of 4 bedrooms at the dwelling. There area already three off street parking spaces and given the sites sustainable location where transport choices are available, adequate parking exists and the proposal will not result in a detriment to highway safety.

The adjacent public right of way is enclosed by a combination of walls and fences along its immediate length and the proposal will not materially change this appearance or impact upon the use of the right of way. The construction of the extension may well require some temporary obstruction to the footpath but this will require the separate consent of the Highway Authority.

Conclusion

The proposed extensions are well designed and do not result in any material detriment to the character of the area, the amenities of others or highway safety and are therefore recommended for approval.

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 a sustainable development, would complement the scale, character and appearance of the existing dwelling and would not have an adverse impact on the street scene or the amenities of the of neighbouring properties.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i) and T5. Supplementary Planning Guidance (SPG): House Extensions.

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: Site location plan 1:1250, block plan 1:500, 1197 -01 and 1197 - SS/02 Rev A.
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

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 criteria a of policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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