

PLANNING COMMITTEE

16 April 2013

RECOMMENDATIONS OF DEVELOPMENT CONTROL MANAGER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01
Reference: 12/01114/FUL
Applicant: Miss Susan Johnson
Location: 3 Markfield Lane Botcheston
Proposal: New Agricultural Dwelling
Target Date: 4 March 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an agricultural workers dwelling requiring an agricultural appraisal to be undertaken.

Application Proposal

This application seeks full planning permission for the erection of a permanent agricultural workers dwelling in association with an organic farming enterprise referred to as Polebrook Hayes Farm on land to the rear of the applicant's dwelling, 3 Markfield Lane, Botcheston. The application proposes a two bedroom, single storey dwelling and integrated agricultural storage areas measuring approximately 14 metres in length x 11 metres in width providing an overall footprint of approximately 154 square metres, comprising (121 square metres (78.5%) for the dwelling and 33 square metres (21.5%) for agricultural storage). The applicant has submitted amended plans with stated dimensions and an amended Design and Access Statement that confirms that the overall footprint and height. The proposed dwelling has a main ridge height of approximately 6.4 metres and eaves heights of 4 and 3 metres. The accommodation comprises a living area, kitchen, two bedrooms, utility room, bathroom, storage areas and would have a central ventilation stack. The floor of the dwelling would be raised from the external ground level to provide a thermal mass heat store below.

Access to the proposed dwelling would be the same as the existing vehicular access to the land holding which is through the overspill car park to Forest Hill Golf Club then via an unmade track for approximately 440 metres in a south easterly direction before turning south west for a further 270 metres through a grassed field on a line contiguous with a public right of way (footpath R35) that leads back to Markfield Lane, Botcheston. The application site measures approximately 12 metres in width x 35 metres in depth and includes a garden area measuring approximately 12 metres x 12 metres (144 square metres) to the south east off the proposed dwelling. The application also includes the formation of an extension to the track to avoid the low canopy of a nearby mature tree and this is proposed to be surfaced in loose aggregate.

Whilst the applicant lives adjacent to the site, her business associate lives in Shepshed. It is the intention of the applicant to retire but to continue to reside at 3 Markfield Lane and to retain ownership of the land. Her business associate wishes to take over management of the farm enterprise in conjunction with her delivery business. The need for the proposed dwelling is derived from the perceived difficulty of managing the poultry and crops from distance and in sustaining transport costs entailed in movements between the site and her current residential location. The intention is that the construction of the proposed dwelling would be funded by the applicant.

The Site and Surrounding Area

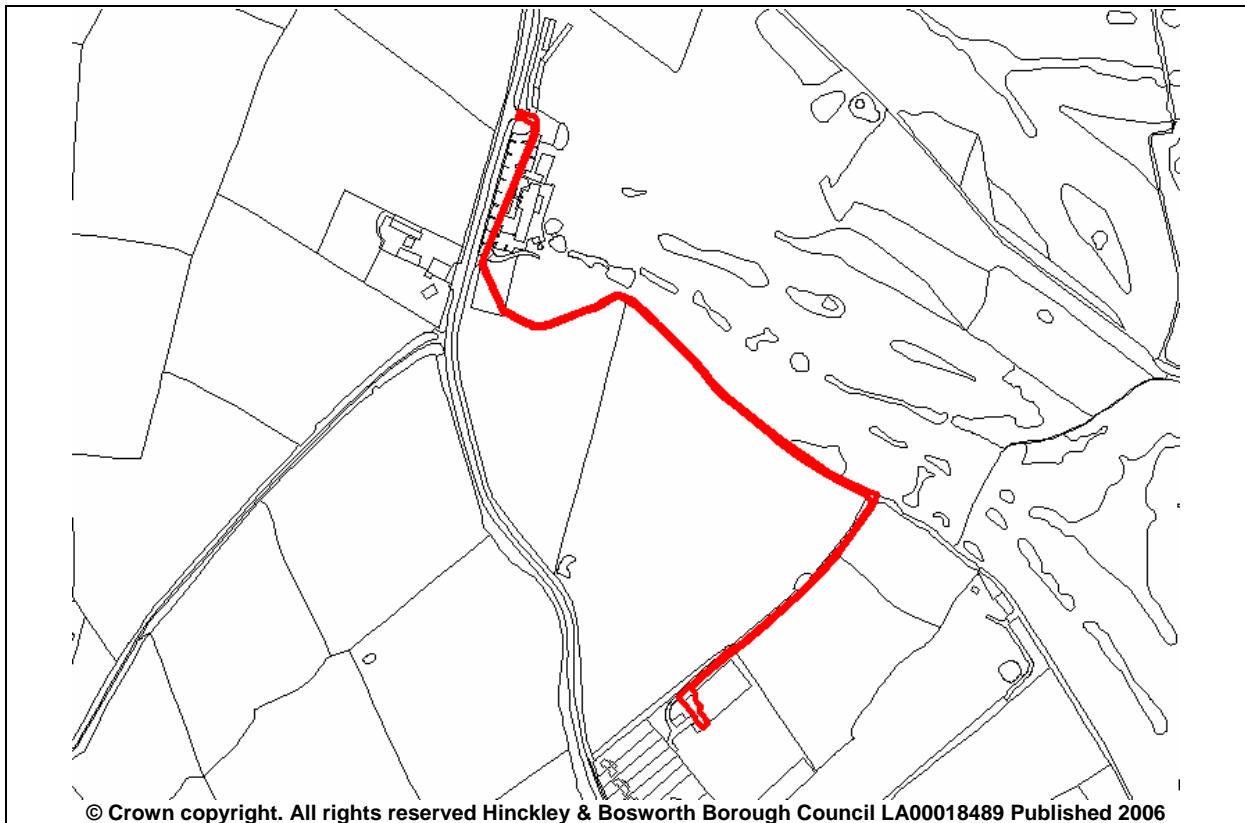
The organic farming enterprise operates on approximately 4.3 hectares of land to the rear of the applicant's dwelling, 3 Markfield Lane, Botcheston and has operated from this location since 2003. There are three elements to the activities of the farm: an organic fruit and vegetable business (applicant), a fruit and vegetable delivery business (business associate) and an organic growers co-operative (CLOG Ltd) which is a tenant on 0.1 hectares of the land holding. The enterprise utilises a number of buildings within the site including single storey brick and tile structure, a blockwork and timber structure with metal sheet roof a number of polytunnels (x7), a glasshouse, timber sheds and uncovered fenced enclosures. Ground levels generally fall from north to south. Public Footpath R35 runs immediately to the north west of the application site.

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Agricultural Appraisal
Economic Statement
Financial Statement
Business Plan
Parking Statement
Affordable Housing Statement
Tree Constraints Document
Press Cuttings

Relevant Planning History:-

None relevant.



Consultations:-

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

No objection subject to conditions has been received from:-

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

The Director of Environment and Transport (Rights of Way) has no objection subject to operations associated with the development not affecting the public footpath (R35).

The Borough Council's Independent Agricultural Appraisal Consultant has undertaken a desk-based assessment of the proposal including the financial information submitted by the applicant and concludes that the proposed development fails to meet the test of the special circumstances needed to overcome the general presumption against additional dwellings in the countryside.

Site notice was displayed and neighbours notified. Two letters have been received raising the following concerns:-

- a) inadequate drainage, surface water run-off is significant in neighbouring gardens
- b) nature and intensification of use of the access track and neighbouring land owner relations
- c) surfacing of access track and delivery of construction materials
- d) provision of additional landscaping
- e) precedent for further similar developments.

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

Desford Parish Council
Head of Business Development and Street Scene Services (Waste Minimisation).

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

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

Policy BE1: Design and Siting of Development
Policy RES12: New Agricultural Dwellings
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG).

Appraisal:-

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

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless special circumstances exist, an example of which is the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 of the NPPF supports sustainable economic growth in rural areas and the development of agricultural and other land based businesses.

Whilst only limited weight can be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF, whilst seeking to safeguard the character and appearance of the countryside the policy acknowledges the need to accommodate development that is important to the local economy that cannot be provided within or adjacent to an existing settlement. Saved Policy RES12 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; and the availability of suitable alternative accommodation in the local housing market.

Whilst the policy framework provides for the accommodation for agricultural workers in the countryside in principle, it is clear that this is an exception to the general restraint on new residential development in the countryside that has remained a strong and consistent element of national planning policy and should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the sustainability of the development.

The NPPF in paragraph 7 states that there are three dimensions to sustainable development (social, environmental and economic). The economic role is particularly relevant to the provision of agricultural worker's accommodation as the need for it must derive from the requirement of the farm business and the policy exception reflects support for agriculture as an economic activity, therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

The Borough Council's Agricultural Appraisal Consultant has assessed the current proposal against national policy guidance and local plan policies and has had regard to recent appeal decisions. The independent agricultural appraisal report concludes that whilst current levels of management could not be maintained by the proposed worker living at some distance from the site, given the small scale of the poultry unit and the low level of risk to the enterprise there is no justification for an on-site dwelling. The animal welfare and other needs of the farm could be addressed by the worker living closer to the site than is currently the case. The agricultural unit already has an associated dwelling that meets its functional need but the applicant, who intends to maintain ownership of the agricultural land holding, has

chosen to exclude the availability of the dwelling and the scale and nature of the holding do not justify two dwellings. In addition, there are suitable alternative dwellings currently available within the settlement and in close proximity to the farm that would meet the functional needs of the enterprise.

The supporting financial information provided by the applicant states that the three enterprises have been profitable on a part time basis over the past five years and provide a secure, but modest income for the landowner (applicant), however, the business associate's income from the farm is supplemented by other means.

Having reviewed the recent accounts and business forecast data submitted to support the application, the independent agricultural appraisal report concludes that the combined prevailing levels of profits fall well short of sustaining the labour requirement of the enterprise in terms of the minimum agricultural wage or national minimum wage. In addition, the predicted future business plan includes support by income from other external means therefore if these were reduced or no longer available the business plan for the enterprise would fail. The applicant has therefore failed to demonstrate a sound financial basis for the business that would sustain the proposed dwelling or provide special justification for an exception to the general restraint on new residential development in the countryside.

In summary, the independent appraisal report considers that the functional need of the enterprise does not justify an on-site dwelling, alternative accommodation is available in the vicinity that would meet the functional needs of the enterprise and the applicant has failed to demonstrate that the enterprise is economically viable. Accordingly the proposal is considered to be contrary to the principles of Saved Policy RES12 (criteria a, b and c) of the adopted Local Plan and the overarching principles of the NPPF with particular reference to paragraphs 17 and 55 relating to the protection of the countryside for its intrinsic character and beauty and essential need for development.

Siting, Design and Impact on Landscape

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development and seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria i, ii and iii of Saved Policy NE5 require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Saved Policy BE1 (criteria a, c and e) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; has regard to the safety and security of individuals and property; and incorporates landscaping to a high standard.

The site has no road frontage, is located towards the bottom of a slope and is well screened from the wider landscape by a wooded area to the north west and by mature field boundary and garden boundary hedgerows to the north east and south west respectively. As a result of the ground levels and existing mature planting the site is not prominent within the wider landscape.

The siting of the proposed dwelling is well related to the existing access track and single storey farm buildings on the site and would provide surveillance of the access and land holding in the interests of security. The proposed dwelling is designed with a hipped roof form to minimise visual impact with variable/low eaves. The design incorporates passive solar design features to minimise energy consumption and the integration of storage space within the dwelling and is designed to appear from the adjacent public right of way as an agricultural storage building rather than a dwelling in order to minimise impact on the rural

character of the site. Whilst the design is not particularly attractive, it is considered to complement the character of the site in that respect and is therefore considered to be acceptable in this instance, particularly given that the site is not prominent within the landscape.

Notwithstanding inconsistencies between the application form and the Design and Access Statement, the applicant has confirmed that the proposed materials are to be cement render to the external walls and recycled polymer tiles resembling grey slate to the roof, with brown uPVC window frames and brown treated timber doors. A condition removing permitted development rights is considered to be reasonable and necessary in this case to enable control over future extensions in order to protect the visual amenity and rural character of the area.

It is proposed that the residential curtilage be defined by chain link fencing. As insufficient information has been provided to enable proper assessment of the appearance of the boundary treatment a condition requiring further details to be submitted for approval would be reasonable and necessary in the interests of visual amenity and to protect the rural character of the area.

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

Impact on Neighbouring Properties

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

The nearest neighbouring residential properties are located approximately 90 metres to the south west of the proposed dwelling and front onto Markfield Lane. As a result the proposed dwelling will have no adverse impact on any residential amenities. The proposals are therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan require development to provide adequate visibility for road users and adequate provision for off-street parking and turning facilities for residents and visitors so as not to have any adverse impact on highway safety.

Access to the site is gained from the Golf Club car park which has good visibility onto the public highway (Markfield Lane). The unmade track from the car park to the application site is currently used by the farm traffic and the addition of one dwelling would not lead to a significant increase in the use of the track that would be detrimental to highway safety. The Director of Environment and Transport does not object to the application and cannot justify a refusal on highway safety grounds but recommends a condition requiring the submission of a scheme of improvements to the public right of way to encourage walking and cycling. Given the scale and nature of the development, such a condition would not be either reasonable or necessary and would not meet the tests contained in Circular 11/95 and is therefore disregarded. The proposals include the provision of two car parking spaces and turning to serve the agricultural dwelling.

The proposals are in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Other Issues

In this case, there is no public children's play areas within 400 metres of the proposed dwelling therefore there is no justification/requirement for any developer contributions towards the provision or future maintenance of such facilities.

It is proposed that foul drainage from the site will be disposed of via connection to the main sewer network that runs to the rear of the houses fronting Markfield Lane and will meet the requirements of Saved Policy NE14 of the adopted Local Plan.

Conclusion

Whilst the national and local planning policy framework provides for the accommodation for agricultural workers in the countryside in principle, it is clear that this should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the economic sustainability/viability of the development. In this case, the independent agricultural appraisal report concludes that due to the scale and nature of the agricultural operation there is no essential functional need for an on-site dwelling to enable the business to function properly and continue trading. The appraisal points to suitable alternative accommodation being available within close proximity to the site that would enable the business associate/key worker to live closer to the holding than is currently the case and that would fulfil the requirements of the enterprise. The appraisal also concludes that from the financial information submitted the applicant has failed to demonstrate a sound financial basis for the business. As a result, the proposal does not provide any special justification for an exception to be made to the general restraint on new residential development in the countryside and the proposal is therefore contrary to Saved Policies RES12 (criteria a, b and c) of the adopted Local Plan together with the overarching principles of the NPPF, with particular reference to paragraph 55, and is recommended for refusal.

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 the principle of development remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the local planning authority, the applicant has failed to demonstrate that adequate agricultural justification exists for the proposed agricultural workers dwelling and as a result the proposed development would result in an unwarranted intrusion of residential development in the countryside to the detriment of its intrinsic character and open and undeveloped appearance. The proposal would therefore be contrary to Policy RES12 (criteria a, b and c) of the adopted Hinckley and Bosworth Local Plan and the overarching principles of the National Planning Policy Framework with particular reference to paragraphs 17 and 55.

Contact Officer: - Richard Wright Ext 5894

Item: 02
Reference: 12/01119/OUT
Applicant: Mr N Montgomery
Location: Jarvis Porter Coventry Road Hinckley
Proposal: Erection of 122 dwellings (outline - access only)
Target Date: 8 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 planning permission for the erection of 122 dwellings. Access is the only matter for determination at this stage, with all other matters being reserved for approval at a later stage.

Access is proposed to be taken from Coventry Road to the south of the site. Whilst not formally seeking approval for layout at this stage, the application is accompanied by an indicative layout showing a mixture of 2, 3 and 4 bed properties of 2 and 2 and a half storey proportions.

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

- An amended layout plan omitting potential pedestrian linkages to the north of the site and indicating visibility splays of 2.4 x 60 metres
- A badger mitigation strategy
- A visibility plan
- A revised viability report

Re-consultation was originally undertaken for a 7 day period with the Director of Environment and Transport (Highways) and Directorate of Chief Executive, LCC (Ecology) and has now subsequently been re-consulted for a period of 10 days in line with Council's Statement of Community Involvement.

Despite the minor changes, in accordance with the Council's Statement of Community Involvement, a 10 day re-consultation has also been sent out to all neighbours.

The Site and Surrounding Area

The application site extends to 3.7 hectares on Coventry Road, Hinckley. It is a vacant site where the concrete hardstanding to the former buildings still remain. It is a relatively flat site, which sits lower than Coventry Road. It is located close to the town centre to the west and is accessed directly off Coventry Road.

The site is surrounded by National Grid offices and depots to the north east and south west and abutting the site to the west.

To the north and north west of the site is Clarendon Park recreation ground and to the south of the site is Coventry Road and the nearest residential properties 106-118 Coventry Road. Beyond are residential properties at Granville Gardens.

The site is an existing employment site located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

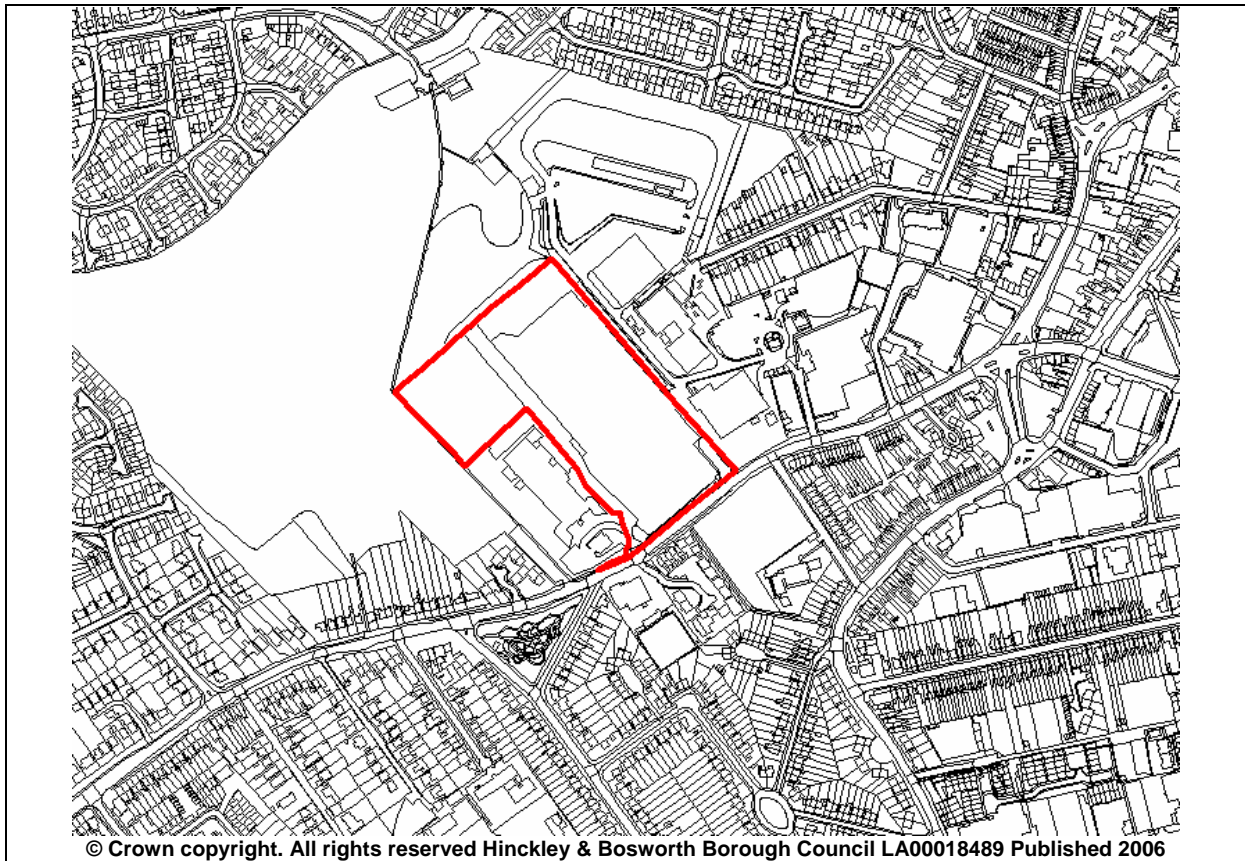
Technical Documents submitted with application

Planning Statement
 Ecological Report
 Geoenvironmental Assessment
 Arboricultural Assessment
 Noise Impact Assessment
 Flood Risk Assessment
 Transport Assessment
 Travel Plan
 Viability Report

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

Relevant Planning History:-

11/00046/FUL	Mixed used development comprising light industrial (B1c), storage and distribution (B8) and retail warehousing (A1) with associated parking and access	Approved	11.10.11
10/00051/REM	Approval of Reserved Matters of 07/00231/OUT for a mixed use development comprising warehouse/ storage units (use class B8), retail warehousing (use class A1) and drive-thru restaurant (use class A3/A5) with associated parking and access	Approved	22.04.10
07/00231/OUT	Erection of warehouse/storage units retail warehousing, drive-thru restaurant and associated parking	Approved	23.05.07
06/00850/OUT	Erection of warehouse/storage units, retail warehousing, drive-thru restaurant and associated parking	Refused	11.01.07
05/01369/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Withdrawn	12.06.06
97/00639/FUL	Erection of warehouse with office accommodation	Approved	17.09.97



Consultations:-

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

No objections subject to conditions have been received from:-

Environment Agency
Severn Trent Water Limited
Cycling Touring Club
Directorate of Chief Executive, LCC (Ecology)
Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £5,740.00 towards mitigating the impacts arising from the increased use of Barwell Civic Amenity site as a result of the new development.
- b) Director of Adults and Communities (Libraries) requests a contribution of £7,480.00 towards providing additional capacity at Hinckley Library.
- c) Director of Children and Young Peoples Services (Education) request a contribution of £354,259.01 for the Primary School sector (various schools) and £223,932.05 for the Upper School sector for John Cleveland College.
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) 2 bus passes per dwelling (325.00 per pass) improvements to the nearest bus stop on the site frontage at £3,263.00 and a bus shelter at £4,908.00 and a contribution towards a toucan crossing at £26,500.

The Leicestershire Constabulary Crime Reduction Officer has requested a total of £35,441 for various services and equipment including mobile CCTV, additional call handling and radio call capacity, start up equipment and vehicles.

Site notice displayed and neighbours notified.

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

- a) if the proposed development has access points to the meadow area, it will open the estate up to potential hazards for dogs to stray into these areas, as such if access is proposed can it be gated?
- b) assurances are required that there are suitable plans and improvements to be undertaken to Coventry Road to take account of the massive increase in traffic onto an already busy road.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011

Spatial Objective 1
Policy 12b: Transco HQ/Jarvis Porter
Policy 15: Transport Infrastructure Delivery and Developer Contributions

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 REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
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

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

Other Material Policy Guidance

Employment Land and Premises Study 2010 recommends that 75% of the site should be retained as employment use and the other 25% for other uses.

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 and Loss of Employment Site

Five Year 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.

National Planning Policy Framework

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would 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.

The NPPF introduces the 'presumption in favour of sustainable development'; paragraph 12 states that the NPPF 'does not change the statutory status of the development plan as a starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved... unless other material considerations indicate otherwise'. 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 and can therefore be afforded full weight in decision-making.

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 relevant policies 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.

The NPPF retains the need to provide five years worth of housing land against their housing requirements; it goes further than PPS3 and states that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%.

The NPPF identifies a number of Core Planning Principles. The most relevant principles to this application are:-

- a) Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- b) Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- c) Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In addition to the Core Planning Principle above, paragraph 111 of the NPPF reiterates that planning policies and decisions should make effective use of land by re-using land that has been previously developed.

Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It also states that land allocations should be updated regularly.

Core Strategy

Policy 1 of the Core Strategy relates to the development of Hinckley over the plan period. Of particular relevance to this application is bullet point one which states that the Borough Council will allocate land for the development of a minimum of 1120 new dwellings within Hinckley. In particular the Council will seek to diversify the existing housing stock within the town centre to cater for a range of house types and sizes. There remains a significant residual to be allocated for Hinckley and this will be done through the production and adoption of the Site Allocations document. This document will be subject to public consultation in August/September 2013 with an anticipated adoption date of December 2014.

Spatial Objective 1 of the Hinckley Town Centre Area Action Plan identifies that the Borough Council wish to increase the number of people living in Hinckley town centre as part of the mix of uses as it would help to generate vitality and diversity.

The 2010 Employment Land and Premises Study identifies the wider site and says that 25% can be lost for other uses and 75% should be retained for employment uses and this formed the basis of Policy 12b in the Area Action Plan (AAP)

This wider site is covered by Policy 12b (Transco HQ / Jarvis Porter) in the AAP. The AAP refers to this site as an identified employment site which contains significant employers for the town and acknowledges that an area to the west of the site currently has planning permission for Warehousing/storage units, retail warehousing and a drive through restaurant, as such seeks that the remainder of the site will be actively retained for employment uses throughout the plan period.

Policy 12b identifies that the Borough Council will actively seek to retain 9.2 hectares of employment uses on the whole, wider site throughout the plan period. This policy was in line with the 2010 review of the Employment Land and Premises Study and took into account the fact that a portion of the site currently has planning permission for retail and employment uses. The AAP therefore acknowledges the previous consents on this site (ref's 11/00046/FUL and 10/00051/REM).

As such it is accepted that the non-employment uses are acceptable on a proportion of the site broadly in line with the application site and therefore the proposal accords with Policy 12b of the AAP.

For the avoidance of doubt Saved Local Plan Policy EMP1 is not applicable in this case as it is superseded by the requirements of Policy 12b.

In summary, the adopted Core Strategy requires the allocation of land for the development of a minimum of 1120 new dwellings within Hinckley and the proposed development of 122 dwellings would make a significant contribution to this requirement. It is considered that the use of this site for residential development accords with the development plan policies contained within the Core Strategy and broadly in line with allowing 25% of the wider site for alternative uses in accordance with Policy 12b of Hinckley Town Centre Area Action Plan. It would facilitate the re-use of a previously developed site in a highly sustainable location adjacent to the town centre and is therefore supported by planning policy. Whilst the Authority has currently met its 5 year supply of housing land, the NPPF specifically states that decision-takers should consider housing applications in the context of the presumption in favour of sustainable development. Furthermore, in order to maintain the 5 year supply of

housing land it is necessary to continue to approve acceptable sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Highway Considerations

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given 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 application is accompanied by a Transport Assessment and Travel Plan and during the course of the application the applicant has re-submitted a visibility plan and amended the site layout plan to depict the visibility splays. Re-consultation was undertaken with the Director of Environment and Transport (Highways).

The Director of Environment and Transport (Highways) has recommended conditions in respect of visibility splays, off site highway works, keeping the highway clean and removal of on-street parking from Coventry Road.

Suggested Condition 2 states:-

"Before development commences, measures to remove on-street parking from Coventry Road between the entrance to Clarendon Park and the eastern corner of the site shall be submitted to and agreed in writing by the LPA. The measures so approved shall be implemented prior to first occupation of any dwelling."

This condition relates to a Traffic Regulation Order (TRO) however this cannot be secured via condition as it is subject to separate public consultation and is un-reasonable as it is not within the applicant's powers to achieve it. The application proposes works within the highway which include the provision of a right hand turn lane and as such a Section 278 agreement will be necessary. The Highway Authority are able to require a TRO through this process, which is the proper method of securing a TRO.

The Cyclists Touring Club has identified a need for additional cycle lane facilities to the front of the site, which were agreed as part of the previous scheme. However, the Highway Authority is no longer supporting the provision of these facilities because the dangers for cyclists entering and leaving this relatively short length of cycle path across the site frontage would outweigh any benefits.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9 of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Other Matters

Density/Layout/Design/Scale

The application proposes 122 dwellings on a 3.84 hectare site equating to a net density of 31.7 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 40 dwellings per hectares within and adjoining Hinckley, Burbage, Barwell and Earl Shilton and states that in

exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

In this case, the site characteristics of being located between two employment uses are constraints to the site and a higher density could result in a poorly designed layout and scheme. 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 however it does show that a higher density would be inappropriate.

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 Head of Community Services (Pollution) has raised concerns over the proximity of the site from the adjacent uses and has confirmed that whilst this is not a problem on the layout submitted, should the layout change at a later stage and houses are located closer to the boundaries to the Transco sites then this will need to be revisited. As such the Head of Community Services (Pollution) has recommended that the mitigation in the noise impact assessment be conditioned together with a requirement to revisit the noise from fixed plant if the layout changes. In addition, the Head of Community Services (Pollution) is also concerned that there has been no consideration of whether light sources from the adjacent premises could have an impact, and requests consideration to be had from the adjacent sites when deciding on layout.

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

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) who all raise no objections subject to the imposition of planning conditions relating to conditions for drainage plans for the disposal of surface water and foul sewage and a condition for drainage details which incorporated sustainable drainage principles. It is considered that in the absence of full details and in the interests of drainage and flood risk that such conditions be imposed.

In summary, the Environment Agency, Severn Trent Water 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.

Contamination

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

The application has been accompanied by a geo-environmental assessment which has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed. This is because the investigation has not focussed on shallow soils as the investigation was designed for a commercial end use rather than domestic and the report indicates that a full characterisation of the site has not been undertaken and therefore further investigation is required into impact from land contamination and ground gas. As such conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

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

Ecology

An ecology report has been submitted with the application, which has been considered by the Directorate of Chief Executive (Ecology) who originally raised an objection until such a time that the following was submitted:-

- a) a revised layout showing the protection of the Local Wildlife Site (LWS) through buffer zones and controlled access points
- b) a reptile survey
- c) a broad badger mitigation plan.

The scheme proposes a 3 metre wide landscaping buffer to the north eastern periphery and during the course of the application amended plans showing the removal of the potential pedestrian linkages to the north of the site with controlled access point to the north of the site into the Clarendon Road LWS.

In addition, a badger mitigation plan has been submitted and re-consultation undertaken with the Directorate of Chief Executive (Ecology) who is satisfied with the badger mitigation plan and accepts that it is the wrong time of year for a reptile survey and as such will accept that a condition be imposed.

The Directorate of Chief Executive (Ecology) still raises concerns in respect of the layout and the fact that the housing extends right to the boundary of the LWS and that a buffer zone should be imposed. The previous application for retail and commercial uses on the site granted in 2007 and subsequently renewed in 2010 proposed built form (service yards) upto the boundary with only a narrow planting strip. As such to request a more onerous solution on the scheme would be unreasonable. Furthermore to reduce the developable area of the site would impact upon the number of units provided and the wider viability of the scheme. On this basis it is considered that the request for a buffer of 15m cannot be justified.

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

Archaeology

The application has been considered by the Director of Chief Executive (Archaeology) who does not require that any archaeological work is required as part of the scheme as the sites appears to have been extensively disturbed.

Developer Contributions and Affordable Housing Provision

The application proposes 122 residential units which attracts infrastructure contributions.

Developer contribution requests must be considered against the statutory tests contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related to the development 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 the urban area and therefore Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing, which would give 25 dwellings on site for affordable housing. Of these 25 dwellings, 19 dwellings (75%) should be for affordable rented housing and 6 dwellings (25%) for intermediate tenure.

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

1 bedroomed properties	716
2 bedroomed properties	469
3 bedroomed properties	137
4 or more bedroomed properties	26

Whilst the greatest number of home seekers are looking for one bedroomed accommodation, there is always a greater level of churn in these properties than for family accommodation. Therefore, while a proportion of 1 bedroomed flats to rent are requested as part of the affordable housing provision, the preferred mix on this site would be for 6 x 1 bedroomed flats, 9 x 2 bedroomed houses, and 4 x 3 bedroomed houses. The intermediate tenure should be a mixture of 2 and 3 bedroomed houses.

As Hinckley is a sub regional centre, as identified in Policy 1 of the Core Strategy, a large proportion of the future housing provision is allocated to the town, and therefore plays an important part in meeting the affordable housing need in the Borough. As the site is in the urban area of the Borough, any local connection requested in the section 106 agreement would therefore be to the Borough to meet the wider housing needs on the housing register.

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 Hinckley 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.

The provision of affordable housing is to be secured through the S106 agreement submitted with the application. 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.

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.

On site: Should the applicant consider providing play and open space on site then they would be required to provide 4,880 square metres of formal open space; 610 square metres of children's equipped play space and 1,830 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 in close proximity to Clarendon Park, which is categorised within the Green Space Strategy as a neighbourhood park with a Neighbourhood Equipped Area for Play (NEAP) for the provision for children and young people and neighbourhood open space for outdoor sport.

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 place space at Clarendon Park and as such a financial contribution may be secured against this site. A contribution of £88,498.80 is required for the provision and £43,127.00 for the maintenance. Within the Green Space Strategy 2005-2010, Hinckley has a deficiency of equipped play space (-1.20) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends concentrating quality facilities at existing sites such as Clarendon Park and Granville Road.

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 Clarendon Park and as such a financial contribution may be secured against this site. A contribution of £11,272.80 is required for the provision and £9,699.00 for the maintenance. Within the Green Space Strategy 2005-2010, Hinckley had a sufficiency of un-equipped play space (3.83) for its population when compared with the National Playing Fields Standard.

Formal Recreation Space: - Similarly off site contributions will also be required for formal open space. The application site falls within 1 kilometre of Clarendon Park and as such financial contributions of £39,381.60 for the provision and £32,208.00 for the maintenance is sought. Within the Green Space Strategy 2005-2010, Hinckley had a deficiency of -12,50 for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends outdoor sports should be protected and improve the quality of existing outdoor sports facilities in Hinckley.

The quality of the equipped space has been considered within the Quality and Accessibility Update Audit of 2007 which awarded Clarendon Park Neighbourhood Equipped Area of Play a quality score of 55.9%. It is considered that financial contributions could be secured to improve the quality of this space.

Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Clarendon Park, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

Whilst it is identified that there is a sufficiency of informal un-equipped place space, there is a deficiency of both formal open space and informal equipped space. Given that this development results in a net gain of 122 dwellings, which would result in additional population in the area and at this time there is no indication that there would be a net gain in the area of play space provided it is considered that a financial contribution could be secured.

The Head of Corporate and Scrutiny Services (Green Spaces) has indicated that money would be used to re-develop Clarendon Park and make improvements in the form of new play equipment, new paths and landscaping, drainage of sports pitches and possibly a artificial cricket wicket, and additional benches and bins.

Cumulatively at this time the development attracts contributions for off site play and open space of £224,187.20. On site provision and maintenance of play space could be achieved on site, which would alter this figure. It is, however, considered that it would be far more advantageous to secure one well equipped quality children's play area with a wider range of diverse equipment and facilities, rather than the provision of two equipped play areas with basic equipment all in very close proximity to each other. Full details, however, will be secured through the reserved matters application.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Transportation Improvements

Policy 15 Transport Infrastructure Delivery and Developer Contributions of the recently adopted Hinckley Town Centre AAP aims to ensure that developers provide contributions to an overall pot for transportation improvements in the town centre.

The methodology and calculations has been previously scrutinised and is not considered to be robust or meet the tests as set out in the CIL Regulations 2010. As such this has already been tested and it is not necessary to request such contributions.

The Director of Environment and Transport (Highways) has undertaken further discussions with the applicant and the application has confirmed that they are prepared to contribute 50% (£26,500) towards the cost of providing a pedestrian crossing on Coventry Road.

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £5,740.00
- b) Director of Adults and Communities (Libraries) requests a contribution of £7,480.00
- c) Director of Children and Young Peoples Services (Education) request a contribution of £354,259.01 for the Primary School sector and £223,932.05 for the 38,545.84 for the Upper School sector.
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) 2 bus passes per dwelling (325.00 per pass) improvements to the nearest bus stop on the site frontage at £3,263.00 and a bus shelter at £4,908.00 and a contribution towards a toucan crossing at £26,500
- e) The Leicestershire Constabulary Crime Reduction Officer has requested a total of £35,441 for various services and equipment including mobile CCTC, additional call handling and radio call capacity, start up equipment and vehicles.

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

- Education (£578,191.96)
- Travel Packs - £52.85 per pack (£6,447.70)
- Toucan Crossing (26,500)

Viability of the Scheme

The application has been accompanied by a Viability Assessment which in accordance with current working arrangements with Coventry City Council has been reviewed. Following initial observations a revised Viability Assessment has been produced which amends the offer to as follows:-

- Affordable Housing (16 affordable units)
- Play and Open Space (£182,594)
- Education (£182,594)
- Travel Packs (£6,448)
- Toucan Crossing £26,500

In terms of how this offer relates to the policy requirement:-

- The scheme offers £182,594 towards play and open space, a reduction of £41,593.20 from the requirement of £224,187.20
- The scheme offers 16 Affordable units, a reduction in 9 units from the policy requirement of 25 units
- The scheme offers £182,594 towards Education, a reduction of £395,597.96 from the requirement of £578,191.96
- This offer provides the full contribution for the Travel Packs and the Toucan Crossing.

Given that the Local Planning Authority is un-able to prioritise one financial request over another and given the current offer by the applicant is disproportionate it is considered that the play and open space and education offer be combined and then the reduction be proportionally applied to each of the contributions.

The applicants offer of £182,594 for Play and Open Space and £182,594 for Education totals £365,188.00 and the total requirement was £802,379.16, which is therefore a reduction of 45.513%. This reduction has been applied equally to both contributions, which results in a contribution of £263,152.50 for Education and £102,034.32 for Play and Open Space.

Accumulatively this totals £365,186.83 leaving just £1.18 of the offer un-allocated which has then been halved and 59p has been added to both contributions. Thereby resulting in a contribution of £263,153.09 towards Education and £102,034.91 towards Plan and Open Space. This ensures that both Education and Play and Open Space received commensurate funding for their respective service areas.

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

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

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

Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 20%, but that this figure may be negotiated on a site by site basis taking into account a number of factors.

It is considered that the 13% proposed does allow for a number of affordable units to be provided. The Viability Assessment has been assessed and it has been confirmed by an independent viability consultant that the full 20% target would mean that the scheme would be un-viable and it is on these basis only that a 13% provision is considered acceptable in this case.

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

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

It is also important to consider maintaining the Council's five year housing land supply position and its current shortfall in terms of the delivery of a minimum of 1120 new dwelling within Hinckley. It is considered that the proposed development of 122 dwellings would make a significant contribution to this requirement and help to contribute to maintaining the 5 year supply of housing land. As such bringing forward this scheme has a number of benefits, albeit with a reduction in the quantum of infrastructure.

It is considered, that having regard to the Viability Assessment and the advice at paragraph 173 of the NPPF requiring decision makers to have regard to the need to provide competitive returns to developers and landowners that providing full contributions in respect of a toucan crossing and travel packs and a reduction in affordable housing, education and play space is in this specific case acceptable.

As such on the basis of requests to the considered CIL complaint and the Viability Appraisal, should members be minded to approve this application a Section 106 Agreement will progress to secure the following:-

- Affordable Housing (16 affordable units)
- Play and Open Space (£102,034.91)
- Education (£263,153.09)
- Travel Packs - £52.85 per pack (£6,447.70)
- Toucan Crossing (£26,500.00)

Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that all residential developments within Hinckley will be required to comply with Code Level 4 of the Code for Sustainable Homes from 2013 - 2016. A condition to this affect is imposed.

The applicant has been informed that the scheme would be subject to such a condition in order for them to consider associated costs, given the applicant's claim of viability of the scheme.

Recycling, Waste Collection and Storage

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As 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.

Letters of Representation

In response to the letter of objection raised, the number of access points to the meadow area have been reduced during the course of the application. In respect of highway improvements to Coventry Road, the development will need to be undertaken in accordance

with the visibility splays and other justified measures suggested by the Director of Environment and Transport (Highways).

Conclusion

In conclusion, the adopted Core Strategy requires the allocation of land for the development of a minimum of 1120 new homes and the proposed development of 122 dwellings would make a significant contribution to this requirement. It would facilitate the re-use of a previously developed site in a highly sustainable location adjacent to the town centre and is therefore supported by planning policy. The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, public play and open space facilities, education, pedestrian crossing and travel packs. The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that outline permission be granted, subject to the imposition of planning conditions.

The application is accompanied by a PPA allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, education, travel pack and pedestrian crossing improvements the Development Control Manager be granted powers to issue outline consent, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation of 122 new homes, would not have adverse impacts upon flooding, ecology and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

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

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 15, 16, 19, and 24.

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan (2011):- Policy Spatial Objection 1, Policy 12b.

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 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 unless otherwise agreed in writing by the Local Planning Authority.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Location Plan drawing no. 2903-100 received by the Local Planning Authority on 7 January 2013 and amended details: Illustrative Site Plan drawing no. 2903-102 rev C received by the Local Planning Authority on 21 February 2013.
- 4 No development shall commence until a detailed scheme including drainage plans for the disposal of surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has first been submitted to and approved in writing by the Local Planning Authority and these works shall be implemented in accordance with the approved scheme.
- 5 No development shall commence until a Code for Sustainable Homes 'Pre-Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 4, has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 6 No development shall commence until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.

- 7 No development shall commence until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with and implementation programme. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.
- 8 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 60 metres shall be provided at the junction of the access with Coventry Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained thereafter. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 9 Before the start of the development, facilities shall be provided and maintained during the carrying out of the development to enable vehicle wheels to be washed prior to the vehicle entering the public highway.
- 10 Before first occupation of any dwelling hereby approved, the off-site highway works as shown on the Redwood Partnership drawing REDW-3055-103 shall be provided and available for use.
- 11 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 12 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 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, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 5 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026 Core Strategy 2009.
- 6 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001

- 7 To ensure that landfill gas does not cause impacts to future users of the site to accord with Policies BE1 (criterion c) and NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to Condition 6 advice from Health and Environment Services can be viewed via the following web address: - <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 6 If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed.

- 7 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. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.
- 8 Notwithstanding the indicative plan submitted this consent grants permission for residential development only and does not grant approval for the number of dwellings.

Contact Officer: - Ebony Mattley Ext 5691

Item: 03

Reference: 12/01121/FUL

Applicant: Mr Roger Neep

Location: Forest View Farm Peckleton Lane Desford

Proposal: Erection of 1 No. wind turbine measuring 24.6m to the hub and 34.2m to the tip and associated kiosk

Target Date: 22 March 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated more than five objections.

Application Proposal

Full planning permission is sought for the erection of a 1 no. three bladed wind turbine. The turbine measures 24.6 metres to the hub and 34.2 metres to the tip with 9.6 metre length blades.

The blades and hub would be glass fibre reinforced plastic, would be signal white (RAL 9003) completed with a gloss finish whilst the mast will be constructed in galvanised steel and would be traffic white (RAL 9016) with a semi-gloss finish.

The turbine has a predicted 30 year life span.

A cabinet kiosk containing the control panel for the turbine is also proposed measuring 2.13 metres in height by 2 metres in length and 1.08 metre in width. It is proposed to be constructed of glass reinforced plastic with a green finish.

Access will be taken for the existing access point serving Forest View Farm off Peckleton Lane which will pass through the farm complex and run along an existing informal track which is also the route of definitive public footpath R99.

For the avoidance of doubt the connectivity route to the grid has not yet been finalised but will be under ground. The applicant has confirmed that they would be prepared to provide the details as part of a pre commencement condition.

During the course of the application the applicant has produced a plan showing the distances to the nearest residential properties and a statement seeking to address concerns raised by residents. Re-consultation was undertaken on the additional information with the parish and neighbouring properties for a period of 10 days.

Following concerns expressed by officers, during the course of the application the applicant has confirmed that the siting of the turbine has not been changed but that the scale on the site location plan was incorrect and as such has amended the scale of the site location plan accordingly. In addition, a plan showing the extent of the shadow flicker has been submitted at the request of officers. Re-consultation has been undertaken with the Parish, all neighbours and Directorate of Chief Executive, LCC (Ecology) for a period of 10 days.

The Site and Surrounding Area

The turbine is proposed to be sited in an agricultural field in the ownership of Forest View Farm. The site is located to the north west of the farm and to the east of Peckleton Lane.

Footpath R98 is located to the north east of the turbine and footpath R99 along the proposed access track to the south of the turbine. The base of the turbine is located approximately 50 metres away from the nearest public footpath.

The nearest residential properties are located to the north west along Peckleton View and Meadow Way, with 'Oak View', 'The Bungalow' to the east of Peckleton Lane, located to the south west of the turbine.

Land levels vary within the immediate vicinity of the site, and vary along Peckleton Lane. As such the site sits higher than that of the nearest residential properties along Meadow Way.

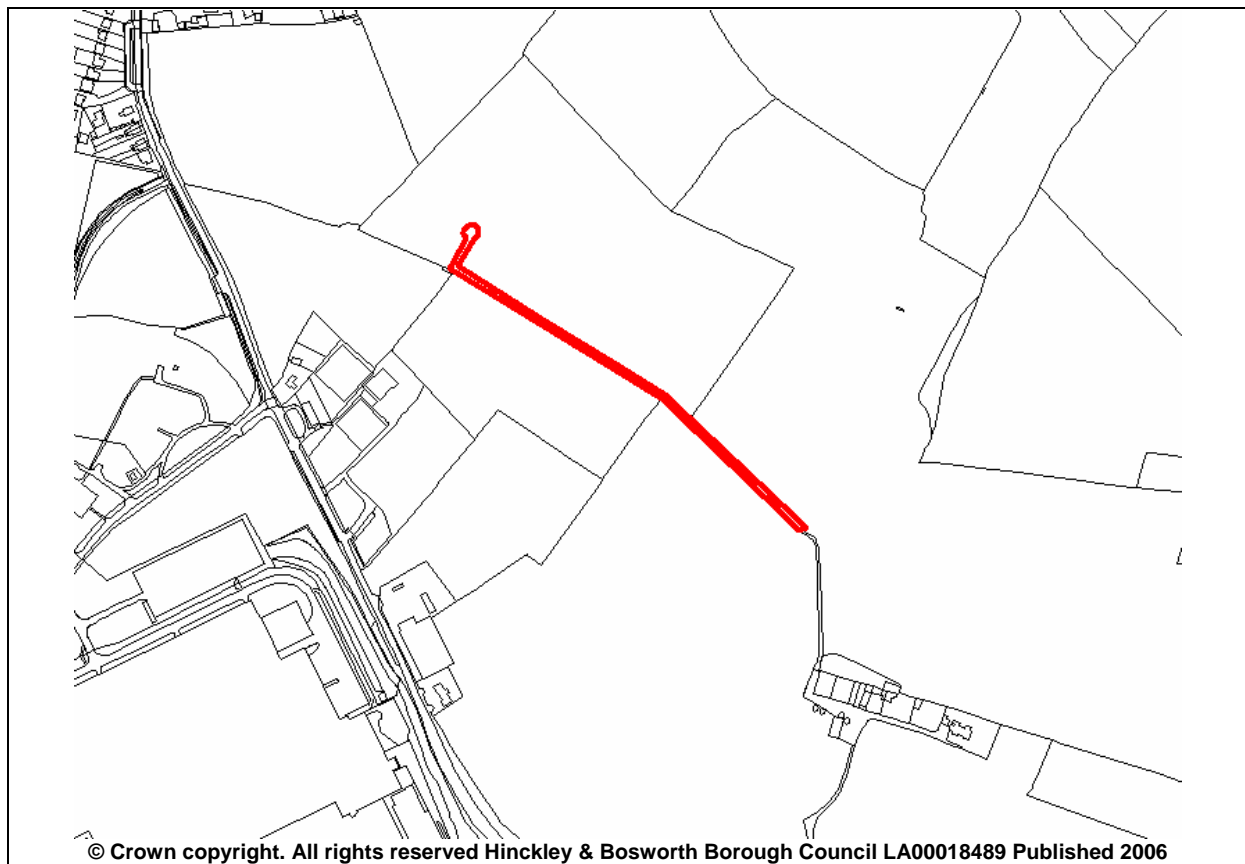
The application site lies outside of the current settlement boundary of Desford, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

Technical Documents submitted with application

Design and Access Statement
Ecology Report
Landscape and Visual Impact Assessment
Noise Impact Assessment
Aviation Risk Assessment
Aviation Risk Report

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Joint Radio Company
NERL Safeguarding
MOD Safeguarding
Director of Chief Executive (Archaeology)
Directorate of Chief Executive, LCC (Ecology)
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from:-

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

English Heritage have confirmed that they do not wish to offer any comments on this occasion and that the "application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

Ten letters of objections have been received raising the following concerns:-

Visual Impact

- a) intrusion into the countryside
- b) visible and unnecessary eyesore
- c) turbine sited too close to residential properties

- d) turbine should be sited nearer to the farm and the south where there is land owned by the applicant and already a light industrial area
- e) visual impact assessment is completely inaccurate - it states that the applicant's own house is likely to be the property that is most affected by the application which is not true
- f) the assessment fails to show the impact of the turbine from our houses
- g) the measurement of 239 to our property fails to show the impact of the proposed turbine from our house it is the opposite end of our plot to the turbine so in fact it will be much closer if measured from the boundary of our land around 200 metres
- h) there is a noise assessment taken from our boundary but not corresponding visual assessment. It is not included but it would show the true and devastating impact of the turbine on our property
- i) even according to their own survey the turbine would have significant detrimental visual impact on the landscape and will be seen from many houses.

Other Impacts

- a) overshadowing/overbearing
- b) dust/fumes
- c) interference with adjacent property
- d) detriment to Conservation Area;
- e) loss of public amenity given proximity to footpaths, bridleway, sports club and houses
- f) loss of residential amenity
- g) loss of privacy
- h) other infrastructure deficiency
- i) poor design
- j) traffic/parking
- k) adverse health effects on residents
- l) long term detrimental impact on the people living nearby
- m) contrary to Policy BE27 criteria b and c.

Noise

- a) noise and disturbance impacts
- b) low frequency noise
- c) infrasound
- d) monotonous noise at this level would be intolerable
- e) the turbine is double the measured background noise
- f) in this locality sounds travel around like in an amphitheatre allowing a distance sound to be heard as if it was next to you
- g) assessment measurement could not come close to giving representative results unless done at all affected premises 24/7 for 12 months
- h) ETSU-R-97 does not seek to protect neighbours' amenity and the noise limits suggested exceed the levels necessary to preserve amenity.

Distances

- a) nearest properties are Oak View - 220 to the south west; The Bungalow - 265 metres to the south west; Meadow Way - 220 metres to the north west and the properties on Peckleton Lane - 330 metres to the west
- b) PPS22 Companion Guide to PPS22 recommends a minimum distance separation of 350 metres
- c) separation distance of at least 2km between a turbine and residential property
- d) location has been chosen without due regard to National Guidelines for the installation of wind turbines which considers both technical and environmental constraints

- e) House of Commons Library document SN/SC/5221 dated 5 July 2012 suggested a practical minimum distance of 350 metres.

Shadow Flicker

- a) shadow flicker analysis has been provided for mid summer, mid March to September and mid winter
- b) the recommendation that shadow flicker within 500 metres of a turbine should not exceed 30 hours per year of 30 minutes per day is not met for Meadow Way, Desford
- c) light flicker to properties north of the turbine have not been fully considered
- d) ground levels significantly higher in comparison to my property, turbine could appear to be 6-8 metres higher than it actually is.

Wildlife

- a) great disturbance to the wildlife
- b) loss/damage to trees.

Consultation

- a) no doubt only a handful of residents will have been made aware of this application
- b) the applicant as a matter of common courtesy should make residents aware of the proposal.

Policy on Wind Turbines

- a) no policy in place regarding the minimum distance a turbine should be sited from a residential property
- b) members have made it clear that they did not intend to consider any further applications of this nature
- c) council's failure to make progress to clarify its position shows a blatant disregard for the members of the community who it is there to serve
- d) detailed planning policies should be examined and adopted to ensure wind proposals do not have significant long term impact on the amenity of people living nearby and a separation distance of at least 2km from neighbouring properties.

Precedence

- a) the approval of wind turbine at Park Farm, Desford should not be seen as a precedent
- b) the floodgates have been opened within this area for turbines.

Other

- a) from experience, no doubt what objections are raised the planning officer will recommend approval
- b) when there are applications for huge wind turbines close to the officer's houses they may begin to understand and appreciate our concerns, but until then there is no confidence in the planning officer's stance
- c) the benefit of one turbine is negligible.

As a result of the re-consultation on amended and additional plans four letters of objections have been received raising the following concerns:-

- a) too many turbine applications in Desford
- b) too close to the village boundary

- c) distraction to road users
- d) prominently Visual
- e) noise levels, impact upon sleep deprivation and vibrations
- f) damage to wildlife
- g) health
- h) have the Council sent letters to every house on Peckleton Lane and Forest Rise?
- i) significant part of the garden falls within the shadow flicker area
- j) the applicant claims that the view of the turbine would be screened by a hedge - the hedge in question is a leylandi and we are under pressure to reduce the height from the Sports Centre
- k) the applicant has acres of land away from housing on which to site the turbine, this location is not suitable
- l) the photo view points do not give an indication of size; photos are misleading in terms of scale size and general view and others just shows an arrow
- m) photos have been taken from places that ensure that the turbine cannot be fully seen
- n) set precedence for future development
- o) effect house values
- p) drainage
- q) why is the turbine sited closer to the houses than the farm itself, should be re-located closer to the farm.

As a result of the re-consultation, the consultation period remains open at the time of writing and closes on 7 April 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from Desford Parish Council.

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)

Local Plan 2006-2026: Core Strategy 2009

Core Strategy Spatial Objective 12

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy BE12: Scheduled Ancient Monument and Nationally Important Archaeological Sites
 Policy BE27: Wind Power
 Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Sustainable Design (SPD)

Other Material Policy Guidance

Landscape Character Assessment 2006

Other Guidance

Kyoto Protocol
Parsons Brinckerhoff Report March 2011

Appraisal:-

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

Principle of Development

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

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

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

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

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

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

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

More specifically, the Companion Guide to PPS22 recognises that renewable energy projects and those in particular for harnessing wind energy by wind turbines make a significant contribution to electricity supply systems in the UK. In addition, it states that the

UK is particularly well placed to utilise wind power, having access to 40% of the entire European wind resource. With regards to location requirements this guide states that the successful introduction of renewables in all parts of England will involve the installation of different kinds of schemes in different contexts, from rural areas to densely populated areas.

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

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

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

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

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

The accompanying Design and Access Statement states that the turbine is estimated to produce capacity of around 168,927 kWh of electricity per year, enough to provide electricity for approximately 51 dwellings annually.

In summary, there is specific planning policy support for the development of renewable energy projects both at national and local level and it is considered that the proposed erection of one 50 kw wind turbine would contribute to the overall outputs of renewable energy, whilst also bringing benefits to the existing equestrian business, consistent with national and local planning policy. Accordingly whilst there is no in-principle objection to the use of renewable, wind energy, which is a national, regional and local priority, this must be carefully balanced against all other planning matters being adequately addressed.

Impact upon the Visual Landscape

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

Saved Policy BE27 requires that wind turbine development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints.

Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 98 within the NPPF also states that when determining wind turbine planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

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

The site does not have any national designations. The site falls within 'Character Area 94: Leicester Vales' and the National Landscape Classification sets out the key broad characteristics of the area. At a more localised level, the Hinckley and Bosworth Character Assessment identifies the area as being the 'Desford Vales Character Area'.

The document is an evidence base document and whilst not therefore material in the determination of the application it provides a useful contextual background in respect of the application of applicable development plan policies.

The Hinckley and Bosworth Character Assessment describes the areas as a predominantly rural landscape occasionally influenced by development features, isolated quarries and industrial areas which results in a landscape of varied sensitivity and capacity to accommodate change.

As such it is considered that the site does not afford any specific protection through any national designation such as an Area of Outstanding Natural Beauty and that the area can accommodate change.

The accompanying Landscape and Visual Impact Assessment (LVIA) identifies that the local landscape is considered to be of medium sensitivity to the type of proposed development given that whilst it is relatively rural, it is influenced by the large scale employment users nearby. As such the turbine would result in a moderate landscape effect over an area up to approximately 400 to 500 metres from the turbine. Beyond 500 metres the turbine would be a visually smaller element, with views generally restricted by the undulating topography and vegetation, reducing the overall landscape impact to slight/moderate to slight.

The LVIA recognises that clear views of the turbine would be afforded to the nearby rights of way, and the turbine would have greatest impact from these viewpoints, however it is considered that visibility of the turbine from these viewpoints does not necessarily dictate that it would harm the surrounding landscape.

The application is accompanied by a Zone of Theoretical Visibility which states that residential properties to the north west along Peckleton View and Meadow Way including some properties to the west of Peckleton Lane would be able to view the blade tip and nacelle - located on the top of the hub. (The nacelle is a cover that houses all the generating components of the wind turbine). The Zone of Theoretical Visibility shows that Oak View to the east of Peckleton Lane would be able to view the blade tip, nacelle and tower.

Land levels vary within the immediate vicinity of the site, and vary along Peckleton Lane. As such the site sits higher than that of the nearest residential properties along Meadow Way. It is considered that nearby trees surrounding the field provide some screening from certain viewpoints and help detract from the prominence of the turbine, but that given the topography it is considered that the turbine would be visible from those surrounding neighbouring properties.

It is considered that the surrounding site is already subject to intervention by man. Sport in Desford is located to the south west of the site and beyond that a warehouse, including a telecommunications mast, and beyond that lies the Caterpillar plant. To the south east of the site is Forest View Farm and to the north east Desford Secondary School. As such the site is not a truly open and rural countryside location.

In respect of the colour of the turbines, pale colours should be used in elevated locations where they would be viewed against a landscape background. It is considered that the proposed white glossy finishes are industry favourites and reflective of common wind turbine appearances.

In summary, it is considered that wind turbines have to be tall structures to be effective and located away from features which could interfere with the wind speed and flow across the site, which often results in them being prominent within the landscape. As such, it is acknowledged that there would be a change and an impact upon the visual appearance of the area. However, given the overall scale of the turbine against the backdrop of existing landscape features such as trees, hedgerows and existing built development, it is not considered that this single turbine results in significant detrimental impacts upon the countryside to sustain a reason for refusal.

The design and materials of the proposed turbine are considered to be acceptable for the nature of the development and within this landscape.

The proposal is considered to be in accordance with Saved Local Plan Policies BE27 (criteria b) and BE1 (criteria a) and central government guidance contained within the Companion Guide to PPS22 and overarching intentions of the NPPF.

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

Impact upon the Historical Landscape

Paragraph 48 within the Companion Guide to PPS22 states that special care will be needed if proposed sites for wind turbines should happen to be near listed buildings or conservation areas. At a local level, Saved Policy BE27 states that planning permission for wind farms and individual wind turbines will be approved where amongst other criteria the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints.

Saved Policy BE12 states that planning permission will not be granted for development which would adversely affect a Scheduled Ancient Monument, this is considered to have a high degree of conflict with the NPPF and as such should have little weight in the determination of this application.

The LVIA states that a scheduled ancient monument - a moated site lies approximately 2.2 km to the north north-west of the proposed turbine location.

The scheme has been considered by English Heritage who states that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

The application has been considered by the Council's Conservation Officer who has no objection to the scheme.

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

Impact upon Designated Landscapes

The scheme has been considered by the Directorate of Chief Executive, LCC (Ecology) who is satisfied with the ecology report and considered no further survey work is required. The Directorate of Chief Executive, LCC (Ecology) has confirmed that the important bird site of Thornton Reservoir and other sites are far enough away to not be impacted by this small turbine and that the known bat roost in the farm buildings is sufficiently distant and not connected to the site by any strong foraging routes for it to be impacted upon.

Following the submission of the amended site location plan to show the correct scale the turbine is now sited approximately 57 metres from the nearest hedgerow to accord with Natural England's advice note on the siting of small turbines.

In summary, given that the turbine bases are small in plan and are sited to ensure that the blades tips are not within 50 metres of an ecological feature that could be used for bats for foraging it is concluded that the turbines will not have any adverse impacts upon any sites of ecological important or protected species. Accordingly the scheme is considered to be in accordance with the overarching intentions of the NPPF.

Archaeology

The scheme has been considered by the Directorate of Chief Executive (Archaeology) who has confirmed that the Leicestershire & Rutland Historic Environment Record (HER) has been checked and does not feel that any archaeological work is required as part of the scheme.

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.

Proximity to Neighbouring Residents

Concerns have been expressed regarding the proximity of the turbine to residential properties.

Although The Wind Turbines (Minimum Distance from Residential Premises) Bill 2012-13 was at the first stage of reading in the House of Lords 14 May 2012, with the date for the second reading yet to be confirmed it is still some considerable way off being a material consideration in relation to such distances

Of current and immediate relevance however is Paragraph 50 within the companion guide to PPS22 which states that a fall-over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. The nearest residential property is located approximately 226 metres away. The height of the turbine to the tip of the blade is 34.2 metres, plus the 10% equates to 37.62 metres. As such the proximity to the nearest residential property is well in excess of this requirement.

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

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

Shadow Flicker

Concerns have been expressed by residents regarding impacts of Shadow Flicker and at the request of officers the applicant has provided a plan during the course of the application to show the extent of shadow flicker.

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

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

Paragraph 76 within the Companion Guide to PPS22 states that shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within 10 rotor diameters of a turbine. To ensure the guidance on shadow flicker contained in 'Planning for Renewable Energy: A Companion Guide to PPS22' was up-to-date, the Government commissioned consultants Parsons Brinckerhoff - following a competitive tender - to carry out a research project to update its evidence base on shadow flicker. The report was published in March 2011 and concluded there are not extensive issues with shadow flicker in the UK. The report found the current government guidance on shadow flicker, which states impacts only occur within 130 degrees either side of north from a turbine, is acceptable. It also found it is widely accepted across Europe that potential shadow flicker is very low more than 10 rotor diameters from a turbine.

The turbines have 19.2 diameter blades and therefore the potential shadow flicker effect could be felt up to 192 metres from the turbine. The nearest residential properties are located 226 metres away, as such the turbine is well in excess of the recommendations and the potential for shadow flicker is very low.

During the course of the application the applicant has provided a plan showing the extent of the impacts of the shadow flicker and there are no residential properties which fall within the 192 metres.

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

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

Noise

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

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

The application has been accompanied by a Noise Impact Assessment which has been considered by the Head of Community Services (Pollution) who raises no objections subject to the imposition of planning conditions requiring that the noise limits provided within the report are not exceeded and conditions requiring a protocol should a complaint from noise arise and associated mitigation.

The conditions suggested by the Head of Community Services (Pollution) in respect of a complaint protocol are considered to be un-reasonable and would fail to meet the rests of Circular 11/95. A condition which provides a cap on the noise levels and monitoring location will provide an appropriate measure to assess whether there has been a breach of condition, should a complaint arise.

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

In summary, it is considered that the provisions of Saved Policy BE27 are considered to be satisfied in this respect. Appropriate conditions should be imposed in accordance with ETSU-R-97 in relation to noise to protect the amenity of residential properties in the area. As such the proposal is considered to be in accordance with Saved Policy BE27 and Central Government guidance contained with the NPPF and the Companion Guide PSS22.

Other Issues

Highway Considerations: Access and Distractions

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

Paragraph 54 within the companion guide to PSS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attentions and that at all time drivers are required to take reasonable care to ensure their own and other's safety. The guide states

that wind turbines should not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

It is considered that by virtue of the scale of the turbines and the distance to the nearest road that there would not be a distraction to road users.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the turbines of highway safety grounds.

The development is not considered to generate traffic likely to exceed the capacity of the highway network or impair road safety as vehicles will only be required for the construction, maintenance and de-commissioning stages.

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

Public Rights of Way

As stated within paragraph 57 of the companion guide to PPS22 there is no statutory separation between a wind turbine and a public right of way, although often 'fall over' distance is considered an acceptable separation.

Footpath R98 is located to the north east of the turbine and footpath R99 along the proposed access track to the south of the turbine.

The scheme has been considered by Director of Environment and Transport (Rights of Way) who states that footpaths R98 and R99 are both situated outside the fall over distance for the turbine and is satisfied that users would not be adversely affected by the proposed turbine.

The Director of Environment and Transport (Rights of Way) has requested that improvements of the surface of footpath R99 to ensure it is suitable for enabling it to carry heavy vehicles should be conditioned, prior to works commencing on site.

It is considered that this is already an existing track, already used by heavy agricultural vehicles and as such it is not necessary. In addition the turbine and farm share the same access route from Peckleton Lane which is already hard surfaced so no loose stones etc on the highway. It is not considered that this is reasonable and necessary to make the development acceptable.

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

Aviation

NERL Safeguarding states that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria and the Ministry of Defence raises no objection.

The MOD requests that details of the date of construction starts and ends is provided and it is considered that a condition can be imposed requiring details of the date of the connection of the turbine to the grid.

Electromagnetic Interference

It is recognised in the Companion Guide to PPS22 that wind turbines can potentially affect electromagnetic transmissions in two ways; by blocking or deflecting line of sight radio or microwave links, or by the 'scattering' of transmission signals.

The scheme has been considered by the Joint Radio Company (a statutory consultee) who do not foresee any potential problems based on known interference scenarios. As such no objections were raised and it is therefore considered that there would not be any significant electromagnetic interference as a result of the proposed development.

Precedent for Further Development

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

Similarly the approval of two wind turbines (ref: 11/00329/FUL) has no bearing upon the determination of this application. This application as discussed within this report has been considered on its own merits.

Letters of Representation

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

The site is not located within a Conservation Area.

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

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

Photomontages have been provided from viewpoints to help aid the likely landscape and visual effects of the proposal. For the avoidance of doubt it is not necessary for viewpoints to be taken from every single angle, and every single distance. The point of photomontage is to provide a visual aid and should ideally be taken from public vantage points, such as roads and footpaths to provide views from which the turbine would be visible to the public.

In respect of the consultation and notification process, only those residential properties which adjoin the site are directly notified and given 21 days to comment and a site notice which was posted after the letters were sent out allows 21 days for any other interested parties to make their representations. Consultation has been undertaken in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010.

In response to health risks paragraph 77 within the Companion Guide to PPS22 acknowledges that around 0.5% of the population are epileptic and that of these 5% are photo-sensitive, and of these less than 5% are sensitive to lowest frequencies of 2.5 - 3 Hz, and that a fast moving three blade machine would give rise to the highest level of flicker frequency which is below 2 Hz. As such given that the highest level of flick frequency is below 2 Hz and the population that are epileptic are sensitive to frequencies of 2.5 to 3 Hz it is not considered that wind turbines cause any significant impacts upon photo sensitive epileptics.

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

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 and local level. It is considered that the wind turbine would contribute towards offsetting the carbon emissions of their agricultural operations at the farm itself, whilst also contributing to the overall outputs of renewable energy targets for the country. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts.

The scheme has been assessed from its landscape and visual impacts, impacts upon areas of historical and designated landscapes, impact upon residential amenity in relation to noise and shadow flicker and other associated impacts including highway and public rights of way considerations, safety and aviation. The scheme is not considered to cause any significant impacts in respect of these considerations and there are no other material impacts identified, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

As such the proposal is considered to be in accordance with Saved Local Plan Policy BE27 and Central Government guidance contained with 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 it constitutes a renewable energy project that contributes towards the regional renewable energy targets for the country, it would not be detrimental to the visual landscape, to sites of historical or scientific importance, to species of ecological conservation or to the detriment of residential amenity or highway safety.

It is considered that the proposed development of a 50 kw wind turbine in this countryside location addresses all of the key issues raised in the Companion Guide to PPS22 in regard to operation and maintenance, noise, landscape and visual impact, ecology, shadow flicker, safety and aviation. It will result in a form of development that will allow the applicant to reduce the carbon emissions of their agricultural operations, to produce electricity from a clean and sustainable source and will contribute towards the supply of electricity into the National Grid.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE12, BE27 (criteria a-e) and T5.

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.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: 50 kw Wind Turbine Location Plan drawing no. N37.1-004; 50 kw Wind Turbine Proposed Plans Access Plan drawing no. N37.1-002 received by the Local Planning Authority on 25 January 2013 and amended details: 50 kw Wind Turbine Proposed Plan drawing no. NE7.1-001B received by the Local Planning Authority on 28 March 2013.
- 3 No development shall commence until a scheme for the detailed external appearance of the turbine and cabinet kiosk including materials, colour finish, aviation lighting and turbine foundations is first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 No development shall commence until a scheme showing the siting of the cables, including depth if underground and point of connection to the grid has first been submitted to and agreed in writing in by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5 Written confirmation of the date of the first export of electricity to the grid from the wind turbine hereby permitted shall be provided to the Local Planning Authority within one month of the date of this taking place.
- 6 The noise limits detailed within PDA noise report 7659/0151/01 dated 5 December 2012 shall not be exceeded. The monitoring locations shall be those detailed in section 4.5 of the report 7659/0151/01 dated 5 December 2012 as submitted as part of the application.
- 7 The planning permission hereby granted is for a period of 30 years from the date of the first export of electricity to the grid from the wind turbines hereby permitted, after which time use shall cease and the turbine and associated equipment shall be removed from the site in accordance with Condition 8.
- 8 Not less than one year prior to the expiry of this planning permission a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-
 - a) Decommissioning and works for the removal of the wind turbine
 - b) Decommissioning and works for the removal of all other ancillary equipment and structures
 - c) The depth to which the turbines and ancillary equipment would be dismantled and removed from site
 - d) The depth to which the turbines foundations shall be removed below ground level
 - e) Works for the restoration of the site
 - f) Timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

- 9 If the turbine, hereby permitted ceases to operate for a continuous period of 6 months then a Decommission Method Statement shall be submitted for the written approval of the Local Planning Authority within 3 months of the end of the 6 months cessation period. The scheme shall include details of:-
- a) Log book/records of operations of the turbine over the 6 month period
 - b) Decommissioning and works for the removal of the wind turbine
 - c) Decommissioning and works for the removal of all other ancillary equipment and structures
 - d) The depth to which the turbine and ancillary equipment would be dismantled and removed from site
 - e) The depth to which the turbine foundations shall be removed below ground level
 - f) Works for the restoration of the site.

The Decommissioning Method Statement shall then be implemented within 12 months of the date of its approval by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the absence of full details and in the interests of visual amenity in accordance with Policies BE27 (criterion b) and BE1 (criterion a) of the Hinckley and Bosworth Local Plan 2001.
- 4 In the interests of visual amenity in accordance with Policy BE1 (criterion a) of the Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety to accord with the Companion Guide to PPS22.
- 6 To protect the amenity of residents in accordance with Policies BE27 (criterion c) and BE1 (criterion i) of the Hinckley and Bosworth Local Plan 2001.
- 7&8 The planning application has only been made for a 'life span' of 30 operational years to prevent unnecessary clutter in the landscape in accordance with Policies BE27 (criterion b) and BE1 (criterion a) of the Hinckley and Bosworth Local Plan 2001.
- 9 To prevent unnecessary clutter in the landscape in accordance with Policies BE27 (criterion b) and BE1 (criterion a) of the 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 will be responsible for ensuring that footpath R99 remains usable at all times and free access can be exercised safely by pedestrians, while works associated with the improvement of the surface are being undertaken.

The applicant should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath R99 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal

Contact Officer: - Ebony Mattley Ext 5691

Item: 04

Reference: 13/00015/HOU

Applicant: Mr A S Lehal

Location: Fircroft Barlestone Road Newbold Verdon

Proposal: Extension and alterations to dwelling

Target Date: 26 March 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in at the request of a member as the member believes the scheme constitutes overdevelopment.

Application Proposal

Full planning permission is sought for the erection of a two storey side extension to create a games room/play area for the ground floor and meditation, prayer and reading area to the first floor. The existing chimney breast and external chimney stack would be removed as a result of the extension.

Following concerns raised by officers the application has submitted revised plans showing:-

- a) reduction in length of the extension from 16.1 to 14.2 metres
- b) reduction in width of the extension from 6 to 5 metres

- c) large windows replaced with bay windows to the front elevation
- d) double doors and side panels incorporated into the rear elevation
- e) alteration to roof design.

Re-consultation has been undertaken with the parish and neighbouring properties for a period of 10 days.

The Site and Surrounding Area

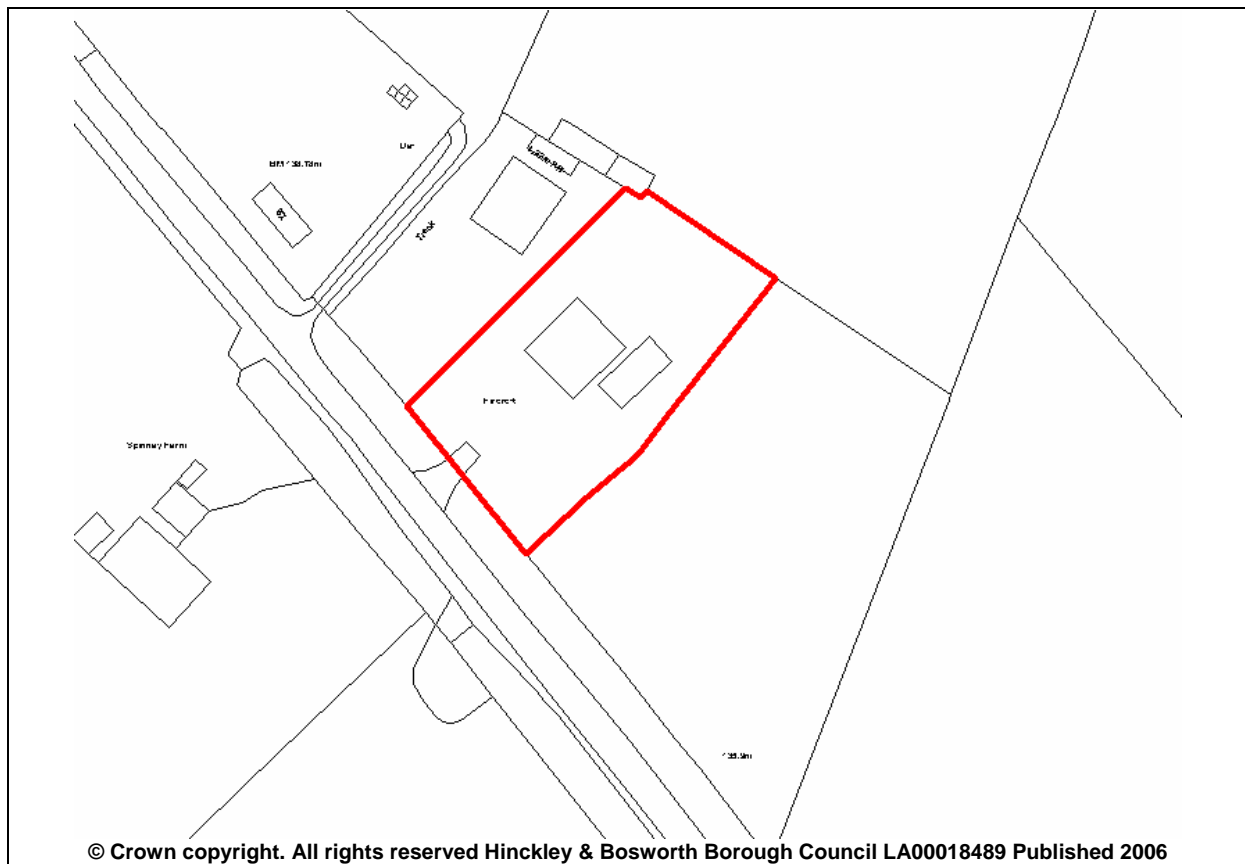
The site is located and accessed from the north of Barlestone Road. The dwelling that the application relates to is set approximately 24 metres back from the highway with a detached garage to the east. Stables and outbuildings are sited to the north west of the dwelling. The site is located outside of the settlement boundary of Newbold Verdon and within the countryside, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is not accompanied by any technical documentation.

Relevant Planning History:-

13/00023/UNBLDS	Unauthorised Building	Pending	
10/00203/COU	Change of use of agricultural unit to Commercial office and light industrial use	Withdrawn	11.06.10
01/01192/FUL	Erection of replacement stables building	Approved	30.01.02
01/00433/FUL	Two storey rear extension	Approved	20.06.01
00/01184/FUL	Erection of detached garage	Approved	15.01.01
00/00779/FUL	Extension to dwelling	Approved	06.09.00



Consultations:-

Newbold Verdon Parish Council have confirmed that although the plans have been reduced to some extent, this still does not take account that previously the property was extended by more than the original footprint i.e. two thirds larger than the original property. Newbold Verdon Parish Council consider that this proposal will then increase the size to well over permitted development rights and that a change of use is required as it is being used to run as a business.

Ward Councillor Crooks raises the following concerns:-

- a) previous schemes have more than double the size of the property
- b) previous schemes were not built in accordance with approved plans
- c) HBBC have failed to take action previously
- d) issues with the stable on site
- e) the garage on site which contains windows and the portable building
- f) this scheme is unlikely to be built in accordance with the plans
- g) the applicant is making a mockery of HBBC
- h) concerns over the burning of plastics and polystyrene from their business operations
- i) request for site visit and a thorough investigation into the whole of the site
- j) action regarding the un-authorized portacabin and business use.

Site notice displayed and neighbours notified.

No representations from neighbouring properties or other interested parties have been received.

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 within the Countryside
Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

House Extensions (SPG)

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations with regard to this application are the principle of development, siting and design and impact upon the countryside, impact upon residential amenity and other matters.

Principle of Development

The site lies outside of the settlement boundary of Newbold Verdon and therefore in an area designated as countryside, however the NPPF is supportive of sustainable development and this scheme proposes an extension to an existing dwelling. As such there is no objection in principle to the development proposed in this setting.

Concerns have been expressed over the use of the extension, as the rooms proposed are for games room/play area and meditation and reading area. There is no supporting documentation, or evidence to suggest that the extension would be for the use of anything other than additional domestic rooms, and this application considers only the extension to an existing residential property.

Siting and Design Impact upon the Countryside

The design criteria i-iv within Saved Policy NE5 remains 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.

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the

surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This policy consideration ties in with the intentions of paragraph 53 of the NPPF for Local Authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

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.

The Council's Supplementary Planning Guidance on House Extensions states that when an application is received for an extension, the Council must consider the impact the extension will have on the neighbourhood and it is recognised that sensitivity and care must be encouraged to ensure the massing, scale and design complement the existing built environment. The SPG also states that:-

- a) The extension should respect the scale and character of the existing dwelling and streetscene.
- b) A new extension must be subordinate in size to the existing house to ensure it will be in visual harmony.
- c) The roof of the extension should reflect the main house.
- d) The ridge and eaves line of the extension must be level or lower than the ridge and eaves line of the original house.

Following concerns raised by officers, the applicant has produced revised plans which shows a reduction in the length and projection of the extension, so that it no longer projects beyond the rear of the property and is also set back from the front of the main dwelling.

Following the revision it is considered that the extension now appears subservient in scale to the main dwelling and incorporates design features of a two-storey projecting bay which is reflective of the character of the front of the existing dwelling.

The main hipped-roof design and roof feature to the projecting two-storey bay is now reflective of that of the main dwelling and ensures that the extension is incorporated to the dwelling, rather than appearing an incongruous and freestanding mass to its side. In addition the overall ridge height is lower than the ridge line of the existing dwelling, ensuring the extension appears subservient.

The design approach is considered reflective of the design and character of the property from which it projects using matching materials.

The site is surrounded by native hedgerows and the dwelling is set back from the road frontage by approximately 24 metres. Given the setback and the screening provided by existing landscaping it is not considered that the extension would appear a prominent feature in the street scene or from the countryside beyond.

In response to the concerns raised by Councillor Crooks in respect of overdevelopment, the scheme is sited in a large plot and would not contravene any specific separation distances, and by virtue of the scale of the extension would not reduce the level of amenity space for the property nor as discussed above would it unduly compromise the character and appearance of the existing dwelling in anyway. For these reasons it is not considered that the scheme would constitute an overdevelopment of this site, and would be in accordance with paragraph 53 of the NPPF as well as guidance contained within development plan policy.

In summary, the revised scheme shows an extension which by virtue of its scale and design is considered to respect the scale, character and appearance of existing dwelling and is not visually prominent or have an adverse impact on the appearance of the surrounding countryside.

Accordingly the scheme is considered to be in accordance with Policies NE5 (criteria i-iii) Policy BE1 (criterion a) SPG on House Extensions and overarching guidance within the NPPF.

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.

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

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

Letters of Representation

In response to concerns raised by Newbold Verdon Parish Council, the scheme is over the size allowed by permitted development which is why planning permission has been sought. The other concerns raised relate to previous extensions to the property and the claim over the site being used as a business is being considered by the Council's Enforcement Team.

Similarly in response to Councillor Crooks, the porta cabin is under investigation by the Council's Enforcement Team ref: 13/00023/UNBLDS.

Whether or not previous applications were carried out in accordance with the plans, the scale of them or whether they have or are subject to enforcement investigations is not a material planning consideration within the determination of this application.

Other Matters

Given that there are no increases in the number of bedrooms to the dwelling then there is no requirement to consider the number of car parking spaces on site.

Conclusion

In conclusion, the principle of this development to an existing dwelling is considered acceptable and the development is considered to respect the character and appearance of the existing dwelling and would not have any adverse impact on the street scene, surrounding countryside or the occupiers of neighbouring dwellings and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development, would respect the scale, character and appearance of the existing dwelling and would not have any adverse impacts on the countryside, the street scene, surrounding countryside or the amenities of neighbouring dwellings.

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

Local Plan 2006-2016: Local Development Framework: House Extensions (SPG).

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 drawing no. 10/12/12/4560 received by the Local Planning Authority on 29 January 2013 and amended details, as follows: Site Plan drawing no. 10/12/12/4560; Proposed Roof Plan drawing no. 10/12/12/4560 and Plans and Elevations drawing no. 10/12/4560 received by the Local Planning Authority on 4 March 2013.
- 3 The materials to be used on the external elevations of the development, hereby approved shall be those specified within the submitted application form.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

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: - Ebony Mattley Ext 5691

Item: 05

Reference: 12/00935/REM

Applicant: Mr Phillip Goodwin

Location: Land Adjacent Hinckley Golf Club Leicester Road Hinckley

Proposal: Substitution of plots 93, 94, 98, 107, 112, 116, 120, 142, 148, 149 and 156 of planning permission 11/01023/REM

Target Date: 2 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it seeks permission for more than 10 dwellings and is therefore a major application.

Application Proposal

This is a reserved matters application that seeks consent to change the appearance of 11 plots which form part of the larger residential development at Land adjacent to Hinckley Golf Club, Leicester Road, Hinckley. This application seeks consent to replace 11 of the 'Beauchamp' house type with a 'Bosworth' house type.

The Beauchamp is a three-storey dwelling, with two dormer windows to the second floor, and a central doorway. To the rear there is a two-storey projecting gable element with a lean-to side element. The Bosworth is a three-storey dwelling with two dormer windows at second floor. The Bosworth benefits from a larger porch with a bay window to the front and side elevations, the window arrangement is slightly different than the Beauchamp.

Plots 93, 94 and 98 to the front of the site are included within the red line of this application. These dwellings have already been completed although they are not occupied. The application is therefore part retrospective.

Amended plans have been received re-instating chimneys on plots 107, 112, 116, 120, 142, 148, 149 and 156 and the garage details. A further 10 day consultation period has taken place.

The Site and Surrounding Area

The site is located between the last dwellings on the south side of Leicester Road and the Hinckley Golf Club. The site is formed from three existing fields that are bound by hedgerows and are currently used for agriculture. There is no public access within the site. However, a public footpath runs along the site's southern boundary linking Hinckley Golf Course and Butt Lane. There are a number of mature trees within the sites boundary hedgerows.

This application relates to part of the site, seven dwellings are within the first block south of the access, with the remaining four dwellings located to the east of the site adjoining the golf club.

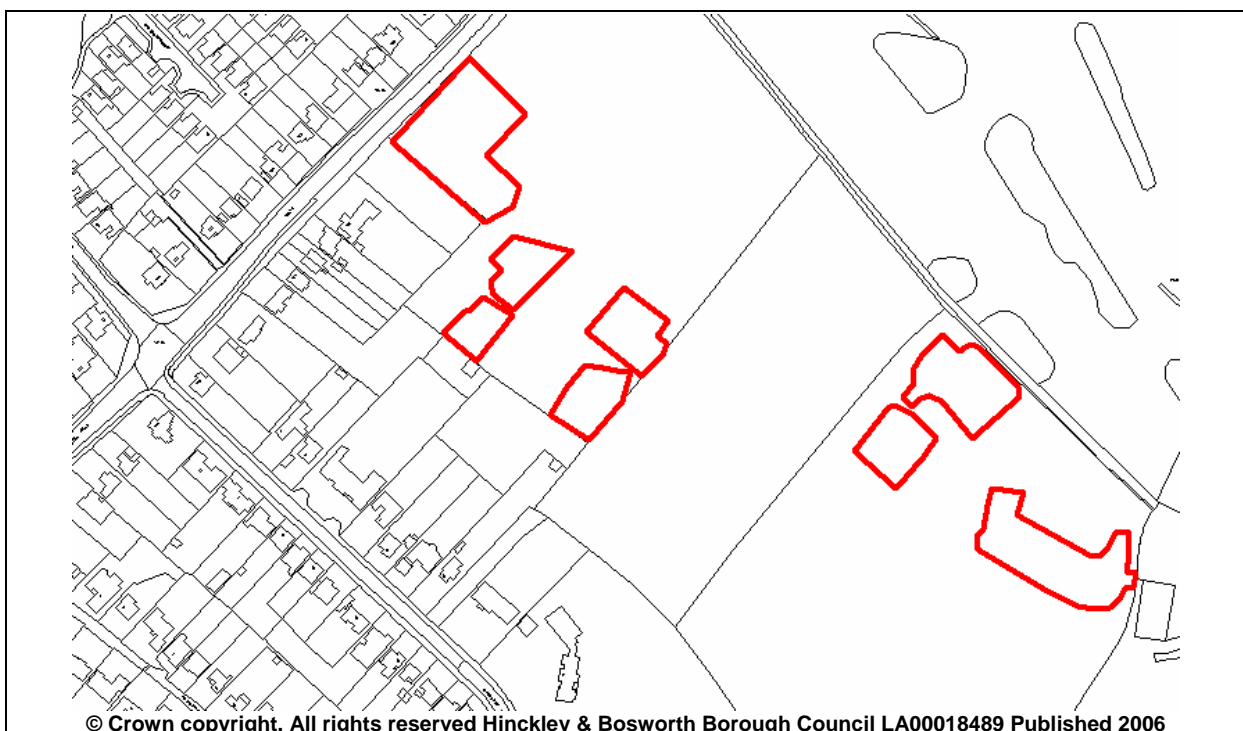
The site is outside the defined settlement boundary for Hinckley and is located within the defined Green Wedge.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

11/01023/REM	Erection of 184 dwellings (scale, appearance, layout, and landscaping)	Approved	03.05.12
10/00661/OUT	Residential Development (Outline- access only)	Refused Appeal Allowed	29.11.10 22.07.11
10/00405/OUT	Residential Development (Outline- access only)	Withdrawn	11.08.10



Consultations:-

No objection has been received from:-

Environment Agency
Severn Trent Water Limited
Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Directorate of Chief Executive (Archaeology).

Site notice and press notice were displayed and neighbours notified.

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

Neighbours
Police Architectural Liaison Officer
Leicestershire Fire and Rescue
National Grid
Cycling Touring Club (CTC).

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 6: Green Wedge
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy REC2: New Residential Development and Outdoor Open Space for Formal Recreation
Policy REC3: New Residential Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Green Wedge Review

Appraisal:-

The main considerations with regards to this application are the impact of the substitution of house types on the design and character of the wider development in which they sit.

The principle of development has been established under the previous outline and subsequent reserved matters applications (planning reference 10/00661/OUT and 11/01023/REM). The principle of development is therefore not a consideration in determining this application.

Impact on Character

The proposal seeks permission to substitute the Beauchamp house type with a Bosworth house type. Both dwelling types are three-storeys with the second floor within the roof space and two dormer windows to the front. Both dwelling types have a projecting rear gable element with a single-storey lean-to section. The Bosworth has a higher eaves height (by 40cm) and ridge height by (20cm) than the Beauchamp and has a front and side bay window. The increase in eaves height has enabled an additional string course to be incorporated above the first floor windows. Both house types have arched solid courses above the windows and pitched canopy above the front door. The two chimney stacks have been removed from the Bosworth House Type.

The increase in the height is not significant enough to be noticeable from the street. The increase is not so significant to detrimentally affect the relationship between the application properties or neighbouring dwellings. Where the application properties are on a corner there is sufficient interest on both elevations to address both street scenes. Accordingly it is considered that the proposal would not detrimentally affect the approved streetscene and complies with Policy BE1 (a).

The application originally sought to remove 11 chimneys from within the development. These were initially sought to provide variation and interest to the skyline. It is understood that plots 93, 94 and 98 have been constructed and as such it is not possible to install chimneys now on these plots. It is considered that the spread of chimneys throughout the comprehensive scheme retains the interest at skyline. Amended plans have been received re-instating chimneys on the remaining plots. It is considered that the amended details are acceptable and in accordance with Policy BE1 (a).

The application seeks to substitute a large three-storey dwelling with a similar three-storey dwelling. The character of the proposals is maintained through other details such as the arched solid course above the windows and string details. It is considered that the proposal respects the character of the original development and is considered to comply with Policy BE1 (a).

Other Issues

Overlooking- The position of the windows in the elevations of the two house types is vaguely similar, and therefore it is not considered that the proposal would result in any decrease of privacy for surrounding occupiers and complies with Policy BE1 (i).

Materials- The application has been submitted with a revised materials schedule for approval. This shows the revised house types being constructed from the same materials as

previously approved on the plots and therefore would respect the character of the wider development and are acceptable.

Archaeology- The Directorate of Chief Executive (Archaeology) has requested conditions be imposed for further trial trenching. This was a condition imposed on the outline consent and the trial trenching has been carried out to the satisfaction of the Directorate of Chief Executive (Archaeology), hence that part of the condition has been discharged. Accordingly it is not necessary to impose such a condition now.

Developer Contributions- The legal agreement that secures contributions to offset the impact on the development on surrounding facilities attached to the outline approval (ref:10/00661/OUT) is not affected by this application and would still apply where necessary to the plots affected by this application.

Conclusion

The application seeks consent to substitute one house type for another. The two house types are of a similar scale and type. There is no change to the footprint, or siting of the dwellings. Given the similarities of the dwellings it is not considered that the proposals would result in the any changes to the character or appearance of the proposal.

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 existing consents and the scale, design and appearance the proposed substitution of house types are considered to complement the existing character of the residential development, without detriment to the amenities of future occupiers. The proposal is considered acceptable

Hinckley and Bosworth Local Plan (2001):- Policies BE1, REC2, REC3, RES5, T5, T9, NE2, NE5, and IMP1.

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 6, 15, 16, 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: -PC 0275/100/1001 Rev A (Site location plan 1:1250), PC 0275/MS - Rev D (materials schedule dated 15 October 2012), PC0275/100/01 Rev B received 31 January 2013. BOS/WKDG/100/80/22 Rev A (plots 94, 98, 107, 112, 120, 142, 149, and 156), BOS/WKDG/100/80/23 Rev B (plots 94 and 98) BOS/WKDG/100/80/23/01 (plots 107, 112, 120, 142, 149, 156), BOS/WKDG/100/80/02 Rev B (plots 93, 116, and 148) BOS/WKDG/100/80/03 Rev C (plot 93) BOS/WKDG/100/80/03/1 (plots 116 and 148) PC0275-300-27 (garages) received 19 March 2013.

- 2 No dwelling hereby approved shall be occupied unless and until car parking provision has been provided in accordance with the planning layout, drawing number PC0275/100/01 Rev B received 31 January 2013. The parking spaces so provided shall be hard-surfaced, not be obstructed and shall thereafter permanently remain available for car parking.
- 3 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
- 4 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure an adequate level of off- street parking provision in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To afford adequate visibility at the access/ junction to cater for the expected volume of traffic in the interests of general highway safety and in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan
- 4 To enable vehicles to enter and leave the highway in a slow and controlled manner in accordance with Policy T5 of the adopted Local Plan

Notes to Applicant:-

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

Contact Officer: - Sarah Fryer Ext 5682

Item: 06
Reference: 13/00090/FUL
Applicant: Mr J Innman
Location: 5 Brindley Road Hinckley
Proposal: Erection of two industrial units
Target Date: 2 May 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

Full planning permission is sought for the erection of industrial units (Use Class B2 General Industrial) measuring 570 square metres in floor space.

The units are proposed to the rear (west) of an industrial unit and proposes 29 no. car parking spaces and 3 no. lorry parking spaces to the front and rear of the site.

The materials proposed are brick and profile sheet with metal-framed windows and steel-clad timber doors.

The Site and Surrounding Area

The site covers an area of 0.31 hectares. Access will be gained from the existing access point from Brindley Road. Car parking is provided to the front and rear of the site at present.

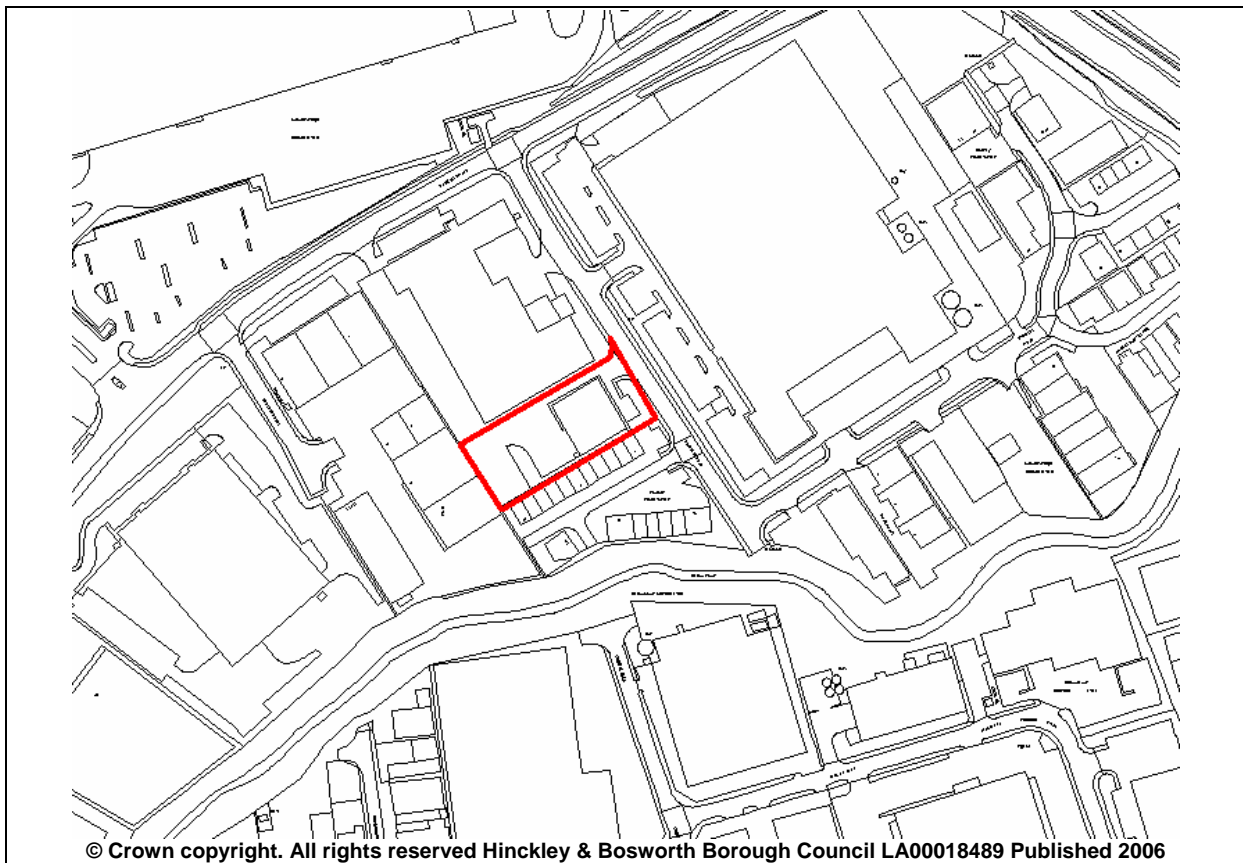
The site is located within the settlement boundary of Hinckley, and within a designated employment site as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

12/01013/FUL	Erection of two industrial units	Withdrawn	06.12.12
94/00580/FUL	Alterations to industrial unit	Approved	25.08.94
83/00446/4	Extension to existing factory and amendment of elevations on planning consent 83/0051/4	Approved	19.07.83
83/00051/4	Extension to existing factory with service yard and parking and erection of two single storey industrial units with parking and service yard	Approved	22.03.83

**Consultations:-**

No objection has been received from:-

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

No objection subject to conditions have been received from Severn Trent Water Limited.

Site notice and press notice were displayed and neighbours notified.

No letters of representation have been received during the consultation period.

Policy:-National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy EMP2: Expansion of Existing Employment Uses

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

The Employment Land and Premises Study

Appraisal:-

The main considerations with regard to this application are the principle of development, siting, scale and design, highway considerations, drainage and flood risk and impact upon residential amenity.

Principle of Development

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

Saved Local Plan Policy EMP2 is relevant to this application and is consistent with the intentions of the NPPF. This policy supports the expansion of existing firms subject to design and layout, impact upon neighbouring amenity and protecting and improving the character of the site and immediate environment.

The site is located within the Harrowbrook Industrial Estate, a designated employment area. The Employment Land and Premises Study seeks to retain the whole site for employment use. The scheme proposes the erection of two industrial units to an existing industrial unit Use Class B2. It is considered that the proposal by virtue of it being for commercial purposes is economic development. It is considered that this would benefit the economic competitiveness of the site which in turn would benefit the wider economy of the immediate area and the Borough.

As such there is no in principle objection for the erection of two industrial buildings, subject to all other planning matters being appropriately addressed.

Siting, Scale and Design

As previously discussed Saved Local Plan Policy EMP2 is considered to be consistent with the NPPF and also should be given weight in consideration of this application. Criteria a and c state that planning permission for development involving the expansion of existing firms will be permitted subject to:-

- a) meeting design, layout, landscaping, access, parking and highway requirements
- c) protecting and where possible improving the character, appearance and quality of the site and its immediate environment.

In addition, Saved Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. It is considered consistent with the NPPF and as such should be given weight in consideration of this application.

The siting of the units is to the rear of an existing industrial unit. The site is also surrounded by industrial units to all elevations. It is considered an appropriate siting where as discussed below only part of the roof span would be visible from Brindley Road.

The existing building occupies a large square footprint with a shallow pitched symmetrical roof form. The proposed units are more rectangular in form with asymmetrical roof form.

The proposed ridge height is higher than that of the existing building by approximately 1.6 metres. However, given the set-back and owing to the shallow pitch of both the existing and proposed the roof height does not appear incongruous with that of the existing. The design of the roof is read in conjunction with that of the existing roof line and the design has intended to give the appearance of a continuation of the existing ridge.

The scheme proposes to project from the southern most part of the rear of the existing unit, projecting some 30 metres. The extension would span 19 metres across the length of the rear façade. Whilst the overall projection in length is larger than that of the unit from which it projects, it is narrower in form, and occupies a smaller footprint by 117 square metres.

It is considered that whilst the height and projection is larger than that of the existing unit, the footprint and width is smaller and overall the scale and design of the unit does not give rise to any significant material impacts upon the existing unit.

The materials proposed are typical of an industrial setting and proposing detailing and colour are to match the existing unit.

In summary, it is therefore considered that the unit would be in keeping with the scale and character of existing buildings and would reflect the existing industrial character of the surrounding area with regard to scale, layout, mass and design. Accordingly the scheme is in accordance with Saved Policies EMP2 (criteria a and c) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policies T5, BE1 (criterion g) and Saved Policy EMP2 (criterion a) are both considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application.

The current access arrangements will remain unchanged. The site at present can accommodate 26 no. car parking spaces.

The scheme proposes 22 no. car parking spaces to the rear, with 2 no. lorry spaces adjacent to the units within 7 no. car parking spaces (including 2 no. for disabled parking) and 1 no. lorry space to the front of the site. Accumulatively 3 no. lorry spaces and 29 no. car parking spaces are proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who states that whilst there is still some concern about the adequacy of the parking/servicing arrangement, in this instance bearing in mind the current situation in and around the site, it would be difficult to sustain a reason for refusal based upon highway safety.

In summary, the Director of Environment and Transport (Highways) has no objection to the scheme and as such the scheme is not considered to give rise to any significant impacts upon highways safety. Accordingly the development accords with Saved Policy EMP2 (criterion a) and T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by Severn Trent who raises no objection to the scheme subject to the imposition of a planning condition requiring drainage plans for the disposal of surface water and foul sewage. It is considered that in the absence of full details and in the interests of drainage and flood risk that such a condition be imposed.

The Head of Community Services (Land Drainage) has no objection to the scheme.

In summary, Severn Trent Water and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of a planning condition. 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.

Impact on Residential Amenity

Both Saved Policies EMP2 (criterion b) and BE1 (criterion i) are considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

There are no neighbouring residential properties impacted upon as a result of this proposal.

Conclusion

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system and help achieve economic growth and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The principle of two industrial units to be used in conjunction with a production facility at a well-established employment site is considered to be in accordance with the overarching intentions of the NPPF.

By virtue of the siting of the units to the rear of the site and the scale and roof design the units are not considered to give rise to any significant visual impacts upon the existing unit, or surrounding area. The scheme does not give rise to any significant materials impacts upon the occupiers of neighbouring dwellings, highway safety and subject to compliance with an appropriate condition drainage or flood risk, and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for 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 principle of industrial units to an existing units unit within an established employment site is acceptable, the scheme is characteristic of the surrounding area and does not give rise to any significant visual impacts upon the existing building on site and would not be detrimental to residential amenity, highway safety or drainage and flood risk.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, i and g) EMP2 (criteria a-c) and T5.

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

- 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 details: Location Map (Scale 1:1250); Location Map (Scale 1:500); Proposed Elevations & Layouts drawing re: Planning 02 received by the Local Planning Authority on 31 January 2013.
- 3 The materials to be used on the external elevations of the units hereby approved shall be strictly those specified within the application.
- 4 No development shall commence until drainage plans for the disposal of surface water and foul sewage have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development first being brought into use.
- 5 Before first use of the units hereby approved, the car parking provision shall be laid out and provided as shown in Proposed Elevations & Layouts drawing re: Planning 02 received by the Local Planning Authority on 31 January 2013 and shall thereafter permanently remain available for such use.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) EMP2 (criterion c) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 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, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 5 To ensure that adequate off-street parking facilities are available to accord with Policy T5, EMP2 (criterion a) and BE1 (criterion g) 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).

Contact Officer: - Ebony Mattley Ext 5691

Item: **07**

Reference: **13/00133/FUL**

Applicant: **Mr Jon Higgins**

Location: **The Chestnuts 25 Mount Road Hinckley**

Proposal: **Retrospective installation of photovoltaic panels to roof**

Target Date: **15 April 2013**

Introduction:-

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

Application Proposal

This application is retrospective for the installation of photovoltaic panels to the roofs of the main building. A group of 8 panels are located on the south (front) elevation cascading in a pair at the top and two groups of 3 below, and 8 panels in 3 rows on the wider eastern elevation on the slopes of a steeply pitched roof.

The property is undergoing alterations and two storey extensions to the west of the existing building changing from a Registrars Office to a children's nursery (approved in February 2012).

The Site and Surrounding Area

Number 25 Mount Road is a 1930's detached two storey property of brick construction and a tiled roof that retains many of its original features. The new extension is set back and subservient to the existing with feature cedar cladding and a low pitched roof.

The southern end of the site fronts Mount Road and the northern end is bounded by the access road to the Council Offices. Immediately adjacent to the east is the Mount Road Baptist Chapel, which has been extended northwards to the majority of the width of the plot. To the west is a semi-detached house, now used for commercial purposes.

In the wider area, Mount Road is predominantly residential, the buildings being mainly 2/3 storey semi detached and terraced Victorian houses. The north side of the road is less densely developed. The Baptist Chapel next door to the site is an exception to the typical development in this local area, it being a comparatively modern low pitched development with no garden space.

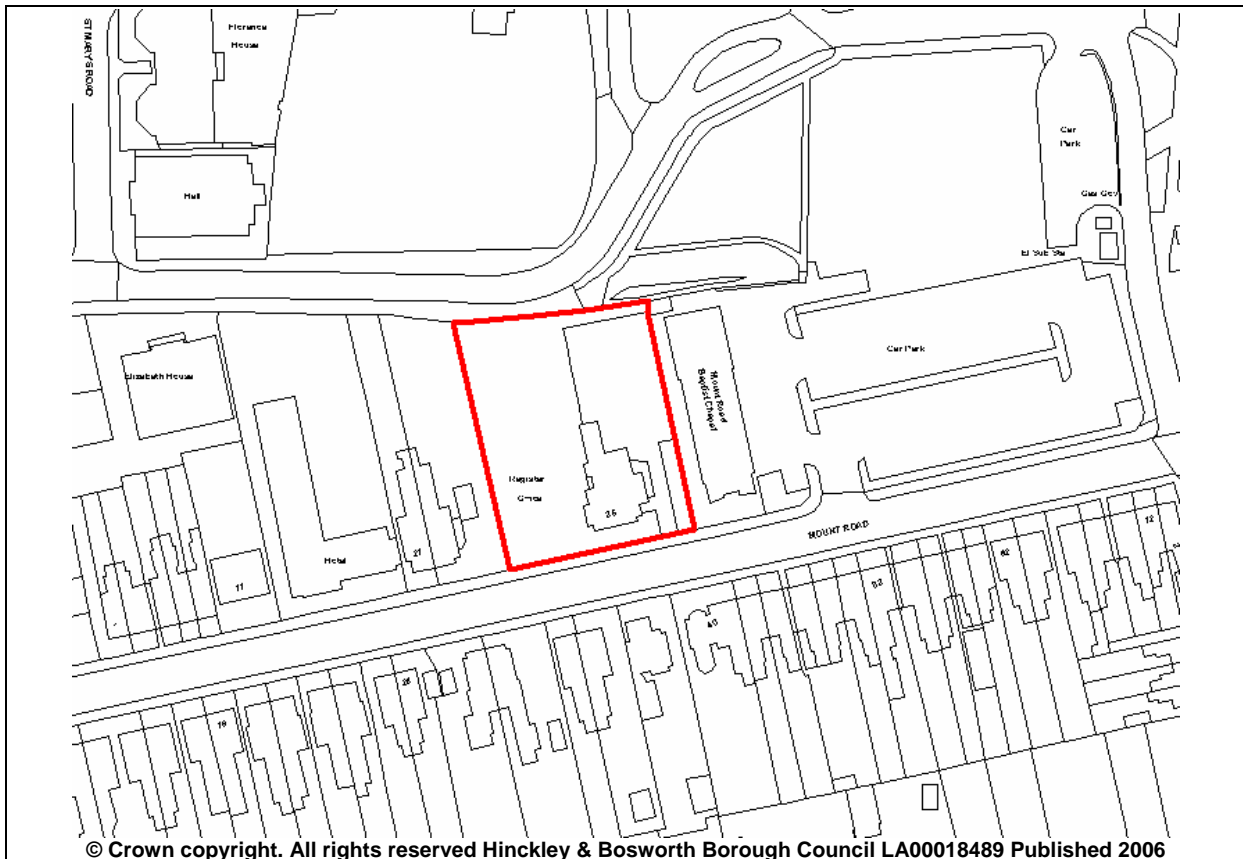
The site is within the Hinckley Town Centre Master Plan area and outside of, but adjacent to, the Hinckley Town Centre Conservation area.

Technical Documents submitted with application

Design and Access Statement.

Relevant Planning History:-

12/00991/FUL	Change of use from registrars office and offices (B1) to children's nursery (D1) including extension and alterations	Approved	09.02.12
77/01050/4	Change of use from residential to offices for the registrar of Births, deaths and marriages	Approved	17.11.77



Consultations:-

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

- a) position of panels will be less effective than originally proposed on the extension
- b) commercial property not domestic - cannot be permitted development
- c) should be subservient to the existing building
- d) no requirement to make a symbolic statement but should comply with legislation and policy
- e) visually intrusive exaggerated by the contrasting materials against the red clay tiled roof.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

Sustainable Design (SPD)

Appraisal:-

The main considerations with regards to this application are the principle of development; sustainability; permitted development; design and impact on character of building and streetscene; and impact on residential amenity.

Principle of Development/Sustainability

National Policy

As stated in the NPPF, the primary purpose of the planning system is to contribute to the achievement of sustainable development. Of the three dimensions to sustainable development, (economic, social and environmental), the environmental role involves contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

There is also support for sustainable development and the sensitive exploitation of renewable energy sources. Paragraph 97 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.

The panels are of a standard suitable design and highly sustainable and the proposal for PV panels fully accords with this policy.

Local Policy

Policy BE1 refers to design and siting which is further expanded upon in the following document.

The Councils Supplementary Planning Document: 'Sustainable Design' of 2008 describes sustainable design as environmentally responsible development, commonly defined as "development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs".

The key objectives are to provide further guidance to existing Local Planning policy BE1 and provide guidance on design which maximises solar gain and incorporates energy efficiency and sustainable technologies. It is also to ensure that new eco-friendly designs remain of benefit to, and in keeping with, the aesthetic environment.

Photovoltaic Cells (PV) technology works towards converting radiation from the sun, i.e. heat and light, into a usable resource of household energy and can generally be applied to any site.

The council welcomes sympathetic PV usage which can cover an entire roof, and is believed to need very little maintenance. It also notes that any development involving listed buildings and those which fall within a conservation area, should always proceed with utmost care.

Again the guidance is complied with.

Permitted Development

Part 43, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012 permits the installation of non-domestic microgeneration equipment. Permitted development is; the installation, alteration or replacement of solar PV or solar thermal equipment on a building other than a dwellinghouse or a block of flats. Therefore this small scale of PV panels would not normally require planning permission.

However it is not permitted if the solar PV would be installed on a roof and within 1 metre of the external edge of that roof. The design statement states that due to the small roofs of the building, the PV array is required to be closer than 1 metre to the external edges of the roof. 16 panels of photovoltaic electricity generation are required in order to meet the requirements of Part L of the Building Regulations 2010.

Originally the panels were to be applied to the new extension and would not have required permission. However it has since been determined that only the roofs facing south (Mount Road) and east (the adjacent Baptist Church) are of suitable orientation and the extension roof is unsuitable due to shading from trees.

Design and impact on the character of the building and street scene

The solid reflective panels will protrude a minimal amount and lie within the roof planes. Being dark blue in colour with grey frames this contrasts with the red/orange roof tiles. However, although they will be highly visible within the street they are accepted features for sustainable development. Overall the design proposed is responsive to its setting and suitably related to the roof design of the existing building.

The development is not sited within the Conservation Area, but the building abuts its boundary. However by virtue of its siting, scale and design the proposal will not have any

adverse impacts on the character of the Conservation Area and therefore will preserve its character.

Impact on Residential Amenity

It is noted that the panels are visible in the street and therefore to a number of residential properties nearby. However, the change in view of the roof is not considered to have an adverse impact on the visual or residential amenities.

Conclusion

In conclusion, the principle of development of this site has been demonstrated to be in compliance with the adopted Core Strategy policies, adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework. There will be no adverse impact upon the character of the building or visual or residential amenity and as such is recommended for approval subject to conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as there will be no adverse impact upon the character of the building or visual or residential amenity .

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

Local Plan 2006-2026: Core Strategy (2009):- Policy 24

Sustainable Design (SPD)

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 approved is retrospective and therefore in accordance with the following plans: 858A01, 858A02 and 858A03 all received on 18 February 2013.

Reasons:-

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

Notes to Applicant:-

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

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

Contact Officer: - Sally Price Ext 5929

Item: 08

Reference: 13/00048/FUL

Applicant: Mr Darren Price

Location: Land East Of Heath Road Bagworth

Proposal: Proposed livestock building with associated landscaping

Target Date: 16 April 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in at the request of a member on highway safety grounds and the size and mass of the building in the countryside.

Application Proposal

This application seeks full planning permission for the erection of a new agricultural building on a roughly rectangular piece of land to the east of Heath Road, Bagworth. The proposed building is to be located close to the northern boundary of the application site and close to the existing field access off Heath Road to the west. The proposed building measures 19.2 metres x 12.2 metres with a ridge height of 5.8 metres and eaves height of 3.8 metres. The building is to be constructed of steel frames with external walls of low level concrete block work with Yorkshire boarding over, green steel sheet roof panels, a feed trough to the west elevation and double steel access doors to the south elevation.

The proposals also involve the setting back of the gated access 10 metres from the highway to the west. This element of the proposal has been carried out together with relocation and reduction of the existing hedge in order to achieve the required visibility at the access.

This application is a resubmission of 11/00635/FUL that was previously refused by members at the planning committee meeting and dismissed at appeal on 15 May 2012. Whilst accepting that agricultural buildings can be acceptable in the countryside, the Inspector considered that, in the absence of adequate agricultural justification, the proposed development and associated vehicular traffic would result in an unacceptable increased risk to those using this part of Heath Road where visibility was inadequate and that the building was intrusive in the countryside. He considered that the evidence provided did not provide a convincing case that the likely benefits of the proposal to the enterprise and to the rural economy would be sufficient to outweigh the harm to the rural landscape.

The Site and Surrounding Area

The application site is located in the countryside to the south west of Bagworth. The site extends to approximately 4.04 hectares and slopes from north to south. It consists of two fields divided by a post and wire fence and laid to grass. There is an existing lean-to type building constructed of timber frame and profiled cladding sheets located in the north-west corner of the site. This structure has open sides to the east and south elevations and appears to be unused and somewhat dilapidated in its appearance. The building measures approximately 11 metres in length, 6 metres in depth and 3 metres in height. The site is bounded by a mature hedgerow to the west fronting Heath Road and by Heath Woods to the north and east. To the south of the site lies a small lake and wetland habitat. Vehicular access is via two existing field gates off Heath Road located along the western boundary of the site.

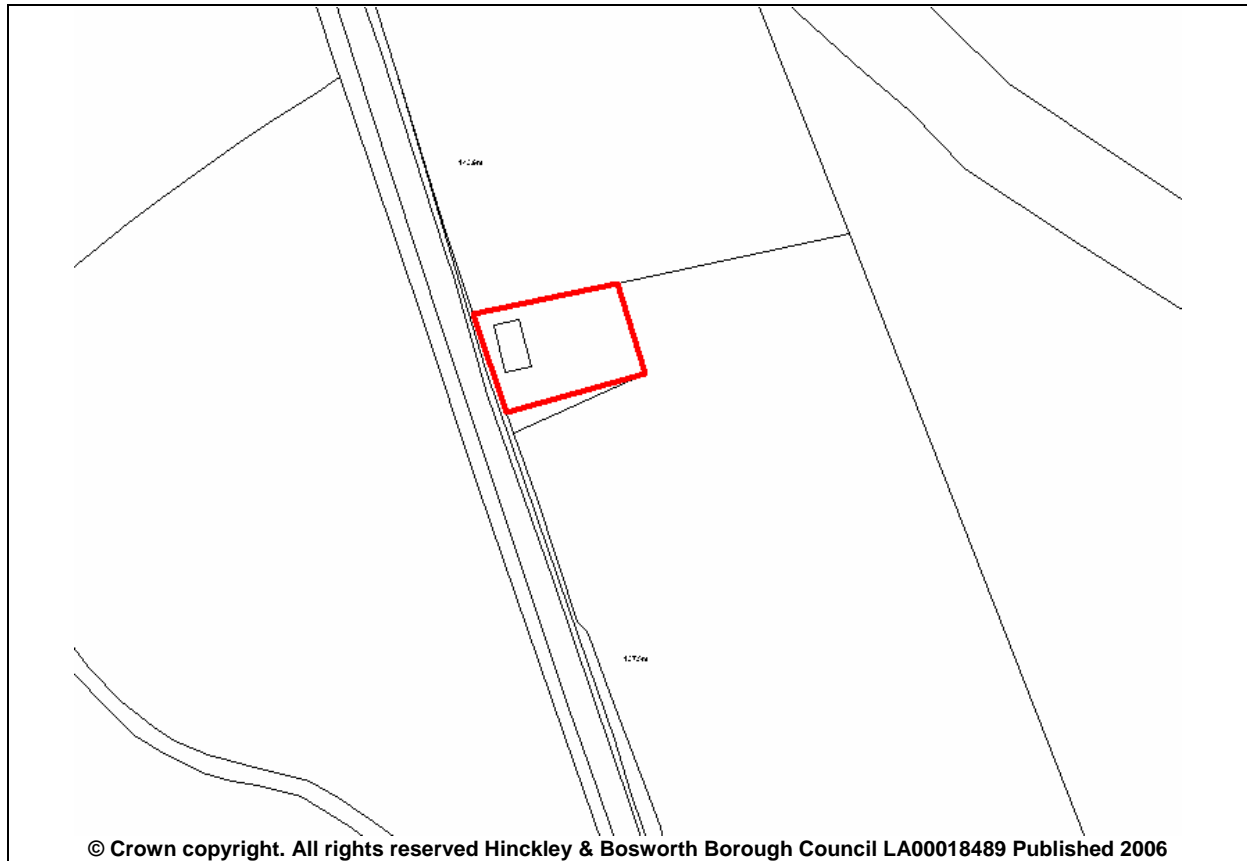
Technical Documents submitted with application

A Planning Statement has been submitted to support the application. It refers to the two issues identified by the appeal Inspector and states that these have now been addressed by carrying out works to the access and visual images of the building. It confirms that agricultural justification has been accepted previously on animal welfare grounds and no further detail is given to support this application, having previously being given.

Previous applications and the appeal set out the background of the applicant and stated that their primary source of income is from the rearing and breeding of cattle and cob horses and that they either own or rent a total of 52.4 Hectares of agricultural land in the area. The previous statement provided a break down of the amount of land that the applicant and their relatives own and rent within Leicestershire and concludes that the north western corner of the site is the most sheltered and well screened aspect and sited close to the existing site access.

Relevant Planning History:-

11/00635/FUL	Agricultural building for livestock	Refused at appeal	15.05.12
11/00166/FUL	Agricultural building for livestock and storage of hay	Withdrawn	19.05.11
10/00770/FUL	Erection of Agricultural Building	Refused	05.01.11
10/00650/FUL	Erection of Agricultural Building	Withdrawn	15.09.10
10/00448/GDO	Erection of Barn for the Purpose required of Storing Hay	Approved	23.07.10
10/00308/GDO	Erection of an Agricultural Building	Approved	20.05.10



Consultations:-

No objection has been received from:-

Environment Agency

Head of Community Services (Pollution)

Head of Community Services (Land Drainage)

The Director of Environment and Transport (Highways) requires further clarification in respect of providing visibility splays.

Bagworth and Thornton Parish Council object regarding destruction of hedgerow, unjustified intrusion into landscape, lack of need for horses.

Borough Councillor O'Shea objects on the following grounds:-

- a) highway safety
- b) size and mass of building within countryside.

County Councillor David Sprason objects on the following grounds:-

- a) no change since earlier appeal dismissed
- b) Outside settlement boundary, within countryside and National Forest
- c) Dangerous access to highway.

Site notice and Press notice were displayed and neighbours notified.

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

- a) destruction of hedgerow
- b) unjustified intrusion into landscape
- c) lack of need for horses
- d) poor access.

At the time of writing this report no comments have been received from National Forest Company.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

The site is in the countryside as defined on the proposals map of the adopted Local Plan.

Policy BE1: Design and Siting of Development

Policy NE5: Development within the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are whether those issues relating to the dismissal of the earlier appeal have been overcome. The main issues in the appeal were the effects of the proposed development on:-

- a) Principle of Development
- b) Impact on Countryside
- c) Highway Safety

Principle of development

Whilst both central government guidance in the NPPF and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural land based activities which require a countryside location, are generally acceptable in principle.

In this case, the planning history of the site relates to buildings that did not relate to an agricultural operation and were not reasonably necessary for the purposes of agriculture at the time.

Notwithstanding the previous applications relating to the site, this application must be determined on its own merits and on the basis of the information submitted, including the additional information submitted in order to justify the proposed agricultural building. The agent has advised that the building will be in addition to the existing shelter which is to be retained. Whilst the erection of an agricultural building on the site may be generally

acceptable in principle, in this case and on the information submitted, it is still considered that the applicant has provided insufficient justification that the agricultural building is required on animal welfare and husbandry grounds.

Therefore, commensurate with paragraph 14 of the appeal decision, whilst the proposed building could provide for over-wintering livestock, the lack of evidence does not provide a convincing case that the likely benefits of the proposal to the enterprise and to the rural economy would be sufficient to outweigh the harm to the rural landscape.

Highway Safety

On the first main issue, the Inspector considered that the proposed development would result in an unacceptable increased risk to those using this part of Heath Road. The harm to highway safety could not be overcome by the imposition of reasonable planning conditions. The proposal would conflict with LP Policies T5, BE1(c) and BE1 (g) concerning safety.

In terms of the current application, although some alterations have been made to the access, which are unauthorised, insufficient technical detail has been provided to allow the Director of Environment and Transport (Highways) to confirm if it is now acceptable.

Highways are aware that the applicant has made some alterations by setting the gates back and has cut part of the hedge to increase visibility. Details of this work were requested but the plans received are at 1:1250 scale and while they indicate visibility splays at 160 metres in both directions, it is unclear how much hedging will need to be cut back to achieve this. Further information has been requested from the applicant and the outcome of the matter will be reported as a late item.

Impact on Countryside

On the second issue, the Inspector found that the proposal would harm the character and appearance of the area. He considered that the proposed building would, by reason of its siting and size, erode the openness of this part of the countryside, and so would harm the landscape

This remains the same and thus the conclusions are the same. No additional details are given regarding landscaping or screening other than a pictorial image showing likely impact.

The existing building to remain is set close to the high roadside hedge, which limits the impact on the wider countryside. The proposed building would be set further into the field and would occupy what is currently an open area. It would be a large building, some 17.9 m long, 12.2 m wide, with a roof ridge height of 5.8 m. Woodland to the north of the appeal site would provide some screening, but the proposed building would be apparent from the road and the footpaths located on lower land to the south-east of the appeal property. The footpaths in this vicinity form part of an attractive recreation area. Notwithstanding that agricultural buildings are a feature of the countryside, it is considered that the proposed building would, by reason of its siting and size, erode the openness of this part of the countryside, and so would harm the landscape. The extent to which the proposed building would contribute towards a prosperous rural economy is therefore a consideration to be weighed against the harm identified.

The Inspector concluded that the proposed development would not accord with the aims of LP Policy BE1(a), which states that planning permission would be granted where the development complements or enhances the character of the surrounding area and no further information is presented that indicates otherwise in this application.

Conclusion

Whilst the erection of an agricultural building on the site may be acceptable in principle, in this case as previously rehearsed at appeal, and on the information submitted, it is considered that the applicant has failed to demonstrate that adequate agricultural justification exists for the proposed building for the stated purposes that would outweigh national planning guidance and local plan policies that seek to protect the character and appearance of the countryside for its own sake and from unjustified intrusion of built form into the open and undeveloped countryside.

As a result, in the opinion of the local planning authority, the proposed development is considered to be contrary to the NPPF and policy NE5 of the adopted Local Plan. In addition, in the opinion of the local planning authority, insufficient detail is provided to show that the access to the site is adequate in terms of highway safety for providing safe access and egress to and from the site to serve the proposed development contrary to policies BE1 (g), NE5 (iv) and T5 of the adopted Hinckley and Bosworth Local Plan.

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 and visual intrusion remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that adequate agricultural justification exists for the proposed building and as a result the proposed development would result in an unjustified intrusion into the open and undeveloped countryside contrary to the requirements of the National Planning Policy Statement and Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer: - Sally Price Ext 5929

Item: 09

Reference: 13/00128/REM

Applicant: Mr Simon Long

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Apparelmaster Ltd Rugby Road Burbage

Proposal: Approval of reserved matters application for the erection of manufacturing facility with associated parking and landscaping

Target Date: 24 May 2013

Introduction:-

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

This application is the reserved matters submission for the provision of a manufacturing facility with associated parking and landscaping.

The outline consent, which was approved on 20 August 2011 under reference 10/00518/OUT, was for a mixed use development comprising up to 375 dwellings, an employment area (use classes B1a, B1c, B2 and B8), a local centre (use classes A1-A5 and D1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.

This proposal seeks approval of the reserved matters for the appearance, layout and scale for the eastern part of the employment site along with the additional landscaping.

The application includes details of both phase 1 and phase 2 of the development, the latter of which includes extending the building proposed under phase 1 of the development along with an enlarged parking area catering for a further 20 cars. A third silo also forms part of phase 2.

The Site and Surrounding Area

In its entirety, the original outline consent extended from Logix Park, to the west, to Rugby Road Park, to the east. It is bounded by the Birmingham to Leicester Railway line to the north, with properties on Westfield Road beyond. To the south is Severn Trent Water Waste Water Treatment Works (WWTW) and existing residential development on the edge of Burbage.

The parcel of land subject of this application has an area of approximately 3.3 hectares and is situated on the western part of the site close to the Ashby de la Zouch Canal, which is located some 70m further to the west. The site is Greenfield in nature with no obvious features.

Access to the site will be via the Logix Park estate road situated to the south of the site. This road, along with the access points and highway improvement works to the whole site, were approved under the outline consent for the site.

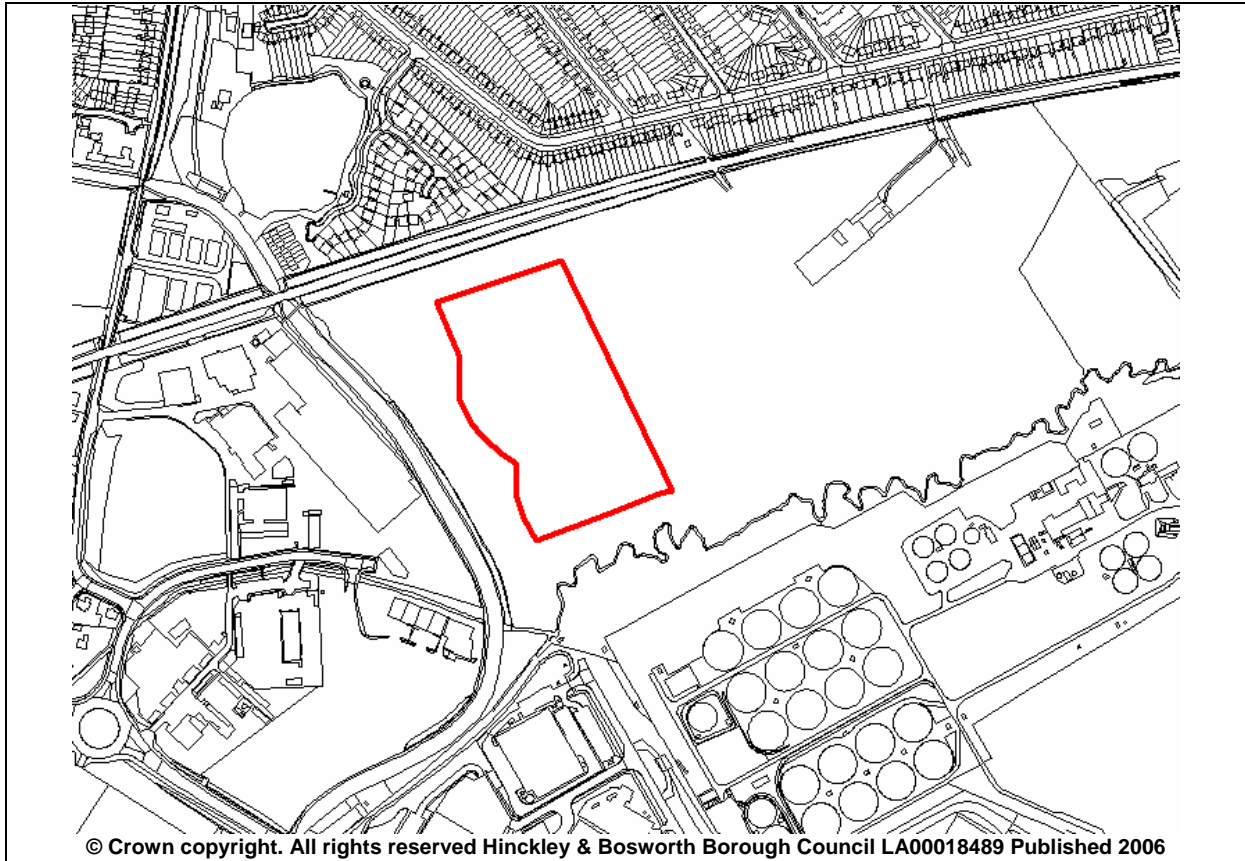
A number of large employment buildings are situated to the south and west of the site.

Technical Documents Submitted with the Application

None relevant.

Relevant Planning History:-

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline-access only)	Approved	30.08.11
11/00856/REM	Primary physical and green a infrastructure details including Sketchley Brook Corridor, access road, structural landscape, open space and remodelling of lake	Approved	11.01.12
11/00857/CONDIT	Variation of conditions 2, 11, 20, 21, 28 and 29 to include the additional wording of 'The relevant part of the' before the word 'development' in each of the conditions	Approved	02.02.12
12/00697/REM	Erection of 212 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space.	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space	Approved	12.12.12



Consultations:-

No objections have been received from:-

Burbage Parish Council
Director of Environment and Transport (Highways)
Ashby Canal Association
Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive (Ecology).

No objections subject to conditions have been received from:-

Environment Agency
Severn Trent Water Limited.

The Head of Community Services (Pollution) - Raise concerns in respect of noise and light pollution.

The Head of Community Services (Drainage) - Raise concerns in respect of surface water run-off.

The application was advertised and neighbours notified and as a result of this publicity one representation has been received. A summary of their concerns are as follows:-

- a) contrary to Development Plan
- b) detriment to the Conservation Area
- c) dust/fumes
- d) noise/disturbance from lorry movements and the plant

- e) light pollution from the site
- f) air pollution/smell from food processing
- g) pollution from the lorry wash facilities
- h) traffic congestion/parking.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 4: Development in Burbage
Policy 5: Transport Infrastructure
Policy 20: Green Infrastructure

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy EMP1: Existing Employment Sites
Policy T5: Highway Design and Vehicle Parking Standard
Policy T9: Facilities for Cyclists and Pedestrians
Policy NE2: Pollution
Policy NE5: Development in the Countryside

Supplementary Planning Guidance

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The issues for consideration for the determination of this application are the reserved matters for layout, scale, appearance and landscaping.

The use of the proposed building for a food manufacturing facility falls within the B2 use class and as such is in conformity with the outline consent. The facility will be used and operated by Greggs PLC to support its high street bakery shops.

Layout

The proposed layout of the building generally reflects the siting of the westernmost part of the employment buildings within the Masterplan that was approved under the original outline consent. Both the Masterplan and this proposal show an area of land to the west that is to be retained and landscaped to include wetlands, woodlands etc; whilst this remains as originally submitted, this falls outside of the red line that identifies the current application site.

In terms of the layout of the building the main characteristic of the proposal is that, visually, attention is drawn to the primary frontage of the factory when approaching from the access road to the south. This frontage accommodates the parking and service areas and, coupled

with the natural habitat areas and the Ashby Canal that are located to the west, an attractive environment that complements the buildings frontage and a sense of space is created.

The separate access road for cars located towards the western tip of the site allows lorries to have dedicated delivery and despatch points. This layout allows safe segregation of both cars and lorries.

The additional landscaping at the southern and western parts of the site appears appropriate within the context of the scheme and will compliment the already approved structural landscaping to the sites periphery and the Canal Side Park.

Scale

The height, scale and massing of the proposal is intended to be reflective of the employment buildings to the south of the site and be sympathetic to and in keeping with the surroundings in respect of the existing landscape features. The scale is in accordance with the scale parameters of the masterplan and the outline consent. The proposed height of the building is 18.6m (max) at the southern end and 15.6m (max) at the northern end. The central part of the building, which accommodates the offices, has a height of 12.2m (max).

The nearest existing dwellings are located on the opposite side of the railway line to the north. These are located on Mallard Drive, Mandarin Close and Strathmore Road. There is a separation distance of over 65m between the closest dwelling and the northern edge of the proposed building. This part of the building will also measure 13.6m at eaves level rising to 15.6m at the highest part of the curved roof.

A Masterplan covering the density, height and use class parameters was submitted and approved within the original outline consent. The parameters for the size of the building in this location identified that the employment building on this site should not exceed 21m in overall height and that the frontage element of the building (western elevation) should not exceed 10m. The submitted proposals appear to be in accordance with the approved Masterplan.

In terms of the impact of the building on nearby residents to the north, it is considered that, having regard to the separation distance of over 65m, the overall height and siting of the building is acceptable and the development is unlikely to adversely impact on occupants of these dwellings by way of dominance, visual intrusion, noise/disturbance, light or odour pollution.

Appearance

A number of the large employment buildings at Logix Park have a modern appearance being predominantly metal clad with a curved roof structure. This is reflected in the proposed building where the southern elevation, which will highly visible when approaching the site from the southern link road, also having a curved roof. The primary western elevation will accommodate the main entrance to the building via the office area. This area has two horizontal lines of windows for the offices and the focal point will be drawn to the entrance by providing a terracotta brick surround to the main doors. Other areas within this elevation have a simple design that is typical for this type of employment building.

The applicants propose to develop the site in two phases, the first of which will provide the main building with the second providing an extension to the eastern elevation. Both phases would result in an acceptable design solution for the site; however, the completion of phase two would result in the southern elevation having an improved degree of symmetry for the

roofline thereby giving a more balanced appearance to the building when viewed from the south.

Notwithstanding that the whole structure will be predominantly metal clad it is considered that, on balance, the structure will have a functional and attractive appearance for this type of building and one that will assimilate well with other buildings within Logix Park. Other ancillary structures associated with the host building will only be viewed against the backdrop of the development and therefore no adverse visual impacts are likely to arise from these.

Landscaping

Reserved matters approval was granted for the primary and physical green infrastructure, which included the Sketchley Brook corridor, access road, structural landscaping, open space and remodelling of the lake under 11/00856/REM.

Further landscaping within the application site has been submitted for both phase 1 and phase 2 of the development. The submitted details for phase 1 propose a line of semi-mature Lime trees to the southern boundary adjacent to the estate road. This will assist in softening the visual appearance of the building. Trees are also proposed for the western boundary along with an Oak and Hornbeam hedge that will divide the slip road to the car park from the main despatch yard. Other small amenity areas are to be grass seeded.

The landscaping for phase 2 appears to only include an enlarged visitor/staff parking area. All other areas of landscaping remain the same as that identified for phase 1.

Based on the submitted details it is considered that the proposed landscaping within the application site is acceptable.

Other Matters

The proposal includes a number of smaller ancillary buildings that will allow the factory to function effectively. These include a diesel tank and wash store, a van wash store, cycle shelters, a switch room, various sized water treatment tanks (the largest of which has a height of just less than 9m), and 3 silos that have a height similar to that of the eaves of the proposed building.

A security gatehouse, which will have the appearance of a small porta-cabin, also forms part of the application.

All of the ancillary structures are considered to be of subservient size and their appearance will not have an adverse impact on the development.

Phasing

The application is present in two phases, phase 1 and phase 2. It is the applicant's intention to deliver phase 1 initially and phase 2. Such a phased approach to the development does not present any issue in planning terms, providing the whole of the phase is delivered and not part their of is delivered. To secure this the approved plan condition is wording accordingly.

Flood Risk and Drainage

Sketchley Brook flows roughly adjacent to the south-eastern boundary of the site with Ashby Canal to the east. The surface water drainage strategy, which included sustainable urban drainage principles, formed part of the outline application and proposed the removal of the

existing culvert in which the Sketchley Brook runs to create a more natural meandering watercourse and additional wetlands alongside the Ashby Canal. The Reserved Matters proposals already approved for the primary physical and green infrastructure provided detailed proposals for the opening up of the brook to provide improvements to flood risk associated with the site and the wider area and proposed the creation of a wetland and marsh habitats incorporating balancing ponds, reed beds and wet grasslands alongside the Ashby Canal as part of a new sustainable drainage system. These approved features will both manage surface water from the site and prevent flooding as well as contributing towards the aesthetics and amenity value of the site.

The Environment Agency consultation response acknowledges that A Flood Risk Assessment (FRA) and master drainage plan was received with the outline application for the wider site (your reference 10/00518/OUT). However, they state that detailed surface water drainage plans now need to be provided for each individual reserve matters application, as conditioned below.

The Environment Agency does not object to the proposal subject to including a number of conditions; however, a number of these conditions have been included within the previous outline consent. The suggested conditions are:-

- a) Surface water drainage
- b) Foul Water drainage
- c) Installation of petrol and oil separators
- d) Disposal of surface water associated with lorry wash.

Further clarification has been sought in respect of the suggested condition relating to install bunded tanks, the outcome of which will be reported in the late item.

Severn Trent Water also raises no objections subject to the attachment of a standard surface water and foul drainage condition. This replicates those suggested by the Environment Agency.

Head of Community Services (Drainage) - Raise concerns in respect of surface water run-off; however, a condition relating to surface water and foul drainage has been included.

Highways

Highways issues have been approved within the outline consent and the subsequent approval of Reserved Matters (11/00856/REM) for the primary physical and green infrastructure for the main spine road through the site. No further concerns are raised in this respect.

No objections were received from the Director of Environment and Transport (Highways).

Ecology

The outline proposal contained a range of ecological mitigation and measures to ensure that there were no adverse impacts in this respect resultant of the development and that ecology of the locality was improved as a result of the development. This scheme will be developed in accordance with these principles, which are subject to conditions on the outline 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. The development by virtue of its siting, scale, landscaping and design will have no detrimental material impacts in terms of visual or residential amenity, on the character of the area, or in terms of highway safety, noise and vibration, drainage and flood risk. The application is therefore recommended for approval subject to conditions.

Hinckley and Bosworth Local Plan 2001:- Policies BE1, EMP1, T5, T9, NE2 and NE5.

Local Plan 2006-2026: Core Strategy 2009:- Policies 1, 4, 5 and 20.

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 10/00518/OUT except as may be modified herein.
- 2 Notwithstanding the submitted details, no development shall take place until representative samples of the materials to be used on the external elevations of the development hereby approved shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 The development hereby permitted shall be carried out as follows:-

Either in complete accordance with details:- Location Plan: 1984/P/001 Rev B, Phase 1 Site Layout: 1984/P/002 Rev C, Phase 1 Building Elevations: 1984/P/017 and 1984/P/010 Rev A, Phase 1 Ground Floor Plan: 1984/P/003 Rev C, Phase 1 First Floor Plan: 1984/P/004 Rev C, Phase 1 Roof Plan: 1984/P/005 Rev B, Phase 1 Landscape Plan: 0893 001 A, Outbuildings Diesel Tank and Wash: 1984/P/016 Rev A, Outbuildings and Fence Details: 1984/P/014 Rev A, Outbuildings (Sheet 2): 1984/P/015 Rev B received 22 February 2013.
Or in complete accordance with details:- Location Plan: 1984/P/001 Rev B , Phase 2 Site Layout: 1984/P/006 Rev C, Phase 2 Building Elevations: 1984/P/011 Rev B, 1984/P/013 Rev B and 1984/P/018, Phase 2 Ground Floor Plan: 1984/P/007 Rev C , Phase 2 First Floor Plan: 1984/P/008 Rev C, Phase 2 Roof Plan: 1984/P/009 Rev B, Phase 2 Landscape Plan: 0893 002, Outbuildings Diesel Tank and Wash: 1984/P/016 Rev A, Outbuildings and Fence Details: 1984/P/014 Rev A, Outbuildings (Sheet 2): 1984/P/015 Rev B received 22 February 2013.
- 4 The development hereby permitted shall not be commenced until such time as a scheme to dispose of waste water associated with the lorry wash has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage 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 brought into use.
- 6 The approved landscaping scheme as shown on plan refs: 0893 001 A and 0893 002 shall be carried out within the first planting season following the first use of the

manufacturing facility hereby approved. 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.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt.
- 4 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.
- 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 Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the landscaping scheme is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 criteria e 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 Due to the use of detergents in the lorry wash process, the wastewater will need to be collected in either a sealed system for reuse, discharged to the public foul sewer (with the prior permission of the local sewer provider) or collected in a sealed system for authorised disposal. No waste water from the process can be allowed to enter any drainage system which incorporates an oil/petrol separator as detergents may cause it to become ineffective. The surface water of the washing area must be non-permeable and isolated.

- 6 Severn Trent advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Contact Officer: - John Taylor Ext 5680