

PLANNING COMMITTEE

21 May 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: 12/01125/REM

Applicant: Bellway Homes East Midlands

Location: Land South Of Newbold Road And Manor Road Desford

Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) for 135 No. dwellings granted under outline permission 11/00029/OUT

Target Date: 10 April 2013

Introduction:-

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

Application Proposal

This application is the reserved matters submission for the development of 135 residential units at land south of Newbold Road and Manor Road, Desford.

The outline consent granted on 13 April 2012 for 135 residential units, provided approval for the access only and therefore this reserved matters application seeks consent for layout, scale, appearance and landscaping.

The scheme proposes 135 dwellings comprising of dwellings of 1,2,3,4 and 5 bed configuration, including the full 40% provision of affordable units, an area of public open space and two balancing ponds. The affordable units comprise of a mixture of 1, 2, 3 and 4 bedroom properties.

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

- provision of 3 no. affordable bungalows plots 100-102
- incorporation of hipped roof designs to sites frontage
- additional external chimney stacks added
- removal of and substitution of house types
- widening of pedestrian/cycle link to St Martins Drive to 3 metres
- re-positioning and additional car parking provision for affordable units
- removal of the FOG unit and rear courtyard
- removal of 2.5 storey dwelling from plot 38-40
- re-positioning of plots 35-37 away from neighbouring property
- re-positioning of plot 28
- re-positioning of detached garage serving plot 19 and incorporating of hipped roof design
- confirmation that the ditch adjacent to plots 112-122 will be within the applications ownership
- confirmation that all garage types meet with the 6C's standards and that G4 type allow 1 space in the double garage.

As a result of the changes to the layout the following has been received:-

- updated landscaping proposals
- updated streetscenes
- updated materials schedule
- submission of proposed materials
- submission of levels.

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

The Site and Surrounding Area

The site extends to 7.11 hectares and consists of agricultural land abutting the western edge of Desford and existing dwellings on Manor Road, St Martins Drive, Cambridge Drive and Oxford Drive.

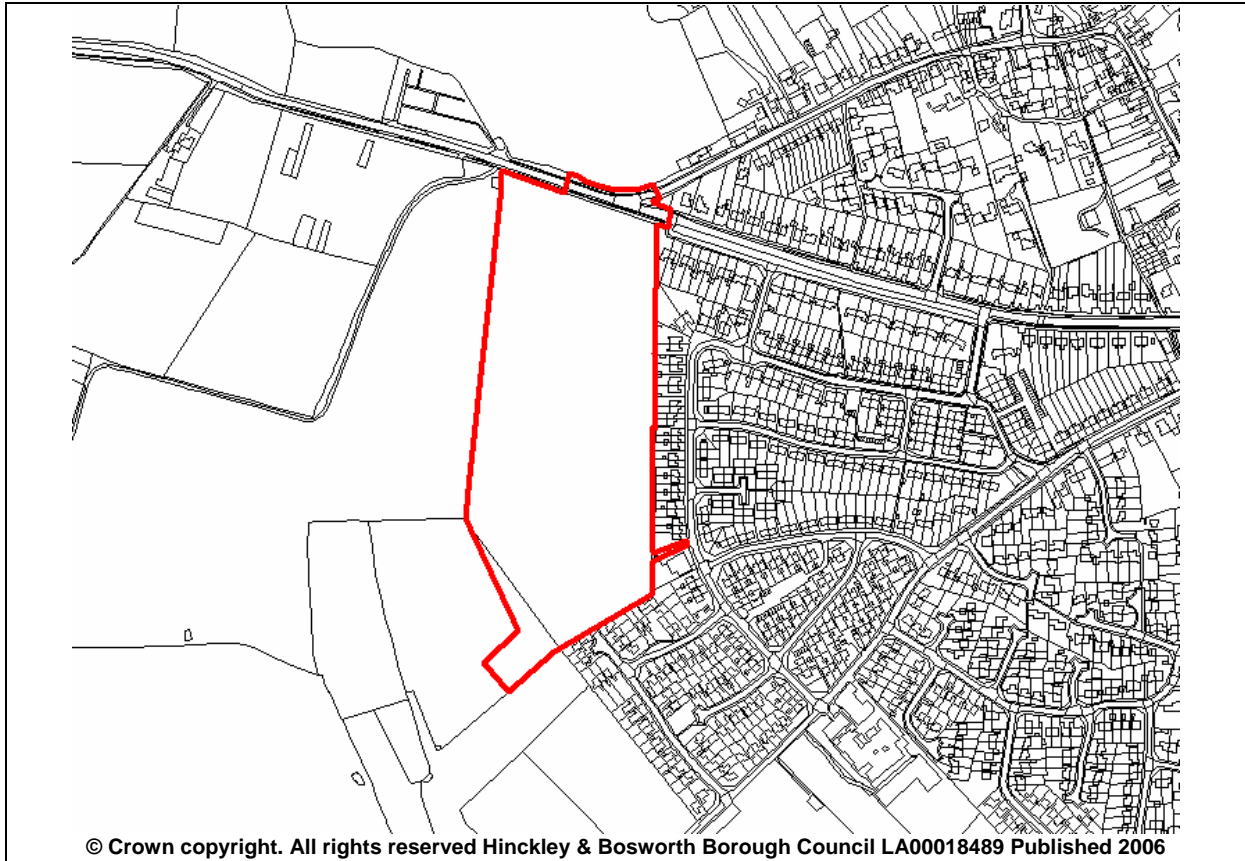
The site falls outside of the settlement boundary of Desford, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

The application was accompanied by a Design and Access Statement.

Relevant Planning History: -

11/00029/OUT	Erection of up to 135 dwellings with associated infrastructure, public open space and provision of vehicular and pedestrian access	Approved	13.04.12
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Consultations:-

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

No objection subject to conditions have been received from:-

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

Desford Parish Council raise objections on the following grounds:-

- a) Ground maintenance costs;
- b) Allocation of affordable bungalows;
- c) Ear marked housing allocation for Desford; Way in excess of 110 houses with no additional highways provision or improvements in relation to parking;
- d) Major concerns with traffic and accessibility in Desford;
- e) Urgent review and upgrade of traffic and accessibility should be undertaken should this application be approved;
- f) Ensure the roundabout at the junction is a formal roundabout and not that of a 'mini' style;
- g) Existing sewage problems in Desford;
- h) Planting for the attenuation ponds;
- i) Maintenance of attenuation ponds;
- j) Problems of adoption with Severn Trent Water;
- j) Should consider using permeable materials on surfaces.

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

- 1) intrusion into the countryside; take up of arable land
- 2) risk to security through layout
- 3) public play space is remote and less accessible to the village
- 4) location of play space could lead to vandalism, anti social behaviour and drug mis-use
- 5) footpath access should be provided to Cambridge Drive to improve pedestrian access to and from the site
- 6) inadequate drainage
- 7) flooding on neighbouring properties and land
- 8) tarmacadam parking areas will lead to more flooding
- 9) anxious ditches will be in-filled
- 10) balancing lagoons - will they be pools of water all the time and how will they be maintained to prevent water becoming stagnant and un- healthy
- 11) flooding downstream
- 12) responsibility of the Council, the developers and the Water Authority
- 13) mains water pressure in Desford is generally poor, further development will only make this worse
- 14) this development is forcing me to come to an agreement with the developer
- 15) loss of/invasion of privacy
- 16) overshadowing/loss of light
- 17) overbearing impacts
- 18) the current design include 3 storey housing backing onto bungalows on St. Martins Drive; buildings directly behind the bungalows should be bungalows
- 19) loss of view
- 20) clarification of separation distances
- 21) inadequate access;
- 22) further congestion
- 23) improvements required for traffic calming on Manor Road
- 24) further accidents
- 25) bus stop locations
- 26) overstretched infrastructure for area
- 27) nothing in the plans that addressed how the village school is to be helped to accommodate the increased population
- 28) impact of wildlife and loss of habitats
- 29) houses have been changed from the original outline plan which I agreed to
- 30) request that the builder puts solar panels to all new buildings because this is better than wind turbines
- 31) boundary clarification
- 32) maintenance and access to hedgerows
- 33) danger of infill ditches and tipping of rubbish by future residents.

Following re-consultation of the amended plans:-

No objection has been received from the Head of Corporate and Scrutiny Services (Green Spaces)

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)

Head of Business Development and Street Scene Services (Waste Minimisation)

As a result of the re-consultation one letter of objection has been received raising the following concerns:-

- a) I have 2 windows facing plots 121 and 11 from my playroom, which is a front extension to my house, can you confirm that plots 121 and 122 will not be less than 25 metres from these windows
- b) I am concerned that the amended proposed site plan does not include an accurate and up to date plan of my property as this could be overlooked during the planning process being drawn up for Bellway Homes

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

Desford Parish Council
Environment Agency
Severn Trent Water Limited
Head of Community Services (Land Drainage)

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Centres
Policy 8: Key Rural centre relating to Leicester
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy NE5: Development within the Countryside
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

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

Principle of Development

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

Layout, Scale, Appearance and Landscaping

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

Paragraph 17 of the NPPF states that planning authorities/the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

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

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

Saved Policy BE1 of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria-based policy. Saved Policy BE1 states that planning permission will be granted where the development:-

- a) complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features
- e) incorporates landscaping to a high standard where this would add to the quality of the design and siting.

Policy NE12 states that proposals for development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate and applications should be accompanied by:-

- b) a good quality landscaping scheme showing the layout and broad landscaping principle of the development.

Both Saved Policy NE5 (criterion iii) and BE1 (criteria a and e) of the Local Plan are considered to be consistent with the intentions of the NPPF whilst Policy NE12 is generally considered to be consistent with the NPPF, as such these policies carry weight in the determination of this application.

Layout

The submitted plans show a layout for 135 dwellings, in accordance with the number of units approved at outline stage.

The density of the scheme is 135 dwellings over an area of 7.11 hectares resulting in a net density of 18.9 dwellings per hectare (dph). This lower density has resulted in a scheme which is considered more spacious and does not result in overdevelopment of the site.

The layout proposes one main access road off Manor Road to the south east of the site which then subdivides into two main routes to the north and south, separated by a housing block to the centre of the site and an area of play space off centre to the west of the site. There are then a number of secondary roads, creating cul de sacs and serving a lower number of plots.

The layout of the scheme provides a number of dwellings fronting Manor Road, and all dwellings adjacent to a road have been designed to face onto the road frontages, so that

they address the road and predominantly create gardens to the rear with garaging and parking bays attached where possible, providing both natural surveillance and attractive street scenes.

Dwellings that occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

The scheme proposes areas of play and open space, including a large play area to the west of the site which is surrounded by residential properties, ensuring natural surveillance and integration into the development.

Pedestrian routes are proposed off Manor Road via the main access route and a footpaths run throughout the scheme. Following the submission of amended plans, a 3 metre wide combined pedestrian and cycle link has been provided adjacent to plots 108 and 109-112 to provide a link through to St. Martin's Drive.

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

Affordable Housing Location

Members should be aware that the location of affordable housing units within the scheme has been subject to extensive scrutiny. The applicant, in line with the outline planning permission is required to provide 54 affordable housing units.

Following the submission of amended plans the scheme proposes:-

- Plots 1-7 - 7 units
- Plots 33-40 - 8 units
- Plots 56 - 66 - 11 units (block of 4)
- Plots 87-88 - 9 units
- Plots 98-105 - 8 units
- Plots 109-119 - 11 units (block of 4)

As such the scheme now proposes six areas of similar number of units, therefore providing affordable housing in this many locations ensures a separation between the affordable units and integration within the wider open market dwellings. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

Scale

The surrounding area consists of semi and detached properties of single and two storey proportions.

The scheme proposes a mixture of detached, semi detached and terraced dwellings or predominantly two storey proportions, so is considered reflective of existing surrounding dwellings.

There are 3 plots (plots 100-102) which are of single storey proportions and there are 19 plots (plots 1-2, 17-19, 24- 25, 27, 31, 69-71, 82-83, 129, 132-135, which are of 2 and a half storey proportions, however they occupy key focal views and are predominantly sited to the north of the site and are considered to be acceptable on this basis.

In terms of footprint, the proposed dwellings occupy fairly similar footprints to dwellings on Manor Road, St Martins Drive, Oxford Road and Cambridge Drive. It is considered that the footprint and configuration of the dwellings is acceptable in this setting, as they are reflective of the existing surrounding dwellings.

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

In respect of levels, during the course of the application the applicant has provided details of proposed finished floor levels and existing contours in order for the existing and proposed site levels to be understood. The finished floor levels are close to that of the existing contours on the site, with slight rises and falls within the scheme, for example the west of the site finished floor levels are proposed at around 131, which rises to 132 to the middle of the scheme with 133 to the sites frontage.

Appearance

In the wider area there are a variety of styles, with the hipped roof design being characteristic of properties along Manor Road.

As such following concerns raised by officers during the course of the application the applicant has provided a sample of hipped roof house types to the Manor Road frontage, shown on plots 3-5, 22 and 28.

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as bay windows, canopies, arched and flat brick headers, brick cills and other brick detailing which adds additional interest to the external appearance of the site as a whole.

During the course of the application, there have been alterations to the design to ensure that some house types include external chimney stacks, to reflect the local vernacular.

Given the range of terraced, semi-detached and detached properties of 1,2,3,4 and 5 bedroom configurations within the site, there are also a number of differing footprints and heights within the site.

In respect of other visual elements there is a mixture of frontage, side and rear parking with single and double garages providing both natural surveillance and attractive streetscene.

The roof design and architectural detailing on the garaging is reflective of the style of the dwellings to which they serve.

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

The application has been accompanied by details of a range of boundary treatments including brick walls, knee rails, timber fences and gates.

During the course of the application the applicant has provided samples of the proposed materials and a revised materials schedule to reflect the changes in layout and house types. The materials are currently being reviewed and their acceptability or otherwise will be reported on as a late item. As such a condition is recommended within the interim.

In summary, the proposed development accords with the general siting and scale of dwellings within the vicinity, ensuring that the development appears in keeping with the scale

and character of the area. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable. Accumulatively as a result of the differing styles, features and materials it is considered that the scheme provides attractive streetscenes and is not considered to give rise to any significant impacts upon the surrounding countryside beyond. As such, the scheme is considered to be in accordance with guidance contained within Saved Policies NE5 (criteria i-iii), BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, the principles outlined in the Council's SPG on New Residential Development and the overarching guidance contained within the NPPF.

Landscaping

The application is accompanied by soft landscape proposals which have been revised during the course of the application resultant of the changes in layout and re-consultation has been undertaken. The Head of Corporate and Scrutiny Services (Green Spaces) has confirmed that there is nothing major that requires altering.

It is considered that the proposed landscaping scheme proposes appropriate species to this area and the level and variation of the planting adds to the overall appearance of the scheme.

Overall it is considered that the level and species of specimens proposed provides an attractive scheme reflective of this countryside setting.

Policy NE12 criterion d requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is considered necessary to impose a condition ensuring that the scheme is maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Other Material Considerations

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, 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 Council's Supplementary Planning Document on New Residential Development states that where a principal window of a habitable room faces a similar window of a neighbouring dwelling either at the front or at the rear of the dwelling, the Authority will negotiate to achieve the distance between them to be a minimum of 25 metres. The 25 metre separation distance, as discussed above is not applicable if the relationship of the properties is a sideward one and not to the front or the rear. The Council's Supplementary Planning Document on New Residential Development also states that where a window of a habitable room faces the blank wall of an adjacent dwelling, the Authority will normally expect applicants to achieve the distance between the dwellings to be a minimum of 14 metres for a house with 2 storeys.

Neighbouring residential properties No's 64- 108 St Martins Drive all have rear walls containing habitable windows. Where the neighbouring properties rear habitable rooms face habitable windows of plots within the scheme the minimum distance of 25 metres is achieved in each scenario. Proposed plots 49 and 102 have a sideward on relationship with the rear

elevation of existing neighbouring properties and there is a distance of approximately 19 metres in all scenarios which is in excess of the 14 metre guidance.

The residential properties most immediately impacted upon on Cambridge Drive would be No's 26 and 31.

In respect of No. 31 due to the revised layout there is a distance of approximately 17.5 metres between the closest point of the dwelling and the rear wall of plot No. 121 and 18.5 metres between the closest point of the dwelling and closest points of plot No. 122. As such in terms of a distance between your blank wall and the habitable windows in the rear elevation of No.'s 121 and 122 the minimum of 14 metres have been achieved in both scenarios. A letter of objection has been received on the latest amended plan clarifying the distance, owing to extensions to No. 31 Cambridge Drive. In response to the neighbouring letter of objection the shortest possible measurements have been taken from the plan, and the property on site does not project any further to the east than shown on the plan.

In terms of No.26 there is a distance of approximately 17 to 17.5 metres between the side wall of the dwelling and the rear elevation of No. 115 and as such the minimum of 14 metres has been achieved in this case.

The residential properties most immediately impacted upon on Oxford Road would be No's 10-14. No's 12 and 14 have rear habitable windows facing rear habitable windows within the scheme; however there is a separation distance of approximately 30 metres. In terms of No. 10 there is no directly relationship with proposed plots to the front or rear elevation of the dwelling only the side elevation and garage extension, which are in sited in excess of the guidance.

During the course of the application the previous 2.5 storey proportions occupying the plots around 38-40 have been reduced in height to 2 storey dwellings and plots 35-37 have been sited further from the existing neighbouring properties.

In respect of the relationship between plot 28 to the site frontage and No. 103 Manor Road, this plot has been re-orientated and hipped during the course of the application, There is a now distance of between 8 and 13 metres between the side wall of No.103 and plot 28, with a garage occupying the side elevation of No. 103. Given the existing relationship between No. 103 to the dwelling it adjoins to No. 101 Manor Road, and then it is not considered that plot 28 would result in any additional overlooking, overshadowing, or overbearing impacts over and above that already excreted by the adjoining neighbouring property No. 101.

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

In response to a neighbouring letter of concern, given that the separation distances are achieved between all the bungalows in St.Martins Drive and the proposed plots within the scheme, then there is no requirement for single storey bungalows to be proposed in lieu of the 2 storey dwellings.

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

It is considered necessary to impose a condition to obscure glaze the first floor windows shown to be serving bathrooms, en-suites and wc's and to ensure that they top hung only, in the interests of preserving the occupiers of existing and future occupiers.

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

Highway Considerations

Saved Policies T5, BE1 (criterion g) and NE5 (criterion iv) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

Concerns have been expressed over traffic and congestion and positioning of the bus stop.

At the request of the Director of Environment and Transport (Highways) during the course of the application the applicant has provided amended plans to show a 3 metre wide combined pedestrian and cycle link has adjacent to plots 108 and 109-112 to provide a link through to St. Martin's Drive.

During the course of the application the applicant has also provided amended plans to show increased provision in the number of car parking spaces, particularly for affordable plots.

All 1 bedroomed properties provide a minimum of 1 car parking space, 2 bedroomed properties provide a minimum of 1 or 2 car parking spaces, all 3 bedroomed properties provide a minimum of 2 car parking spaces, and all 4 and 5 bedroomed properties provide a minimum of 3 car parking spaces.

As such, with the exception of 2 Worcester units which are 3 bedroomed with a 4th bedroom/home office having 2 car parking spaces each and maisonettes of 1 and 2 bed having 1 space each (although visitor parking is available) it is considered that the scheme provides car parking provision commensurate to the size of the dwelling it is serving, and in conformity with the Council's car parking standards.

Conditions 7 and 8 of the outline consent required that vehicle parking facilities and vehicle wheel cleansing facilities would be provided within the site, for the period of the construction.

Conditions are suggested to ensure that car parking provision is carried out in accordance with the approved plans and is made available before first occupation of the dwellings.

In response to neighbouring objections, the traffic generation and off site highway works has already been considered within the outline application and the siting of the bus stop is not a material planning consideration.

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

Drainage and Flood Risk

Concerns have been expressed by residents regarding the balancing lagoons and risk of flood risk.

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

The balancing lagoons are attenuation basins which are provided for periodic water attenuation, as such can be either dry or wet depending upon the conditions. This application is a reserved matters application and as such only considers the siting of the basins. The drainage aspect was dealt with specifically as part of the outline application and there is a condition attached to the outline, which the applicant will need to formally discharge, before development commences.

The outline consent is subject to a condition (condition 12) requiring a scheme incorporating Sustainable Urban Drainage to limit surface water run-off, has been submitted to and approved in writing by the Local Planning Authority. As such there is no requirement to further condition drainage plans at this reserved matters stage. Accordingly the applicant will be required to discharge condition 12 attached to the outline planning consent.

Recycling and Waste Provision

Following the submission of amended plans the Head of Business Development and Street Scene Services (Waste Minimisation) has highlighted areas of concerns and has recommended a condition to secure a scheme for the provision for waste and recycling storage across the site.

The applicant is intending to submit information during the course of the application, however within the interim a condition is considered to be imposed requiring a scheme to be submitted.

Infrastructure Requirements

Affordable Housing

As discussed within the main report and above at the outline stage, a 40% affordable housing provision was secured within the S106 Agreement which also required 75% to be as social rented and 25% as intermediate affordable housing.

The scheme proposes 135 dwellings, 54 of which are affordable housing ensuring the 40% is achieved.

The affordable units comprise of a mixture of 1, 2, 3 and 4 bedroom properties.

Play and Open Space Contributions

The provision and maintenance contributions is calculated in accordance with the Council's policy at the time of determination of the reserved matters application which is Policy REC3 supported by the Play and Open Space SPD.

Clause 3.6.1 within S106 Agreement dated 10 April 2012 requires that no development shall commence until an on site open space area scheme is first submitted to the Local Planning Authority in addition to clauses relating to provision and maintenance times and contribution.

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

Other Infrastructure Requirements

In response to a neighbouring letter of objection the S106 Agreement signed as part of the outline application secured an education contribution towards the provision and improvement of educational facilities at Desford Primary School.

Letters of Representation

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

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

Mains water pressure is not a material planning consideration.

As the latest plan shows the majority of the hedgerow falls within the application site. The applicant has confirmed that the maintenance of the hedgerow and ditch adjacent to plots 113-112 will be the responsibility of the future purchasers of 113-122 as it will form their rear garden. The applicant has confirmed that there will be covenants about keeping the ditch open and maintaining existing natural boundaries.

The layout of the original outline plan, this reserved matters application seeks approval specifically for layout, scale, appearance and landscaping. The outline application only sought consent for the access, but was required to provide an indicative layout plan for illustrate purposes. As such you are no doubt referring to the original indicative layout plan, but as discussed layout was not a consideration in the original outline application and equally there is no requirement for the layout to reflect the indicative layout previously provided.

Conclusion

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

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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 11/00029/OUT.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: - Location Plan drawing no. 12071-03; Construction Detail Knee Rail drawing no. JBA 12/369-DT01; Proposed Boundary Details Timber Fence Detail Option 1 drawing no. DES-01; Proposed Boundary Details Timber Fence Detail Option 2 drawing no. DES-02; Standard Detail 1.8 m High Screen Wall drawing no. DES-03; Standard Detail Access Gate Details drawing no. DES-04; Hoggin Path Detail drawing no. JBA 12/369-DT02; Double Garage G4 drawing no. GAR-G4/PLANNING/01; m Single Garage G13 drawing no. GAR-G13/PLANNING/01 and Double Garage G14 drawing no. GAR-G14/PLANNING/01 received by the Local Planning Authority on 9 January 2013 and amended details:- Proposed Site Plan drawing no. 12071-01 Revision U; amended house type packs 1-3 and Proposed FFL's and existing contours drawing no. PC0289/700/200 received by the Local Planning Authority on 25 April 2013.
- 3 No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the respective curtilage in accordance with the approved plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for vehicular parking.
- 5 Before first occupation of any dwelling hereby approved, the respective access drive and parking area(s) shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
- 6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the 'Detailed Soft Layout Proposals for Plots' drawing no's JBA 12/369-01 Revision C; JBA 12/369-02 Revision C; JBA 12/369-03 Revision C and 'Detailed Hard and Soft Landscape Proposals for POS' drawing no. JBA 12/369-04 Revision B received by the Local Planning Authority on 25 April 2013 and shall be implemented in the first planting season prior to the first occupation of the first dwelling. The approved details shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.
- 8 Prior to the first occupation of the first dwelling a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.

Reasons:-

- 1&2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To reduce the possibility of deleterious material being deposited onto the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity, to accord with Policies BE1 (criterion a) and NE12 (criterion b) and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that the development is not detrimental to the privacy and amenity of existing neighbours and/or future occupiers of the proposed residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

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.

Contact Officer: - Ebony Mattley Ext 5691

Item: **02**

Reference: **12/01098/FUL**

Applicant: **Mr & Mrs Peter & Theresa Aspinall**

Location: **Oakwood Lodge Thornton Lane Markfield**

Proposal: **Installation of a single micro scale wind turbine (14.97m to hub, 5.6m diameter blades)**

Target Date: **11 March 2013**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member as they consider that application has an adverse impact upon visual amenity.

Application Proposal

Full planning permission is sought for the erection of a 1 no. three bladed 5 kilowatt wind turbine. The turbine measures 14.97 metres to the hub and 17.7 metres to the blade tip with 2.3 metre length blades.

The tower is a galvanised matt grey colour, with the turbine housing and blades finished in a white anti erosion coating. The turbine has a 20 year life span.

Following concerns raised by officers, during the course of the application the applicant has provided:-

- a) amended area plan and site location plan to show changes to the blue edged plan depicting land in the ownership of the applicant
- b) supplementary photomontages
- c) amended site location plan and block plan to show the cable run
- d) amended site location plan showing neighbouring properties extension and denotes distances
- e) amended design and access plan and planning distances calculations to reflect reduced distance to neighbouring Woodlands, given their extension.

Re-consultation was undertaken on the additional information with the parishes and neighbouring properties for a period of 10 days on 25 March 2013 and further re-consultation

undertaken on the amended plans and information with the parishes and neighbouring properties, Directorate of Chief Executive, LCC (Ecology) and Head of Community Services (Pollution) for a period of 10 days.

The applicant has provided a plan showing the estimated extent of the shadow flicker and re-consultation was undertaken on the shadow flicker plan for a period of 10 days with the parishes and neighbouring properties.

The Site and Surrounding Area

The turbine is proposed to be sited in an equestrian field used in conjunction with the residential property 'Oakwood Lodge'

The nearest residential properties are located to the north (The Woodlands - 149m away) and the south west (The Oaks - 179m away).

The site and surrounding area is generally flat.

The site address is Thornton Lane, Markfield however the site falls within the Parish of Ratby. The application site lies outside of the current settlement boundaries of both Markfield and Ratby, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

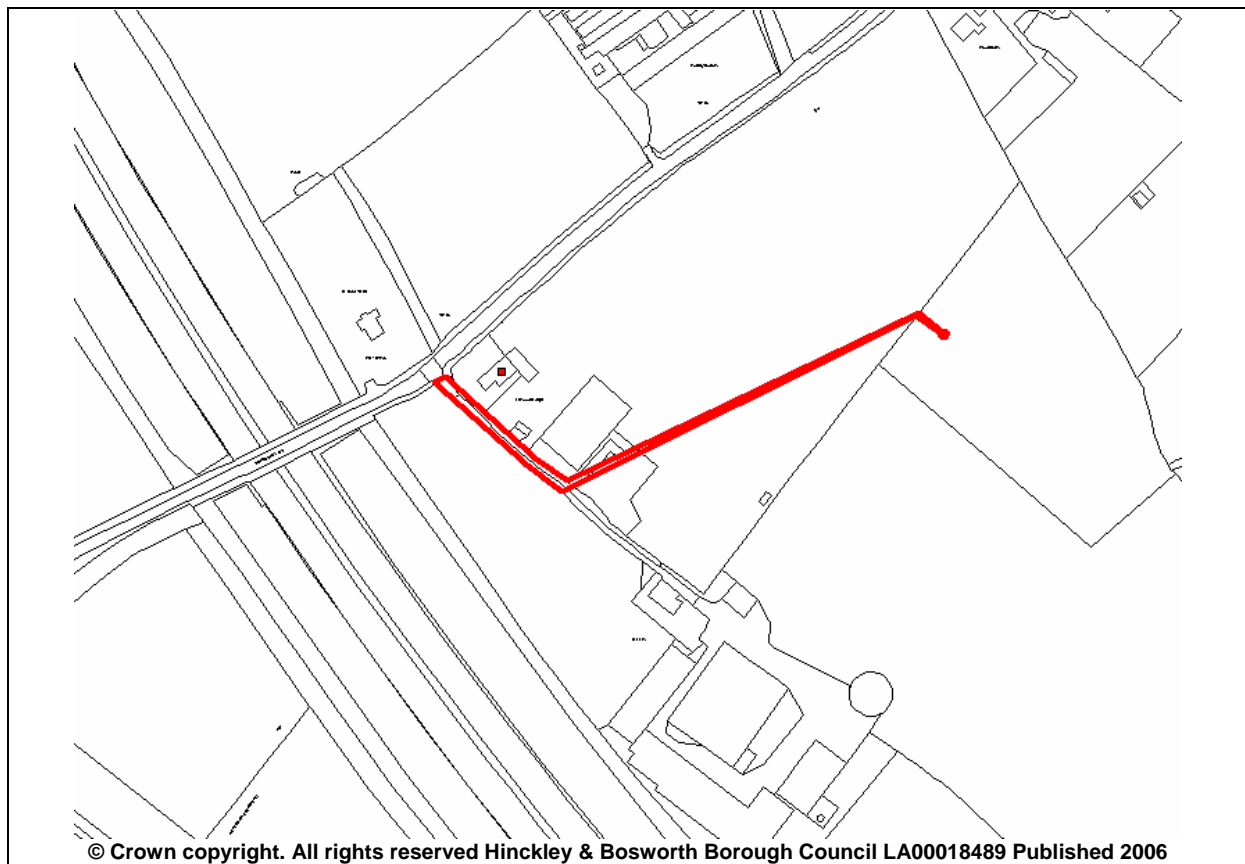
Technical Documents submitted with application

The application is accompanied by:-

Design and Access Statement
Planning Distance Calculations
Magic Site Check Report
Fleet Vehicles Weights Measures Parking Provision

Relevant Planning History:-

No relevant planning history.



Consultations:-

No objections from:-

NERL Safeguarding
Joint Radio Company
Highways Agency
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).
The Council's Conservation Officer

No objection subject to conditions from the Head of Community Services (Pollution).

Markfield Parish Council object for the following reasons:-

- a) interference with adjacent property
- b) intrusion into the countryside
- c) noise/disturbance
- d) overshadowing and overbearing impacts
- e) wind turbine is closer in life to neighbouring properties than stated in the application
- f) the turbine is in fact 145 metres to the nearest property and 210 to the next and many Local Authorities set a minimum distance of 600m or 1km and whilst HBBC does not have a policy, this should be given due consideration

- g) rota thump can cause sleep disorders and ill health
- h) visual disturbances
- i) located on a ridge so visible from highways

Ratby Parish Council object for the following reasons:-

- a) visual amenity of neighbouring properties contrary to Policy BE1
- b) proximity to neighbouring property
- c) noise pollution
- d) environmentally unfriendly, impacts upon bats
- e) hazardous to people susceptible to seizures as installation is 9 times the height of the top of the adjacent building which is 160 metre away from the ménage at the neighbouring property.

Following re-consultation Ratby Parish Council have confirmed that amended application/plans have been considered and their original objection still applies on the grounds of strobe effect to neighbours, the close proximity to other properties and the visual impact of such an installation.

Natural England have referred to Standing Advice and have stated that the lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

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.

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

Noise

- a) wind direction in this area would increase noise levels
- b) background noise from the motorway should be at a reduced level to other motorways at a similar distance because the motorway in this area is set down in a cutting that passes under Thornton Lane
- c) motorway noise would be lower at various times of day and at its lowest during night time hours, thus raising further the risk of sleep disturbance and the associated health risk
- d) noise completely different type to other forms of noise levels.

Shadow Flicker

- a) effect could trigger an epileptic seizure which would also then create a risk of injury or death of rider
- b) the turbine is at a high frequency and a fast moving 3 bladed machine will give rise to the highest levels of flicker frequency
- c) PPS22 states that it is possible to improve flashing of reflected light (not shadow flicker) but it is not possible to eliminate it
- d) report from University of Manchester states that the risk of flicker and the potential to elicit seizures should be a distance of 9 x the maximum height reached by the turbine which does not eliminate the risk of seizures it merely makes the risks negligible
- e) the extent of shadow flicker plan does not represent the worst case scenario
- f) the 10 x diameter blades fails to take into account the difference in shadow created by the height of the hub.

Health

- a) health risks to the local community
- b) research on noise levels and the respective health effects is ongoing
- c) several reports have been produced regarding wind turbines and their effects on health
- d) swoosh and thump noises can cause physical and mental illnesses such as vibro-acoustic disease and wind turbine syndrome
- e) flickering can cause seizures, loss of balance, nausea and disorientation
- f) A member of our household suffers from epilepsy; the risk of seizures is increased with sleep disturbance. Sleep disturbance is a known health issue related to wind turbines
- g) if there should be any light flicker onto our paddocks/ménage/house this would create the risk of further seizures - we spend a great deal of time outside and our bedrooms are on the back of the property
- h) no document has been submitted to show the effect of flash; if such a document was submitted it would show a minimum distance of 1497 metres from neighbouring properties
- i) PPS22 states that it is possible to improve flashing of reflected light (not shadow flicker) but it is not possible to eliminate it
- j) minimum distance for flash risk should be more than 100 times the hub height and flash frequency should be kept to a maximum of 3 per second (60rpm) this turbine is 240 rpm.

Perception of Risk to Health

- a) the perception of the risk to health is a material planning consideration; the potential impact of the proposed development on the health of a member of the household who suffers from a medical condition which is exacerbated by sleep disturbance, a known health issue related to wind turbines
- b) fears and concerns about safety may itself also constitute a material consideration where, as here:-
 - Such concerns relate to a matter (e.g. public safety, interference with reasonable use of adjoining land) which itself is a material consideration; and
 - Such fears and concerns are objectively justified. Thus, where the proposed development would introduce or increase a risk of danger that must be a factor to be assessed and weighed in the balance.
- c) the fact that such concerns exist, even if baseless, may itself have land use consequences
- d) the primary task for the Council must be to determine the acceptability of the risk - Gateshead Metropolitan Borough Council vs. Secretary of State (1994) and Newport Borough Council vs. Secretary of State for Wales (1998)
- e) even if the concerns were found to be unjustified, they could justify a refusal of planning permission.

Human Rights

Granting planning permission would constitute an interference with the objectors' right to respect for their private and family life pursuant to Article 8 of the Convention and also their entitlement under Article 1 of the First Protocol to the peaceful enjoyment of their possessions.

Need/Financial Gain

- a) the turbine should produce over 8 MW of electricity per year, Oakwood Lodge is a private residential bungalow with private stables that already benefits from solar panelling as a source of renewable energy
- b) windcrop state that a longer cable run would cost more and make the project less viable - Windcrop put financial gain first and before any other considerations or risk and nuisance to neighbours and the local community

Amenity

- c) site is within the National Forest and within the boundary for the Charnwood Forest Regional Park
- d) an enclosed area of trees in Thornton Lane opposite Woodlands and as such the size and proposed location of the turbine is not appropriate for such an area
- e) visible from some distance including routes to/from Markfield for Ratby and Thornton/Botcheston
- f) the turbine is equivalent to that of about/just above the height of 2 houses
- g) as a family we spend a vast amount of time outdoors
- h) trees are substantially shorter in height than the proposed turbine and therefore they will also not limit the view of the turbine as suggested.

Distances

- a) the turbine is too close to our amenities and property, and that of the local community
- b) the proposed location is nearer to our house that it is to the applicant's house and further from the applicants ménage that ours;
- c) reports have indicated that wind turbines up to 25 metres should be set back a minimum of 1km from the nearest residences
- d) location is too close to residential areas of Thornton Lane, Ratby Lane and the retirement village
- e) there are many residents that live between 145 metres and well within 1km of the propose site, including many elderly residents and families within children
- f) research on noise levels and the respective health effects is ongoing, which is why many other authorities, such as Wiltshire, have adopted planning policies for minimum distances
- g) our MP is passionate about the need for minimum distances.

Issues with the submission of the application

- a) misrepresentation of the neighbouring properties and distances within the planning application and inaccurate site plans, through the use of old and out of date photographs which does not show size of trees and hedges accurately
- b) incorrect information in the report - the report claims there are 2 fields of vegetation between the proposed turbine and the neighbour - the turbine is actually on land that is adjacent to our boundaries on 2 sides
- c) report states that a distance of 80 metres from the amenity boundary is a minimum distance, our boundary is approximately 70 metres; Believe that the distance to our property façade is approximately 140 metres
- d) the Council is required to have regard to the provisions of the development plan (so far as material to the application) and to other material considerations (Town and Country Planning Act 1990 Section 70(2))
- e) still misrepresentations in the documents referred to and omission of the information that would have been included in the GIS layered plan as requested
- f) latest plan does not show the distance to our garden/ménage amenity boundary or to our nearest boundary

- g) the site location still misrepresents the position of the fence line between the applicant's and Mr Spiby's land.

Issues with the Noise Assessment

- a) in-correct noise impact assessment and it is underpinned by the wrong distances. This questions the whole of the methodology used in the noise assessment
- b) the wind turbine has not been assessed against ETSU-R-97
- c) no background noise levels of ménage taken
- d) it is essential to have detailed noise emissions data of the proposed wind turbine at different wind speeds. This should include declared sound power levels and should be specified for emissions at a wind speed of 10 m/s as per the recommendation of the standard
- e) the British Wind Energy Association (BWEA standard for noise reporting is based upon wind speeds of 8 m/s and is not site specific
- f) the Environmental Health Officer sited equipment and took background noise levels and no further noise assessment has been communicated and/or posted on the planning portal
- g) other factors such as the local terrain, proximity to woods, trees, local meteorological conditions and propagation corrections should be applied;
- h) in light of not having all the facts how can Environmental Health say that they have no objection?
- i) necessary to assess the turbine noise emissions spectrally (i.e. how noise varies over the different frequency bands).;There has been no site specific survey and/or noise level assessment at various times of the day
- j) the noise and other distance related criteria to Woodlands shown are incorrect and misrepresented - our house and boundaries are closer to the proposed turbine than shown
- k) Independent site specific noise impact should be called for to include the ultrasound effects and the site specific factors to be undertaken by a trusted third party.

Safety

- a) blade loss and strike risk to people and animals

Electromagnetic Interference and Radar

- b) interference upon TV and radio transmitters and/or broadband and any other telecommunication signals would negatively impact upon the local residents and further affect those who are home based for employment and children with their homework
- c) potential radar risk as the information provided in the application is incomplete, the criteria for the turbine states that it should be sited in a radar free zone
- d) the proposed location is close to the 02 antennae located within an 18 metre high grain silo at Oak Farm which has not been mentioned in the application

Animals and Wildlife

- a) risk that hedges and mature trees around the proposed location could be affected in the event of any fire and this poses the further consequential risk to local wildlife
- b) other wildlife - pheasants, rabbits, squirrels and moles all could be adversely impact by the noise levels form the turbine
- c) the proposed site is directly on a bird migration route
- d) the trees and linear hedges around the proposed location offers good nesting areas for birds, the turbine poses the risk of bird strike to many birds that fly in the area

- e) minimum hedgerow distance is 50 metres, this is minimum and reflects the current planning regulations; the proposed turbine is 26 metres
- f) there are many large trees within the mature linear hedgerows that surround the site and offer roosts to bats
- g) there should be a bat survey
- h) natural England advises the authority should request bat survey information from the applicant before determining the application
- i) horses and dog live outside and will also be exposed to the health risks associated with the proposed turbine.

Horses

- a) horses are young competition horses and could 'spook' because of a flicker effect of sunlight through shadows - sudden fright by the horses when riding and when practicing over the jumps could result in injury or death of either rider and/or the horses;
- b) the British Horse Society Advisory Statement (2010) suggests that horses may react adversely to blade shadows, blades starting to turn while in the horses' sight line and to noise levels;
- c) the potential for horses to react adversely to the operation of the wind turbine, particularly during training to the ménage, is a matter of concern for safety and welfare of horses;
- d) safety risks from:-
 - flash and shadow flicker, including the risk of seizures and other conditions triggered by photic triggers
 - noise, particularly in relation to sleep disturbance which may also (as it has in the past) trigger seizures; and
 - risks associated with horse riding particularly in their ménage, not only in terms of the epilepsy sufferer's photosensitivity but also because of the potential for horses to be spooked by flash or flicker effect and/or noise.

Reports

- a) report from Manchester University states the risk of shadow flicker is negligible at a distance more than about 9 times the maximum height of the turbine blade - this distance would equate to 160.2 metres for this turbine; ménage and bedrooms are all closer than the 160.2 metres
- b) report from Aston University confirms that seizure risk does not decrease significantly until the distance exceeds 100 times the hub height
- c) society for Wind Vigilance states that shadow flicker can be an issue both indoors and outdoors when the sun is low in the sky
- d) in a report by Dr Harry it was noted that people living near to turbines suffer from sleep difficulties, concentration difficulties, headaches, migraines, palpitations and tinnitus
- e) article from Cambridge Journals - there is some evidence of symptoms in patients exposed to wind turbine noise and that the effects of infrasound require further investigation
- f) report by Frey and Hadden (2012) entitled "Noise Radiation from Wind Turbines Installed Near Homes: Effects on Health"
- g) article on Separation Distances between Wind Farms and Dwellings by Renewable Energy Foundation
- h) HY-5000W Technical Data
- i) extract from quiet revolution website setting out criteria.

Other Issues

A neighbour has provided copies of letters from doctors and nurses regarding the history of an epileptic resident, including triggers but has asked for these to remain confidential. The neighbour has summarised in their own submission various extracts from a Consultant - "there is a generalised spike triggered by photo stimulation" from an Epileptic Nurse Specialist "two convulsive seizures after being sleep deprived" and GP "to get sufficient undisturbed sleep and to avoid any form of photo stimulation"

MP David Tredinnick has stated that he has been contacted by a number of local residents with significant concerns relating to the application and that the views of local residents together with those of their elected representatives will be given due consideration and their concerns taken on board in the determination of the application.

Councillor Sprason wishes to support residents in their objection to the erection of this wind turbine being too close to dwellings causing noise disturbance and a serious impact on the environment and wildlife.

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

RSPB
National Forest

Development Plan Policies:-

National Policy Guidance

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
Policy 21: National Forest
Policy 22: Charnwood Forest

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE27: Wind Power
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Council's Supplementary Planning Document (SPD): Sustainable Design

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

At the heart of the NPPF is a presumption in favour of sustainable development. . 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 LPAs 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.

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.

As discussed earlier the application site lies outside of the settlement boundary of Ratby and Markfield (but is sited within the parish of Ratby) 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 take precedence over constraints a-c 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 estimates that the 5 kW turbine expected to generate 8.14 Mwh per year would save approximately 4.37 tonnes of carbon dioxide per annum.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, regional and local level and it is considered that the proposed erection of a 5 kW wind turbine would contribute to the overall outputs of renewable energy, whilst also bringing benefits to the existing residential and equestrian operations, 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 and local priority, this must be carefully balanced against all other planning matters being adequately addressed.

Impact upon the Visual Landscape (Impact upon the Countryside and the National Forest)

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.

Notwithstanding the policy conflict between the NPPF and Policy NE5, the design criteria i-iv remain generally relevant to development within the countryside and are similar to those requirements of Saved Policy BE1. 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.

The site also lies within an area identified as the National Forest and Charnwood Forest. It is considered that Policy 21 of the adopted Core Strategy is not applicable as it does not relate to increasing woodland cover, outdoor recreation, sports provision of tourism etc. Policy 22 of the adopted Core Strategy states that within the Charnwood Forest proposals will be supported that retain local character and complement the local landscape.

The site does not have any national designations. At a more localised level, the Hinckley and Bosworth Character Assessment identifies the area as being the 'Charnwood Forest 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 area as having a strong distinctive character which is generally of high sensitivity and with limited capacity for 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 but that some areas are considered to be particularly sensitive.

The accompanying Design and Access Statement states that by way of comparison, the proposed installation sits on a 15 metres mast with a rotor diameter of 5.6 metres and is closer in scale to a typical telegraph or power transmission pole, which forms a familiar aspect of our rural landscape. The accompanying Design and Access Statement states that the height of the tower has been selected to ensure that it is the required height to capture the wind energy on this site whilst keeping any impact to a minimum and the turbine has been designed for low noise operation and minimal visual impact. In addition photomontages have been provided from viewpoints to help aid the likely landscape and visual effects of the proposal. During the course of the application the applicant has provided additional supplementary photomontages.

The immediate landscape is characterised by hedge lined fields and scattered trees. The topography within the immediate vicinity is fairly flat. None of the images provided suggest that the turbines would be significantly visually prominent, due to distance, topography and existing landscape features such as trees and hedgerows.

It is considered that the surrounding site is already subject to intervention by man. The site is in close proximity to the M1 (sited to the south) in addition to residential properties to the north, south and west. 'The Oaks' to the south west of the turbine has a number of tall structures, namely a 18 metre high telecommunications mast housed in a grain silo on the adjacent site. As such the site is not a truly open and rural countryside location. In addition, there is already the presence of an 18 metre high grain silo within the vicinity and this scheme proposes a turbine of a comparable height of 17.7 metres to blade tip.

In respect of the colour of the turbines, a dull grey reduces the contrast with the background sky and minimises reflection, grey blends in better than green, brown and black against a rural background and also the skyline. It is considered that the grey finish would reduce visibility both over mid and long range distances.

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 natural and man made landscape features and topography there would not be any significant detrimental impacts upon the countryside nor is the turbine considered to harm the local character or landscape of the Charnwood Forest.

The design and materials of the proposed turbine are considered to be acceptable for the nature of the development and within this landscape. As such the proposal is considered to be in accordance with Saved Local Plan Policies BE27 (criterion b), BE1 (criterion a), Core Strategy Policy 22 and central government guidance contained with 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 Designated Landscapes and Wildlife

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.

Ecology

Natural England has confirmed that the Local Planning Authority should seek the views of their own ecologist when determining the environmental impacts of this development.

The scheme has been considered by the Directorate of Chief Executive, LCC (Ecology) who has no objections to this development. The Directorate of Chief Executive, LCC (Ecology) has confirmed that as long as it is 20 metres away from an ecological feature (such as a hedge) that could be used by foraging bats, it poses no threat to biodiversity.

Concerns have been raised that the turbine should be sited in accordance with Natural England's TIN051 document which recommends that turbines are sited 50 metres away from the boundary features. In response the Directorate of Chief Executive, LCC (Ecology) has confirmed that this is a smaller turbine rated by 5 kw and as such the 'Stirling guidance' applies which concludes that such small wind turbines should be sited at least 20 metres away from potentially valuable bat habitats.

The turbine is in excess of 20 metres from the nearest hedgerow and as such is in accordance with the Stirling guidance.

Concerns have been raised that insufficient surveys have been undertaken and that Natural England advises the authority should request bat survey information from the applicant before determining the application.

The advice from Natural England states that if the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Directorate of Chief Executive, LCC (Ecology) has confirmed that it would be unreasonable to require the applicant to carry out any more surveys as there would not be any justification to ask them to do so and the fact remains that

the risk to wildlife from these small turbines is extremely low as long as they are sited away from habitats.

In summary, given the siting of the turbine from an ecological feature that could be used for bats for foraging it is concluded that the turbine would 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.

Impact upon Horses

Paragraph 56 within the Companion Guide to PPS22 states that "The British Horse Society, following internal consultations, has suggested a 200 metre exclusion zone around bridle paths to avoid wind turbines frightening horses. Whilst this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve."

As the paragraph clearly states there is no statutory requirement and this advice is only relevant to distances from bridle paths.

Impact upon the Historical Landscape

Despite there not being any historical assets nearby it is still practice to consult with English Heritage and the Council's Conservation Officer on wind turbine applications.

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.

The scheme has been considered by English Heritage who state that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. The Council's Conservation Officer 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 Residential Amenity

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. 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.

Both policies are 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.

In response to representations made by objectors, 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 planning consideration in relation to such distances.

There are a number of guidance documents and reports referred in the letters of representation. However, these are not development plan documents or even emerging ones and as such carry no weight in the determination of the application.

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 height of the turbine to the tip of the blade is 17.7 metres, plus the 10% equates to 19.47 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.

Shadow Flicker

The potential for shadow flicker can be calculated and is addressed in Paragraphs 73-76 of 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 5.6 metres diameter blades and therefore the potential shadow flicker effect could be felt up to 56 metres, 130 degrees either side of north from the turbine. The nearest residential properties are located between 149 metres and 155 metres away and as such the turbines are well in excess of the recommendations and the potential for shadow flicker beyond 56 metres is very low.

In response to a neighbour letter of objection referring to other calculations for shadow flicker distances, the guidance the Local Planning Authority uses to assess a wind turbine application and particularly in respect of shadow flicker is the guidance contained within the Companion Guide to PPS22.

Concerns have been expressed over the impacts of the shadow flicker upon young competition horses within an adjacent field and being ridden within the ménage of 'The Woodlands'. The ménage is sited beyond 56 metres of the turbine and as such is again located in excess of the recommendations within the Companion Guide to PPS22.

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

Paragraph 41 within the Companion Guide to PPS22 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 Head of Community Services (Pollution) originally raised no objection to the application, confirming that the noise would be likely to be masked by noise from the nearby M1 motorway.

Following a series of objections, the Head of Community Services (Pollution) carried out monitoring at the nearest residential property for a period of 24 hours from the 26 to 27 March 2013 and again concluded that there is no objection to the application, subject to the imposition of conditions.

Following the submission of amended plans the Head of Community Services (Pollution) has confirmed that the updated distances have been reviewed and the minor changes to the distances has relatively little effect on the acoustic predictions for the turbine at each receptor.

The measurements and data show that the predicted noise levels for the turbine are at a level that are unlikely to give rise to complaint, which is based upon noise levels measured at low wind speed, as wind speeds rise so will the background noise levels thus making the difference between predicted noise level from the turbine and the background noise greater and conversely with a lower wind speed the turbine will emit less noise.

The Head of Community Services (Pollution) has confirmed that residential amenity would not be significantly affected by the proposal and has no objection to the application subject to the imposition of a condition requiring that the level of the noise emitted by the wind turbine shall be demonstrated at the request of the Planning Authority.

In response to neighbouring letters of objection regarding which guidance to use, the Head of Community Services (Pollution) has confirmed that: "ETSU-R-97 was based upon medium sized wind turbines (225-450 kw). At a recent training event this was discussed and it was recommended that the [BWEA standard is used for small turbines (under 20m hub height). ETSU was recognised as failing to address many of the issues associated with small wind turbines. A primary issue raised was that there is substantially less decibel conversion associated with small wind turbines and the ETSU principle of tolerance based upon national interest is not demonstrated. The effect of the use of the ETSU standard can often be that wind turbines are permitted closer to dwellings after consideration of the background noise environment"

For the avoidance of doubt ETSU stands for Energy Technology Support Unit, whilst BWEA stands for the British Wind Energy Association. The ETSU-R-97 report is entitled "The Assessment and Rating of Noise from Wind Farms".

The scheme has been considered by the Head of Community Services (Pollution) and there is no requirement for an independent noise assessment to be conducted and assessed independently.

The Head of Community Services (Pollution) recommends a condition set at 35dB LAeqt at a wind speed of 8 metres per second which should be measured at the boundary of amenity which is decided to be boundary of the garden at around 127 metres from the turbine.

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.

In summary, it is considered that the provisions of Saved Policy BE27 are considered to be satisfied in this respect. As such the proposal is considered to be in accordance with Saved Policy BE27 and Central Government guidance contained within the NPPF and the Companion Guide PPS22.

Safety and Health Risks and Perceived Health Risks

It is acknowledged from case law that perceived health risk may constitute a material planning consideration. where such concerns relate to a matter (e.g. public safety, interference with reasonable use of adjoining land) which is itself a material consideration or they are objectively justified.

Differences over safety usually boil down to the acceptability of different degrees of risk rather than a clear conclusion that the fear is either justified or baseless. The primary task for the committee, case law would suggest, is to determine the acceptability of risk

Such a consideration will be one of the several considerations for the committee in coming to a decision on the application.

Epilepsy

Concerns have been expressed and evidence produced to confirm that a nearby resident suffers from epilepsy and seizures are brought about by sleep deprivation and the resident is also photosensitive.

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 discussed above neither the shadow flicker nor the noise are considered to result in any significant impact upon the closest residential properties.

In respect of emission from a wind turbine, paragraph 65 within 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.

As previously discussed in respect of low frequency noise (infrasound) paragraph 45 within the companion guide to PSS22 states that there is no evidence that ground transmitted low frequency from wind turbines is at a sufficient level to be harmful to human health.

Human Rights

Reference has been made in objectors' comments to the grant of permission interfering with the an objector's rights under Article 8 of the Convention Rights and Article 1 of the First Protocol. These rights are not absolute rights but qualified ones. In so far as Article 8 is concerned (respect for private and family life home and correspondence) the committee has to balance the objector's rights against the applicant's rights in reaching its decision. The wording of the qualification is 'there shall be no interference by a public authority ---except such as is in accordance with the law (i.e. Planning legislation) and is necessary in a democratic society ---or for the protection of the rights and freedoms of others'

In so far as Article 1 is concerned it is provided that a person is 'entitled to the peaceful enjoyment of his possessions'. The qualification to that right is that the right does not 'in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest'

Safety

In relation to icing of the blades, the Companion Guide to PPS22 states that the build-up of ice on turbine blades is unlikely to present problems on the majority of sites in England and that very few accidents have occurred and there has been no example of an injury to a member of the public and that experience indicated that properly designed and maintained wind turbines are a safe technology.

Paragraph 50 of the Companion Guide to PPS22 states that the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. However it states that many blades are composite structure with no bolts or other separate components and therefore blade failure is most unlikely.

The guidance contained at a national level does not indicate that there are any significant safety or health risks as a result of wind turbines and on this basis it is considered that there would be minimal risks to the health and safety of neighbouring residents, properties and animals.

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 PPS22 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.

In summary, it is considered that the provisions of Saved Policy 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 are 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

Residents have raised concerns over the risk upon TV and radio transmitters (and other forms of telecommunication) from the turbine.

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. The Joint Radio Company have also confirmed that the 18 metre high telecommunications mast housed in a grain silo on the adjacent site (ref: 03/00300/FUL) is of no concern.

As such given no objections have been raised it is considered that there would not be any significant electromagnetic interference as a result of the proposed development.

Letters of Representation

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

A letter of objection referred to that fact that the turbine is described as a design that should produce over 8 MW of electricity per year, and that Oakwood Lodge is a private residential bungalow with private stables that already benefits from solar panning as a source of renewable energy.

Paragraph 98 within the NPPF provides that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Conclusion

The NPPF states that there is a presumption in favour of sustainable development and that for decision-making this means approving development proposals that accord with the Development Plan, without delay.

There is specific planning policy support for renewable energy projects both at a national and local level. It is considered that the wind turbine would contribute towards offsetting the carbon emissions of the applicant's own residential and equestrian operations, whilst also contributing to the overall outputs of renewable energy targets for the UK. It is however considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the harmful impacts and perceived 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, health risks, perceived health risk and other associated impacts including highway 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 within the NPPF and the Companion Guide to 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 renewable energy targets for the UK, 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 5 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 residential and equestrian 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), BE27 (criteria a-e) NE5 (criteria i-iv), and T5.

Local Plan 2006-2026: Core Strategy (2009):- Spatial Objective 12, Policy 22.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: TRIPOD ASSY, HY5 drawing no. ATC10070-1000* received by the Local Planning Authority on 14 January 2013 and amended details: Area Plan (Scale 1:10000); Site Location Plan (Scale 1:2500); Block Plan (Scale: 1:500) received by the Local Planning Authority on 12 April 2013.

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

- 3 No development hereby permitted shall commence until full details of the colour and finish of the turbine has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: 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 At 127 metres from the turbines the sound emissions from the turbine shall not exceed 35dB LAeqt at a wind speed of 8 m/s

Reason: 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.

- 5 All cables within the development site between turbines and from the turbine shall be set underground.

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

- 6 The planning permission hereby granted is for a period of 20 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 7.

Reason: The planning application has only been made for a 'life span' of 20 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.

- 7 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.

Reason: The planning application has only been made for a 'life span' of 20 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.

- 8 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.

Reason: 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 Written confirmation of the date of the first export of electricity to the grid from the wind farm hereby permitted shall be provided to the local planning authority within one month of the date of this taking place.

Reason: To ensure that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety to accord with the Companion Guide to PPS22.

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: 03

Reference: 12/01141/FUL

Applicant: Plesvale Ltd

Location: Unit A Dodwells Road Hinckley

Proposal: Erection of car service and repair centre and restaurant with drive-thru facilities and associated parking, access and landscaping.

Target Date: 17 April 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a drive through restaurant and erection of car service and repair centre. The proposal would utilise an existing access currently serving one industrial unit. The proposals would be constructed on a current parking area to the south of the industrial building.

The drive through restaurant element of the proposal is located to the south west of the site, and consists of a single storey flat roofed building with a maximum height of 5.5m and floor area of 14m by 33m, with projecting canopy, outdoor seating area and associated surrounding parking.

The car service and repair centre would be located to the east of the site and consists of a 9.3m high flat roof building with a floor area of 30.6m by 13.3m. The proposed building would consist of powder coated aluminium clad walls.

Amended plans have been submitted that show how right-turning traffic would be restricted into the site and the removal of two of the car parking spaces to increase room round tree group 7. An additional 10 day consultation has been undertaken.

The Site and Surrounding Area

The application site consists of an underused car park located to the north of the A5 and west of Dodwells Road, on the southern perimeter of the Dodwells industrial estate. The site was formally used as a service repair centre associated with Trinity Motors. Since the unit to the north has changed hands, the parking area is now redundant and underused.

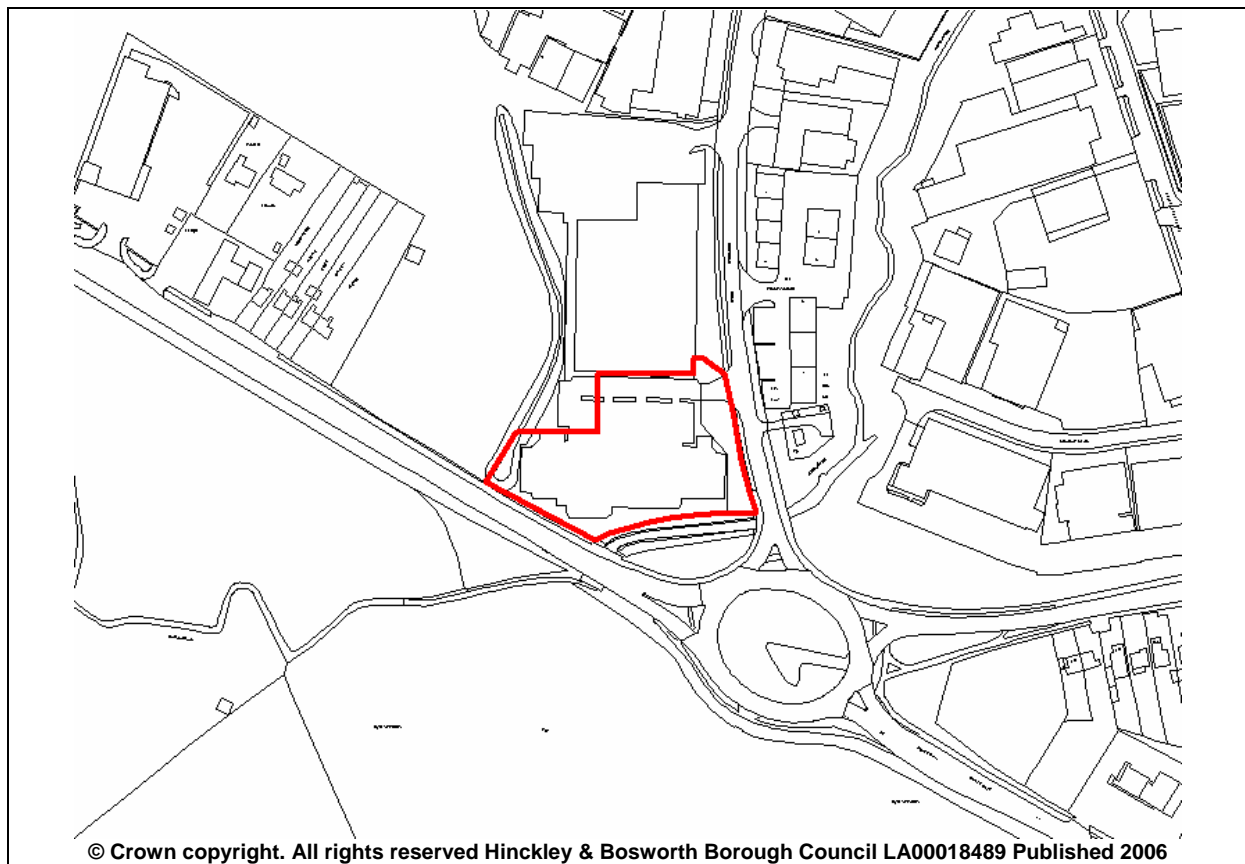
The site is surrounded to the south east and west by 1.8m high palisade fencing. To the south of the site Dodwells Brook separates the site from Dodwells Island, the Watling Street A5 trunk road beyond which is open countryside and the Borough boundary. There is some landscaping to the perimeters of the site including mature willow trees to the Dodwells Brook and individual poplar trees to the west. To the east of the site there is a palisade fence with landscaping beyond. To the north are the buildings that comprise the industrial estate, These are generally flat roofed buildings with powder coated aluminium cladding.

Technical Document submitted with application

- Transport Statement
- Sequential Matrix
- Flood Risk Assessment
- Tree Survey and Constraints Report
- Bat Activity Survey Report
- Extended Phase 1 Habitat Survey Report
- Heritage Statement
- Planning Statement

Relevant Planning History:-

12/00112/FUL	Erection of car service and repair centre and restaurant with drive-thru facilities and associated parking, access and landscaping	Withdrawn 15.05.12
01/00866/COU	Change of use to vehicular repairs centre with ancillary uses	Approved 29.10.01



Consultations:-

No objection has been received from The Borough Council's Tree Officer

No objections subject to conditions have been received from:-

Highways Agency

Environment Agency

Severn Trent Water Limited

Directorate of Chief Executive (Ecology)

Directorate of Chief Executive (Archaeology)

Director of Environment and Transport (Highways)

Head of Community Services (Land Drainage)

Head of Community Services (Pollution)

Director of Environment and Transport (Rights of Way)

Site notice and Press notice were displayed and neighbours notified.

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

- a) cycling network should be protected
- b) proposed road layout dangerous and inconsistent with lease
- c) right hand turning lane close to junction in dangerous
- d) plans have no provision for pedestrians and conflict the cycleway
- e) development removes privacy and security of neighbouring firm
- f) what signage is proposed?
- g) two other drive through restaurants in close proximity
- h) Dodwells Island is very busy at peak times and this development will only make this worse
- i) should consider the impact of the impact of MIRA development on the highway.

Development Plan Policies:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment sites
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigations and recording
Policy NE2: Pollution
Policy NE12: Landscaping schemes
Policy NE14: Protection of surface waters and groundwater quality
Policy T5: Highway Design and Vehicle parking standards

Other Material Policy Guidance

The Employment Land and Premises Study (2010)

Appraisal:-

The main considerations with regards to this application are the principle of development, the design and appearance of the buildings and highway safety.

Principle

The site is located within the defined settlement boundary of Hinckley and is allocated as an employment site and within policy EMP1 (A) designated, which seeks to actively retain the sites for employment purposes during the plan period, use classes B1, B2 and B8. This is supported by the Employment Land and Premises Study which seeks to retain the site for employment uses.

The proposed car service and repair centre falls within use class B2 and therefore the principle of this element of the use on this site is considered to comply with Policy EMP1 and therefore is considered to be acceptable in principle.

The proposed restaurant with drive thru attached is not a use that falls within use classes B1, B2 or B8 and therefore the principle of this use needs to be considered against the NPPF and Local Plan.

Paragraph 17 of the NPPF identifies a number of Core Planning Principles including to pro-actively drive and supporting economic development; encourage the effective re-use of land; promote mixed use developments and actively manage patterns of growth. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment where there is no reasonable prospect of the site being used for that purpose. Annex 2 of the NPPF defines drive-through restaurants as a main town centre use and paragraph 23 seeks to create competitive town centre environments. Paragraph 24 requires applications that are considered to be main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

The application has been submitted with a sequential assessment in support of the application, which focuses primarily on sites within the town centre. This concludes that whilst some of the available units could accommodate a restaurant, it would be either impractical or unviable for the units to be converted for use as a drive-through restaurant. Having considered the assessment and the local knowledge of available sites, these conclusions are considered reasonable and acceptable.

The site consists of a hard surfaced area within a designated employment area. The proposal would not result in the loss of any existing units and the applicant's opinion that the site is unlikely to have any prospect of development is considered acceptable. Whilst the Borough Council is always keen to protect the availability of employment sites, the proposal must be considered on its merits. The application appropriately demonstrates that there are no other sequentially-preferable sites within Hinckley town centre and when considering the benefits such a use would bring to passing traffic on the A5 and A47, the use is economic development which the NPPF is striving to support. It is therefore considered that given the above there are no objections in principle to the application.

Layout and design

The Car Service and Repair Centre

The application site is located within a designated employment area where the buildings are typical industrial buildings consisting of steel framed buildings with profile cladding. The proposal is considered to respect the character and appearance of the surrounding employment development and accordingly is considered to comply with the requirements of Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

Restaurant and Drive-Through

This element of the proposal would be located to the south of the site, and consist of a McDonalds corporately designed single storey building. The main element of this proposal would have the entrance to the east of the building with a small seating area outside. There is a pedestrian footpath proposed along the southern boundary providing pedestrian access from Dodwells Road. To the north of the building is a designated parking and service area including the route for customers of the drive through facility.

Whilst the design and appearance of the proposal does not reflect other buildings in the area, the proposal is on the edge of an industrial estate, and would face a stretch of the A5 that contains various commercial buildings with strong corporate identity (i.e. Aldi, BP garage). The application site is therefore within an area that contains a variety of designs, and given its location on the edge of an industrial estate it is considered that the design would not harm the character of the area and therefore complies with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

Highways

Both of the proposed units would be accessed via an existing vehicular entrance that provides an access to the site. No new vehicular accesses are proposed that would result in increased crossing points for pedestrians or cyclists using Dodwells Road. This access is located 75m to the north of the Dodwells island, and concerns have been raised regarding the safety of this access given the expected increase in turning traffic.

The Highways Agency have no objection to the proposal, however, the Director of Environment and Transport (Highways) has initially objected to the proposal raising concerns that the proposal could result in an significant increase in turning traffic to the site close to the

A5 roundabout undermining the free flow of traffic along Dodwells Road to the A5 junction. Discussions have been undertaken between the applicants and the Director of Environment and Transport (Highways), which has resulted in a mitigation proposal consisting of right, turns being prohibited into the site. Therefore traffic travelling towards Dodwells Island will not be held up by traffic waiting to turn right into the site.

This will have to be secured through a traffic regulation order (TRO), which is implemented under separate legislative controls; however without a TRO or other suitable scheme, the proposal would not be acceptable and would be likely to result in increased congestion within the highway network. It is therefore recommended that a suitably worded "Grampian condition" be added to ensure the required highway works are undertaken prior to first occupation.

The Director of Environment and Transport (Highways) has requested that conditions be imposed requiring no gates to be erected within 10m of the highway and for cycle parking provision to be made prior to first occupation. There is an existing gate across the entrance which is set back but may have to be removed or altered as part of the works to the entrance. It is therefore considered appropriate to impose this condition.

The application site is located on the cycle network and the NPPF seeks to encourage other forms of transport than the private car and provide real travel choices. It is considered that the provision of cycle racks is in accordance with policy T5 and the objectives of the NPPF.

The Highways Agency have requested conditions seeking details of the pedestrian access on to the A5 and to control how the fence to the southern boundary with the A5 is erected. Having discussed the case and the reasons for the conditions with the Highway Agency, the first condition seeks information that would be covered by a S278 Agreement which the applicants would have to enter into to undertake any works within the highway boundary. A note will be added informing the applicants of this. A footpath link in this location would connect with the bus stops on the A5 aiding connectivity of the site. How the fence is constructed is a civil matter and therefore not a planning matter. Accordingly neither of the requested conditions are Circular 11/95 compliant.

The proposal provides 52 car parking spaces including 4 disabled. This is considered to be sufficient off street parking for the site.

It is considered that subject to a scheme preventing vehicles turning right the proposal would not detrimentally affect highway safety and therefore complies with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Landscaping

The proposal would result in several trees to the A5 frontage being removed, including a silver birch, crack willows and ash trees. None of the trees within the site are subject to a Tree Preservation Order (TPO). The Silver Birch and Crack Willows are considered to be poor specimens or with defects and therefore there is no objection to their loss. The two Ash trees are young specimens with long life expectancies; however these are not protected however it is recommended that their loss is compensated for by additional landscaping to other parts of the site, which will be obtained by way of a condition.

Two parking spaces (38 and 39) have been removed and the pedestrian footpath moved further away from the trees in Group 7, a group of Crack Willows and 1 Ash. Group 6 and 7 provide screening of the site from views from the south east, and contribute to the ecological value of Dodwells Brook and therefore it is considered important to ensure that the group is maintained.

It is considered that whilst the scheme results in the removal of some prominent trees these are either in poor condition or as they are not protected it is considered appropriate to secure replacements as part of a landscaping scheme. Therefore subject to a landscaping condition the scheme is considered to comply with Policy NE12 of the Hinckley and Bosworth Local Plan.

Other Issues

Security

Objections have been raised due to reduced security as a result of the shared access being opened 24 hours a day, when at present the access is closed at night. Given that the proposed restaurant and drive through would be operational 24 hours a day, there would be a presence and therefore surveillance throughout the night reducing the likely hood of a security risk to the neighbouring units.

Ecology

The Directorate of Chief Executive (Ecology) has no objection to the scheme but has requested that any external lighting does not shine on the Dodwells brook corridor as this would discourage bats from foraging. It is considered that this can be secured through an appropriately worded condition.

Archaeology

The Directorate of Chief Executive (Archaeology) has stated that application site lies within an area of archeologically interest at the junction between the Watling Street (A5), and Coventry Road. A condition is therefore recommended to ensure that appropriate archaeological investigations are carried out and should anything be found appropriate recording undertaken in accordance with Section 12 of the NPPF and Policy BE16.

Drainage

Severn Trent Water Limited have requested details of the foul and surface water drainage by a suitably worded condition. The Head of Community Services (Land Drainage) and the Environment Agency have requested conditions requiring drainage details and for the proposal to be carried out in accordance with the submitted Flood Risk Assessments. This is to ensure that that water run off is dealt with in a sustainable manner and does not result in pollution of the nearby water courses. It is recommended that conditions be imposed to deal with these matters.

Pollution (Noise/Contamination/Air Quality) and Impact on Neighbours

The site is located on the edge of an industrial estate and adjacent to the A5 Trunk Road. The nearest residential property is located 130m to the north-west (The Poplars, Watling Street). At such a distance it is not considered that the proposals would due to noise; detrimentally affect the amenities of these residents ever operating as proposed 24 hours a day.

To ensure the odours from the proposed restaurant do not result in a detriment to amenity the Head of Community Services (pollution) has requested a condition requiring details of the proposed ventilation to be submitted.

Conclusion

The proposal seeks consent for the redevelopment of a car parking area to provide a car service and repair centre and erection of a restaurant including a drive through facility. The proposed car service facility is considered to be an acceptable use and complies with Policy EMP1 (a). Whilst the restaurant is not strictly an employment use the applicants have satisfactorily demonstrated that there are no appropriate sites within the town centre and on balance it is considered that the proposed restaurant would not harm the employment capacity of the designated employment site. The proposal would not detrimentally affect the free movement of traffic on the Dodwells Road subject to a scheme preventing traffic turning right into the site. The proposed uses are not considered to detrimentally affect the amenities of neighbouring residents nor the character or appearance of the area. The proposal is considered to comply with the objectives of the NPPF, Policies EMP1, BE1, NE2 and NE14 of the Hinckley and Bosworth Adopted Local Plan.

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 two proposed car service and repair centre is considered to be an acceptable use on the employment site, with the design and appearance of the building not detrimentally affecting the character of the area. The proposed restaurant with associated drive through has adequately demonstrated that there are no suitable alternative sites in the town centre and that the proposal would not detrimentally affect the existing employment capacity of the area. The proposed design and appearance is not considered to detrimentally affect the character and appearance of the area, and subject to the appropriate conditions the proposal is not considered to detrimentally affect highway safety. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, BE1, BE16, NE2, NE12, NE14, T5

Local Plan 2006-2026: Core Strategy (2009):- Policy 1

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

200 A, 201, 203, 204 D received 16.1.13

202 E and Croft 0146-F01 A received 29.04.13

Flood Risk Assessment (FRA) revision A, dated January 2012, Ref: GMS/LEM/34298,

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - hard surfacing materials
 - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - planting plans
 - written specifications
 - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - implementation programme.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 Prior to the commencement of development , details of any external lighting, shall be submitted to and approved in writing by the Local Planning Authority, This information shall included a layout plan with beam orientation, schedule of equipment proposed (including luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.
- 6 No development shall commence until a scheme for the ventilation of the restaurant, which shall include the installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use and thereafter maintained.
- 7 The development hereby authorised shall not be brought into use unless and until the highway works shown on the Croft Transport Solutions drawing no. 0146-F01 Rev A, shall be constructed and made available for use.
- 8 No development shall take place until a programme of archaeological work (Archaeological Attendance during groundwork's) including a Written Scheme of Investigation has been submitted to approved in writing. The development shall then be undertaken in accordance with the approved scheme.
- 9 Prior to the commencement of development details of the proposed cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be implemented in accordance with the approved details prior to the use first brought into use.
- 10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set a minimum distance of 10 metres behind the highway boundary and shall be hung so as too open inwards only.

- 11 Development shall not begin until a surface after drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the existing site and not increase the risk of flooding off site
- provision of sufficient surface water run-off attenuation storage to accommodate the difference between the existing allowable discharge rate and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm
- details of how the scheme shall be maintained and managed after completion.

- 12 The development hereby permitted shall not commence until a scheme to install oil and petrol separators has 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 first use of the site.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To enhance the appearance of the development and to ensure that adequate replacements for the removed trees are proposed to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that any external lighting from the proposal does not detrimentally affect the bat foraging route or result in a nuisance in accordance with Section 11 of the NPPF in particular paragraph 109 and 110.
- 6 To protect the amenities of nearby residents in accordance with policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of Highway safety and the free flow of traffic along Dodwells Road in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that any archaeological remains are suitably preserved or recorded in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainability of the of he development to encourage alternative transport choice in accordance with Section 4 of the NPPF in particularly paragraph 30.
- 10 To enable a vehicle to stand clear of the highway whilst the gates are opened / closed to protect the free and safe passage of traffic, including pedestrians in the public

highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 11 To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 12 To prevent pollution of the water environment in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 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 You are advised that works within the highway will require you to enter into a S 278 agreement with the relevant Highway Authority. In this instance it will be the Highway Agency for the footpath connection to the south of the site and Leicestershire County Council for works to the vehicular entrance on Dodwells Road.
- 6 Please see the notes attached to the Consultation response from the Environment Agency

Contact Officer: - Sarah Fryer Ext 5682

Item: 04

Reference: 12/01045/EXT

Applicant: Mr Jagtar Singh

Location: 116 High Street Barwell Leicester

Proposal: extension of time application for planning permission 09/00797/ful for the erection of 11 dwellings

Target Date: 25 April 2013

Introduction:-

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

Application Proposal

This application seeks an extension of time to the three year time limit for the implementation of a previously approved planning permission 09/00797/FUL issued on 12 March 2010 for residential development of 11 new dwellings, a double car port and associated access and parking on land to the rear of 104 - 112 High Street, Barwell. Whilst the three year period has now expired, the application for the extension of time was received and valid before the expiry date and therefore the permission can still be extended. Details have already been submitted and approved in respect of the pre-commencement conditions attached to the previous planning permission and the conditions have been discharged.

The application proposes the erection of 6 x 2 bed terrace houses, 3 x 3 bed terrace houses and 2 two bed semi detached houses, laid out in the form of two terraces and a pair of semi detached houses. Both terraces face each other across an access and parking area. A mix of house types are proposed including attractive houses to the terrace ends and a pair of attractive semi detached houses at a key focal point within the site.

The Site and Surrounding Area

The site measures approximately 0.2 hectares and is bounded to the north by residential, to the east by residential and a fish and chip shop, to the south by a mix of uses, including retail and leisure and a warehouse in connection with a 24 hour commercial business (Crowfoots Distribution Centre) to the south and west. The site is located within the Barwell Conservation Area other than for an area adjacent to the western boundary. A public right of way runs along the sites western boundary. The application site has been cleared and is currently an overgrown brownfield site.

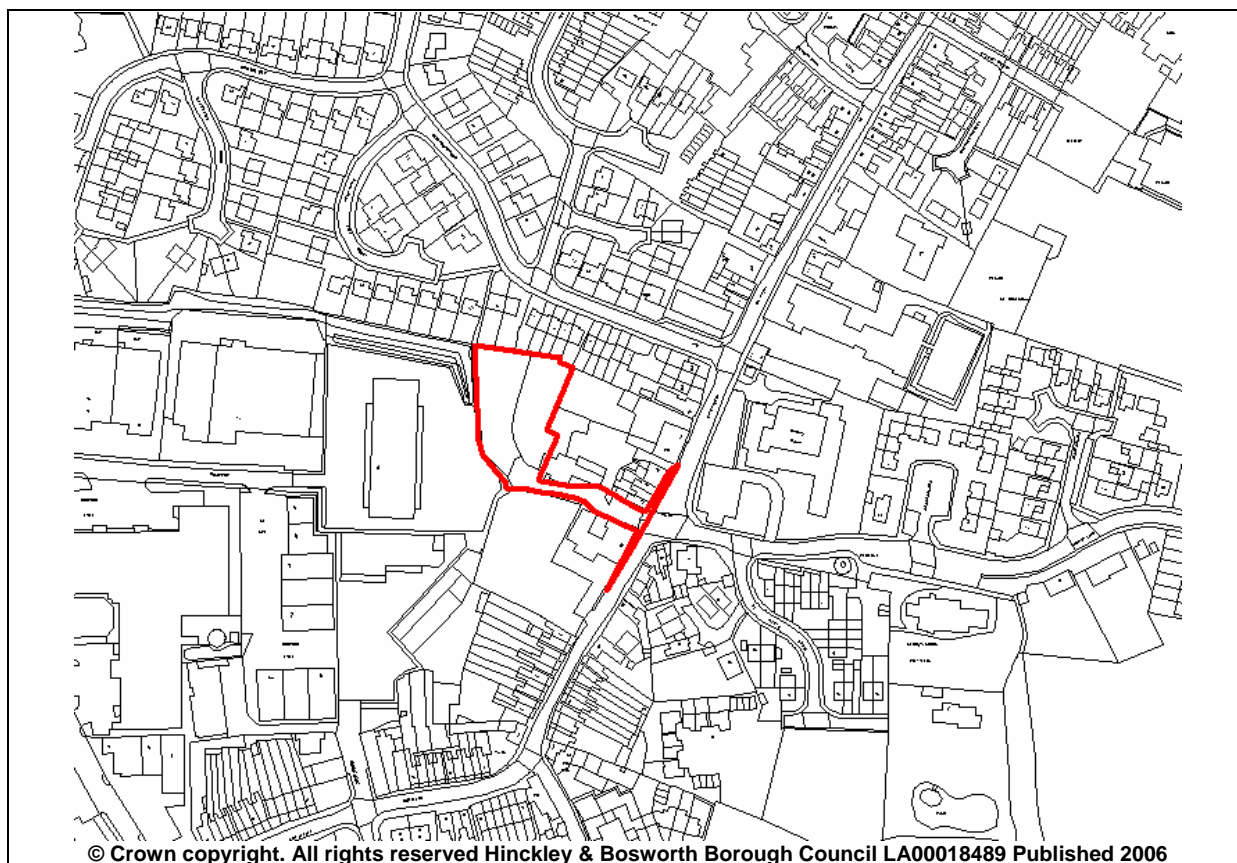
Technical Documents Submitted With Application

A Heads of Terms Form for a Unilateral Undertaking for Open Space Contribution

A Design and Access Statement; Noise Mitigation Report, Ground Investigation Report and a draft Section 106 Agreement were submitted with the original application.

Relevant Planning History:-

09/00797/FUL	Erection of 11 Dwellings	Approved	12.03.10
08/01020/FUL	Erection of 12 dwellings	Withdrawn	21.01.09
06/01196/FUL	Conversion of industrial buildings to 9 apartments and demolition of other buildings and redevelopment with 11 houses and 3 apartments including associated parking and access.	Approved	20.02.07



Consultations:-

No objection has been received from:-

Barwell Parish Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objections subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Severn Trent Water Limited
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) Directorate of Chief Executive (Ecology) requests no contribution
- b) Director of Children and Young Peoples Services (Education) requests no contribution
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £518 towards mitigating additional demand on the Barwell Civic Amenity Site
- d) Director of Adults and Communities (Libraries) requests a contribution of £620 towards mitigating additional demand on Barwell Library
- e) Director of Environment and Transport (Transport) requests no contribution.

No response has been received at the time of writing this report from:-

Environment Agency
Primary Care Trust
Leicestershire Constabulary Crime Reduction Officer
Cyclist Touring Club
Press Notice
Site Notice
Neighbours.

Development Plan Policies:-

National Planning Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell
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 BE7: Development in Conservation Areas
Policy BE8: Demolition in Conservation Areas
Policy RES5: Residential Proposals on Unallocated Sites
Policy EMP1 :(b) Existing Employment Sites
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Ground Water Quality
Policy REC3: New Residential Development Outdoor Play Space for Children
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development
Supplementary Planning Document (SPD) on Play and Open Space.

Appraisal:-

The main consideration in determining this application is whether any development plan policies or other material considerations have changed significantly since the earlier grant of permission (09/00797/FUL) which may lead to a different conclusion on the acceptability of the application.

National and Development Plan Policy

There has been a change in terms of national planning policy since the original application was determined with the arrival of the National Planning Policy Framework (NPPF). The NPPF is intended to simplify the previous regime of planning policy statements and provides a presumption in favour of sustainable development. The NPPF in paragraph 17 encourages

the effective use of land by reusing land that has been previously developed and the conservation of heritage assets and in paragraph 50 supports the delivery of a wide choice of high quality homes. In addition, the local development plan now includes the adopted Core Strategy. In order to support the regeneration of Barwell Policy 3 of the Core Strategy supports the development of a minimum of 45 new residential dwellings within the settlement boundary (in addition to a Sustainable Urban Extension to the west for 2500 new homes) and requires new development to respect the character and appearance of the Barwell Conservation Area.

The brownfield site is within the defined settlement boundary for Barwell and therefore there is a presumption in favour of sustainable residential development subject to all other planning matters being adequately addressed. The scheme proposes an appropriate layout and mix of house types together with appropriate external construction materials that complement and enhance the character and appearance of the Barwell Conservation Area within which the site lies. There are no arising adverse impacts on the environment, highway safety or residential amenity. Accordingly, the development is considered to be sustainable and compliant with the objectives of the NPPF and would contribute to the requirement for additional residential properties in Barwell in accordance with Policy 3 of the adopted Core Strategy.

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

Conditions

This application seeks to extend the time period stated within Condition 1 which will need to be amended accordingly. All the other conditions attached to planning permission 09/0797/FUL are considered to be reasonable and necessary to define the permission and ensure satisfactory development of the site and should therefore be carried forward to any new permission. A condition that links any new permission to the conditions attached to the original permission is necessary to ensure that the development will be carried out in accordance with the approved details submitted with the original application and to discharge the pre-commencement conditions. A note to applicant should be included to refer to those details and the discharge of conditions letter issued on 11 March 2013.

From 2013 to 2016 Policy 24 of the adopted Core Strategy requires all new residential development within Barwell to be constructed to a minimum of Code Level 4 of the Code for Sustainable Homes unless it would make the development unviable. No information has been submitted with the current application in respect of viability or compliance with the Code therefore an additional condition is considered to be reasonable and necessary to ensure compliance with Policy 24 of the adopted Core Strategy.

Developer Contributions

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. Policy REC3 requires contributions towards the provision and maintenance of children's public play and open space facilities. The proposal is below the trigger threshold in Policy 15 of the adopted Core Strategy for a requirement for affordable housing.

The general approach to developer contributions must also be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary,

directly related and fairly and reasonably related in scale and kind to the development proposed.

The earlier application was subject to a legal agreement to secure developer contributions towards the provision and maintenance of public play and open space facilities, civic amenity facilities, library facilities; highways travel packs, health facilities, fire and rescue provision and policing requirements. In the determination of the current application it is necessary to reassess the case for any developer contribution to ensure that they are compliant with the development plan and the CIL Regulations of 2010.

Play and Open Space

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of public play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD. The site is within 400 metres of Boston Way Local Open Space which provides such facilities.

Within the Green Space Strategy 2005-2010, Barwell was found to have sufficient areas of equipped open space (0.06) for its population when compared with the National Playing Fields Standard. However, the quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Boston Way Local Open Space a quality score of only 60%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case the total play and open space contribution would be £13,758.80 (comprising £8995.80 capital provision and £4,763 maintenance over a ten year period) and could be allocated to improve the quality of the site with the replacement of existing play equipment (swings, roundabout and climbing frames) that are approaching the end of their useful life and new and improved pathways within the site to mitigate the impact of the additional dwellings on these facilities.

The size of units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

Civic Amenity

The supporting information supplied with the request suggests that the development will result in over 3 tonnes of additional waste to Barwell civic amenity site per annum, however the site current receives 8,200 tonnes per annum and the 0.39% increase is not considered to demonstrate that any improvement is necessary to make the development acceptable in planning terms. Accordingly this request fails to satisfy the CIL Regulations.

Libraries

The supporting information supplied with the request suggests that the development will result in 17 additional users of Barwell library, however the existing active borrower base is 1,337 people and the 1.27% increase is not considered to demonstrate that any improvement is necessary to make the development acceptable in planning terms. Accordingly this request fails to satisfy the CIL Regulations.

The consultation responses from the Primary Care Trust and Police have not been received at the time of writing this report. Any responses received will be reported as a late item to the agenda.

Conclusion

As this application is only to be considered in terms of any changes to planning policy or other material considerations that have occurred since the previous permission it is considered that the extension of the time period for the development is acceptable subject to conditions and the signing of a new legal agreement to secure appropriate CIL compliant developer contributions towards infrastructure facilities.

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 to secure developer contributions towards the provision and maintenance of public play and open space facilities, the Development Control Manager be granted powers to issue full planning permission, subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, the character and appearance of the Barwell Conservation Area, representations received and relevant provisions of current national policy guidance the development plan, as summarised below, 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 brownfield site is within the settlement boundary and by virtue of its layout, design, scale and appearance the development would enhance the character and appearance of the Barwell Conservation Area, would not have any adverse impact on visual or residential amenity or highway safety, would include sustainable design measures in its construction and a Section 106 agreement would secure appropriate contributions towards infrastructure requirements.

Hinckley and Bosworth Local Plan 2001:- Policies BE1, BE7, BE8, RES5, EMP1 (b), T5, IMP1, REC3, NE2, NE12, NE14

Local Plan 2006-2026: Core Strategy (2009):- Policies 3, 16 and 24

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the variation of Condition 1 of planning permission reference 09/00797/FUL [the previous application] dated 12 March 2010., a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 12/01045/EXT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the Local Planning Authority.
- 3 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 4 has been provided to the Local Planning Authority. Prior to first occupation of each dwelling hereby approved the Post Construction Stage Assessment shall be carried out by a qualified Code Assessor. Within 3 months of first occupation of each dwelling

the final Certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 4 shall be submitted to the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission and to ensure that all other conditions attached to the original consent still apply.
- 3 In the interests of sustainable development to ensure compliance with the requirements of Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The development hereby permitted shall be implemented in accordance with the details submitted to discharge the pre-commencement conditions as approved in the letter dated 11 March 2013 issued to discharge those conditions, a copy of which is attached to this planning permission.

Contact Officer: - Richard Wright Ext 5894

05

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:-

Members will recall that this application was deferred at 16 April 2013 committee, following the request for an additional plan to show specific constraints on the site in order to justify the siting of the turbine in its current location.

The applicant has submitted a plan showing the constraints of the site including existing pond and hedgerows and telecommunication links and telecommunication safeguarding buffers.

The applicant has submitted a statement to accompanying the plan stating that:-

"The turbine needs to be a minimum of 220 metres from the nearest residential property to ensure it does not adversely impact their amenities by virtue of noise or shadow flicker. The area along Peckleton Lane shown in white would have been in close proximity to 'Marciel', located on Peckleton Lane. This location is also considered to have greater impact on the character and appearance of the surrounding landscape. Therefore it was discounted."

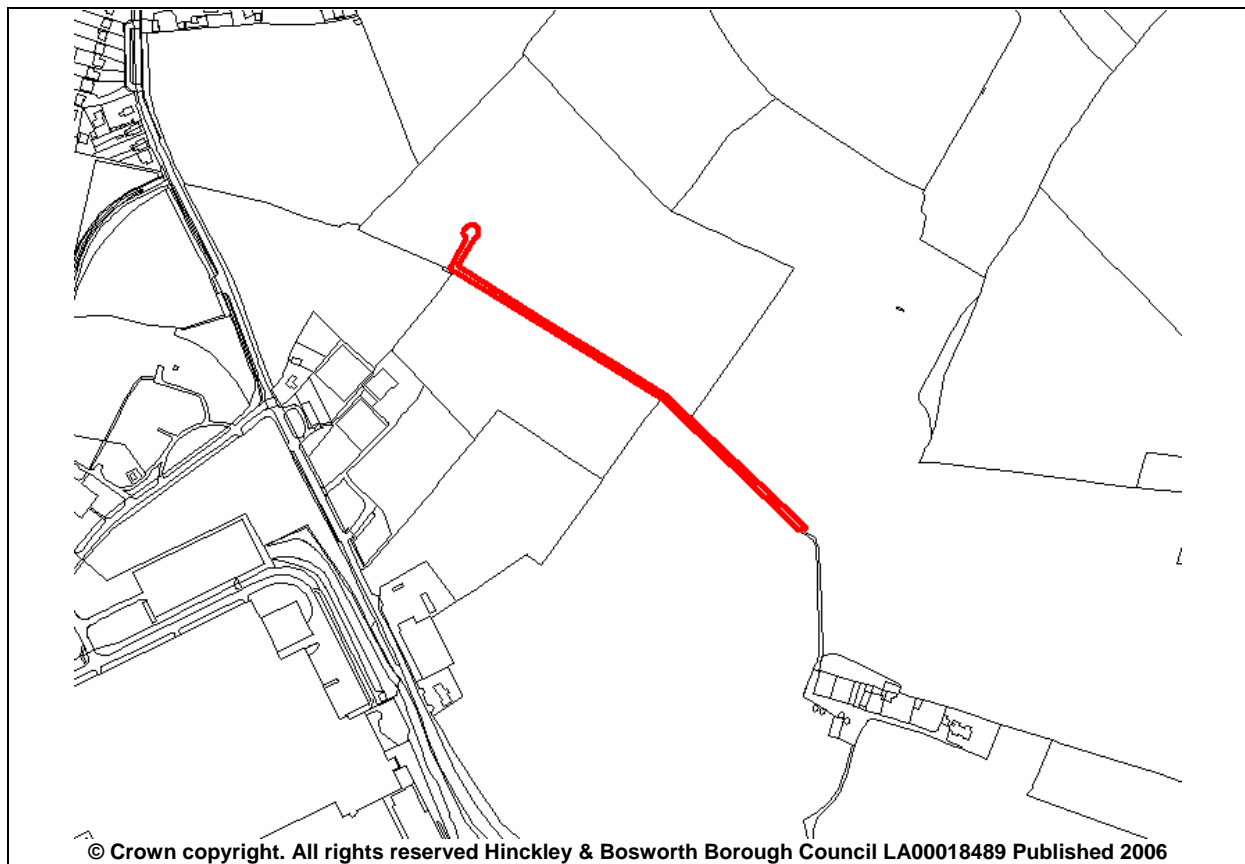
As such the applicant states that following an assessment of the constraints identified, and taking into account the costs for cabling, grid connection and laying the access track, the final location was chosen.

The applicant's statement also states that the planning application sufficiently demonstrates that the application will have no adverse impacts on the amenities of any residential property or the surrounding environment and no other material considerations have been identified which indicate that the proposal will have an adverse impact.

Re-consultation has been undertaken on the additional information with the Joint Radio Company (JRC) (a statutory consultee), Directorate of Chief Executive, LCC (Ecology), the parish and neighbouring properties (including all those who have commented on the application) for a period of 10 days.

During this time, the applicant has also provided a statement to clarify that one of the telecommunication links shown from Forest View Farm is managed by the JRC and is a safeguarded link and that the JRC requested a safeguarding distance of 150 metres either side of the telecommunications links that they manage. In addition, previous correspondence between the agent and JRC has been provided confirming the link from Forest View Farm.

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



Consultations:-

In requesting that the constraints plan be verified, the Directorate of Chief Executive, LCC (Ecology) has confirmed that there are ponds at Alder Hall as shown on the plan, but that the presence of Great Crested Newts (GRN) in the pond would not necessarily prevent the turbines being closer to the ponds, as long as any necessary mitigation was carried out.

The Directorate of Chief Executive, LCC (Ecology) confirms that *"there is not an automatic need for surveys if the development was within 500m of the ponds. In terms of impact on GCNs this is a minor development, so according to our local validation criteria we would expect surveys if the development was within 100m of the ponds and is connected by reasonable habitat. "*

The Directorate of Chief Executive, LCC (Ecology) states that therefore *"the arguments put forward about GCNs aren't really all that relevant to a wind turbine. GCNs are rarely impacted by turbines as the footprint of the development is usually small."*

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

Comments specific to the plan

- 1) can see no alteration to the original application and with that in mind re-iterate our objections
- 2) was hoping that any amendments would involve an increase in the distance from residential properties in line with the guidelines laid down and discussed at various council meetings
- 3) the map shows that other positions are possible further from the village

- 4) an alternative siting nearer to the Caterpillar site and Highfields seed factory and thus would group the industrial aspects together
- 5) none of the buildings close to the other area of white are residential
- 6) a large sector of the possible sites for the turbine seems to be ruled out, due to the vague possibility that Great Crested Newts may be in that area; How can the Council base their decision about the turbine on such flimsy non-evidence
- 7) the statement about the Great Crested Newts is further evidence to show that the applicant has not fully explored the possibility of re-locating the turbine, its obvious there are no newts
- 8) the applicant has not carried out a survey - building half a mile of tarmac road and needing half a mile of heavy duty cabling must be more expensive than a newt survey;
- 9) all the area marked in blue should be considered viable
- 10) any white area on the plan is a possible site, why could a proposal not be put forward to erect in the area opposite the Caterpillar site?
- 11) there are a considerable number of locations between the Farm buildings and the Main Hinckley to Leicester A47 road
- 12) makes no sense at all to impose such a problematic construction this close to domestic housing, there are other rational places for it to go
- 13) the plan has been drawn by applicant's own paid agent and not an independent person
- 14) is not the evidence that members requested; where are the letters, document, emails and plans that the applicant's agent referred to
- 15) where are the official confirmation letters verifying ownership, location and minimum erection siting distances?
- 16) there is not JRC transmission link from Forest View Farm; the plan shows a telecommunication link that is actually not even there and this further demonstrates that the turbine could be sited in several locations further away from residents
- 17) the radio link is not a mandatory requirement and this information can be supplied through other means: there is no need to have that radio link in place
- 18) the exclusion zones of 150 metres is larger than that of BT, Vodafone and indeed all other radio path providers that cross the sites; as such there would be multiple preferable and cheaper turbine locations
- 19) the telecommunications link that has been requested appears to be one capable of running an entire wind farm with multiple turbines and the exclusion zones only need to be 25 metre each side of the transmission link
- 20) has the agent tried to mislead the Council?
- 21) spending money on extra cable and tarmac to get the turbine away from the applicants own property is far cheaper than the devaluing his property
- 22) if the applicant's agent has misled the Councillors then refuse the application so a new one further away from the residents can be submitted; it can be re-located so please reject it

Other comments

- 23) photomontages are provided on the basis of a distance of 350 metres, yet we are only 220 metres from the turbine so its only shows at two thirds of the size that it will actually be; very misleading
- 24) are we to assume that the interests of the neighbouring residents are to be disregarded in favour of the financial gain of a single individual
- 25) Desford is already a well built area and limited green belt has been constantly under threat
- 26) substantial impact upon the quality of life from light flicker
- 27) central Government policy is being developed with the Distances from Residential Premises Bill requiring a minimum distance of 1500 m for 50-100 metre turbines
- 28) the Bill must be given due weight as there is little other guidance on the appropriate separation distance

- 29) Council planning committee members have not been shown how close this development is to the residential properties closest to the proposed site for the turbine
- 30) the report suggests that there are very few properties affected
- 31) all plans to date do not show the hundreds of properties to the north and north west thus the impact on residential properties is not truly represented
- 32) plans should show all properties within 500 metres; this plan should be requested
- 33) a 50 kw turbine is hardly a major contribution to the green endeavours of the council, I hope good sense will prevail
- 34) was the correct procedure followed to inform residents of the proposed turbine, in order for them to respond
- 35) a notice at the farm entrance that only dog walkers would see hardly seems sufficient or legal
- 36) considerable amount of noise and since it is so close to the southern boundary of the village, inevitably the 'whoosing' noise will carry on the prevailing winds into the residential area
- 37) the applicants measurements are inaccurate and measured to the wrong location; the turbine will be 194 metres from our boundary
- 38) visual impacts to residents; the turbine will be on high ground relative to the houses in Grace Road and Parkstone Road
- 39) the turbine is closer to the village than to Forest View Farm which indicates that they themselves do not want the inconvenience
- 40) detrimental to the wildlife of the area; particularly bats and birds
- 41) wind turbines are not as efficient as we are led to believe
- 42) serious de-valuation of property prices; Who is going to compensate those?
- 43) invasive constructions literally in peoples back gardens
- 44) in 2008 a court ruled that living near a wind farm decreases property prices and awarded a householder a discount on her council tax
- 45) will not stop at one wind turbine
- 46) solar panelling is more productive and should be encouraged; ground source heat pumps
- 47) UK Noise Association and others suggest that the harmful effects on the health of people living nearby are insufficiently assessed and minimum distances increased 1.5k to 1.5 miles
- 48) regulations ETSU-R-97 are dated and in other ways inadequate
- 49) alter the character of the countryside view.

One letter of representation has also included figures to show the clearances in metres required from the radio path and concludes that the frequencies of the order of 7 GHz and higher the clearances required for wind turbines are not likely to be onerous.

At the time of writing comments have not been received from the Joint Radio Company, any comments received will be reported as a late item.

Appraisal:-

The plan has been requested to be verified by both the Joint Radio Company in respect of the telecommunications links and safeguarding buffers as shown in green, and by the Directorate of Chief Executive, LCC (Ecology) in respect of the ecological constraints as shown in light blue.

At the time of writing no formal representations have been received from the Joint Radio Company and as such these observations will be reported on as a late item.

To confirm that the 220 metre distance quoted within the statement is a distance specified by the agent, and is not taken from any guidance.

Members will observe that there are other areas of white shown within the constraints plan, indicating alternative sites, some of which have been discounted by the applicant for various reasons. Indeed there are other areas such as the 'pond' (ecological areas) in blue which are not necessarily considered to be a constraint by the Directorate of Chief Executive, LCC (Ecology).

Notwithstanding this and the existing or potential constraints it is not for officers to comment on whether there is a preferred alternative siting for this turbine. Similarly there is no statutory requirement for officers to request that the applicant provides justification for the siting of a wind turbine only to assess the impacts as a result of the proposed siting.

As such members still need to assess whether the turbine in its current siting, is in their opinion acceptable or not.

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 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.
- 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

APPENDIX A: COMMITTEE REPORT (16 APRIL 2013)

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation; at 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 Issues

- 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.

Development Plan Policies:-

National Policy Guidance

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 turbines 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 PPS22 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 PPS22.

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 PPS22 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 does 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 within the NPPF and the Companion Guide PPS22.

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

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as 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

APPENDIX B: LATE ITEMS REPORT (16 APRIL 2013)

Desford Parish Council object on the following grounds:-

- a) location chosen without due regard to the national guidelines which recognises a minimum separation distance of 350 metres of a wind turbine to adjacent properties;
- b) the distance of 350 metres is a guideline figure and it falls to the Borough Council to consider whether in this case it should be ignored
- c) Cllr Morrell stated that in order to protect local residents this Council resolves that detailed planning policies be examined and adopted to ensure:-
 - wind farm proposals should not be permitted if they would have a significant long term detrimental impact on the amenity of people living nearby
 - a separation distance of at least 2km between wind turbines and residential properties
- d) impacts of shadow flicker and accounts of impacts throughout the year, results from the Project European Commission Directorate General for Energy recommend that shadow flicker for dwellings within 500 metres of a turbine should not exceed 30 hours per year or 30 minutes per day and this recommendation is not met for Meadow Way, Desford.

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

Visual Impact

- a) ugly industrial structure
- b) eyesore on the landscape as it will be in view from many different places in the village
- c) turbine the same height as a 13 storey building
- d) the turbine is on high land
- e) located directly in the centre of a magnificent vista
- f) view over the countryside ruined
- g) detrimental to the character of the village
- h) siting of a turbine in an area of natural beauty
- i) the visual survey does not take account of the impact it will have and the loss of visual amenity on the houses
- j) no photos to demonstrate that impact from Peckleton Lane
- k) no photographs or projections have been taken from Meadow Way itself
- l) front windows will be affected
- m) area enjoyed by walkers and will be ruined
- n) turbine would be visible from houses and this is not acceptable

- o) these turbines of such sizes are designed to be installed in vast open spaces
- p) the Zone of Theoretical Visibility shows that 80.64% of Desford will be able to see varying amounts of the turbine and 24.67% will be able to see the entire structure - how is this acceptable?

Distances

- a) there is a "Distances to Resident's Properties" Bill currently in progress in the House of Lords, although not Law the Council should take the same pragmatic approach (once the law is passed a turbine of 25 metres would be required to have a distance of 1000 m to the nearest residence)
- b) closer than the national guidance set out in PPSS22 Companion Guide
- c) a separation distance in excess of 1km would alleviate residents worries
- d) it is not sited near to the farmhouse on the farm, how is this fair?
- e) too close to residential properties
- f) too close to Sport in Desford
- g) the additional supporting statement should be challenged- it is true that the switchgear, conversion equipment and metering should be close to the grid but the turbine could be any distance from this equipment
- h) surely a more favourable location can be found?
- i) re-locating the turbine is unlikely to have a notable effect on the operational efficiency of the plant.

Noise

- a) low frequency noise and vibration
- b) auditory drone
- c) added noise to an already noisy area
- d) hear noises from Mallory Park Race Track but this is only for limited periods
- e) due to the layout of the Peckleton View and Grace Road/Bambrook Close estates noise becomes almost magnified between these estates
- f) as a deaf disabled person I find low frequency noise and air movement very disorientating
- g) impact on a sleep disorder which is exacerbated by noise and prepared to go to the doctor to gain evidence that it will hugely exacerbate condition
- h) studies undertaken measures sound levels more than a mile away from a turbine
- i) the World Health Organisation recommends no more than 45 decibels
- j) has the Planning Authority critically assessed the Noise Report or had it reviewed by an independent third party specialist?
- k) noise level data is often optimistic and inaccurate, and 'wooshing' from blades is not an exact science
- l) the noise report makes assumptions
- m) noise can affect the members of the Sport in Desford facility.

Health

- a) request a Health Impact Assessment for those who live in close proximity to the proposed site
- b) adverse mental and physical health effects
- c) research by Dr Amanda Harry showed that all but 1 of 14 people living near Bears Down wind turbine in Cornwall had experienced increased incidents of headaches, migraines, nausea, dizziness, palpitations, tinnitus, sleep disorders, stress, anxiety and depression
- d) impact on migraine sufferers
- e) further study and research is being undertaken and the understanding of the negative effects of wind turbines on residents is required and not yet available and therefore it

cannot be possible for the Council to make an informed decision and should refuse on this basis.

Shadow Flicker

- a) the simplistic software being used by the agent is in-accurate in its predictions because the plan area of the shadow flicker cannot ever be circular because the sun rises and sets at different angles at different seasons of the year which produces an irregular shadow pattern
- b) an application south of Leicester Lane used more sophisticated software
- c) present submission does not take account of topography in the area of the proposed turbine, any shadow would be elongated down the slope resulting in an egg-shaped form at least
- d) stress and annoyance from the rotating blades
- e) impacts of shadow flicker and accounts of impacts throughout the year, results from the Project European Commission Directorate-General for Energy recommend that shadow flicker for dwellings within 500 metres of a turbine should not exceed 30 hours per year or 30 minutes per day and this recommendation is not met for Meadow Way, Desford.

Wildlife

- a) area is home to a large bat colony; bats in the area and foraging sites impacted upon by the noise and action of the turbine
- b) there has been no check on the distances relating to ecology features
- c) the applicant has not provided the exact location of the badger sett
- d) bats in the woods and gardens are too close to the wind turbine
- e) bird deaths will increase
- f) number of species of wild birds in their area such as lawfully protected barn owls and bats that may become endangered by this installation
- g) bats can forage up to several kilometres so the stated 50 metres from a hedge is neither here nor there
- h) have Natural England been consulted? I am sure they would like to know that these precious species are under threat.

Consultation

- a) not informed by HBBC even though we live directly opposite/close by
- b) only heard through a third party
- c) we will be speaking to our neighbours and writing to the planning officer to establish whether the correct procedures have been followed in this instance
- d) we will be seeking legal advice on whether the Council have undertaken the correct consultation
- e) the notice put up on the entrance to the farm would have been seen by no one
- f) the notice placed at the footpath entrance would only have been seen by a few dog walkers.

Other Impacts

- a) distraction to an extremely busy road and could increase the risk of road traffic incidents and accidents
- b) there are recording instances of ice flying from blades, wind turbines collapsing, exploding and shearing blades
- c) many cases of accidents caused by wind turbines broken blades, fallen turbines, fires of lightning strikes; not isolated incidents and will increase as turbines become older and less well maintained

- d) turbines in this area are a complete waste of time, the majority of the time they are not working
- e) similarity to previous application ref: 12/00157/FUL- many of the comments made by the MP David Tredinnick in that report apply in this case and if the fact that the East Midlands already have over 25% above our 2020 wind energy targets is correct, it seems irresponsible to pursue an application which will adversely affect to many people
- f) there is currently insufficient evidence to demonstrate the 'green' credentials of this method of power generation
- g) won't bring anything of any value to our community
- h) purely a business prospect at the expensive of the local private council tax payers
- i) no compensation for us is possible
- j) movement and noise would impact upon the outdoor facilities of Sport in Desford
- k) many footpaths go close to the site
- l) it will require the re-routing of a footpath in fields
- m) property prices affected
- n) the area is already well served by alternative energy generation such as the solar power station at Stoke Golding and wind power schemes planned between Newbold Verdon and Peckleton
- o) could set a precedent for more turbines on this site.

Appraisal:-

The majority of the objections raised have already been addressed and appraised within the planning committee report. Those not specifically addressed previously, are addressed below:-

Distances

Letters of objection have referred to a turbine being sited a minimum distance of 350 metres from residential properties, in accordance with guidance contained within Planning Policy Statement 22 (PPS22).

PPS22 has been superseded by the publication of the National Planning Policy Framework and as such carries no weight in the determination of the application.

There is no guidance within the Companion Guide to PPS22 relating to a distance of 350 metres, however this guidance includes a table which compares the noise of a turbine 350 metres from a source, compared with other everyday noises.

Shadow Flicker

In response to the letter of objection regarding the simplistic software used to calculate the extent of the shadow flicker, the guidance contained within the companion guide to PSS22 makes clear that problems caused by shadow flicker are rare and for sites where existing development may be subject to this problem, applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect.

The guidance does not state how this information should be displayed or presented and given that flicker effects have been proven to occur only within ten rotor diameters of a turbine and only properties within 130 degrees either side of north, relative to the turbines can be affected in the United Kingdom then the information submitted by the application clearly shows the extent of the impact of shadow flicker.

Safety

In relation to icing of the blades, the Companion Guide to PPS22 states that the build up of ice on turbine blades is unlikely to present problems on the majority of sites in England and that very few accidents have occurred and there has been no example of an injury to a member of the public and that experience indicated that properly designed and maintained wind turbines are a safe technology.

Paragraph 49 of the Companion Guide to PPS22 states that experience indicates that properly designed and maintained wind turbines are a safe technology and that the very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines and that there has been no example of injury to a member of the public. Paragraph 50 goes on to state that the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. However it states that many blades are composite structure with no bolts or other separate components and therefore blade failure is most unlikely.

Other Issues

The Noise Report is assessed by the Council's Environmental Health department and there is no requirement for a third party to additionally assess the report.

Specific criteria needs to be triggered in order for Natural England to be consulted and this development did not satisfy the criteria.

There is no planning requirement for the applicant or the Council to undertake a Health Impact Assessment.

The development will not result in the re-routing of a footpath.

Item: 06
Reference: 13/00055/FUL
Applicant: Mr Adam Preston
Location: Land At Leicester Lane Desford
Proposal: Erection of agricultural dwelling
Target Date: 11 April 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 an agricultural dwelling in association with an agricultural business being carried out at Manor Farm Leicester Lane

Desford. The application proposes a four bedroom, two storey dwelling and a double garage with first floor office accommodation. The size of the proposed plot for the dwelling is 30 metres wide with a depth of 90 metres. The proposed dwelling has a main ridge height of approximately 8.5 metres and eaves heights of 3.8m metres. The accommodation at ground floor level comprises a lounge area, kitchen/diner and a snug/diner. The first floor accommodates four bedrooms; the master having a dressing room and en-suite. Two dormer windows will be situated on the primary elevation of the dwelling along with three rear dormer windows. The double garage, which has a first floor office, will have a ridge height of 7.5 metres and the eaves will be set at 3 metres. Two dormer windows are also proposed to the garage front roof slope.

Access to the proposed dwelling from the highway would be the same as the existing vehicular access to the land holding off Leicester Lane.

The Applicant currently resides with his parents at nearby Forest Hill Farm, Desford and he is the joint owner of Manor Farm. The submitted appraisal states that the contracting side of the business known as 'Preston's Agri-Hire' has expanded in recent years and is currently owned by the applicant and his parents and under this company the farmstead known as Manor Farm has been established.

It is the intention of the applicant to erect a dwelling to live in due to the increasing activity and security required by the business.

The Site and Surrounding Area

The site is situated on open agricultural land on the eastern side of the settlement of Desford. The plot that will accommodate the proposed dwelling will be sited to the north of the two existing farm buildings. The existing access to the farmstead is off Leicester Lane. The site benefits from open views of the countryside and is highly visible from both short and long distance viewpoints.

The farmstead consists of a grain store (18m by 24m) and a cattle yard (24m x 42m) that is divided into 14 separate pens with a central feeding unit that will house rearing calves and finished beef cattle. The enterprise is approximately 34 hectares in size, 3 of which is rented on a long term business tenancy and the remainder is owned freehold. The farm machinery that is stored on site is owned by the partnership.

Technical Documents submitted with application

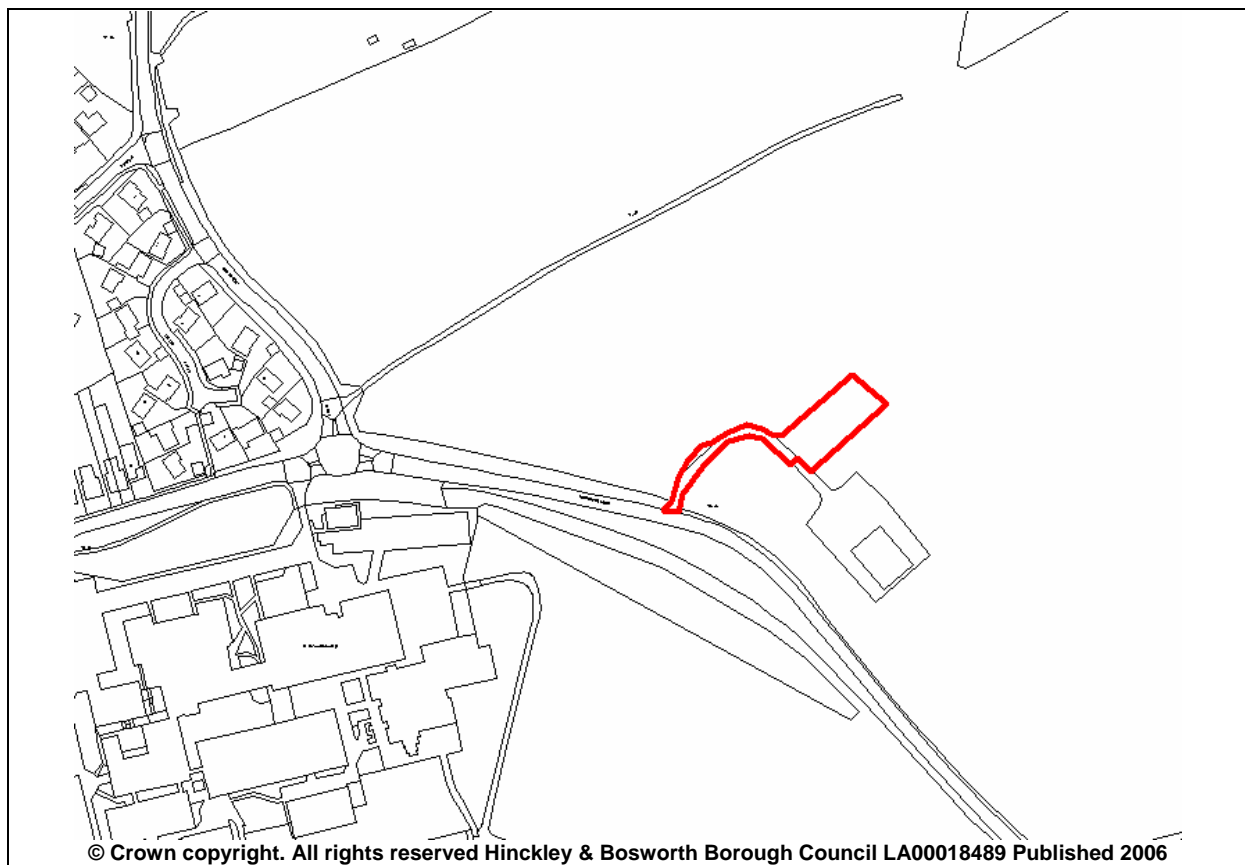
Design and Access Statement
Agricultural Appraisal
Financial Statement

Relevant Planning History:-

02/00289/GDO Erection of agricultural grain store (PD)

An Enforcement enquiry (details below) also exists on the site. At the time of writing this report the outcome of the decision was still pending.

13/00015/UNUSES Running agricultural contract business from barns and storage of HGVs and creation of bund. Although the issue is currently unresolved the council are awaiting a planning application to address these issues.



Consultations:-

No objection subject to conditions has been received from:-

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

Desford Parish Council object to the application on the basis that the site is outside of the village; there is excessive development already in progress for Desford Parish way above the original numbers in the LDF; infringement of the spirit of development on farmland; and not an essential build at this location.

A site notice was displayed and neighbours notified. As a result of the publicity five letters of objection were received raising the following concerns:-

- a) the proposal falls outside the settlement boundary of Desford
- b) no footpath access to the site along Leicester Lane impacting on pedestrian safety
- c) intensification of use from vehicles may impact on highway safety as this stretch of road has seen numerous accidents
- d) the applicant states the proposal is to assist in running an agricultural business; why does the applicant therefore require a substantial 4 bedroom house and double garage with 4 parking spaces
- e) the storage of machinery/plant on site is visually detrimental
- f) the building on green field land should only be permitted when all brownfield sites have been used up
- g) the dwelling is not justified for a farm with only 2 barns and therefore is unsustainable
- h) the proposed dwelling should be built on the existing farm sited off Leicester Lane closer to the A47 crossroads
- i) the proposal is 'creeping expansion' for a site that was originally open agricultural land

Development Plan Policies:-

National Policy Guidance

The National Planning Policy Framework March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Documents/Guidance

New Residential Development (SPG)

Appraisal:-

The main considerations with regards to this application are 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 was to assess the current proposal against national policy guidance and local plan policies. However, the initial inspection from the Consultant relating to the brief accounts that were submitted found that the accounts did not include the full previous financial figures for the business at Manor Farm. Whilst it is acknowledged that the applicant did provide a brief account statement for 2011 the applicant did not want to release the full account figures from previous business activity. It should be noted that the applicant did state that they were available for inspection at the site but did not want to release them to the local planning authority as they contain sensitive information.

It is unclear exactly what current business activities are carried out at the farmstead as the submitted information appears to indicate that the cattle beef finishing enterprise is a proposed venture rather than being intensified to build the business up. The application forms also state under question 25 that none of the land to which the application relates is, or is part of an agricultural holding.

Notwithstanding this information it is evident that the lack of submitted accounts is insufficient in detail and therefore the financial justification is inconclusive. In addition, there appears to be suitable alternative accommodation currently available within the farmstead of the applicant's parents where the applicant currently resides and therefore, in terms of functionally, it is considered that the proposed dwelling would be unjustified.

Furthermore, the proposed dwelling will offer four bedrooms (the master having a dressing room and en-suite). It is considered that the excessive size of the level of accommodation within the dwelling is not commensurate with the functional needs normally associated with this size of business venture.

With the absence of the key financial accounts the applicant has failed to fully demonstrate a sound financial basis for the business, both existing and proposed, 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 functional need of the enterprise does not justify an on-site dwelling, alternative accommodation is available in the vicinity (at the parents farmstead only a mile away) that would meet the functional needs of the enterprise and the applicant, through the lack of submitted information in the form of full accounts, has failed to fully 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 is set back from Leicester Lane and is isolated in its position. The nearest buildings will be the associated farm buildings that would be located 45 metres away to the south. As a result of the open aspect of the dwelling the site would appear prominent within the wider landscape.

In terms of its built form the siting of the proposed dwelling would have a somewhat detached relationship with the existing farm buildings; however, it would appear to be close enough to provide surveillance of the access and land holding in the interests of security. The design of the proposed dwelling generally appears to be reflective of modern farm houses in the countryside being commanding in scale and relatively simple in form. It is considered that, on balance and in terms of its design, it is considered acceptable in this instance.

Notwithstanding the 'in principle' objection to the development, the siting of the proposed agricultural workers dwelling would be uncomplimentary to the rural character of the area and may result in visual harm when viewed from the street scene or from other public vantage points. The proposal is therefore considered to be contrary to Saved Policies NE5 (criteria i) and BE1 (criteria a and i) 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.

Sufficient separation distance will be retained to the nearest neighbouring residential properties (located over 300 metres to the west of the proposed dwelling). As a result the

proposed dwelling will have no adverse impact on any private residential amenities. The proposal is therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

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

Access to the site is gained from the existing access track that leads to the existing farm buildings, which has good visibility onto the public highway. The Director of Environment and Transport does not object to the application but recommends a condition requiring the first 10 metres of the access from to be suitably hard surfaced. It would appear reasonable to include this condition on any forthcoming approval.

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

Other Issues

Foul drainage by way of a septic tank normally requires the consent of the Environment Agency. Any approval would require a note to applicant advising them to contact the Environment Agency for advice. A condition requiring full drainage details should be attached to any forthcoming approval.

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 applicant lives within one mile of the application site and allowing for the perceived small scale and nature of the agricultural operation there appears to be no essential functional need for an on-site dwelling to enable the business to function properly and continue trading. It is also concluded that insufficient information has been submitted in the form of full financial accounts for the business activity at Manor Farm. As a result of this the applicant has failed to demonstrate that a sound financial basis for the business exists. Therefore 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 erecting a

dwelling in the open countryside without justification remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the local planning authority, insufficient information has been submitted by the applicant, in the form of comprehensive financial accounts that would allow the local planning authority to fully assess the financial viability of the proposal. The applicant has also failed to demonstrate that adequate agricultural justification exists in terms of its functionality and necessity for the business and therefore the allowance of 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: - John Taylor Ext 5680

Item: 07

Reference: 13/00086/FUL

Applicant: Mr C Whitby

Location: Beavers Bar 5 London Road Hinckley

Proposal: Erection of eleven flats and one new dwelling

Target Date: 16 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 and following a request from Councillor Stuart Bray on the grounds of concerns about parking, access and neighbouring amenity.

Application Proposal

This application seeks full planning permission for the erection of eleven, two bedroom flats, and one dwelling. The eleven flats would be contained within a purpose built three storey blocks. The building would have a traditional appearance to the London Road frontage with the second floor contained predominantly within the roofspace. Rooms at this level would be served by a mixture of dormer windows and roof lights. Parking to the site would be to the rear with access off Gladstone Terrace. The first and second floor of the proposal would overhang the vehicular access and this covered area also provides a bin store and a cycle store.

The proposed single dwelling would be located on the opposite side of Gladstone Terrace from the flats, and would adjoin the terrace located to the east of the application site. This two storey dwelling would consist of three bedrooms with a small private amenity area to the rear. Chimneys are proposed on both the flats and dwelling aspect of the proposal.

In total the proposal would provide a total of 13 parking spaces, 7 to the rear of the flats and 6 along the western elevation of the proposed dwelling. The site benefits from planning permission for 10 flats.

A previous application (12/00100/FUL) identical to this was refused on grounds of inadequate car parking provision resulting in an increase in on street parking therefore constituting overdevelopment of the site impacting on neighbour's private amenity. The applicant's also failed to complete and sign the required S106 legal agreement.

The Site and Surrounding Area

This site is located on the edge of the town centre and the surrounding area is dominated by terrace properties, occasionally broken by other commercial buildings including The Lawns Business Centre to the west and St Peters Catholic Primary School to the north.

The application site is located on the south side of London Road, opposite St Peters primary school and includes the first 20.5m of Gladstone Terrace. The site is currently an overgrown brownfield site located between The Lawns business centre to the west and a terrace of three storey dwellings to the east. To the south the private, un-adopted Gladstone Terrace continues and provides rear access to the properties on The Lawns and a terrace of dwellings facing onto Gladstone Terrace on the east side. Gladstone Terrace is an un-adopted private access driveway and currently is formed of compacted hardcore.

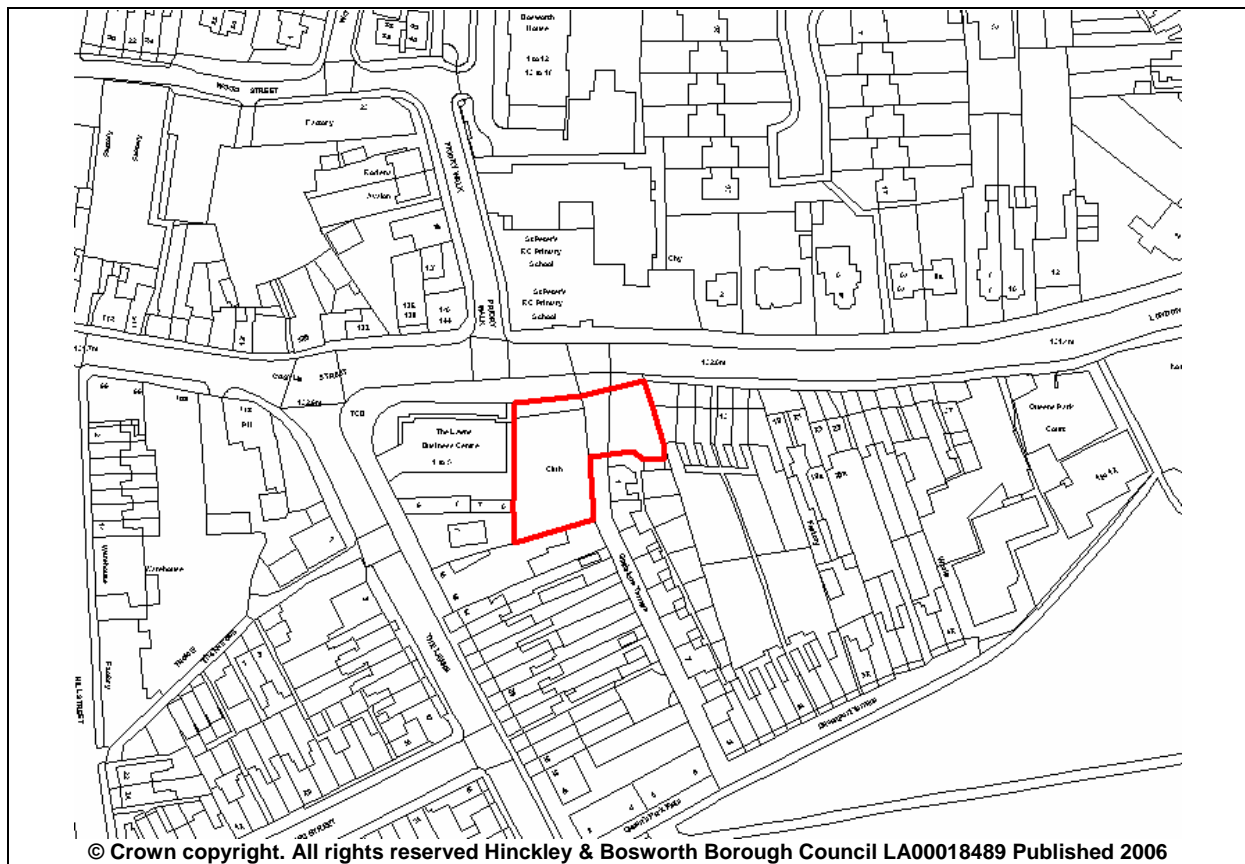
There is a yew tree which is the subject of a Tree Preservation Order located within the grounds of the Lawns Business Centre to the west of the application site. The site is within the designated retail area of Hinckley Town Centre.

Technical Document submitted with application

Design and Access Statement
Code for Sustainable Homes - Technical Appraisal
Heritage Statement

Relevant Planning History:-

05/00229/OUT	12 Apartments	Application Returned	04.03.05
05/00700/OUT	Demolition of existing bar and erection of 12 apartments	Withdrawn	06.09.05
05/01108/OUT	Demolition of existing bar and erection of 12 apartments	Approved	16.01.06
07/00893/FUL	Demolition of existing bar and erection of 10 apartments	Withdrawn	20.09.07
08/00442/FUL	Erection of 10 apartments	Approved	15.08.08
11/00581/EXT	Extension of time for extant planning permission	Approved	03.11.11
12/00100/FUL	Erection of 11 flats and 1 dwelling	Refused Dismissed on Appeal	27.07.12 15.01.13



Consultations:-

No objections have been received from:-

- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage)
- Leicestershire Fire and Rescue Services
- Conservation Officer

No objections subject to conditions being attached have been received from:-

- Severn Trent Water Limited
- Director of Environment and Transport (Highways)
- Directorate of Chief Executive (Archaeology)

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

- a) Directorate of Chief Executive (Ecology) - none requested
- b) Director of Children and Young Peoples Services (Education) requests £8,590.30 towards a primary school place and £5,139.44 towards an upper school place (£13,729.74 in total).
- c) Director of Environment and Transport (Civic Amenity) requests £565.00 towards the nearest civic amenity site which is located at Barwell.
- d) Director of Adults and Communities (Libraries) requests £660.00 towards Hinckley Library on Lancaster Road.

Housing Strategy and Enabling Officer (Affordable Housing) - No affordable housing requirement

Site notice and Press notice were displayed and neighbours notified.

As a result of the publicity six representations have been received. A summary of their concerns are:-

- a) proposed three storey building is too high and overbearing
- b) lack of parking
- c) indiscriminate parking of vehicles leading to access to Gladstone Terrace becoming blocked
- d) contest the Planning Inspector's decision
- e) impact on highway safety
- f) impact on neighbour's living conditions
- g) access too narrow for emergency vehicles
- h) overshadowing
- i) overdevelopment of site
- j) garden of proposed house is on objector's land
- k) concerns over drainage and potential flooding
- l) overlooking

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

Leicestershire and Rutland Primary Care Trust
Police Architectural Liaison Officer
Tree Officer

Development Plan Policies:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 1: Development in Hinckley
Policy 16: Housing Density Mix and Design
Policy 24: Sustainable design and Technology.

Hinckley and Bosworth Local Plan (2001)

Policy IMP1 - Contributions towards the provisions of infrastructure and facilities
Policy RES5 - Residential proposals on unallocated sites
Policy BE1 - Design and siting of development
Policy NE2 - Pollution
Policy T5 - Highway design and vehicle parking standards
Policy T9 - Facilities for cyclists and pedestrians
Policy REC3 - New Residential Development: Outdoor play space for children

Supplementary Planning Guidance / Documents

New Residential Development SPG
Play and Open Space SPD

Appraisal:-

The recent appeal decision (12/00100/FUL) that was dismissed by the Planning Inspectorate (dated 15 January 2013) is a material planning consideration in the determination of this application. The Inspector found the main issues of the appeal to be the effect of the proposal on local infrastructure and facilities and the effect of the proposed level of on site parking on highway safety. He concluded that the appeal should be dismissed on the basis that the proposed development would put pressure on existing play and open space facilities and education facilities and in the absence of a legal agreement to secure necessary contributions the development was unacceptable. In considering the matters relating to highway safety he concluded that the site is in a sustainable location and that the level of parking provided was sufficient and that highway safety would not be harmed. As the current application seeks permission for a development the same as that dismissed at appeal the Inspector's comments remain valid and therefore the main considerations with regards to this application are the issues relating to S106 legal agreement for the improvement of local infrastructure and facilities.

Other matters relating to the principle of development, layout, design, scale and mass, highway safety, impact on the amenities of neighbouring residents are referred to in this report, however, these matters have already been considered by the Planning Inspector and therefore significant weight should be given to the Inspector's conclusions on these matters.

Principle of Development

The application site is a brownfield site located within the Hinckley Settlement boundary. The site benefits from an extant planning permission (ref. 11/00581/EXT) for 10 flats. The NPPF supports sustainable development including that sited close to facilities and that re-uses previously developed land. It is therefore considered that the principle of development is acceptable.

Layout

Design, Scale and Mass of proposal and its impact on the character and appearance of the area

Policy BE1 seeks new development to have a high standard of design that compliments the character of the surrounding area through the mass, design, and architecture details. Good design is one of the core principles identified by the NPPF.

Flats

The frontage of the flats is located almost on the back edge of the highway boundary separated only by a narrow strip of land that will be bordered by a dwarf wall with railings. The flats take the form of a single large building with three equally spaced dormer windows breaking up the roof mass. Two chimneys flanking either end of the building add to the traditional element of the building and reflect the chimneys on the surrounding terrace dwellings. The windows have arched brick headers. The other elevations that would be visible from public areas have been well treated with windows that are both proportionally scaled and equally spaced.

The surrounding area consists mainly of terraces and the detached buildings tend to be larger buildings. There are a variety of heights in the area, with 2 and 3 storey terrace buildings, single storey commercial structures and school buildings. The mass and scale of the proposal is considered to replicate these larger buildings and therefore would not be out of character with the area. The footprint of the building housing the flats would have a

footprint almost in a square shape resulting in a deep side elevation. This has been treated well with the regular and symmetrical placement of windows. The design and appearance of the proposed elevation to London Road is the same as that approved by the 2008 scheme. It is therefore considered that the layout, design, scale and mass of the flats element to the proposal are acceptable.

Within the appeal decision the Inspector makes reference to the extant planning permission (11/00581/EXT) and how the additional apartment included within this application that is to be located at the rear of the apartment building would not adversely impact on the character and appearance of the area.

Dwelling

The proposed dwelling is sited so as it would be attached to 7 London Road, the end terrace dwelling located to the east of the application site. The front elevation of the proposed dwelling would align with the front elevation of the existing dwelling, which is set back from London Road, behind a small front garden. The rear wall of the proposal finishes short of the rear elevation of No. 7 resulting in the proposal having a lower ridge line. This will ensure the proposed dwelling has sufficient amenity space and a lower ridge line and in the context of the street scene is considered acceptable in its appearance.

The fenestration details at first floor match that of the rest of the terrace to which it would be associated. The proposed dwelling does not carry on the bay windows at ground floor level, however the proposed dwelling is slightly narrower than other properties and the inclusion of a bay window would appear cramped and out of character. Accordingly its omission is considered acceptable.

The overall siting, design and appearance of the dwelling is considered acceptable and in accordance with Policy BE1.

Within the Inspector's appeal decision reference is made to how the proposed dwelling would compliment the existing row of terraced houses to which it would be attached.

Highway Safety

The 2008 application (ref 08/00442/FUL) proposed 12 parking spaces within the rear parking court. This application has reduced these to 7 with a further 6 off Gladstone Terrace which are overlooked by 5 of the flats. One space is allocated for the dwelling along with one visitor space. This results in 11 parking spaces; one per flat. The site is in a sustainable location; within walking distance of Hinckley Town Centre, the train station and bus station and therefore the overall level of parking provision is considered acceptable. The Director of Environment and Transport (Highways) has recommended a number of conditions that relate to the retention of parking spaces, cycle spaces and that no development should encroach onto the highway. A further condition was originally recommended regarding the improvement details to the junction with Gladstone Terrace; however, further negotiations have taken place and, subject to a condition confirming that the development shall be constructed in accordance with the agreed details on plan no. IP13 791 01 002, no further details are required by conditions.

Consideration was given to the levels of parking and highway safety by the Inspector in the January 2013 appeal decision where he concluded that the level of parking and the highway safety implications were acceptable and significant weight should be attached to these findings.

It is therefore concluded that the proposal would not result in a detrimental impact upon highway safety. The proposal is considered to be in accordance with Policy T5.

Impact on Neighbours

The application site is bound to the north and west by non-residential properties and it appears that numbers 1 Gladstone Terrace and 7 London Road are the dwellings that are most likely to be affected by the development.

No.1 Gladstone Terrace is located to the south of the proposed dwelling and south-east of the flats. The south-east corner of the proposed flats (elevation closest to Gladstone Terrace) would be located level with the north-western corner of 1 Gladstone Terrace. This element of the proposal has an area with no windows facing Gladstone Terrace in order to ensure there is no overlooking. The windows proposed on the east elevation of the rear projection set back from Gladstone Terrace are located some 14 metres from the front elevation of Gladstone Terrace; however, the window at second floor is provided with obscure glazing and the lower half of the first floor window is proposed to be obscure glazed.

The rear elevation of the proposed dwelling is located approximately 6 metres off the boundary with No 1 Gladstone Terrace. However, there are no windows within the north elevation of 1 Gladstone Terrace and the property has a garage along its north elevation (this encloses the garden area) and, as such, overlooking of the existing dwelling and their amenity space will be limited. The majority of the development would be located to the north of 1 Gladstone Terrace and therefore it would have little impact on the direct sunlight received by this dwelling.

No.7 London Road has no west facing windows. The proposed dwelling would be attached to the flanking wall, but not projecting further forward or beyond the rear or front elevation of the dwelling. The proposal would therefore not affect the amenities of this dwelling. There will be a degree of overlooking from the rear first floor windows of the proposed dwelling however this would be no more detrimental to that already experienced from neighbouring properties on the other side to the No 7 London Road.

The proposal has been designed and sited so as to not detrimentally affect the amenities of neighbouring residents and as such is considered acceptable.

The Inspector's appeal decision also considered matters relating to the impact of the proposed development on the living conditions of occupants of neighbouring dwellings. He concluded that the no significant harm would arise and the development would be an acceptable form of development.

Developer Contributions

The application proposes 12 new residential units which attracts infrastructure contributions.

The request for any contribution must comply with 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.

Play and Open Space

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

Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport and Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport and Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Spaces Strategy 2005-2010 and Audits of Provision 2007 update.

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

The scheme does not propose any on site public open space and therefore a contribution in lieu must be considered in order to overcome a planning objection due to the lack of on-site public space.

The application site is located within 400m of existing equipped facilities at Queens Park. The development proposed would increase the number of residents and as such would impact upon the existing facilities at this site. Within the Green Spaces Strategy, Hinckley was found to have a deficiency of equipped play space of -1.20 and sufficiency of 3.83 of Casual Informal play space when confirmed with the National Playing Fields Standard. The quality of Queens Park was considered within the Green Space Strategy, Audits of Provision 2007 update which awarded the park with a quality score of 32.4%. Recently Queens Park has been improved through the erection of new play equipment including a skate ramp and other equipment including swings, slide and sand pit. Whilst this will have increased the provision of services in the area, the development will still place a higher demand on this area, increasing wear and tear, and requirement for provision of facilities.

The Head of Corporate and Scrutiny Services (Green Spaces) has commented that whilst Queen's park has recently benefited from large scale improvements, there are plans to improve the safety surfacing under some of the play equipment and provide outdoor gym equipment. The surfacing alone is likely to cost within the region of £500.

Given the proximity of Queens Park to the application site it is considered highly likely that future residents would use the facility. It is considered that the size of the units, 2 and 3 bedrooms are family units and the occupants would use the facilities within Queens Park, increasing wear and tear on the existing facilities and equipment. Given the above, it is considered that the contribution request for the provision and maintenance of informal play space is necessary, directed related and fairly and reasonably related in scale and kind to the development proposed. In this instance the contribution requested consists of £9,813.60 towards provision and £5,196.00 towards maintenance.

Other Developer Contributions

Requests have been received from:-

- a) Director of Environment and Transport (Civic amenity) requests £565 towards offsetting the impact of the additional population on the Barwell Civic Amenity Site.
- b) Director of Adults and Communities (Libraries) request £660 towards improving facilities at Hinckley Library located 0.6km from the site, to increase provision of materials (books, audio books, newspapers etc)

- c) Director of Children and Young Peoples Services (Education) has requested a contribution of £8,590.30 towards one primary school place at St Mary's Primary School and £5,139.44 towards one Upper School place at John Cleaveland College.

On consideration of all these requests received in respect of this application it is considered that the following contribution requests are justified (and both were supported by the inspector in his appeal decision):-

- a) Director of Children and Young Peoples Services (Education)
b) Play and Open Space

Requests for financial contributions for civic amenity and libraries were not carried forward as a financial contribution in the section 106 agreement within the previous application and were also not considered by the Inspector to form part of the necessary contributions for local infrastructure and facilities within the appeal statement. It is therefore concluded that it would be unreasonable to request financial contributions towards libraries and civic amenity within this application.

Other Issues

Drainage

Severn Trent Water Limited and the Head of Community Services (Land Drainage) have no objection to the application subject to conditions requesting drainage details. The site is a brownfield site constrained by surrounding developments. Due to the dense form of development there are no opportunities within the site to provide many of the forms of sustainable drainage. The drainage system would have to be approved under the Building Regulations and by Severn Trent Limited themselves. There are no known flooding issues that would be exacerbated by this development. It is therefore considered that the imposing of drainage conditions is not necessary to make the development acceptable and as such any drainage conditions cannot be justified.

Landscaping

The applicant has submitted a hard and soft landscaping scheme for the development. This appears acceptable and the appropriate condition tying the approved scheme to this landscaping plan will be attached.

There is an English Yew (*Taxus Baccata*) protected by a Tree Preservation Order within the grounds of The Lawns Business Centre, which overhangs the site. Works to this tree would be subject to a separate application; The Tree Officer was consulted as part of the previous application and his response confirmed that it would be acceptable in principle to periodically prune back branches of this tree to the boundary at points of live growth without causing harm to the tree. Notwithstanding that the Tree Officer has not been consulted as part of this application it is considered that, taking into account their comments on the previous application, the proposal would not cause undue harm to the health of the tree.

Code for Sustainable Homes

Policy 24 of the Core Strategy requires new residential development within the urban area to be constructed to comply with Code 4 of the Code for Sustainable Homes. To comply with this level the development has to include certain additional features that are difficult to include within an apartment development. The structure would have to be constructed to Code 4 Standards to comply with the requirements under building regulations. The applicant has submitted an energy assessment that concludes that the development will be built to

Code 4 of the Code for Sustainable Homes. A suitable worded condition shall tie this report to the development.

Amenity Space

The proposed flats do not have any private amenity space for their occupiers. The proposed dwelling has a private rear amenity area of 37.5 square metres. The previous approved scheme did not propose any private amenity space for the flats. The site is located within 100m to the amenity space of Queens Park. The SPG on new residential development recommends that 3 bedroom properties have a private amenity area of 80 square metres. The proposed amenity area falls short of this, however the proposal is located close to the town centre where residential gardens are traditionally smaller and within easy and safe walking distance of Queens Park. Within the Inspector's appeal decision it was not considered one of the main issues and therefore it would appear that the conclusion was that the levels of private amenity space afforded to the dwelling were acceptable. Given these considerations, it is not considered that a reason for refusal could be sustained on amenity space.

Conclusion

Within the appeal decision the Inspector assessed the effect of the proposal on local infrastructure and facilities and the effect of the proposal level of on site parking on highway safety. The Inspector concluded the financial contributions requested by the local planning authority towards education and play and open space were justified, however, no completed agreement to secure payment of these contributions had been submitted. In terms of the level of parking the Inspector considered the sustainable location of the site and the availability of nearby facilities and public transport. The Inspector's conclusion was that the future occupiers of the site would not need to be dependent on a car to meet their everyday needs and that the proposed levels of car parking were acceptable. Other matters of consideration for the Inspector were the impact of the development on the living conditions of nearby occupiers, the character and appearance of the development and the potential of blocking of accesses from vehicles. In all of these matters the Inspector concluded that the proposal was an acceptable form of development. With all matters being considered the Inspector dismissed the appeal due to the absence of a completed section 106 agreement.

It is therefore considered that the principle of development is acceptable on this brownfield site. The size, scale and siting of the proposal is not considered to detrimentally affect the private amenities of occupiers of surrounding properties and the design and appearance is considered appropriate and would not have an adverse impact on the character or appearance of the area or the street scene.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards Education and Play and Open Space, the Development Control Manager shall be granted powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 21st May 2013 may result in the application being refused:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed

development would be in accordance with the development plan as the development will not adversely impact upon the character or appearance of the area, neighbouring amenity, or highway safety.

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) 06 202 - 04B (street scene) received 28/01/2013,
 - b) 06 202 - 24 (location plan) received 28/01/2013,
 - c) 06 202 - 25A (block plan) received 11/02/2013,
 - d) 06 202 - 22B (site layout) received 28/01/2013,
 - e) 06 202 - 23A (dwelling plan) received 28/01/2013,
 - f) 06 202 - 21B (floor plans) received 28/01/2013,
 - g) 06 202 - 02E (elevations) received 28/01/2013,
 - h) 06 202 - 27 (landscaping details) received 28/01/2013,
 - i) IP13 791 01 001 REV A (drainage) received 28/02/2013,
 - j) IP13 791 01 002 (private pavement details) received 28/02/2013
- 3 The external surfaces of the development hereby permitted shall be constructed using 'Ibstock Leicester Weathered Red Bricks' and 'Marley Edgemere SM Grey Tiles'.
- 4 The hard and soft landscaping scheme for the development hereby approved shall be carried out in accordance with the approved details as shown on drawing no.06 202 27. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 The car parking, turning facilities and cycle facilities shown within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for use thereafter.
- 6 For the period of 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.
- 7 The development hereby approved shall be constructed in accordance with the submitted Code for Sustainable Homes Report prepared Ashby Energy Assessors dated 8 February 2013 and prior to the first occupation of any dwelling house/flat constructed as part of the development hereby approved, a final certificate

demonstrating that the dwelling house/flat hereby approved has been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.

- 8 The windows on the elevation to Gladstone Terrace shown on drawing number 02E as being obscurely glazed shall be installed as such and retained thereafter.
- 9 No demolition/development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) the programme and methodology of site investigation and recording
 - b) the programme for post-investigation assessment
 - c) provision to be made for analysis of the site investigation and recording
 - d) provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) provision to be made for archive deposition of the analysis and records of the site investigation
 - f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

- 10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 6 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 and to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 7 In the interests of sustainable development to accord with policy 24 of the adopted Local Plan 2006-2026: Core Strategy (2009).

- 8 To protect the privacy of neighbouring residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9&10 To require the developer to record and advance understanding of the significance of the heritage asset(s) prior to the impact of development in accordance with Policy BE16 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: - John Taylor Ext 5680

Item: 08

Reference: 13/00126/CONDIT

Applicant: Mr Mark Hutchinson

Location: Land Adjacent Hinckley Golf Club Leicester Road

Proposal: Variation of condition no. 1 of planning permission 11/01023/REM to amend the layout

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 development.

Application Proposal

This application seeks to vary condition 1 (approved plans) of reserved matters approval ref' 11/01023/REM. The reserved matters consent approved details for siting, appearance and landscaping for 184 dwellings at Leicester Road, Hinckley. Access was approved under the outline application.

The proposal concerns slight alterations to the driveway layout to plots 35, 36 and 45-49 by creating a single looped drive. This minor amendment has resulted in the garage for plot 35 being set back further into the garden areas of plots 36 and 45.

The development approved by 11/01023/REM takes the form of three areas separated by an existing hedgerow running north-east to south-west across the site which is to be retained, with the public open space to the south western boundary at the rear of 15 and 19 Bradgate Road. Two balancing lagoons that collect surface water run-off from the site are located along the north eastern boundary of the site, with an additional lagoon located within the adjoining Hinckley Golf Club which was considered under a separate application (10/01024/FUL).

It should be noted that the reserved matters approval identifies a mix of two, three, four and five bedroom dwellings with scale ranges between two and three storeys. 37 dwellings have been approved for affordable housing, consisting of two and three bedroom properties located in three different areas throughout the site. This application seeks only minor amendments to the approved layout involving a driveway alteration to 7 plots and the repositioning of a garage at plot 35. All other matters have been approved and therefore consideration should only be given to these minor amendments and the potential impact that may arise from these.

Members will recall that the outline consent was granted at appeal (reference 10/00661/OUT) where consent for the position of the access and emergency access, principle of the right hand turning lane, and principle of 232 homes on the site was established.

The Site and Surrounding Area

The area of the whole development 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 sites southern boundary linking Hinckley Golf Course and Butt Lane. There are a number of mature trees within the sites boundary hedgerows.

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

The area affected by this proposal is situated close to the northern edge of the site facing the golf course.

Technical Documents submitted with application

None

Relevant Planning History:-

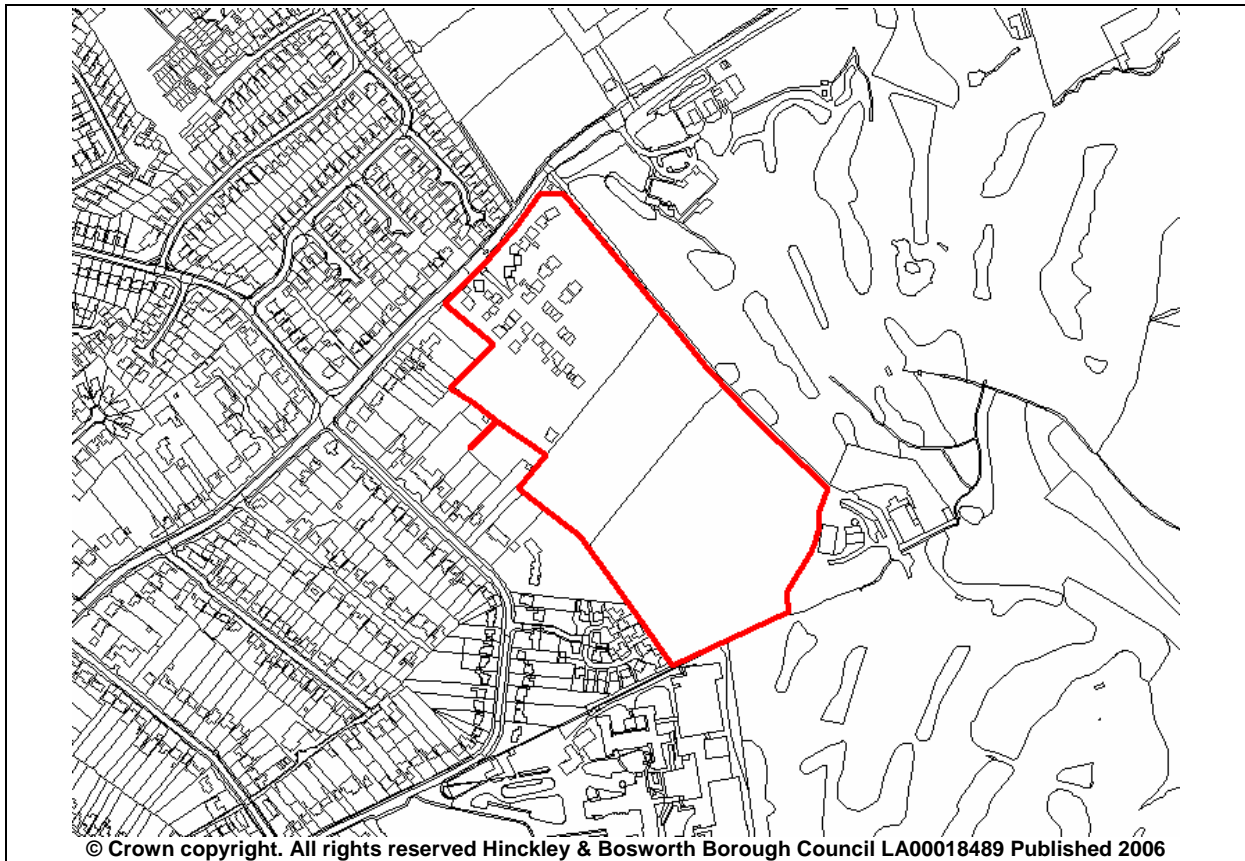
10/00405/OUT	Residential Development (Outline- access only)	Withdrawn	11.08.10
10/00661/OUT	Residential Development (Outline- access only)	Refused Appeal Allowed	29.11.10 22.07.11
11/01023/REM	Erection of 184 dwellings (Scale,	Approved	03.05.12

Appearance, Layout and
Landscaping)

12/00935/REM

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

Approved 23.04.13



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)
Waste Minimisation and Education Officer

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

Site notice and press notice were displayed and neighbours notified.

Development Plan Policies:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 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 for this application relate to the revised driveway layout for plots 35, 36 and 45-49 and the repositioning of the garage associated with plot 35. The principle for the development has already been established by the granting of the outline consent at appeal.

Matters relating to siting, layout, appearance, landscaping and other matters have been approved under 11/01023/REM to which this application seeks to amend some of the approved drawings to reflect the proposed minor alterations.

Layout

The application seeks to alter the original drive layout to seven plots. Originally the driveway to these dwellings had access off the main estate road spurring off in a northerly direction serving plots 45-47 then turning westwards serving plots 48, 49 then terminating at plot 35.

Access to plot 36 was originally off a private driveway that again spurred off from the main estate road through the development.

The revised layout seeks to loop the driveway around these plots so there are two entry/exit points from the main estate road.

These alterations are considered to be minor and do not alter the character, appearance, or general outlook for these properties.

Impact on Neighbour's Private Amenity

The alterations to the driveway alter the footprint of the garage associated with plot 35 only and all other buildings remain unaltered within this part of the development.

The repositioning of the garage has resulted in the footprint being set further back from the road thereby slightly reducing the size of the garden areas associated with plots 36 and 49. Whilst it will have negligible impact on the future occupiers of plot 49 it does have some impact on the future occupiers of plot 36. The distance between the rear elevation of the dwelling at plot 36 and the nearest point of the garage is just over 9.3 metres and this plot will still retain almost 11 metres garden depth (at its maximum). The garden area to this dwelling faces a south easterly direction and therefore there will be little impact in terms of overshadowing from this garage. Furthermore, the garage, which will have a ridge height of 3.8 metres and eaves set at 2.3 metres, is unlikely to give rise to significant levels of dominance or visual intrusion. It is therefore considered that, on balance, the proposed repositioning of the garage will not have sufficient impact that would warrant refusal of this application.

Highway Safety

Whilst it is acknowledge that the alterations would create a looped driveway rather than the existing approval where the driveway has no through-route the amendments are considered minor in nature and, due to the fact that the driveway will serve the same number of dwellings, would not increase the levels of traffic, the free flow movement of vehicles or have a detrimental impact on highway or pedestrian safety.

Other Issues

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 for minor alterations to the driveway to seven plots and the repositioning of a garage. These alterations will not have a detrimental impact on future occupiers of these dwellings or adversely impact on highway safety. Furthermore, the

allowance of this proposal would not cause undue harm to the character, appearance and the general setting for this part of the development.

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.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): Policy 1, Policy 6, Policy 15, Policy 16, Policy 24

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policy BE1, Policy REC2, Policy REC3, Policy RES5, Policy T5, Policy T9, Policy NE2, Policy NE5, Policy IMP1

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:

Received 22/2/2013

- S5727/100/01 Rev 'J' (Planning Layout)
- Bir.3836 03B, 04A, 05A, 06A, 07A (Soft Landscaping)
- S5727/500/05 Rev 'C' (Chimney Deposition Plan)
- S5727/500/04 Rev 'D' (External Materials)
- S5727/500/06 Rev 'A' (Boundary Treatment Plan)
- S5727/500/01(Location Plan)

Received 10/01/12

- S776/02, /03, /04, /05 (topographical surveys)
- SD/600/02, SD/600/11, SD/600/13, SD/600/21- (Boundary treatments)
- E02.01, G28, E07, G26, E51, E14.01, E07, E55 (Garage details- DW)

Received 13/03/12

- PC0275 -PLT93-2A (PLOT93)
- PC0275-PLT-2 (PLOT94)
- PC0275-PLT95 (PLOT95)
- PC0275-PLT96 (PLOT 96)
- PC0275-PLT97 (PLOT97)
- PC0275-PLT98-2A (PLOT98)
- PC0275-PLT99-1 & PC0275-PLT99-2 (PLOT99)
- PC0275-PLT106 (PLOT106)
- PC0275-PLT107-2 (PLOT107)
- PC0275-PLT108 (PLOT108)
- PC0275-PLT109 (PLOT109)
- PC0275-PLT101/1 & PC0275-PLT 10/2 (PLOT110)

- PC0275-PLT111/1 &PC0275-PLT111/2 (PLOT111)
- PC0275-PLT112/2 (PLOT 112)
- PC0275-PLT113 (PLOT113)
- PC0275-PLT114/1 & PC0275-PLT114/2 (PLOT114)
- PC0275-PLT115/1B & PC0275-PLT115/2 (PLOT115)
- PC0275-PLT116/2 (PLOT116)
- PC0275-PLT117/1 & PC0275-PLT117/2 (PLOT117)
- PC0275-PLT118/1 & PC0275-PLT118/2 (PLOT118)
- PC0275-PLT119/1 & PC0275-PLT119/2 (PLOT119)
- PC0275-PLT120/2 (PLOT120)
- PC0275-PLT121 (PLOT121)
- PC0275-PLT122 (PLOT 122)
- PC0275-OPLT142/2 (PLOT142)
- PC0275-PLT143/1 & PC0275-PLT143/2 (PLOT143)
- PC0275-PLT147/1 &PC0275-PLT147/2 (PLOT147)
- PC0275-PLT148/2 (PLOT148)
- PC0275-PLT149/2 (PLOT149)
- PC0275-PLT150/1 &PC0275-PLT150/2 (PLOT150)
- PC0275-PLT152 (PLOT152)
- PC0275-PLT153/1 & PC0275-PLT153/2 (PLOT153)
- PC0275-PLT155/1 &PC0275-PLT155/2 (PLOT155)
- PC0275-PLT156/2 (PLOT156)
- PC0275-PLT157 (PLOT157)
- PC275-PLT159 (PLOT159)
- PC0275-PLT162 (PLOT162)
- PC0275-PLT165 (PLOT165)
- PC0275-PLT166 (PLOT166)
- PC0275-PLT167 (PLOT167)
- PC0275-PLT168 (PLOT168)
- PC0275-PLT169 (PLOT169)
- PC0275-PLT170 (Plot 170)
- PC0275-PLT171 (PLOT171)
- PC0275-PLT172 (PLOT172)
- PC0275-PLT173 (PLOT173)
- PC0275-PLT174 (PLOT174)
- PC0275-PLT175-176 (PLOT175/176)
- PC0275-PLT177-178 (PLOT177/178)
- PC0275-PLT179-180 (PLOT179/180)
- PC0275-PLT181 (PLOT181)
- PC0275-PLT182 (PLOT182)
- PC0275-PLT183 (PLOT183)
- PC0275-300-27 (GARAGES)
- Pc0275-300-28 (GARAGES)

Received 16/03/12

- PC0275-PLT93-1B (PLOT93)
- PC0275-PLT94-1A (PLOT94)
- PC0275-PLT98-1B (PLOT98)
- PC0275-PLT100-A (PLOT100)
- PC0275-PLT101-A (PLOT101)
- PC0275-PLT105-A (PLOT105)
- PC0275-PLT107-1A (PLOT107)

- PC0275-PLT112/1A (PLOT112)
- PC0275-PLT116/1A (PLOT116)
- PC0275-PLT120/1A (PLOT120)
- PC0275-PLT123-A (PLOT 123)
- PC0275-PLT124-A (PLOT124)
- PC0275-PLT125-A (PLOT125)
- PC0275-PLT126-A (PLOT126)
- PC0275-PLT14-A (PLOT140)
- PC0275-PLT141-A (PLOT141)
- PC0275-PLT142/1A (PLOT142)
- C0275-PLT144-A (PLOT144)
- PC0275-PLT145-A (PLOT145)
- PC0275-PLT146-A (PLOT146)
- PC0275-PLT148/1A (PLOT148)
- PC0275-PLT149/1A (PLOT149)
- PC0275-PLT151-A (PLOT151)
- PC0275-PLT154-A (PLOT154)
- PC0275-PLT156/1A (PLOT156)
- PC0275-PLT158-A (PLOT158)
- PC0275-PLT160-A (PLOT160)
- PC0275-PLT161-A (PLOT161)
- PC0275-PLT163-A (PLOT163)
- PC0275-PLT164-A (PLOT164)
- PC0275-PLT184-A (PLOT184)
- PC0275/100/02 Rev A (Streetscenes Bellway)

Received 21/03/12

- H533.02 & H533.01 (PLOT 1)
- H500.02 & H500.01 (PLOT2)
- H469.02 & H469.01 (PLOT3)
- H408.01 & H408.02 (PLOT4)
- H455.03 & H455.04 (PLOT5)
- H436.02 & H435.01 (PLOT6)
- H455.01 & H455.02 (PLOT7)
- H436.02 & H436.01 (PLOT8)
- H469.02 & H469.01 (PLOT9)
- H454.01 & H454.02 (PLOT10)
- H454.01 & H454.02 (PLOT11)
- H597.03 & H597.04 (PLOT 12)
- H536.02 & H536.01 (PLOT13)
- H436.02 & H436.01 (PLOT14)
- H536.04 & H536.03 (PLOT15)
- H454.03 & H454.04 (PLOT17)
- P341.05 & P341.06 (PLOT21)
- T307.06 & T307.05 (PLOT22)
- T307.04 & T307.03 (PLOT23)
- T325.04 & T325.03 (PLOT24)
- T447.04 & T447.03 (PLOT25)
- T447.02 & T447.01 (PLOT26)
- T234.02 & T234.01 (PLOT27)
- T447.04 & T447.03 (PLOT28)
- T447.04 & T447.03 (PLOT29)

- P332.R.03 & P332.L.04 (PLOT30)
- H469.04 & H469.03 (PLOT 31)
- H597.01& H597.02 (PLOT32)
- H455.01 & H455.02 (PLOT33)
- P231.14 & P231.13 (PLOT34)
- H436.02 &H436.01 (PLOT35)
- H404.04 & H404.03 (PLOT 36)
- H436.04 &H436.03 (PLOT 37)
- P206.01 & P206.02 (PLOT38)
- P206.03 & P206.04(PLOT 39)
- P206.01 & P206.02 (PLOT40)
- P232/P233.01 & P232/P233.02 (PLOT41/42)
- P206.01 & P206.02 (PLOT 43)
- P206.03 & P206.04 (PLOT44)
- P341.04 & P341.03 (PLOT45)
- H404.02 & H404.01 (PLOT46)
- H436.02 & H436.01 (PLOT 47)
- H533.02 & H533.01 (PLOT48)
- H533.02 & H533.01 (PLOT49)
- P332.R.01 & P332.L.02 (PLOT50)
- H421.03 & H421.04 (PLOT51)
- H597.03 & H597.04 (PLOT52)
- H436.02 & H436.01(PLOT53)
- H500.02 & H500.01 (PLOT54)
- H469.02 & H469.01 (PLOT55)
- H500.02 & H500.01 (PLOT56)
- H469.02 & H469.01 (PLOT57)
- H455.01 & H455.02 (PLOT58)
- H455.03 & H455.04(PLOT 59)
- H469.04 & H469.03 (PLOT60)
- H469.04 & H469.03 (PLOT61)
- H433.03 & H433.04 (PLOT62)
- SH41.04 & SH41.03 (PLOT63)
- P206.BI.03 & P206.BI.03 (PLOT64)
- P206.BI.04 & P206.BI.03 (PLOT65)
- S130/S330.04 & S130/S330.03 (PLOT66/67)
- P206.BI.02 & P206.BI.01 (PLOT68)
- P206.BI.02 & P206.BI.01 (PLOT69)
- H455.01 & H455.02 (PLOT77)
- H408.03 & H408.04 (PLOT78)
- H436.02 & H436.01 (PLOT79)
- T307.04 & T307.03 (PLOT80)
- T307.06 & T307.05 (PLOT81)
- T307.02 & T307.01 (PLOT82)
- H455.03 & H455.04 (PLOT83)
- H436.04 & H436.03 (PLOT84)
- H469.02 & H469.01 (PLOT85)
- H455.01 & H455.02 (PLOT86)
- H404.04 & H404.03 (PLOT87)
- H411.02 & H411.01 (PLOT88)
- H455.03 & H455.02 (PLOT89)
- H536.04 & H536.03 (PLOT90)

- H533.02 & H533.01 (PLOT91)
- H536.02 & H536.01 (PLOT92)

Received 30/03/2012

- Landscape Management and Implementation Plan (Bir.3836)

Received 12/04/12

- PC0275/100/02 Rev 'B' (Streetscene Proposals)
- H454.02 & H454.01 (PLOT 16)
- P383.10 & P383.09 (PLOT 18)
- P206.BI.02 & P206.BI.01 (PLOT 19)
- P206.BI.04 & P206.BI.03 (PLOT 20)
- P332.L.02 & P332.L.01 (PLOT 70)
- H404.02 & H404.01 (PLOT 71)
- P341.08 & P341.07 (PLOT 72)
- T307.08 & T307.07 (PLOT 73)
- T307.02 & T307.01 (PLOT 74)
- P231.16 & P231.15 (PLOT 75)
- P383.12 & P383.11 (PLOT 76)
- PC0275-PLT102-1B (PLOT 102)
- PC0275-PLT103-1B (PLOT 103)
- PC0275-PLT104-A (PLOT 104)
- PC0275-PLT127-B (PLOT 127)
- PC0275-PLT128-B (PLOT 128)
- PC0275-PLT129-A (PLOT 129)
- PC0275-PLT130-A (PLOT 130)
- PC0275-PLT131-A (PLOT 131)
- PC0275-PLT132-A (PLOT 132)
- PC0275-PLT133-A (PLOT 133)
- PC0275-PLTDAL/01 & PC0275-PLTDAL/02 (PLOTS 134-139)

- 2 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the western (rear) elevation of plot 90.
- 4 No dwelling hereby approved shall be occupied unless and until car parking provision has been provided in accordance with the planning layout, drawing number S5727/100/01 Rev J. The parking spaces so provided shall be hard-surfaced, not be obstructed and shall thereafter permanently remain available for car parking.
- 5 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.
- 6 Any doors erected to the proposed car port shall be set back from the highway boundary a minimum distance of 5m for sliding or roller shutter doors, 5.6 metres for

up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.

- 7 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 8 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway. The wheel washing facilities shall be so maintained for the operations period of the development hereby permitted.
- 9 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 10 Before the first occupation of any dwelling hereby permitted 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing in those splays higher than 0.6 metres above the level of the adjacent footway/verge/ highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
- 11 Any shared private drives shall be a minimum of 4.25 metres wide for the first 5 metres behind the highway boundary, and shall be provided prior to the first occupation of any dwelling it serves. The access drive once provided shall be maintained at all times

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure a satisfactory visual appearance in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 To protect the amenities of the occupiers of the dwelling to the west in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure an adequate level of off- street parking provision in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 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.
- 6 To enable a vehicle to stand clear of the highway in accordance with Policy T5 of the adopted Local Plan.
- 7 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.
- 8 To reduce the possibility of deleterious material (mud, stones etc) being deposited within the highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Local Plan.
- 9 To ensure that 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 in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 10 In the interests of pedestrian safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure that vehicles entering and leaving the site may pass each other clear of the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant should be aware that the any outstanding conditions that are applicable within the outline consent 10/00661/OUT must still be complied with as does any outstanding matters relating to the associated S106 Legal Agreement.

Contact Officer: - John Taylor Ext 5680

Item: 09

Reference: 13/00089/EXT

Applicant: Riverstone Estates

Location: 29 Moore Road Barwell Leicester

Proposal: Redevelopment of existing derelict site into a 2.5 storey 38 bed residential carehome

Target Date: 4 June 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes a major application as the floorspace of the building is greater than 1,000sq m.

Application Proposal

This application seeks an extension of time to the three year time limit for the implementation of planning permission 09/00358/FUL for the redevelopment of the derelict site into a 2.5 storey, 38 bed residential care home, at 29 Moore Road, Barwell.

The scheme originally went before planning committee on 16 March 2010 where it was resolved to grant planning permission, subject to a S106 agreement that sought contributions towards libraries and health care.

The scheme consisted of a large detached building with a hipped roof and dormer windows in the roof. Parking is partially contained on the front and part to the rear with access through an undercroft. A rear gable projection extends along the western elevation. The property includes chimney details breaking up the ridge line, and the drawings indicate a part rendered, part brick elevations.

The Site and Surrounding Area

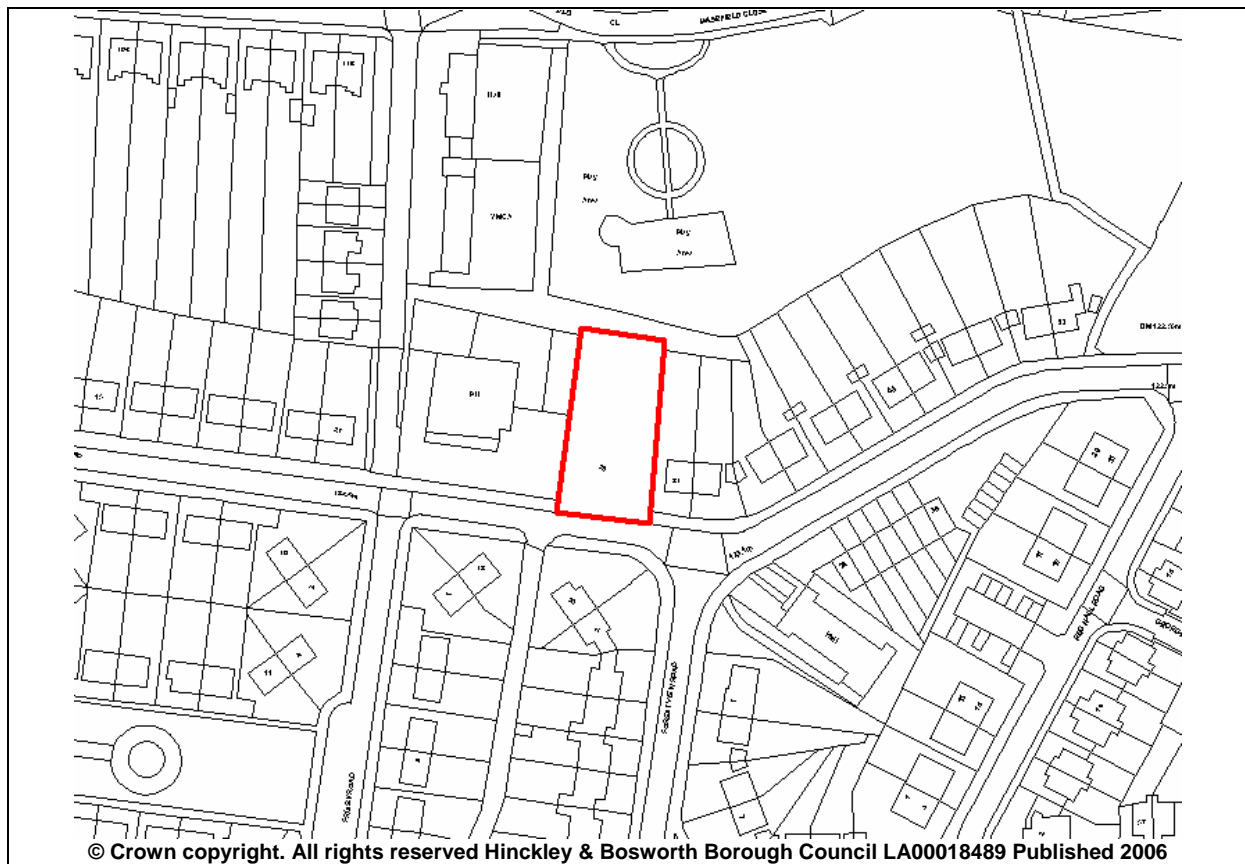
The application site consists of a derelict and overgrown plot of land on the north of Moore Road. The site is located within a predominantly residential area within Barwell, characterised by two storey semi-detached dwellings with hipped roofs and central chimneys. To the west of the site is a public house and to the north an area of open space.

Technical Document submitted with application

None

Relevant Planning History:-

09/00358/FUL	Redevelopment of existing derelict site into a 2.5 storey 38 bed residential carehome	Approved	31.03.10
06/00832/FUL	Demolition of warehouse and offices and redevelopment with ten no. one bed and two no. two bed apartments with associated parking	Approved	13.02.07



Consultations:-

No objection has been received from:-

Environment Agency
 Directorate of Chief Executive (Ecology)

No objection subject to conditions have been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) - no contribution requested
- b) Director of Children and young Peoples Services (Education) - no contribution requested
- c) Director of Environment and Transport (Civic Amenity) - no contribution requested
- d) Director of Adults and Communities (Libraries) requests a contribution of £1,030.00 towards the Earl Shilton Library to provide additional material to cope with the anticipated additional users as a result of the development.

Barwell Parish Council has objected to the proposal as they feel that this is the wrong location for a care home, as the site is too small and land is badly contaminated. Concerns were raised regarding disposal of surface water and access by emergency vehicles.

Members also requested that if approved open space contributions be sought towards Kirby Road Recreation site.

Site notice and Press notice were displayed and neighbours notified.

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

The Primary Care Trust
Neighbours

Development Plan Policies:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy CF8: Residential Care and Nursing Homes
Policy NE2: Pollution
Policy NE12: Landscaping schemes

Appraisal:-

The main consideration in determining this application is whether any development plan policies or other material considerations have changed significantly since the earlier grant of permission (09/00358/FUL) which may lead to a different conclusion on the acceptability of the application.

Policy

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

The CIL regulations were published 6 April 2010 and replaced the 5 tests with Circular 05/05 reducing it to 3 and making these tests statutory.

The site is located within the defined settlement boundary of Barwell. The proposal re-uses a previously developed site that is located close to existing services, public transport routes and existing community facilities. The proposal is considered to be in a sustainable location and in accordance with the objectives of the NPPF.

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions are still relevant and necessary, whether additional conditions should be imposed or whether there are changes required to the S106 agreement previously signed.

Conditions

Condition 7 required the implementation of the landscaping scheme within the first planting season after development is completed. The condition then states 'unless otherwise agreed in writing by the Local Planning Authority'. This is not considered to be precise enough and therefore this final sentence should be removed from condition 7.

Condition 9 of the 2009 application, requires a S106 agreement to be submitted prior to the application being implemented. The contributions sought under S106 are discussed below, and given this it is not considered that this condition will be required.

Developer contributions

Since the previous decision the Community Infrastructure Levy (CIL) Regulations were published in April 2010. These made the tests already contained within Circular 05/05, statutory and therefore it would be unlawful for the Local Authority to request any contribution that did not meet the tests contained within Regulation 122.

The 2009 application was accompanied by a Section 106 that sought contributions of £22,154.00 and £1,030.00 towards the Primary Care Trust and Libraries respectively.

Following consultation the Director of Adults and Communities (Libraries) has requested a contribution of £1,030.00 towards Earl Shilton library to meet the additional demands on the library facilities at Earl Shilton arising due to this proposed development.

The Library contribution has been assessed for its compliance against the CIL Regulations and is considered to fail the first test in that the cost to cover the proposed increase in borrowers of 1% is not considered necessary to make the development acceptable.

No request has been received from the PCT to date, this will be reported as a late item and if a request for contributions is made the CIL compliancy will be checked before proceeding with a Section 106 agreement.

Barwell Parish Council have requested contributions towards play and open space specifically to go towards the Kirkby Road Recreational Site. Requests for contributions towards play and open space are made to comply with Policies REC 2 and REC3 of the adopted Local Plan. These policies only require play and open space provision as part of residential schemes, i.e. dwelling houses. This is a care home facility and therefore no contribution can be requested in this instance.

Conclusion

The application is considered to be in accordance with the NPPF and the contribution request received so far has been assessed against the CIL regulations and found not to be justified. There have been no changes to policy that would result in a different decision. Accordingly it is recommended that the application is approved.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed

development would be in accordance with the development plan. By virtue of the design, scale and massing the proposal is considered to result in a proposal that is not detrimental to the character and appearance of the surrounding area, would not detrimentally affect the amenities of neighbouring residents and would re-develop a previously developed site that is currently vacant. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, T5, CF8, NE2, NE12

Local Plan 2006-2026: Core Strategy (2009):- Policy 3

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details attached to planning reference 09/00358/FUL, as follows:
085. E.01G01-A, 085.P.01.G02-A received 18.02.10
085. P.03.G01-B received 24.02.10
085. P.01.G01-B, 085.P.01-G04-B received 01.03.10
- 3 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed care home shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 The parking and turning areas shown on plan 085.P.01G01-B received 01.March.10 shall be laid out and available prior to the development being brought into use.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details as shown on plan number 085.P.01.G04-B received 01 March.2010 and shall be implemented within the first planting season after the development is completed. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 8 Prior to the first occupation of the care home hereby permitted, the proposed cycle parking as shown on approved plan 085.P.01.G01-B receive 01 March 2010, shall be provided and retained as such.

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 would not result in any material harm through the pollution within the soil in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development would not result in any material harm through the pollution within the soil in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that there is adequate off street parking and turning for the proposed development in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 To ensure that an adequate standard of landscaping is provided in accordance with BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 In the interest of sustainable transport choice in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Sarah Fryer Ext 5682

Item: 10
Reference: 13/00198/FUL
Applicant: Mrs Margaret Ashby
Location: Land Markfield Lane Thornton
Proposal: Erection of two goat sheds onto existing concrete hardstanding
Target Date: 1 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor O' Shea as it is additional development in the open countryside.

Application Proposal

This application seeks full planning permission for the siting of two goat sheds on an existing concrete hard-standing area on land off Markfield Road, Thornton known as Valley Fields currently in agricultural and equestrian use. The two goat sheds measure approximately 2.45 metres square and have a monopitch roof design measuring between approximately 1.86 metres and 1.55 metres in height. They are to be constructed of brown timber tongue and groove panels with a roof of orientated strand board (OSB) covered in black roofing felt. They will be located on the eastern corner of the existing building complex adjacent to, and between, existing horse and pony shelters. The two goat sheds are required for livestock accommodation during winter months and for when they are in kid.

For Members information, this application has been submitted to allow the permanent retention of two goat sheds that were required to be removed from the site by a condition on planning permission 11/00755/FUL that was subsequently amended on appeal (reference APP/K2420/A/12/2178944). Planning permission 12/00182/CONDIT allowed additional time for the removal of the goat sheds from the site. There is currently an outstanding enforcement enquiry in respect of these structures pending determination of this application.

The Site and Surrounding Area

The site is situated towards the end of a private track road off Markfield Lane (known as Occupation Lane) and measures approximately 7.5 acres. The site is surrounded by open rolling countryside. The ground falls to the south west. At its southern most point the site bounds Thornton Reservoir. To the north of the site are fields planted with National Forest Trees and to the north west of the site is an equestrian holding and associated built development. South east of the site is farmland. The site is surrounded by native hedgerow on three sides. A watercourse runs parallel to the south western boundary of the site.

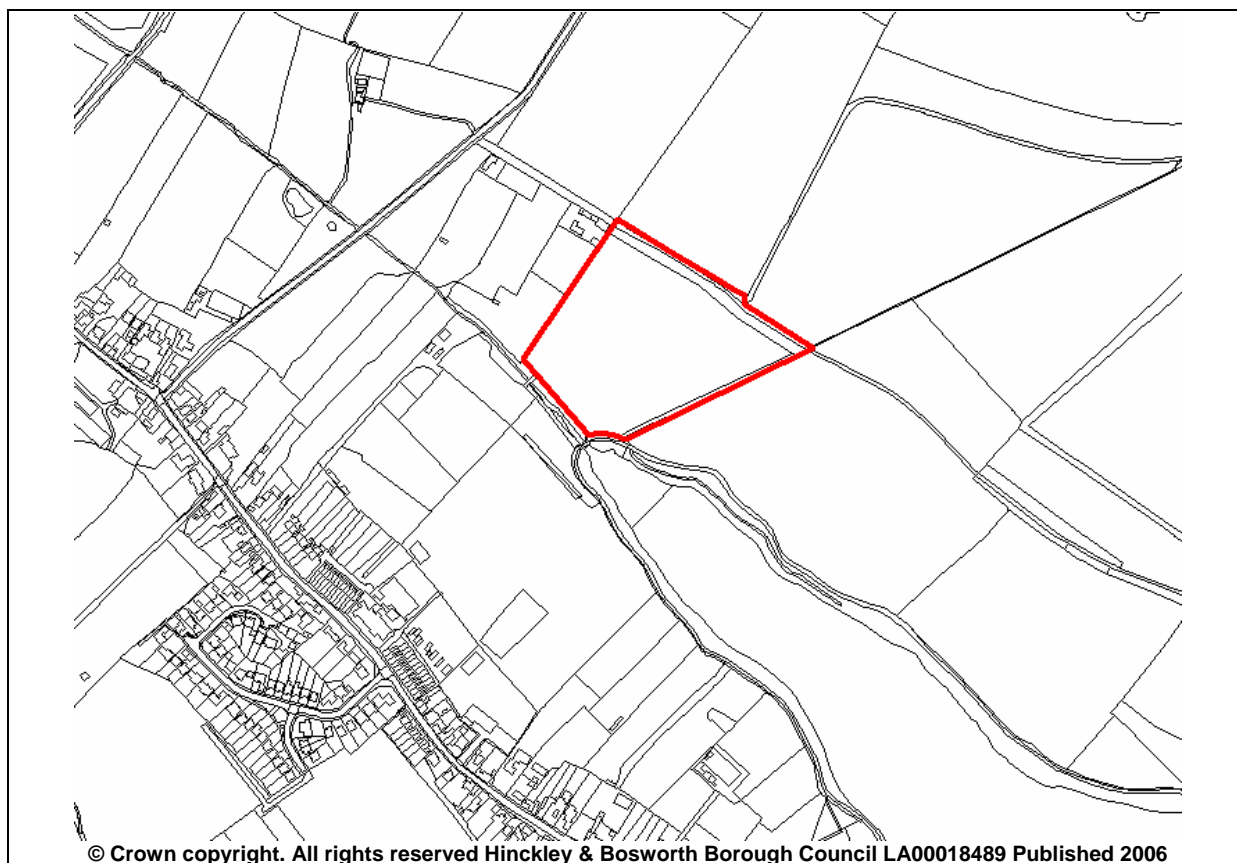
There is an unmade track leading to an area of hard-standing located centrally within the field. A number of timber buildings are located on the hard-standing in an 'L' shape on the south east and north east sides of the hard-standing and include stables and store, a hay store, two horse field shelters and two Shetland pony field shelters. Internally the site is subdivided by post and rail, post and wire and movable electric tape fencing. Additional planting has been undertaken through the middle of the site in a belt to the south east of the buildings complex and along the north east boundary adjacent to the private track.

Technical Document submitted with Application

Design Statement

Relevant Planning History:-

12/00086/S	Enforcement Enquiry	Pending	
12/00014/COND	Appeal against conditions imposed on planning permission 11/0755/FUL	Appeal Allowed	10.12.12
12/00182/CONDIT	Variation of Condition 4 (removal of buildings) of planning permission 11/00755/FUL for change of use of land from agricultural land to mixed use of agricultural and equestrian land and retention and erection of associated buildings (part retrospective)	Approved	29.05.12
11/00755/FUL	Change of use of land from agricultural land to mixed use of agricultural and equestrian land and retention and erection of associated buildings part retrospective)	Approved	15.12.11
11/00019/UNBLD	Enforcement Enquiry	Closed	30.03.12
11/00153/COU	Change of use of land from agricultural land to mixed use of agricultural and equestrian land and retention and erection of associated buildings (part retrospective)	Refused	25.05.11
00/00891/FUL	Erection of hay store and tack room and formation of all-weather riding area (field no. OS 5429)	Approved	12.10.00



Consultations:-

No objection has been received from:-

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

Bagworth and Thornton Parish Council object to the application on the following grounds:-

- a) the site and adjacent land provides habitat for protected species and an area of Special Scientific Interest
- b) adverse impact on highway safety from increase in traffic
- c) inappropriate development of the site, proliferation of buildings in the countryside contrary to Policy NE5
- d) application is an attempt to use the inspectors appeal process to achieve sequential development
- e) the area is within the national Forest and is worthy of special protection against inappropriate development

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

Ramblers Association
National Grid
Site Notice
Neighbours

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (March 2012)

Local Plan 2006-2026: Core Strategy (2009)

Policy 10: Key Rural Centres within the National Forest (Thornton)

Policy 21: National Forest

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the principle of development, the siting and design of the buildings and their impact on the visual amenities of the site, surrounding countryside and National Forest and impact on highway safety and biodiversity.

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 14 of the framework states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole. Paragraph 17 of the NPPF promotes mixed use developments and encourages multiple benefits from the use of land in rural areas recognising that open land can perform many functions (such as wildlife, recreation and food production). Paragraph 28 of the framework supports economic growth in rural areas and promotes the development and diversification of agricultural and other land based activities.

The site is located within the countryside where Policy NE5 of the adopted Local Plan applies. Whilst now having only limited weight following the release of the NPPF and its presumption in favour of sustainable development, Policy NE5 (criteria a, b and c) of the Local Plan provides a presumption in favour of development in the countryside that is either important to the local economy and cannot be provided within or adjacent to existing settlements, for the extension of existing buildings in the countryside or for recreation purposes subject to a number of design criteria being satisfied.

The site has planning permission for a mix of agricultural and equestrian use. There is an existing cluster of buildings providing stabling, shelter and associated storage for the applicant's horses and ponies. The sheds that are the subject of this application would form part of the existing cluster and are required to provide shelter for the applicants goats, particularly during winter months and whilst in they are in kid. The use of the goat sheds for the improvement of animal welfare is appropriate to the rural location and they are therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Siting and Design and Impact on the Visual Amenity of the Site, Surrounding Countryside and National Forest

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to scale, layout, design and materials. The design criteria (i and ii) of Policy NE5 of the adopted Local Plan require that development in the countryside does not have any adverse impact on the character or appearance of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Policy 21 of the adopted Core Strategy requires development to respect the character and appearance of the wider countryside and National Forest.

The application land and existing buildings are used for agricultural and equestrian purposes and there is a similar complex of buildings on the adjacent land holding to the north west used for similar purposes which defines the character of the immediate area. The two goat sheds are to be sited on the north east corner of the building complex, as infill between two existing buildings, where they will appear as being part of the existing cluster and therefore not result in a proliferation of buildings across the site. The goat sheds are less than 2 metres in height and only 2.45 metres square and are therefore subordinate in scale to the existing buildings and their design and size is appropriate for their function. The stained timber boarding and black roofing felt used in their construction is entirely consistent with the shallow monopitch design and appearance of the existing buildings. As a result of their use, siting, design and appearance the goat sheds will complement the character of the site and will not have any adverse impact on the character or appearance of the surrounding countryside. The development is therefore in accordance with Policies BE1 (criterion a) and NE5 (criteria i and ii) of the adopted Local Plan.

Members attention is drawn to the allowed appeal decision dated 20 November 2012 relating to the site in which the Inspector in his decision notice acknowledged the need to 'impose a degree of control over the location of the various buildings to avoid an uncontrolled proliferation of buildings and structures across the site in order to protect visual amenity. The Inspector in paragraph 8 of his decision notice acknowledges that procedurally it was not possible to grant planning permission for the two goat shelters by way of the appeal, however, in paragraph 6 the Inspector notes that 'The appellant clearly has a need for these two smaller shelters for goats, and if located close to the permitted structures as at present their visual impact could not be said to amount to a material harm to the appearance of the countryside.' Accordingly, as the goat sheds are to be located within the existing complex it is considered that the application should not be refused on visual amenity grounds.

Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impair road safety and that adequate access, parking and manoeuvring facilities are provided within the site.

The junction of the unmade access track (Occupation Lane) with Markfield Lane is substandard in terms of its width and visibility, particularly to the north east direction for the drivers of emerging vehicles. No improvements are proposed as part of this development however, the site is already used for the keeping of horses, ponies and goats and the provision of two small goat shelters for animal welfare purposes will not therefore result in any increase in traffic entering or leaving the site or result in any additional impact on highway safety. In addition, adequate parking and manoeuvring will be retained within the site. There is a condition (7) on planning permission 11/00755/FUL that prevents use of the site for a riding school, livery yard or any other business or commercial use.

The Director of Environment and Transport (Highways) has no objection to the application as 'it could not be demonstrated the proposed development would result in a material increase in traffic to/from the site, the proposals are therefore acceptable from a highway point of

view. In view of this, conditions are not recommended as the proposals are already deemed acceptable.'

Other Issues

The Parish Council have raised objections to the application on the grounds that there is an area of Special Scientific Interest on land by the reservoir and that the site and adjacent land is frequented by protected species. The goat sheds are small scale and are to be located approximately 100 metres from the edge of the reservoir within a cluster of existing similar buildings. As a result of their siting and scale the goat sheds will not have any adverse impact on biodiversity or the habitat of any protected species.

Conclusion

The NPPF supports the development of agricultural and other land-based enterprises in rural areas. The land already benefits from agricultural and equestrian use and the provision of two small goat sheds for animal welfare purposes is neither unreasonable nor inappropriate in this countryside location and is therefore considered to be sustainable and acceptable in principle. As a result of the siting of the two goat sheds immediately adjacent to the existing buildings, their scale and design together with the timber construction materials they will be in keeping with the existing structures and will not result in a proliferation of buildings throughout the site and will therefore not have any adverse impact on the character or visual amenity of the site, the surrounding countryside or the National Forest. Given the existing use of the site for agricultural and equestrian purposes the proposed goat sheds will not result in a material increase in traffic to or from the site that would adversely affect highway safety. As a result of their siting, the proposals will not have any adverse impact on biodiversity. The proposals are therefore in accordance with adopted Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a and g) and T5 together with the overarching principles of the NPPF and therefore recommended for approval subject to conditions.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as by virtue of the existing uses of the site and the siting, scale, design and external construction materials, the two goat sheds will not have any adverse impact on the character or visual amenity of the site, the surrounding countryside or the National Forest, highway safety or biodiversity.

Local Plan 2006-2026: Core Strategy (2009):- Policy 21

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i, ii and iv), BE1 (criteria a and g) 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 approved by this permission is that shown on the documents as follows: Site Location Plan (Plan A) at 1:5000 scale; Block Plan (Plan D) at 1:1250

scale and Floor Plan and Elevations Drawing (Plan J) at 1:50 scale received by the Local Planning Authority on 6 March 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: - Richard Wright Ext 5894

Item: 11

Reference: 13/00199/REM

Applicant: Charles Church North Midlands

Location: Rear Of 169 Main Street Stanton Under Bardon

Proposal: Erection of 38 dwellings, community centre and formation of allotments and balancing pond with associated access (Reserved Matters - landscaping only)

Target Date: 5 June 2013

Introduction:-

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

Application Proposal

This application is the reserved matters submission for the development of 38 residential units, the erection of a village hall and formation of allotments at land to the rear of 169 Main Street, Stanton under Bardon.

The outline consent granted on 2 October 2012 for 38 residential units, provided approval for the access only and a reserved matters application granted on 22 January 2013 provided approval for the layout, scale and appearance.

This application seeks reserved matters submission for the landscaping only.

The scheme proposes a range of trees, hedgerow, shrub planting, turf, flowering lawns and wet meadow seed mixes.

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

- 1) removal of 4 no. oak trees to the front of the village hall and replacement with alternative tree species
- 2) addition of 4 no. oak trees to the right of the access
- 3) additional planting incorporated into the front of plot 25 and the rear of plot 33
- 4) additional planting has been included in the grass verge to the right of plot 1 and the rear garden of plot one
- 5) additional planting within the balancing basin and swale areas, with the addition of emergent planting and wildflower seeding.

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

Following concerns raised by the Head of Corporate and Scrutiny Services (Green Spaces), during the course of the application the applicant has provided revised plans to show:-

- 1) addition of *Pyrus calleryana* 'Redspire' to the footpath link, replacing *Tilia cordata* 'Streetwise'
- 2) additional tree planting around the allotments and balancing pond consisting of:-
 - 2 *Tilia cordata* 'Streetwise'
 - 1 *Quercus robur*
 - 1 *Malus sylvestris*
 - 2 *Pyrus calleryana* 'Redspire'
 - 2 *Sorbus aucuparia* 'Sheerwater' seedling

Re-consultation was undertaken with the parish, all neighbouring properties as well as those who have commented on the application and relevant statutory consultees; the National Forest and the Head of Corporate and Scrutiny Services (Green Spaces) for a period of 10 days.

The Site and Surrounding Area

The site lies to the south east of Main Street, Stanton under Bardon, on the eastern side of the village. The site is currently split into two areas. The area closest to Main Street is currently used for allotments and the area to the south is used as a paddock. The site extends to 2.47 hectares.

The site is surrounded by a school playing field to the south and is backed onto by residential development to the north west. The eastern and southern boundaries of the site are defined

by mature hedgerows. There is a public footpath R24 within the site which runs along the north west boundary to the rear of existing residential development.

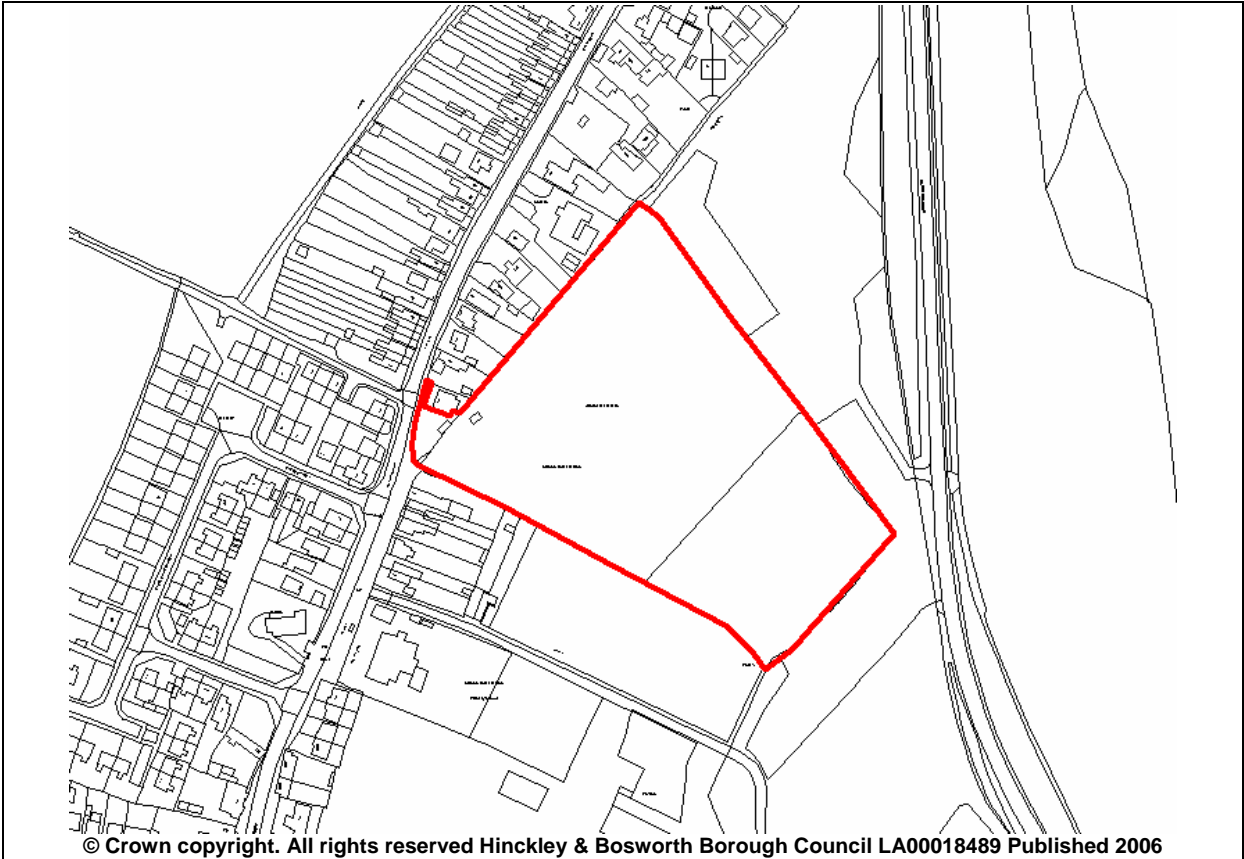
The site falls outside of the settlement boundary of Stanton under Bardon, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Document submitted with application

The application is accompanied by an Arboricultural Report.

Relevant Planning History:-

12/01072/REM	Erection of 38 dwellings, community centre and formation of allotments, balancing pond with associated access (reserved matters for appearance, layout and scale)	Approved	22.02.13
11/00988/OUT	Erection of 38 dwellings, community centre and formation of allotments, balancing pond with associated access (outline - access only)	Approved	02.10.12



Consultations:-

No objection has been received from:-

The National Forest
Head of Community Services (Pollution)
Head of Corporate and Scrutiny Services (Green Spaces)

No objection subject to conditions have been received from:-

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

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from the Head of Corporate and Scrutiny Services (Tree Officer)

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development within the Countryside
Policy BE1: Design and Siting of Development

Appraisal:-

The principle of residential development on this site has already been established by the earlier grant of outline planning permission which was subject to conditions and a Section 106 agreement and the subsequent reserved matters planning permission securing layout, scale and appearance.

As such the main issue for consideration is that of landscaping.

Landscaping

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

Paragraph 17 of the NPPF states that planning authorities/the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

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

- where necessary it is effectively screened by landscaping or other methods.

Saved Policy BE1 states that planning permission will be granted where the development:-

- e) incorporates landscaping to a high standard where this would add to the quality of the design and siting.

Policy NE12 states that proposals for development should take into account the existing landscaping features of the site and should make provision for further landscaping where appropriate and applications should be accompanied by:-

- b) a good quality landscaping scheme showing the layout and broad landscaping principle of the development.

Both Saved Policy NE5 (criterion iii) and BE1 (criterion e) of the Local Plan are considered to be consistent with the intentions of the NPPF whilst Policy NE12 is generally considered to be consistent with the NPPF, as such these policies carry weight in the determination of this application.

The site also lies within an area identified as the National Forest, and therefore calls to be considered in terms of Policy 21 of the adopted Core Strategy. Policy 21 of the adopted Core Strategy states that developments shall provide on-site or nearby landscaping that meets the National Forest development planning guidelines and that landscaping will generally involve woodland planting, but can also include creation and management of other appropriate habitats, open space provision and the provision of new recreational facilities.

The application is accompanied by soft landscape proposals which have been revised during the course of the application following observations provided by the National Forest Head of Corporate and Scrutiny Services (Green Spaces).

Following changes and substitution of planting re-consultation has been undertaken with the National Forest, the Head of Corporate and Scrutiny Services (Green Spaces) and the Head of Corporate and Scrutiny Services (Tree Officer).

Both the National Forest and the Head of Corporate and Scrutiny Services (Green Spaces) raise no objections to the revisions. The Head of Corporate and Scrutiny Services (Green Spaces) is satisfied that the replacement species to the proposed footpath link and the National Forest welcome the addition of trees.

It is considered that the proposed landscaping scheme proposes appropriate species to this area and the level and variation of the planting adds to the overall appearance of the scheme.

Overall it is considered that the level and species of specimens proposed provides an attractive scheme reflective of this countryside and National Forest setting.

Policy NE12 criterion d requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. Condition 10 attached to the outline consent required that soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

In terms of hard landscaping proposal, details of the roadways, footways, parking areas, including finished levels and surfacing materials have been considerations of the previous outline and reserved matters applications.

Other Issues

Highway Considerations

The Director of Environment and Transport (Highways) has repeated previous observations submitted as part of the previous reserved matters application ref: 12/01072/REM.

This reserved matters application relates to landscaping only. The suitability of the access has already been considered within the outline scheme and conditions were imposed within the first reserved matters application in respect of cycle provision, residential parking, surfacing of access drives and turning areas, restricting garage conversions in addition to vehicle parking and wheel cleaning of the construction vehicles. As such no further conditions or consideration is required as part of this application.

Drainage and Flood Risk

The Head of Community Services (Land Drainage) has requested details are submitted prior to commencement in respect of the surface water sewage network, which must incorporate sustainable drainage features, and details of the foul sewerage system.

This is the same request as that at the outline stage, where a condition has already been imposed (condition 4). As such there is no requirement to further condition drainage plans at this reserved matters stage. Accordingly the applicant will be required to discharge condition 4 attached to the outline planning consent.

Conclusion

In conclusion, the principle of residential development on this site has already been established by the previous outline and reserved matters consent.

For the reasons discussed above the scheme is considered to provide an appropriate quantity and quality of landscaping for this countryside location, sited within the National Forest.

Accordingly, it is considered that this reserved matters application be recommended for approval, subject to the additional conditions, suggested by this application.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria iii) BE1 (criterion e) NE12 (criterion b)

Local Plan 2006-2026: Core Strategy (2009):- Policy 21.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 11/00988/OUT and reserved matters planning permission 12/01072/REM.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the Planting Proposals drawing no.'s 5396-L-01 revision D and 5396-L-02 revision D received by the Local Planning Authority on 23 April 2013 and shall be implemented in the first planting season prior to the first occupation of the first dwelling.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii) BE1 (criterion e) and Policy NE12 (criterion b) 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: 12
Reference: 13/00142/ADV
Applicant: Hinckley And Bosworth Borough Council
Location: Land Off Sketchley Meadows Burbage
Proposal: Display of internally illuminated estate signage board
Target Date: 3 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

This application seeks advertisement consent for the erection of a free standing, internally illuminated sign measuring 3.9 metres in height x 1.2 metres in width and 1.2 metres in depth. The sign is to be constructed with an internal (triangular) steel frame mounted on three sides by aluminium composite panels with a white background and green and black lettering and graphics including the 'Sketchley Meadows' logo and the Borough Council's crest with additional space below for signage by others. The sign is to be located in a landscaping area adjacent to a car parking area within the industrial estate on Sketchley Meadows in Burbage.

The new signage is required for identification purposes within the estate. The illumination relates to the top decorative panel only and is to be static and low level (approximately 350 candelas). The illumination is required for identification purposes in the hours of darkness and will be controlled by an automatic dusk/dawn sensor.

The Site and Surrounding Area

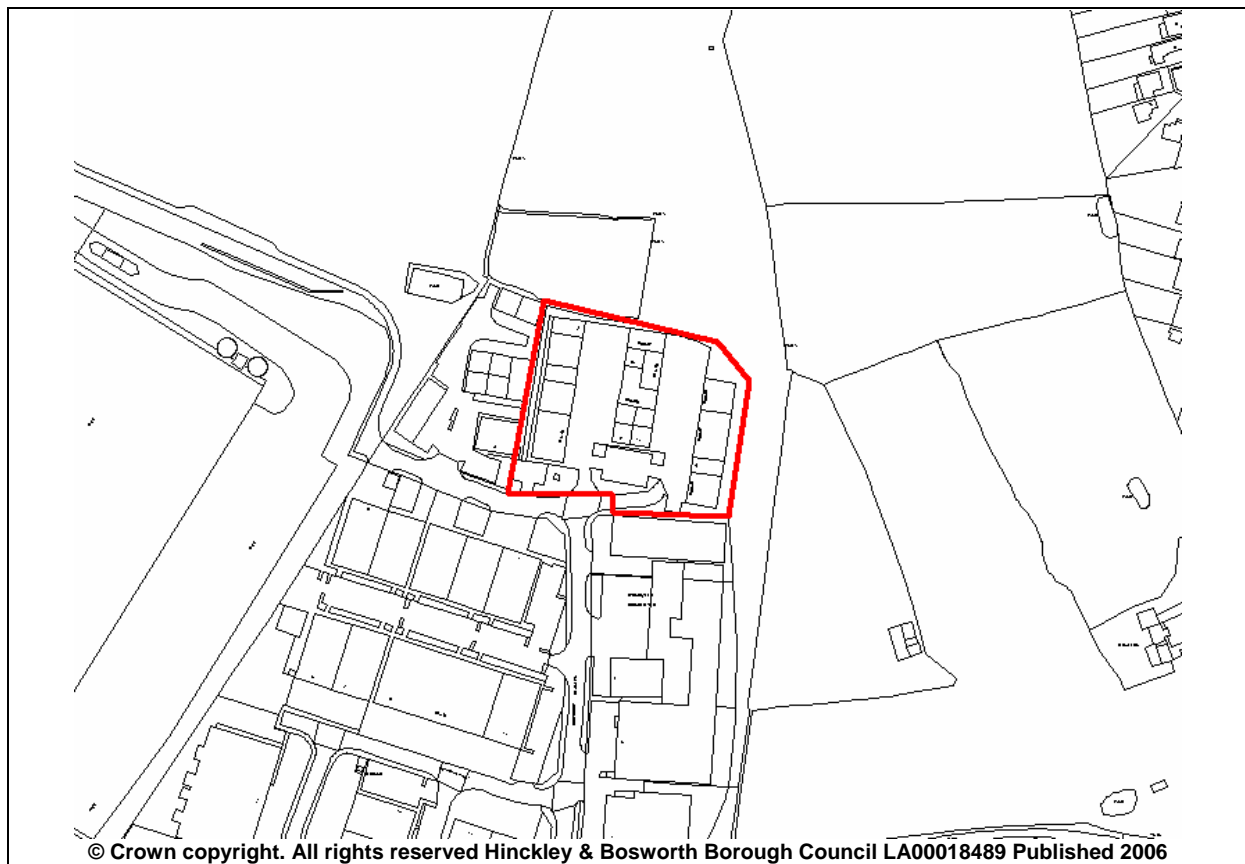
The application site is part of a landscaped area located at a road junction at the end of Sketchley Meadows within the industrial estate which comprises of industrial and office units of varying scales, types and designs.

Technical Documents submitted with Application

Lighting Assessment

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from Burbage Parish Council.

The Director of Environment and Transport (Highways) does not object and refers to standing advice in relation to advertisements.

The statutory consultation period expired on 12 April 2013. No responses have been received from neighbours.

Development Plan Policies:-

Applications for advertisement consent are considered against the statutory requirements of S.220 of the Town and Country Planning Act 1990 (as amended). The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 confirms that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

Paragraph 67 within the NPPF identifies that advertisements can have a negative impact on the environment, but should only be subject to controls in respect of amenity and public safety taking into account cumulative impacts. Therefore the main considerations in the determination of this application relate to impact on visual amenity and public safety.

Visual Amenity

Policy BE1 (criterion a) requires development to complement or enhance the character or appearance of the area. Policy BE26 allows for the incorporation of lighting schemes subject to there being no nuisance to nearby residents or road users in terms of glare, no light spillage or unnecessarily high levels of light and there being no adverse impact on the character or appearance of the area.

There is justification for the advertisement in that it is required to advertise the location of businesses within the established industrial estate in which it is located. There are no residential properties in close proximity and the area is characterised by large scale industrial units with individual advertisements. At only 3.9 metres in height and 1.2 metres in width the scale of the sign respects the surroundings and will complement the character of the area. The vertical emphasis of the design respects the size of the landscaped area in which it is located and the proposed modern materials complement the materials used in the construction of the surrounding units.

The proposed static internal illumination relates to the top third of the sign and lettering and graphics only and at approximately 350 candelas is well below the Institution of Lighting Engineers Technical Report guidance for urban locations of 600 candelas per square metre. In addition, the lighting is to be automatically controlled with sensors to turn on only during the hours of darkness and for identification purposes only.

As a result of the siting, scale, design, appearance and level of illumination the advertisement will not be overly prominent and will not have any adverse impact on visual amenity and is therefore in accordance with Policies BE1 (criterion a) and BE26 (criteria a, b and c) of the adopted Local Plan.

Impact on Public Safety

The proposed advertisement will be located within a landscaped area set back from the road carriageway and as a result of its narrow vertical design will not encroach on the public highway or impede visibility for road users. The illumination is to be static and internal and of a low level that will not result in any unnecessarily high levels of light, light spillage or glare that would have any adverse impact on road users. As a result of the siting and static, low level illuminated nature of the advertisement it will not be a distraction to road users and will not have any adverse impact on pedestrian or highway safety. The proposal is therefore in accordance with Policy T5 of the adopted Local Plan. The Director of Environment and Transport (Highways) has no objection subject to standard conditions and as such it is concluded that the impact upon highway safety is negligible.

Conclusion

The proposed advertisement does not have any adverse impact on visual amenity or highway or pedestrian safety or result in any unacceptable light pollution. The proposal is therefore in accordance with Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

Recommendation: Consent to Display Advertisement 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, 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 advertisement would not be harmful to visual amenity or public safety.

Within the context of the statutory requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5.

- 1 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: Site Location Plan at 1:2500 scale and Block Plan, Plan and Elevations drawing no. (D) 102 Revision A entitled 'General Arrangement' received by the Local Planning Authority on 8 March 2013.
- 2 The maximum luminance of the light source shall not exceed 600 candelas per square metre.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To protect drivers from light glare in the interests of highway safety to accord with Policies BE26 (criterion a) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer: - Richard Wright Ext 5894

Item: 13

Reference: 13/00143/ADV

Applicant: Hinckley And Bosworth Borough Council

Location: Sunnyside Park Hinckley Leicestershire

Proposal: Display of internally illuminated estate signage board

Target Date: 3 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

This application seeks advertisement consent for the erection of a free standing, internally illuminated sign measuring 3.9 metres in height x 1.2 metres in width and 1.2 metres in depth. The sign is to be constructed with an internal (triangular) steel frame mounted on three sides by aluminium composite panels with a white background and green and black lettering and graphics including the 'Greenfields' logo and the Borough Council's crest with additional space below for signage by others. The sign is to be located in a landscaping area adjacent to an industrial unit within the Sunnyside Park industrial estate on Wheatfield Way, Hinckley.

The new signage is required for identification purposes within the estate. The illumination relates to the top decorative panel only and is to be static and low level (approximately 350 candelas). The illumination is required for identification purposes in the hours of darkness and will be controlled by an automatic dusk/dawn sensor.

The Site and Surrounding Area

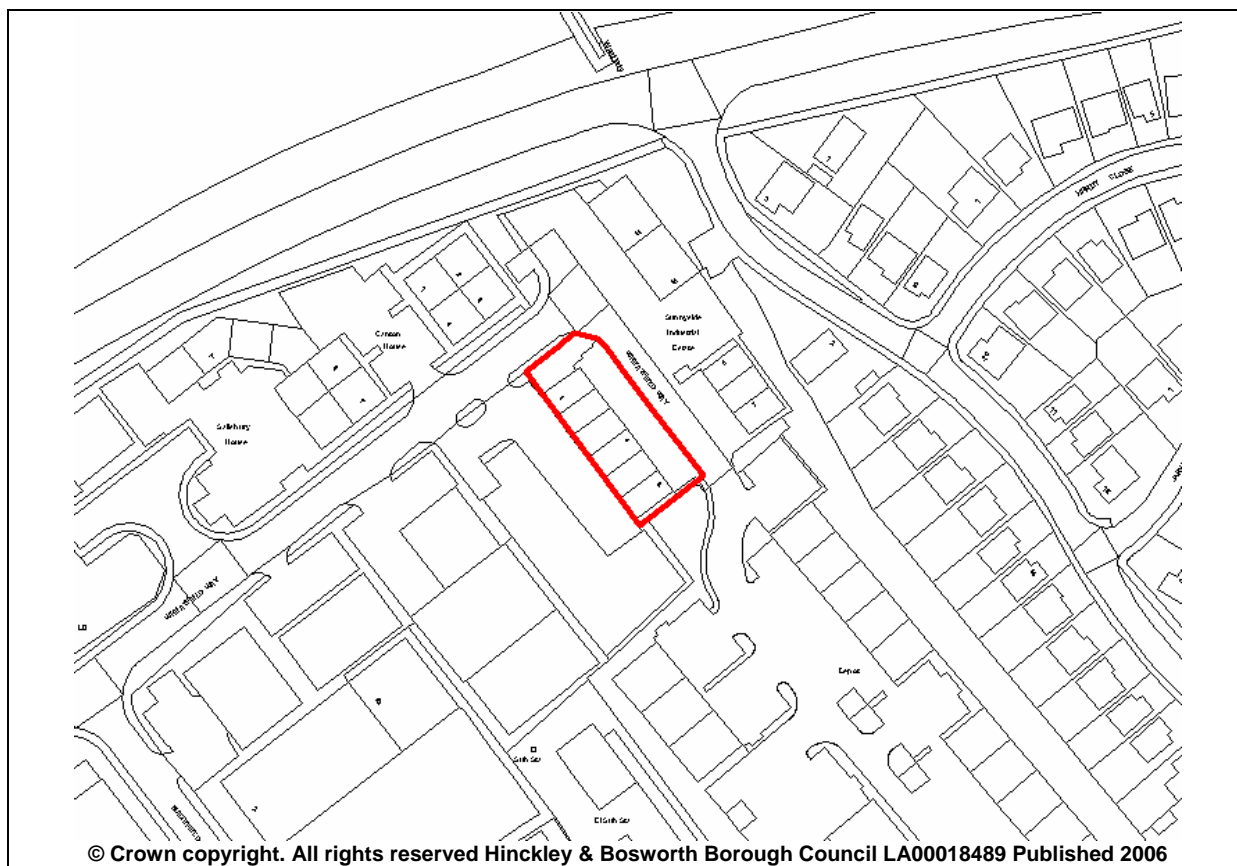
The application site is part of a landscaped area located on a right angled road junction within the Sunnyside Park industrial estate which comprises of industrial and office units of varying scales, types and designs.

Technical Documents submitted with Application

Lighting Assessment

Relevant Planning History:-

None relevant.



Consultations:-

The Director of Environment and Transport (Highways) does not object and refers to standing advice in relation to advertisements.

The statutory consultation period expired on 12 April 2013. No responses have been received from neighbours.

Development Plan Policies:-

Applications for advertisement consent are considered against the statutory requirements of S.220 of the Town and Country Planning Act 1990 (as amended). The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 confirms that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

Paragraph 67 within the NPPF identifies that advertisements can have a negative impact on the environment, but should only be subject to controls in respect of amenity and public safety taking into account cumulative impacts. Therefore the main considerations in the determination of this application relate to impact on visual amenity and public safety.

Visual Amenity

Policy BE1 (criterion a) requires development to complement or enhance the character or appearance of the area. Policy BE26 allows for the incorporation of lighting schemes subject to there being no nuisance to nearby residents or road users in terms of glare, no light spillage or unnecessarily high levels of light and there being no adverse impact on the character or appearance of the area.

There is justification for the advertisement in that it is required to advertise the location of businesses within the established industrial estate in which it is located. There are no residential properties in close proximity and the area is characterised by large scale industrial and office units with individual advertisements. At only 3.9 metres in height and 1.2 metres in width the scale of the sign respects the surroundings and will complement the character of the area. The vertical emphasis of the design respects the size of the landscaped area in which it is located and the proposed modern materials complement the materials used in the construction of the surrounding units.

The proposed static internal illumination relates to the top third of the sign and lettering and graphics only and at approximately 350 candelas is well below the Institution of Lighting Engineers Technical Report guidance for urban locations of 600 candelas per square metre. In addition, the lighting is to be automatically controlled with sensors to turn on only during the hours of darkness and for identification purposes only.

As a result of the siting, scale, design, appearance and level of illumination the advertisement will not be overly prominent and will not have any adverse impact on visual amenity and is therefore in accordance with Policies BE1 (criterion a) and BE26 (criteria a, b and c) of the adopted Local Plan.

Impact on Public Safety

The proposed advertisement will be located within a landscaped area set back from the road carriageway and as a result of its narrow vertical design will not encroach on the pedestrian footway or public highway or impede visibility for road users. The illumination is to be static and internal and of a low level that will not result in any unnecessarily high levels of light, light spillage or glare that would have any adverse impact on road users. As a result of the siting and static, low level illuminated nature of the advertisement it will not be a distraction to road users and will not have any adverse impact on pedestrian or highway safety. The proposal is therefore in accordance with Policy T5 of the adopted Local Plan. The Director of Environment and Transport (Highways) has no objection subject to standard conditions and as such it is concluded that the impact upon highway safety is negligible.

Conclusion

The proposed advertisement does not have any adverse impact on visual amenity or highway or pedestrian safety or result in any unacceptable light pollution. The proposal is therefore in accordance with Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5 of

the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

Recommendation: - Consent to Display Advertisement 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, 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 advertisement would not be harmful to visual amenity or public safety.

Within the context of the statutory requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5.

- 1 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: Site Location Plan at 1:1000 scale and Block Plan, Plan and Elevations drawing no. (D) 100 Revision A entitled 'General Arrangement' received by the Local Planning Authority on 8 March 2013.
- 2 The maximum luminance of the light source shall not exceed 600 candelas per square metre.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To protect drivers from light glare in the interests of highway safety to accord with Policies BE26 (criterion a) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Richard Wright Ext 5894

Item: 14
Reference: 13/00151/ADV
Applicant: Hinckley And Bosworth Borough Council
Location: Hinckley Business Park Brindley Road Hinckley
Proposal: Display of internally illuminated estate signage board
Target Date: 3 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

This application seeks advertisement consent for the erection of a free standing, internally illuminated sign measuring 3.9 metres in height x 1.2 metres in width and 1.2 metres in depth. The sign is to be constructed with an internal (triangular) steel frame mounted on three sides by aluminium composite panels with a white background and green and black lettering and graphics including the 'Hinckley Business Park' logo and the Borough Council's crest with additional space below for signage by others. The sign is to be located in a landscaping area adjacent to an industrial unit within the Hinckley Business Park industrial estate on Brindley Road, Hinckley.

The new signage is required for identification purposes within the estate. The illumination relates to the top decorative panel only and is to be static and low level (approximately 350 candelas). The illumination is required for identification purposes in the hours of darkness and will be controlled by an automatic dusk/dawn sensor.

The Site and Surrounding Area

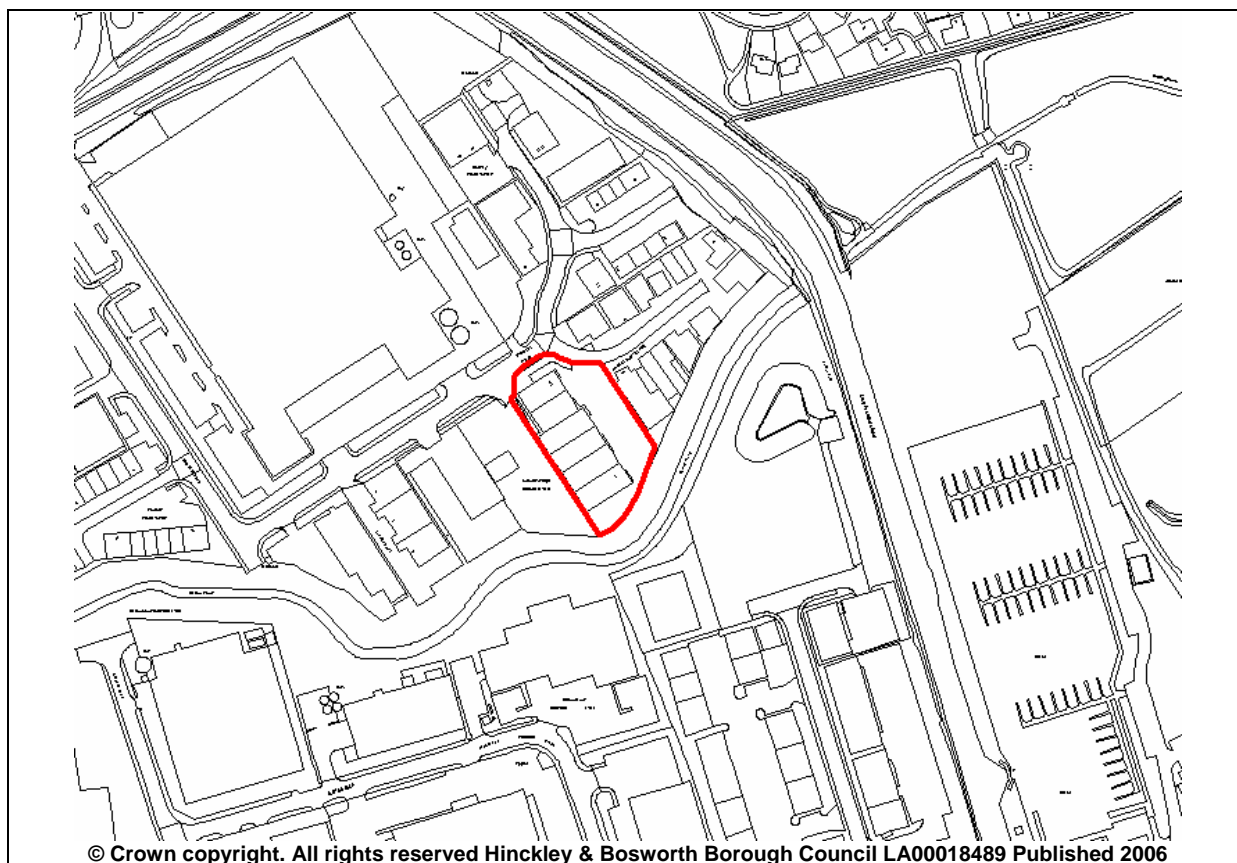
The application site is part of a landscaped area located on a road junction within the Hinckley Business Park industrial estate which comprises of industrial and office units of varying scales, types and designs.

Technical Documents submitted with Application

Lighting Assessment

Relevant Planning History:-

None relevant.



Consultations:-

The Director of Environment and Transport (Highways) does not object and refers to standing advice in relation to advertisements.

The statutory consultation period expired on 12 April 2013. No responses have been received from neighbours.

Development Plan Policies:-

Applications for advertisement consent are considered against the statutory requirements of S.220 of the Town and Country Planning Act 1990 (as amended). The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 confirms that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors.

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards.

Appraisal:-

Paragraph 67 within the NPPF identifies that advertisements can have a negative impact on the environment, but should only be subject to controls in respect of amenity and public safety taking into account cumulative impacts. Therefore the main considerations in the determination of this application relate to impact on visual amenity and public safety.

Visual Amenity

Policy BE1 (criterion a) requires development to complement or enhance the character or appearance of the area. Policy BE26 allows for the incorporation of lighting schemes subject to there being no nuisance to nearby residents or road users in terms of glare, no light spillage or unnecessarily high levels of light and there being no adverse impact on the character or appearance of the area.

There is justification for the advertisement in that it is required to advertise the location of businesses within the established industrial estate in which it is located. There are no residential properties in close proximity and the area is characterised by large scale industrial units with individual advertisements. At only 3.9 metres in height and 1.2 metres in width the scale of the sign respects the surroundings and will complement the character of the area. The vertical emphasis of the design respects the size of the landscaped area in which it is located and the proposed modern materials complement the materials used in the construction of the surrounding units.

The proposed static internal illumination relates to the top third of the sign and lettering and graphics only and at approximately 350 candelas is well below the Institution of Lighting Engineers Technical Report guidance for urban locations of 600 candelas per square metre. In addition, the lighting is to be automatically controlled with sensors to turn on only during the hours of darkness and for identification purposes only.

As a result of the siting, scale, design, appearance and level of illumination the advertisement will not be overly prominent and will not have any adverse impact on visual amenity and is therefore in accordance with Policies BE1 (criterion a) and BE26 (criteria a, b and c) of the adopted Local Plan.

Impact on Public Safety

The proposed advertisement will be located within a landscaped area set back from the road carriageway and as a result of its narrow vertical design will not encroach on the pedestrian footway or public highway or impede visibility for road users. The illumination is to be static and internal and of a low level that will not result in any unnecessarily high levels of light, light spillage or glare that would have any adverse impact on road users. As a result of the siting and static, low level illuminated nature of the advertisement it will not be a distraction to road users and will not have any adverse impact on pedestrian or highway safety. The proposal is therefore in accordance with Policy T5 of the adopted Local Plan. The Director of Environment and Transport (Highways) has no objection subject to standard conditions and as such it is concluded that the impact upon highway safety is negligible.

Conclusion

The proposed advertisement does not have any adverse impact on visual amenity or highway or pedestrian safety or result in any unacceptable light pollution. The proposal is

therefore in accordance with Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is recommended for approval subject to conditions.

Recommendation: - Consent to Display Advertisement 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, 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 advertisement would not be harmful to visual amenity or public safety.

Within the context of the statutory requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criterion a), BE26 (criteria a, b and c) and T5.

- 1 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: Site Location Plan at 1:1000 scale and Block Plan, Plan and Elevations drawing no. (D) 101 Revision A entitled 'General Arrangement' received by the Local Planning Authority on 8 March 2013.
- 2 The maximum luminance of the light source shall not exceed 600 candelas per square metre.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To protect drivers from light glare in the interests of highway safety to accord with Policies BE26 (criterion a) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer: - Richard Wright Ext 5894

Item: 15
Reference: 13/00138/FUL
Applicant: Mrs Katharine Griffiths
Location: Allotment Gardens Ratby Road Groby
Proposal: Erection of composting toilet
Target Date: 8 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the site area exceeds 0.5ha.

Application Proposal

Full planning permission is sought for the erection of a composting toilet. The toilet is proposed to be located within the Ratby Road Allotment Site, Groby for use by members of the Groby Allotment Society.

The toilet is proposed to be constructed from cedar boarding and would be wheelchair/disabled friendly.

The Site and Surrounding Area

The site is currently used as allotments and run by the Groby Allotment Society. The site is leased from Groby Parish Council. There are approximately 127 allotments on the site. The site is located within the centre of Groby with access and vehicle parking provided off Ratby Road with pedestrian access to the site from Chapel Hill and Mallard Avenue.

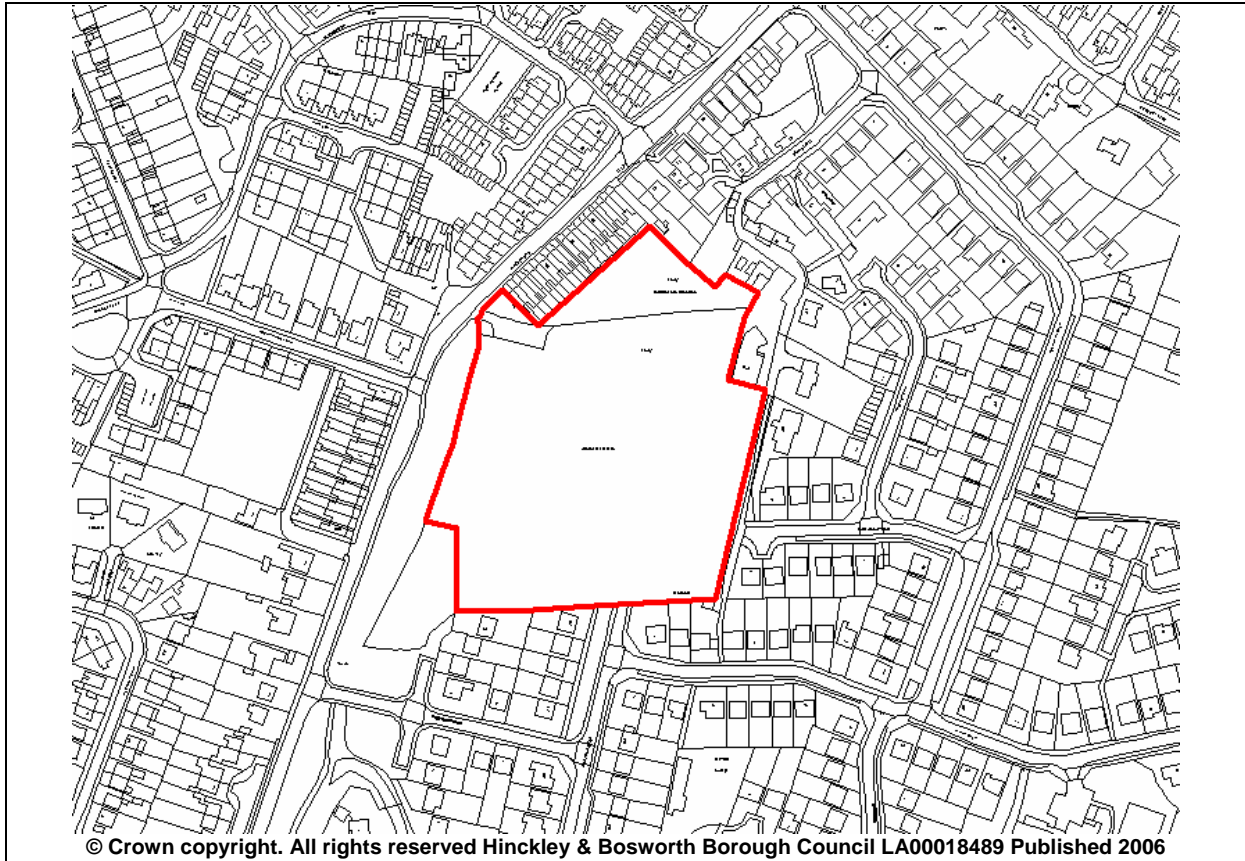
The site currently features a number of structures associated with the use of the site such as sheds and greenhouses.

Technical Document submitted with application

The application is accompanied by a Design and Access Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Head of Community Services (Land Drainage)
Groby Parish Council

Site notice was displayed and neighbours notified.

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy REC1: Development of Recreation Sites

Appraisal:-

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

Principle of Development

The site is allocated as a recreation site under Policy REC1 of the Local Plan. This policy states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless certain criteria are met.

In this instance as the proposal seeks to add a facility for the benefit of users of the allotments it is considered that the proposed composting toilet will enhance the recreation provision for the benefit of the community and as such is in accordance with Policy REC1.

Siting and Design

Policy BE1 of the Local Plan requires a high standard of design and should complement the character of the surrounding area with regard to scale, layout and materials. The proposed toilet will be sited to the south west of the site within an existing allotment plot. The toilet will be housed in a cedar clad structure 1.9 metres by 2.46 metres and 2.3 metres in height. It is not considered that the proposed design of the structure would conflict with the character and nature of the allotments and would blend in with the existing structures on site in terms of its visual appearance. The proposal is therefore considered to be in accordance with Policy BE1 of the Local Plan.

Impact on Residential Amenity

Policy BE1 of the Local Plan requires that development does not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring properties are over 50 metres from the proposed toilet. The information submitted in support of the application states that the toilet will be vented via a passive vent pipe and should smell less than a traditional W.C. As a result the proposal is not considered to have an adverse impact on any residential amenity and as such is considered to be in accordance with Policy BE1 of the Local Plan.

Drainage and Flood Risk

No objection has been received by the Head of Community Services (Land Drainage) providing arrangements are put in place to manage and periodically empty the facility.

Conclusion

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

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 character and appearance of the surrounding area and would not have an adverse impact upon the amenity of any surrounding residential properties.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and REC1.

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 accordance with the submitted applications details, as follows: Location Plan received 06 March 2013, Block Plan received 06 March 2013 and Floor Plan and Elevations received 06 March 2013.

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.

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: - Simon Atha Ext 5919

Item: 16

Reference: 13/00227/FUL

Applicant: Mr T Clinton

Location: Unit G Fleming Road Hinckley

Proposal: Change of use from B2 to B8 storage/distribution, addition of internal first floor offices, insertion of additional windows at first floor level

Target Date: 17 May 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the site area is greater than 0.5 ha.

Application Proposal

This application seeks full planning permission for the change of use of an industrial building from use class B2 (general industry) to use class B8 (storage and distribution). The proposal includes a mezzanine to the first floor creating an additional 183 sq metres accommodating additional offices, and various external alterations including insertion of windows to first floor mezzanine, insertion of doors to the main entrance and relocation of windows to accommodate the new use.

The works have been started and in some cases completed. The application is therefore part retrospective. Amended plans have been received and a further consultation undertaken to correct inaccuracies within the initial submitted plans.

The Site and Surrounding Area

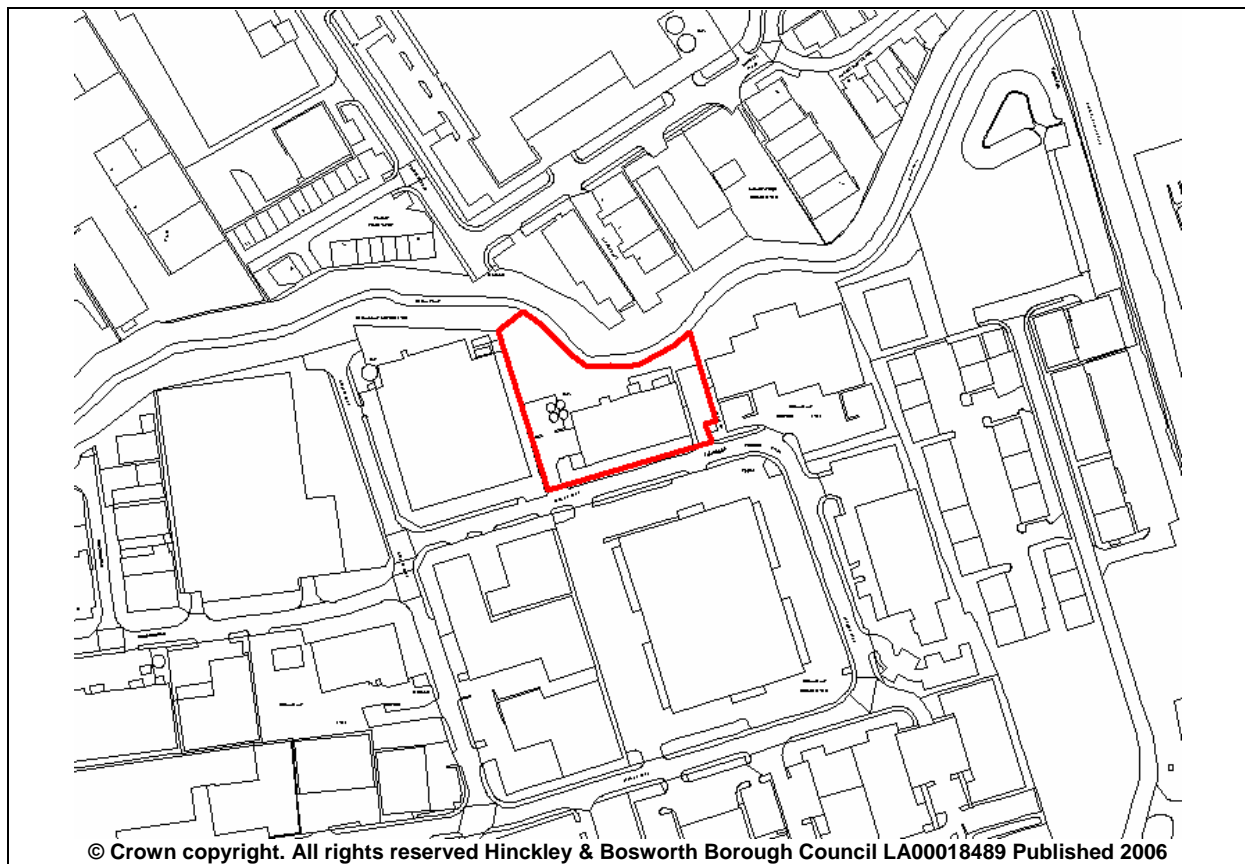
Unit G, Fleming Road is located within the Dodwells Industrial Estate, an estate of various industrial buildings falling mainly within use classes B1, B2 and B8. Unit G is located to the north of the site adjacent to the Harrowbrook and the Harrowbrook industrial estate. The building consists of part brick and part profile clad building with a shallow pitched roof. The surrounding buildings are also a mixture of brick and profile sheeting.

Technical Document submitted with application

None submitted

Relevant Planning History:-

78/01483/4	Erection of factory and offices	Approved	26.09.78
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Consultations:-

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

No objection subject to conditions have been received from the Director of Environment and Transport (Highways)

Site notice was displayed and neighbours notified.

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

Neighbours
Western Power distribution

Development Plan Policies:-

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 EMP1: Existing Employment Sites
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Other Material Policy Guidance

Employment Land and Premises Study 2010.

Appraisal:-

The main considerations with regards to this application are the principle of development, the design and appearance of the alterations and the effect of the proposed use on the amenities of neighbouring occupiers.

Principle of Development

The application is for the change of use of an industrial building from B2 (general industry) to B8 (storage and distribution) use. Both of the uses are employment uses. Policy EMP1 seeks to retain employment uses on both Dodwells and Harrowbrook Industrial estates. This is supported by the Employment Land and Premises Study date 2010 which suggests 100 per cent retention of employment on the site.

The NPPF has a presumption in favour of sustainable development. The NPPF also is supportive of a strong and responsive economy by ensuring that sufficient land is available in the right place to support growth.

The proposed mezzanine would create an additional 190 sq metres of floor space which would be mainly used to accommodate offices. It is not considered that this relatively small increase in floor space is considered acceptable.

It is considered that the proposal retains an employment use on the site, which as a designated employment site is considered to be in an appropriate location and therefore is in accordance with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan and principle of the NPPF.

Design and Appearance

Permission is sought for various alterations and extensions to the proposal. These include the introduction of four windows in the southern elevation at first floor level, alterations to the west elevation including infilling a window, introduction of new doorway. These are considered to be minor alterations that do not detrimentally affect the design or appearance of the building. Policy BE1 (a) requires development to compliment the character of the surrounding area and the alterations are considered to be in accordance with this policy.

Amenities

The site is surrounded by other commercial uses. It is not considered that the change of use from general industry to storage and distribution would result in a detriment to the amenities of neighbouring users.

Other Issues

Highways

The Director of Environment and Transport (Highways) has requested that a condition be included require cycle parking to be provided prior to first use. It is considered that is not a necessary to make the development acceptable given the existing use of the site and therefore will not be imposed.

The proposal includes the erection of a mezzanine resulting in 183m of additional floor space. The 6 C's Highway guidance document has a requirement of one parking space per 200m of floor space for B8 use. Whilst for B2 use the standards are 1 parking space per 90sqm. Due to the change of use there is a requirement for less off street parking and therefore the existing parking provision is considered to be acceptable.

Conclusion

This application seeks consent for the change of use of an Industrial building from B2 (general Industry) to B8 (storage and distribution) within a designated employment site. To facilitate the use minor external alterations are proposed to the southern and western elevations including alterations to the doors and insertion of windows. These are considered to preserve the character and appearance of the building and not to detrimentally affect the amenities of neighbouring occupiers. The proposal is considered to comply with Policy EMP1, BE1 and T5.

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 and proposed use and nature of the development the proposal is not considered to detrimentally affect the character of the area, highway safety or the amenities of others.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1 (a), BE1 (a) and T5

Local Plan 2006-2026: Core Strategy (2009):- Policy 1

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

Drawing number 1, and 3- A, received 22.03.13
Drawing number 2 B, and 3 B received 09.05.13

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: - Sarah Fryer Ext 5682