

PLANNING COMMITTEE

25 June 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: 13/00345/REM

Applicant: Goodman Real Estate (UK) Limited

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge St Burbage

Proposal: Erection of a building to be used for class B8 (Storage and distribution) purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping

Target Date: 31 July 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 provision of a B8 storage and distribution unit with associated gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping.

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

This proposal seeks approval of all outstanding reserved matters for this part of the wider development. For the avoidance of doubt the Sketchley Brook development is being delivered in phases with approval for outstanding reserved matters being sort as and when the development is ready to proceed.

The footprint of the main building is horizontally emphasised having a floor area of 34,300 m² this will sit centrally within the site. The principle gate house will be sited mid way along the front boundary, with the remainder of the ancillary buildings located along the rear boundary. The extent of the plot, aside from the landscaping on the perimeter and a tarmac length to the front of the site, will comprise a concrete slab. Extensive parking areas are proposed to the front and rear of the building, subdivided into car, van, tractor (lorry) and trailer bays. Three accesses are proposed along the north eastern boundary, two for commercial vehicles and one for customers. Due to the nature of use, the site is to be highly secure. The majority of the site will be enclosed by a 2.4 m high galvanised palisade fence, and the tarmac strip to the front, identified as the general car park will be enclosed by a 2.4 m high paladin fence.

"The site will house DPD's 'parcel sortation hub'. DPD is the UK's fastest growing parcel company. Its growth can be partly attributed to the rapidly expanding e-commerce sector and the consequential need for home delivery services. DPD provides high quality services based on bespoke innovation such as the Predict delivery methodology utilising email and text for co-ordinated and efficient delivery. The hub will create over 700 jobs across a range of skills. This site has been chosen as it provides an optimum strategic location to serve the East midlands complementing the company's existing West midlands operations."

The Site and Surrounding Area

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

The parcel of land subject of this application has an area of approximately 14.11 hectares and is situated on the western part of the site. Further west is the remaining commercial plot which has recently secured planning permission for a manufacturing unit with associated parking and landscaping (13/00128/REM) and to the east is a parcel of land which has secured planning permission for residential development (12/00697/REM). 70m further to the west is the Ashby de la Zouch Canal. The re-instated Sketchley brook and landscaped corridor is on the opposite side of the spine road, running parallel to the southern boundary of the site. The site is Greenfield in nature, the levels drop from east to west and there are a number of trees along the boundaries of the site subject to Tree Preservation Orders (TPO).

Access to the site will be via the Logix Park estate road situated to the south of the site from Watling Street (A5). This road, along with the access points and highway improvement works to the whole site, were approved under the outline consent for the site. The internal spine road runs parallel to the southern boundary of the site.

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

Amended plans have been received which have been subject to a further re-consultation.

Technical Documents Submitted with the Application

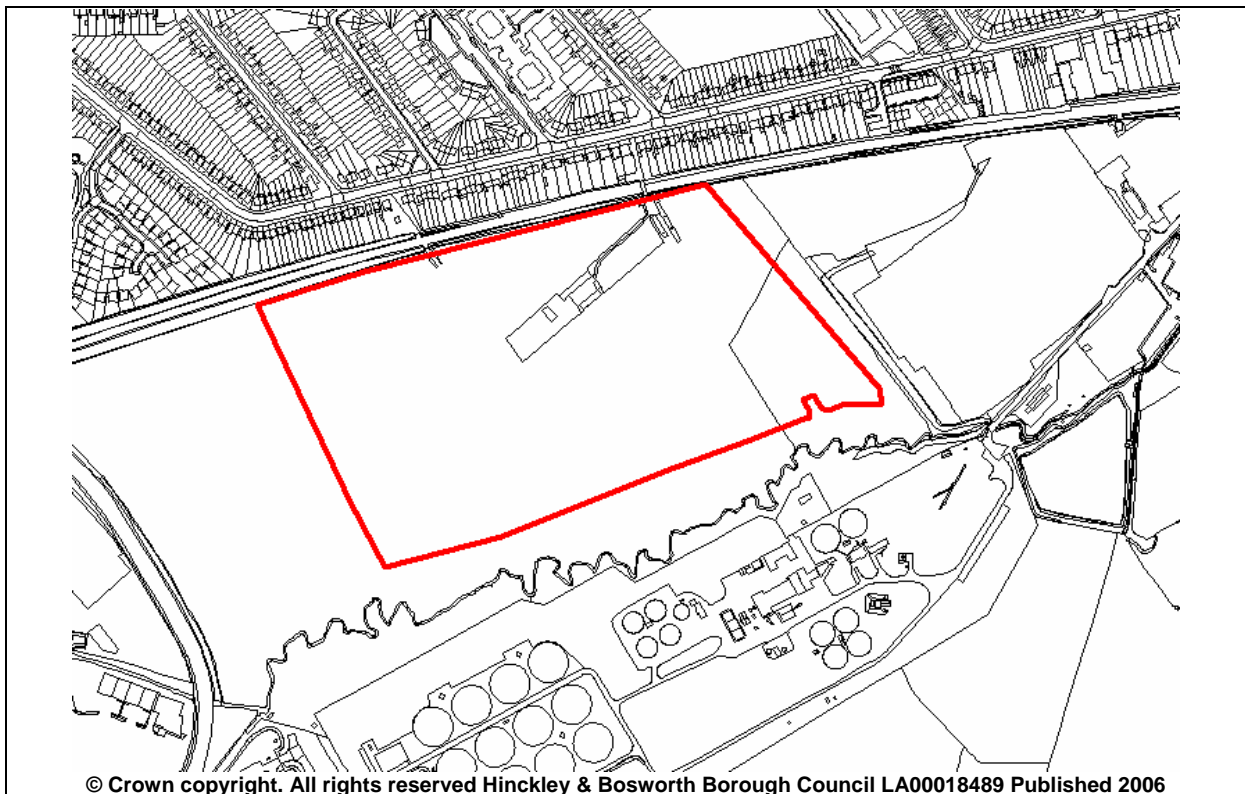
Noise Assessment

Lighting Scheme - notwithstanding the submission of these details, lighting is subject to control by condition on the outline consent

Relevant Planning History:-

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline-access only)	Approved	30.08.11
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11/00856/REM	Primary physical and green a infrastructure details including Sketchley Brook Corridor, access road, structural landscape, open space and remodelling of lake	Approved	11.01.12
11/00857/CONDIT	Variation of conditions 2, 11, 20, 21, 28 and 29 to include the additional wording of 'The relevant part of the' before the word 'development' in each of the conditions	Approved	02.02.12
12/00697/REM	Erection of 212 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space	Approved	12.12.12
13/00128/REM	Approval of reserved matters application for the erection of manufacturing facility with associated parking and landscaping	Approved	15.05.13



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

Severn Trent Water Limited
Environment Agency.

Network Rail has no objection subject to standard comments.

National Grid has provided standard advice.

Head of Community Services (Drainage) require details of how surface water runoff will be intercepted, treated for vehicle pollution and its flow-rate attenuated to pre-development values prior to discharge to Sketchley Brook.

David Tredinnick MP objects to the application on the following grounds:-

- a) scale and Nature
- b) increased Traffic
- c) noise, lighting and pollution
- d) Layout
- e) loss of View
- f) scepticism relating to the noise and pollution assessments.

Letters from 18 addresses of surrounding residential properties have been received, these raise the following concerns:-

Raising the following issues:-

- a) size, height and scale of the building is too large
- b) continual noise from the lorries reversing into loading bays
- c) light at night shining towards houses - light pollution
- d) pollution from vehicles using the site
- e) property de-valuation
- f) stress and sleeplessness caused to surrounding residents
- g) negative visual impact on the landscape
- h) adverse impacts on the residential amenity of surrounding properties
- i) water runoff and displacement resulting in flooding in the locality
- j) siting of the building is inappropriate
- k) lack of consultation with surrounding residential properties
- l) concerns with the methods employed and conclusions within the noise assessment
- m) increased traffic which will continue through the night
- n) inappropriate use so close to residential properties
- o) adverse odour from the use of the site
- p) adverse impact on wildlife and removal of trees
- q) difficulties viewing the plans
- r) alternative sites available within the area
- s) the measures proposed to reduce noise will not be effective
- t) the current proposal is different to that displayed at the open day

- u) extra traffic may be a risk to the local primary school
- v) people on site smoking and using inappropriate language
- w) adverse impact on view
- x) noise will effect local childminding business
- y) local bird population has reduced since development of the site has started
- z) flooding from lorry wash.
- aa) concerns that houses are being crammed onto site - what about the additional amenities required for residents, schools, doctors, shops, public and emergency services etc.

A petition has been received containing 16 names and addresses of local residents who object to the application on grounds of noise and light pollution.

At the time of writing the report no comments have been received from the Directorate of Chief Executive (Archaeology).

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The principle of the development and access have been established by the grant of outline permission back in 2011. Further, application 11/00856/REM approved reserved matters for the entire site for a detailed concept for green infrastructure which included, in-part, structural landscape planting to the northern rail side boundary.

Therefore the issues for consideration in this application are layout, scale, appearance, landscaping, residential amenity, noise and vibration, flood risk and drainage, highways, ecology and other matters.

The use of the proposed building for a parcel sortation hub, falls within the B8 use class and as such is in conformity with the outline consent.

Layout

The layout proposed is reflective of the specific operation of the end user. The footprint of the principle building is sited centrally, is horizontally emphasised and spans the length of the site. Parallel to the southern elevation of the building, to the west of the central gatehouse is an expanse of hardstanding. This comprises 70 trailer bays and 29 tractor bays. To the east of the gatehouse there is a similar area of hardstanding comprising 91 tractor bays. Further south, parallel to the front boundary is the general parking area. This provides 496 parking spaces, including 6 disabled bays and a cycle store. Initially the Director of Environment and Transport (Highways) commented that there was insufficient cycle shelter provision and an inadequate number of disabled parking bays. The applicant has provided a revised plan indicating additional cycle shelter. In respect of the number of disabled parking bays the applicant has argued that due to the specific nature of their operations, disabled persons would not be able to be employed within the principle building, however they would be able to be employed within the offices, and thus the number of spaces provided is in accordance with the amount required for the office floor area proposed. In the south eastern corner of the site are a further 24 van parking bays and a customer collections area.

There are two secure commercial accesses and associated gate houses, and a less secure customer access along the front boundary.

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

Parallel to the rear elevation of the hub is a further expanse of hardstanding. This provides 93 trailer bays west of the centre of the building and 46 trailer bays and 52 van bays to the east of the centre of the building. Further beyond this area of parking is the vehicle maintenance unit, the weigh bridge, the vehicle wash and the fuel pumps. Further ancillary buildings, comprising the salt barn, a tyre store and a garage for site vehicles are situated in the north western corner of the site.

The flow of operations on site is as follows: HGV's enter the site through the western most secure access, drop off the trailer in a loading bay (to the front of the hub building) and the cab decouples and parks with the engine off. A tractor collects the trailer and takes it to a bay to the rear of the building. After the trailer has been unloaded by placing parcels onto a conveyor within the depot, a tractor unit lifts the trailer and moves it to be loaded in a separate bay. When loaded, the tractor returns to take it to a cab, where it is attached and then departs via the secure access to the eastern end of the site.

Residential Amenity

The residential properties most likely to be impacted upon as a result of this proposal are those on Strathmore and Westfield Road and those on the recently approved residential development to the east of the site.

In terms of impacts of overshadowing, over dominance and privacy, although the height of the buildings will range from 4 metres to approximately 17.5 metres (to the highest part of the Hub) due to their distance from the properties on Westfield/Strathmore road (approximately 124 - 145 metres from the hub to rear garden boundaries, 50 metres from the vehicle maintenance unit to the rear garden boundaries and approximately 45 metres from the ancillary buildings in the western corner of the site to the rear garden boundaries) , combined

with the bunding and planting along the site's boundaries, there will be no material impacts on the residential amenity of these properties in respect of the above. The scheme will therefore be in accordance with Policy BE1 (criteria a) of the Hinckley and Bosworth Local Plan.

Concerns have been raised in respect of the layout of the operation, and specifically the siting of the parking areas and ancillary operations. The Masterplan and outline application approved the principle of commercial development across the plot, with the indicative plan proposing subdivision of the plot into a number of smaller units, which extended to the perimeters. The scheme under consideration proposes comprehensive development of the site. Accordingly the built development is positioned considerably further from the residential properties to the north of the site, than could have been the case under the parameters of the outline application. Accordingly, by virtue of the distance, impacts in terms of noise and disturbance on the residential properties to the north of the site will be reduced.

The layout is as proposed by the end user of the site and is reflective of its specific operations.

In order to assess the noise impacts of the proposal, both from vehicles and operations within and on the site, a noise assessment has been undertaken. Initially this did not cover the Vehicle Maintenance Unit (VMU) or the use of the Fuel Pumps. As such an additional assessments have been undertaken for these facilities along with the necessary re-consultation.

A number of concerns have been raised in respect of activities being undertaken from the VMU and the associated noise. For information, the VMU solely conducts minor vehicle maintenance through the use of computerised diagnostic systems. This reduces noise levels to a minimum. Any major maintenance, including historically 'disruptive' issues such as panel beating, re-sprays and tyre changing is outsourced.

The initial assessment concludes that whilst there will be an impact on the amenity of surrounding residential properties, both on those existing along the northern boundary and those proposed adjacent to the eastern boundary, from activities on site, mitigation measures can be put in place to ensure that the impacts are not materially detrimental. To reduce the predicted operational noise, to within an acceptable level, a noise bund is proposed along the northern boundary, and a combined bank and acoustic barrier is proposed on the eastern boundary. With these mitigation measures the predicted noise levels will comply with the World Health Organisation noise guidelines in the day and night-time periods and noise from the loading activities and fixed plant will meet the industry standard (BS4142:1997).

The additional assessment conducted, which assessed and covered the combined noise levels from all site activities, including HGV movements, unloading, Vehicle Maintenance Unit, vehicle wash and fuelling, concluded that, subject to further mitigation the predicted night time noise levels are at, or just below the WHO guidance value of LAeq,T 45dB at all receptor locations. The daytime noise levels are below the WHO threshold for serious annoyance of LAeq, T 55dB at all receptor locations. The additional mitigation comprises rising of the bund along the northern boundary from 3.7 metres to 3.9 metres and raising the combined bank and barrier along the eastern boundary from 6 metres to 6.3 metres.

In respect of the proposed development, taking into consideration the submitted noise assessments and mitigation proposed, the Head of Community Services (Pollution) raises no further objection.

Scale

The height, scale and massing of the principle hub building is extensive. The building is split into three sections. The middle section, which comprises roughly half of the floor area has an asymmetric shallow pitched roof with a height of 15m to the ridge, this will provide additional height for an internal mezzanine floor. The sections at either end of the building have a shallow pitched roof with a maximum height of 12.2 metres. In addition there are 4 stairwell stacks to facilitate the internal operations, positioned at regular intervals along the length of the building. These project approximately 17.5 metres in height. The building has a floor area of 34,300 m².

The scale parameters set within the Masterplan and the outline consent catered for buildings up to 21 metres in height on the western part of the employment area and up to 15 metres on the eastern half. Whilst two of the four proposed stairwell stacks are situated within the eastern part of the site, and thus, due to their height (17.5m), slightly exceed the scale parameters, the scheme is considered to be in general conformity with the outline application. Further, the minor projection above the approved height, is not considered to result in any material impacts in terms of visual amenity due to their distance inset within the site and away from the sites northern boundary, and further, these features add interest to the overall appearance of the building. Accordingly, their height is considered acceptable.

The scale of the proposed gatehouse, which will provide the 'consumer' face of the building is more modest and in keeping with the nearby units on Logix park. This will have a barrelled roof with a maximum height of 15 metres and a floor area of 816m². Its scale and massing will appear further reduced by its stepping on the south western elevation and the large glazed features and more extensive pallet of materials and colours used on the south west and south-eastern elevations. This building is well within the scale parameters set on the outline application.

The vehicle maintenance unit and the ancillary buildings within the north western corner of the site will be closest to residential properties along Strathmore and Westfield road. The maximum height of these buildings is 10 metres and thus their scale is considered acceptable.

Overall the buildings proposed are considered to be in general conformity with the Masterplan which was submitted and approved with the original outline consent.

Appearance

Gatehouse

A number of the large employment buildings at Logix Park have a modern appearance being predominantly metal clad with a curved roof structure. This is reflected in the proposed gatehouse building, which due to its siting will be the most visually prominent building on the site. This has large glazed elements to its southern and western elevations, which create a focal point, and a more varied and extensive pallet of materials and colours than used elsewhere on site. Accordingly this building will add visual interest to the site and thus its appearance is considered acceptable.

Hub

The hub has been designed to cater specifically for its intended use. Accordingly it comprises an extensive horizontal building, with regimented openings and details to both the front and rear elevations. Interest, albeit limited, is added by the 5 metres extending canopies to the front and rear, the projecting stacks and the variation in roof form and materials. Although

initially the Local Planning Authority sought to negotiate that a barrelled roof was provided, to render the building more in keeping with those on Logix park. Due to the weight of the internal structures which are to be suspended internally from the ceiling, this roof form would not have provided the strength required to support the structure. Whilst not having a barrelled roof, the building acts as a transition between the barrelled form of logix park and the wider non-commercial zones of the Sketchley brook development. Further, due to the position of the buildings set back within the site, they are not read within the context of the logix park development and thus the roof form is read independently and is therefore acceptable.

Ancillary Buildings and Structures

Various ancillary building and structures are proposed, the largest of these being the vehicle maintenance unit. The appearance of these, and the pallet of materials proposed are in conformity with those used elsewhere on site. Further, the smaller structures such as cycle stores and the smoking shelters are minor in scale and thus will have no material impacts in terms of visual amenity.

Perimeter Fencing

Due to the high security needs of the end user, two types of perimeter fence are proposed. The areas requiring the highest level of security, which constitute all areas other than the tarmacadam general parking area to the front of the site, are to be enclosed by a 2.4m high galvanised palisade security fence. Although this will have a slightly utilitarian appearance, this is pertinent to fulfil the security need on site and the end user. Although the fence will be visible from various public vantage points, the majority of the site frontage, which will be the most visible, will be enclosed by 2.4m high paladin fence. This is less harsh in appearance. Further, the appearance and prominence of the perimeter fencing will be further reduced through the additional landscaping along the site boundaries. Therefore on balance the proposed fencing is considered acceptable.

Materials

Samples of the proposed materials have been submitted for consideration these comprise:

Hub

Roof: profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey
Canopy over loading bay: profiled steel cladding in Merlin Grey
Dock Surrounds: Flat panel composite cladding in Goosewing Grey
Stacks: profiled composite cladding in Merlin Grey.

Main Gatehouse

Roof: Profiled steel curved roof Goosewing Grey
Roof Elevation: profiled composite cladding Merlin Grey and Polyester powder coated aluminium louvers in Merlin Grey
Elevations: Flat panel composite cladding in Goosewing Grey
Glazing surround: flat panel composite cladding in Hamlet
Pressed metal flashing in RAL 3020
Window/door frames: powder coated aluminium in Anthracite.

Vehicle Maintenance Unit

Roof: Profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey.

Salt Barn, Tyre Store, and Site Vehicle Garage

Roof: profiled steel cladding in Goosewing Grey
Elevations: profiled steel cladding in Goosewing Grey.

The perimeter fencing will be finished in powder coated black.

The use of the above materials, and the palette of colours chosen are considered acceptable for a commercial site and will reflect those used on nearby commercial units.

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

Landscaping

Reserved matters approval was granted for the primary and physical green infrastructure, which included the Sketchley Brook corridor, access road, structural landscaping, open space and remodelling of the lake under 11/00856/REM. In respect of the landscaping however, this consent solely related to the extremities of the site's boundaries.

Further landscaping within the application site has been submitted for the development. In response to comments raised by Head of Community Services (Pollution) the landscaping scheme has been amended. The heights of the bund along the northern boundary, and embankment along the eastern boundary have been raised. These amended details have been subject to further re-consultation.

The submitted details propose bunding along the northern boundary. This will vary in width from 20 metres at the western end of the site, adjacent to Strathmore Road, to 17 metres in the centre of the site adjacent to Strathmore Road, to 4 metres at the eastern end adjacent to Westfield road. The bunding will be planted with a range of both 'Extra Heavy' standard trees and 'Heavy' standard trees. In addition a woodland planting mix and a strip of close mown grass is proposed. The bund will vary between roughly 3.5m and 5 metres in height. This will both provide screening for the site and act as an acoustic barrier. Due to the variation in ground level between the properties along Strathmore and Westfield Road and the application site, the bund will not have an overly prominent appearance within its setting, and will enhance the 'green' character of the area.

Along the eastern boundary an embankment is proposed this will be roughly 4.3 metres in width, with an additional 6 metre strip of close mown grass to the front. The embankment will have a height of approximately 6.3 metres and will be planted with a shallow rooted thicket mix. 'Extra Heavy' and 'Heavy' standard trees will be planted sporadically along the embankment.

Along the front boundary both ornamental and formal clipped hedgerow is proposed, this will be inter-dispersed with 'Extra Heavy' standard trees at regular intervals. A small number of areas are also to be planted with specimen shrubs.

This proposed landscaping will both assist in softening the visual appearance of the building, will help screen the development and soften the appearance of the perimeter fencing and will provide an additional acoustic barrier. Therefore based on the submitted details it is considered that the proposed landscaping within the application site is acceptable.

Other Matters

Odour

An odour assessment of the fuel pumps and the fuel tanks to be used on site has been undertaken. This concluded that no odour could be detected from the bunded fuel tanks. The odour from the fuel pumps could not be detected until within 4 metres of the pumps. Accordingly, odour from these is not considered to be an issue in respect of impacts on residential amenity, as the nearest residential properties are located at a minimum of 70 metres from the fuel pumps.

Lighting

Concerns have also been raised in respect of the possible overspill from lighting on the site to nearby residential properties. Although lighting on the site is controlled by way of condition on the outline application. A comprehensive lighting scheme accompanies the application to provide further information. This indicates that the lighting proposed on site is controlled and shielded to ensure that there is virtually no light spill. This is confirmed by the figures on the submitted plans.

Flood Risk and Drainage

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

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

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

- a) surface water drainage
- b) foul Water drainage
- c) installation of bunded tanks for the storage of fuel and chemicals
- d) disposal of surface water associated with lorry wash.

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

Head of Community Services (Drainage) - require details showing how surface water runoff will be intercepted, treated for vehicle pollution and its flowrate attenuated to pre-development values prior to discharge into Sketchley Brook. However conditions covering such were included on the outline application (10/00518/OUT) and thus are not considered necessary at this stage.

Highways

Highways issues have been approved within the outline consent and the subsequent approval of Reserved Matters (11/00856/REM) for the primary physical and green infrastructure for the main spine road through the site. The Highway Authorities (Highways Agency and Director of Environment and Transport (Highways)) raised no objection subject to conditions. The proposed B8 use and the vehicle journeys generated by such a use have therefore been fully considered as being acceptable.

However, in respect of the layout, the Director of Environment and Transport (Highways) initially commented that additional provision needed to be provided for cycle storage, the number of disabled parking bays provided were inadequate and that it would be preferable if a pedestrianised access was provided in close proximity to the bus stop. Aside from increasing the disabled parking provision, the issues have been addressed and an additional plan submitted reflecting the changes. In respect of the number of disabled parking bays, the applicant has argued that due to the nature of the operations which take place in the main hub building, it would not be possible to employ disabled persons, and that the required number of spaces have been provided based on the office floor space applied for. In response to this the Director of Environment and Transport (Highways) now raises no objection to the application.

Accordingly, on balance there are considered to be no highways issues raised which would justify refusal of the application.

Ecology

The outline proposal contained a range of ecological mitigation and measures to ensure that there were no adverse impacts in this respect resultant of the development and that ecology of the locality was improved as a result of the development. This scheme will be developed in accordance with these principles, which are subject to conditions on the outline application.

The issues raised within the neighbour letters of representation, which have not been appraised elsewhere in the report will be considered below:-

Continual noise from the lorries reversing into loading bays. In order to minimise noise and disturbance, the HGV's and tractor units used on site do not have reverse beepers. The disturbance resultant of general vehicle movements on site has been assessed within the noise report.

Pollution from vehicles using the site. The magnitude of vehicles using this site, and the associated issues were considered, and found acceptable under the outline application. Further, the Head of Community Services (Pollution) raise no objection in respect of this scheme.

Property de-valuation. This is not a material planning consideration, and thus will have no bearing on the outcome of the application.

Lack of consultation with surrounding residential properties. The required statutory consultation has been undertaken for the application, along with additional consultations when amended plans have been received.

Concerns with the methods employed and conclusions within the noise assessment. The noise assessment submitted with the application and the methods used have been considered by the Head of Community Services (Pollution) and where necessary, additional information has been requested.

Alternative sites available within the area. The site benefits from outline planning permission and therefore is no requirement to assess the availability or suitability of alternative sites. The site applied for is that under consideration and thus has been appraised as such.

The current proposal is different to that displayed at the open day. To clarify, the open day was held by the developer and the Local Planning Authority had no involvement. The plans displayed were for illustrative purpose only and did not constitute those submitted for consideration with any planning application.

Extra traffic may be a risk to the local primary school. Impacts of additional vehicle movements to and from the site was comprehensively considered and found acceptable during the outline application. As a result, extensive highway improvements have been undertaken in the locality.

People on site smoking and using inappropriate language. The Local Planning Authority has no control over how private persons on the site conduct themselves. However in terms of noise and disturbance to surrounding residential properties, this has been considered within the main body of the report and has not been found materially detrimental.

Adverse impact on view. Loss of view is not a material planning consideration and thus will have no bearing on the outcome of the application.

Local bird population has reduced since development of the site has started. The ecological impacts of the development as a whole have been fully investigated and have been found acceptable. On completion, the ecological value of the site will be increased.

Concerns that houses are being crammed onto site - what about the additional amenities required for residents, schools, doctors, shops, public and emergency services etc. This is not a residential development and thus the above comments are not applicable to the application under consideration.

Conclusion

Based upon the above appraisal, although the development applied for is extensive, in terms of its scale, layout, appearance and landscaping it is considered acceptable. In terms of impacts on residential amenity; there will be a level of noise and disturbance generated resultant of the operations on site, however these can be appropriately mitigated against and controlled, as can impacts in terms of lighting, drainage and surface water runoff. Accordingly, subject to these controls, on balance none of the issues raised is considered to justify refusal of application. Therefore the development proposed is considered acceptable and in accordance with Policies BE1 (criteria a, c, e, g and i) EMP1, T5, T9, NE2 and NE5 (Criteria a).

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 19 June 2013 permit subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of its siting, scale, landscaping and design will have no detrimental material impacts in terms of visual or residential amenity, on the character of the area, or in terms of highway safety, noise and odour, drainage and flood risk. The application is therefore recommended for approval subject to conditions.

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

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

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

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00518/OUT except as may be modified herein.
- 2 The development hereby permitted shall be carried out in complete accordance with the following materials, unless otherwise agreed in writing by the Local Planning Authority:-

Hub

Roof: profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey
Canopy over loading bay: profiled steel cladding in Merlin Grey
Dock Surrounds: Flat panel composite cladding in Goosewing Grey
Stacks: profiled composite cladding in Merlin Grey

Main Gatehouse

Roof: Profiled steel curved roof Goosewing Grey
Roof Elevation: profiled composite cladding Merlin Grey and Polyester powder coated aluminium louvers in Merlin Grey
Elevations: Flat panel composite cladding in Goosewing Grey
Glazing surround: flat panel composite cladding in Hamlet
Pressed metal flashing in RAL 3020
Window/door frames: powder coated aluminium in Anthracite

Vehicle Maintenance Unit

Roof: Profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey

Salt Barn, Tyre Store, and Site Vehicle Garage

Roof: profiled steel cladding in Goosewing Grey
Elevations: profiled steel cladding in Goosewing Grey

The Perimeter fencing finished in powder coated black

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg Nos:- 1338-13-01 Rev F received 7 June 2013, M1671-E-24-01 Rev P3 received 23 May 2013, Drg No:- P002 Rev E Received 10.05.13, Dwg Nos:- P012, P013, GEP01LD, EE712/A, 8411-004, P001 Rev A, 8411-004, P009, P004 Rev B, 103, 01 Rev C3, 16 Rev P2, 17 Rev P2, 17 Rev P2, 18 REV P1, 20 Rev P1, 21 Rev P1, P003 Rev A, P005 Rev A, P006 Rev B, P007 Rev B, P008 Rev B, P010 Rev A, P011 Received by the Local Planning Authority on the 1May 2013.
- 4 The development hereby permitted shall not be commenced until such time as a scheme to dispose of waste water associated with the lorry wash has been submitted to, and approved in writing by, the local planning authority. Prior to first occupation, the scheme shall be implemented as approved.
- 5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.
- 6 The approved landscaping scheme as shown on plan No: 1338-13-01 Rev D shall be carried out within the first planting season following the first use of the sortation hub hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to accord with Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan
- 6 To ensure that the landscaping scheme is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 criteria e of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Due to the use of detergents in the lorry wash process, the wastewater will need to be collected in either a sealed system for reuse, discharged to the public foul sewer (with the prior permission of the local sewer provider) or collected in a sealed system for authorised disposal. No waste water from the process can be allowed to enter any drainage system which incorporates an oil/petrol separator as detergents may cause it to become ineffective. The surface water of the washing area must be non-permeable and isolated.
- 6 Severn Trent advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 7 The applicant should consider SuDS alternatives in preference to the more traditional methods for the design of the on plot surface water drainage scheme, and following the SUDs Management Train Hierarchy detailed in CIRIA document C697 - SUDs Manual, in association with CIRIA Document C687 - Planning for SUDs making it happen.

With reference to the above we therefore recommend that the car park shown as a 'Tarmacadam' area on Drawing No. 8411-004-P002 Revision B is replaced by permeable paving with under storage so flows are routed to the tree line and hedge boundary proposed to the on-site main road. This is provide one of the treatment trains required for car parks by the SUDs manual, but also to provide a source of irrigation to the trees and hedge.

- 8 A land drain may exist on the northern boundary adjacent to the screening bund / railway. The proposals to alter these bunds and incorporate retaining walls, as shown on Drawing Nos. CDA-2100 20 Revision P1 and CDA-2100 21 Revision P1, should therefore consider and mitigate any potential impact from these walls on any existing land drainage system.
- 9 To encourage modal shift set-out in the travel plan, the Highway Authority would like to see the bike store facility to be closer to the Gate House. It is most likely that cyclist are likely to travel from the residential development, namely to/from Rugby Road

direction. The location of secured bike stand closer to the Gate House would save time and journey for those who arrive on their bikes.

- 10 Any further plant or equipment introduced to the site should be designed so that noise levels are not increased further.

Contact Officer:- Eleanor Overton Ext 5680

Item: 02

Reference: 12/01029/FUL

Applicant: Alexander Bruce Estates Ltd

Location: Land Off Spinney Drive And South Of Brookside Barlestone

Proposal: Erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with access.

Target Date: 9 May 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 49 new dwellings, landscaped public open space, a formal wetland habitat, alterations to a watercourse and new and altered public footpaths on land off Spinney Drive and Brookside to the southern edge of Barlestone. The proposed development includes a mix of detached, semi-detached and terraced dwellings comprising 2 x one bedroom maisonettes, 5 x two bedroom houses, 30 x three bedroom houses, 2 x four bedroom houses and 6 x five bedroom houses, all two storeys in height and 4 x two 2 bedroom bungalows. A total of 37 open market units (75.5%) and 12 affordable units (24.5%) are proposed with the affordable units split into 9 x social rented (75%) and 3 x intermediate housing (25%). The proposed dwellings are to be split into two areas measuring approximately 1.71 hectares, the western part (0.76 hectares) accessed off Spinney Drive and incorporating 19 open market units and 6 affordable units and the eastern part (0.95 hectares) accessed off Brookside and incorporating 18 open market units and 6 affordable units. The dwellings are arranged off extended existing estate roads and shared surface private driveways. Off street car parking is proposed in garages, on private driveways and within parking courts.

The proposals include areas of informal public open space (0.17 hectares), an area of managed wetland habitat for community benefit (1.4 hectares) and retained farmland (2.7 hectares) within the layout. Additional tree planting and landscaping is also proposed. The two existing public rights of way through the application site are to be incorporated into the proposed development (subject to a diversion order) together with the provision of new public footpaths providing additional pedestrian links through the site.

The Site and Surrounding Area

The application site is located on the southern edge of Barlestone approximately 300 metres from the village centre and covers an area of approximately 6 hectares in total. The site is currently a combination of cropped farmland, open grassed fields and paddocks. Ground levels within the application site fall generally from the west and east boundaries forming a lower central area through which an open tree lined watercourse runs north to south and gives rise to an overgrown wetland/marshy area on its western side. There are residential properties to the north and west of the site on Spinney Drive, Ferrers Croft, Rushey Close, Brookside, Newbold Road and Bosworth Road. To the southern and eastern boundaries lie a sewage treatment works and open farmland. The site is currently accessed from the adopted highways of Spinney Drive and Brookside. The boundaries to the site are varied and include mature field boundary hedgerows and trees around the eastern and southern boundaries, hedging along the western boundary and a mix of hedgerows interspersed with a variety of fences to the northern boundaries.

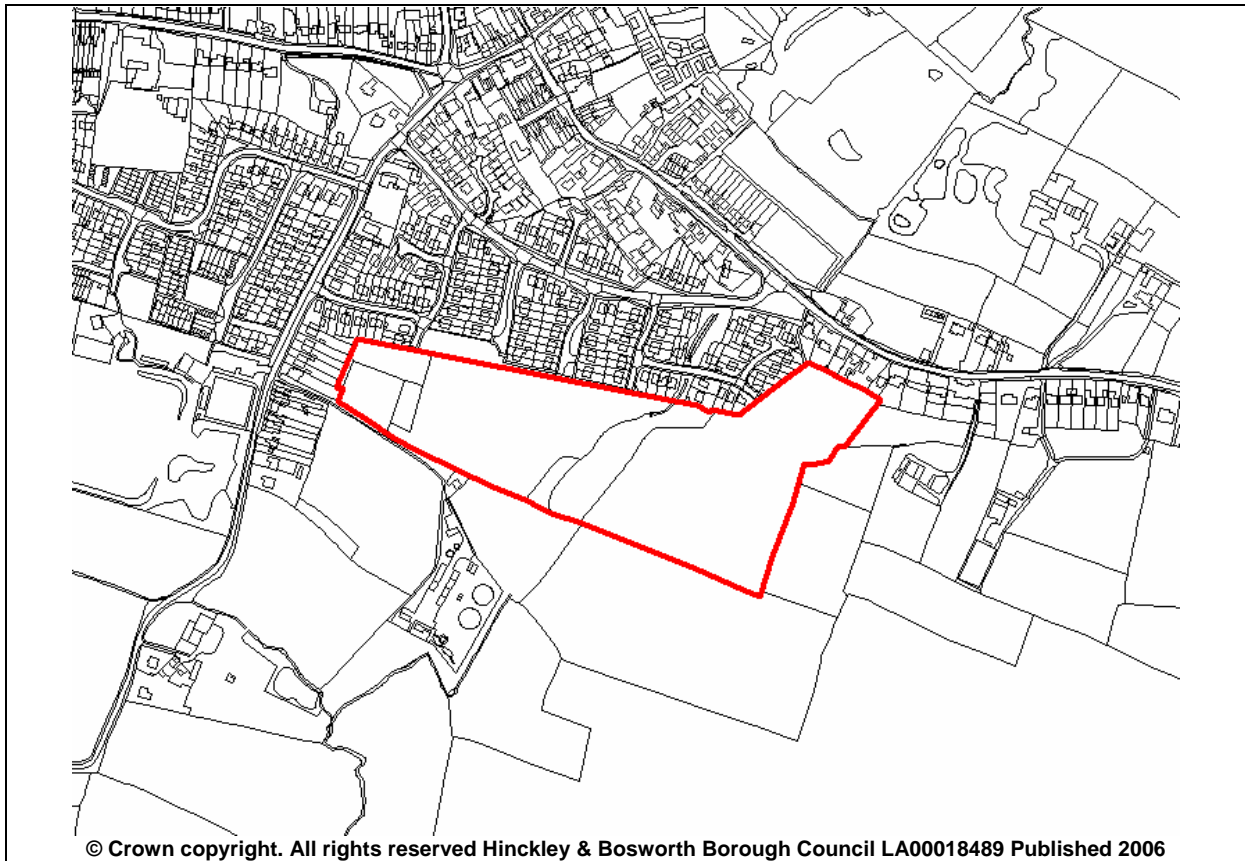
During the course of the application amended plans have been submitted including amendments to the layout, road design, the mix and design of a number of the proposed house types, the numbers, mix and distribution of the affordable housing units and the provision of additional parking spaces. Re-consultation has been undertaken.

Technical Documents submitted with application

Planning Statement
Design and Access Statement
Statement of Community Involvement
Transport Statement
Flood Risk Assessment
Preliminary Ground Investigation Report
Landscape and Visual Appraisal
Archaeological Assessment & Geophysical Survey
Ecological Assessment
Arboricultural Assessment
Viability Assessment
Draft Heads of Terms

Relevant Planning History:-

99/00735/FUL	Erection of 25 Dwellings	Withdrawn	04.12.00
81/00058/4	Residential Development	Refused Appeal Dismissed	24.02.81



Consultations:-

No objection has been received from Borough Council's Arboricultural Consultant.

No objection subject to conditions has been received from:-

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

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 a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth Academy £86,269.25) to address capacity issues as a result of the proposed development
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £2305 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development
- d) Director of Adults and Communities (Libraries) requests no contribution

- e) Leicestershire Constabulary Crime Reduction Officer requests a contribution of £17,322 to mitigate additional impacts on policing infrastructure/capacity as a result of the development. In the absence of the contribution, a formal objection is raised to the application on the grounds that there does not appear to be a commitment to mitigating policing impacts.

Directorate of Chief Executive (Archaeology) recommends that determination of the application is deferred to enable an archaeological impact assessment to be completed including field evaluation by appropriate techniques prior to determination of the application to ensure that an informed decision can be made.

Barlestone Parish Council object to the application and are opposed to any future development in the village and raise concerns in respect of traffic flow through the village centre which is narrow and congested.

Site notice and press notice were displayed and neighbours notified. Letters from 63 different addresses have been received (together with an additional 14 without specific addresses) raising the following objections and/or concerns:-

- a) unsustainable greenfield site outside settlement boundary of Barlestone contrary to the Development Plan
- b) site is not a preferred option and there are other, more suitable, sites around the village for future development
- c) no need for additional housing as 5 year housing land supply has been achieved
- d) no demand for additional housing in Barlestone as over 100 existing properties are currently on the market and remain unsold
- e) there is enough residential development occurring within neighbouring villages
- f) similar applications have been refused in the past
- g) inadequate infrastructure/services to support additional housing (schools, doctors, shops etc.)
- h) inadequate surface water drainage, flooding problems on and within the vicinity of the site due to high water table
- i) contamination of surface water
- j) inadequate sewerage infrastructure leading to capacity issues, back ups within the system and pollution of homes and gardens of neighbouring properties and increased sewer smells
- k) encroachment into cordon sanitaire around sewerage works
- l) inadequate parking within the proposed development
- m) detrimental to highway safety (pedestrians and children) due to increase in traffic, on-street parking and additional congestion on access roads and within the village centre
- n) lack of access for emergency vehicles as a result of on-street parking congestion
- o) detrimental impact on existing footpaths through change in character and diversion
- p) detrimental to Conservation Area
- q) detrimental to site of special ecological interest and existing wildlife
- r) loss of damage to trees
- s) who will maintain the proposed wetland habitat/boardwalk in the future
- t) construction on unstable soils
- u) poor design
- v) detrimental to the amenities of neighbouring properties due to overbearing/overshadowing impact, loss of privacy, loss of light, loss of open aspect
- w) detrimental to the amenities of neighbouring occupiers due to noise disturbance and air pollution (dust/fumes)
- x) lack of public play and open space within the site
- y) loss of property values
- z) antisocial behaviour on footpath and detriment to amenity.

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

National Grid
Primary Care Trust
Ramblers Association
Head of Corporate and Scrutiny Services (Green Spaces).

The consultation period remains open at the time of writing and closes on 15 June 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural Needs
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE13: The Effects of Development on Natural Watercourses
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development: Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations in respect of this application are: the principle of development; the five-year housing land supply; impact on the character and appearance of the countryside; design and layout; access and highway safety issues; impact on residential amenity; developer contributions and economic viability; drainage/flooding; ground contamination/investigation; biodiversity; archaeology, sustainable design and other issues.

Principle of Development and Impact on Character of the Area

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

The Local Plan 2006-2026: Core Strategy was adopted in 2009 and can be considered to be up to date in respect of the NPPF. As at October 2012 the Borough Council could demonstrate a five year supply of housing land (5.37 years) including a 5% buffer in accordance with paragraph 47 of the NPPF and therefore all policies relevant to the supply of housing are up to date.

The application site is within the countryside and therefore outside of, but adjacent to the settlement boundary of Barlestone. Policy 11 of the Core Strategy sets a requirement for a minimum of 40 new dwellings to be delivered in Barlestone over the plan period to 2026. Since the adoption of the Core Strategy in 2009, the residual housing requirement for the village has fluctuated, rising to 49 new dwellings in January 2012 (when pre-application discussions were held in respect of this site) and has since fallen again to 46 (at October 2012). The proposed scheme would therefore meet the housing requirement for the village and an additional 3 dwellings would not have a significant impact on the spatial vision for the village. The level of proposed provision is therefore considered to be in accordance with Policy 11 of the adopted Core Strategy.

Policy NE5 (criterion i and ii) require that development in the countryside does not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. The site currently comprises a combination of arable farmland, open grassed fields and paddocks, an overgrown wetland/marshy area and belt of trees. The proposed scheme would clearly change the open, rural character of the areas proposed for housing development. Notwithstanding this, despite being a greenfield site lying outside the defined settlement boundary of Barlestone, the areas proposed for housing within the application site represent good locations for the housing requirement for the village identified in Policy 11 of the adopted Core Strategy, particularly as they lie adjacent to the settlement boundary and are within walking distance of the village centre and given the lack of deliverable sites within the settlement boundary. Although the Council is able to demonstrate a five year supply of housing land, the Strategic Housing Land Availability Assessment (SHLAA) (2010) classed both of the two areas proposed for housing as 'developable'. The Brookside part of the proposal (SHLAA site BARL02) is located predominantly within a larger site that was identified as a preferred option for housing and the Spinney Drive part (SHLAA site AS42) is located on part of a much larger site that was identified as an alternative at the Preferred Options stage of the Site Allocations and Generic Development Control Policies DPD. The two sites proposed for housing are deliverable and when combined will meet the Core Strategy residual housing requirement for Barlestone. The development of the two sites for

housing is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Layout, Design and Mix

Paragraphs 17 of the NPPF seeks a high standard of design and good standard of amenity for existing and future occupiers of land and buildings and in paragraph 58 supports development that will function well and add to the overall quality of the area, creates attractive places to live, responds to local character, are visually attractive as a result of good architecture and incorporates green and other public spaces and supports local facilities. Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The adopted SPG on New Residential Development gives additional design guidance to developers.

The 1.71 hectares of the site that are proposed for the development of 49 dwellings will achieve a density of 29 dwellings per hectare which is marginally short of the minimum of 30 dwellings per hectare for development in Key Rural Centres required by Core Strategy Policy 16, however, the density is considered to be appropriate for the edge of village location and in keeping with adjacent development.

Amended plans have been received to address some of the concerns raised in respect of the housing layout of the site including the mix of dwellings, the distribution of affordable housing units within the site and the routes and treatment of the public footpaths. Overall, the proposed housing layout provides a number of shared surface roads leading off from the main access roads creating a character in keeping with the vernacular style of the proposed house types. Visual interest will be provided throughout the development by virtue of the varied house types and building lines and the position of the dwellings in relation to the streets and vistas. A good mix and variety of house types is proposed along with adequate private amenity areas and the varied approach to parking, providing a majority to the side and rear of the dwellings and in a parking court will ensure that the development will not be car dominated. The affordable housing provision is to be split into two clusters between the two sites and given the small number of units being provided, the distribution is now considered to be acceptable. Adequate separation distances are provided between the proposed and existing properties. The amended layout is considered to complement the character of the adjacent built form in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

In contrast to the uniform appearance of the adjacent housing development which dates mainly from the 1970s, the applicant seeks to provide a development that generates its own character and it is considered that the proposed local vernacular-inspired bespoke-house-type designs provide an attractive scheme of exceptionally high quality. The proposed house types can be divided into two general styles, 'Cottage' and 'Victorian' to give an appearance of an evolving development. Although predominantly two storeys in height, the two styles have different ridge and eaves height, roof pitches and window styles and benefit from a wealth of architectural features spread throughout the different house types including feature chimneys, exposed eaves, brick corbels, brick plinths, bay windows, a variety of open porches, string courses, headers and cills and timber doors and windows.

Policy 16 of the adopted Core Strategy requires developments of 10 or more dwellings to provide a mix of housing types and tenures. The amended proposals include the provision of a good mix of 1, 2, 3, 4 and 5 bedroom properties with a split of 77.5% medium and larger family units and 22.5% small and medium units. The demand for affordable housing in Barlestone taken from the housing register is as follows: 207 applicants for 1 bedroom properties, 150 applicants for 2 bedroom properties, 63 applicants for 3 bedroom properties

and 20 applicants for 4 or more bedroom properties. The proposals include 2 x 1 bed affordable maisonettes, 2 x two bedroom affordable bungalows, 5 x affordable two bedroom houses and 3 x affordable three bedroom house and will contribute towards identified shortfalls in such accommodation within Barlestone.

The existing public footpaths running through the site will be incorporated into the overall layout and new footpaths created through the application site will promote permeability and links to the surrounding countryside and local sports facilities. Public Footpath S38 will be subject to a diversion order and is proposed to run across the rear of the dwellings fronting Newbold Road as recommended by the Director of Environment and Transport (Rights of Way). The footpath would be set within a 3 metres wide green corridor. The proposals also include the creation of a wetland area for community benefit in the central area of the application site and the diversion of public footpath S36 and the provision of a tarmac surface through the tree belt and wetland area. The Director of Environment and Transport (Rights of Way) raises no objections subject to formal diversion orders being obtained, satisfactory surfacing of the paths and satisfactory treatment of the public rights of way during the construction phase and beyond.

Overall, the amended layout and design of the scheme and the proposed dwelling types are considered to enhance the built form of the area in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

Access and Highway Safety

Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan require that new developments do not generate traffic that would exceed the highway network or adversely affect highway safety, provide adequate visibility for road users and adequate manoeuvring and off street parking facilities.

Objections have been received on the grounds that the existing estate roads leading to the development are too narrow and constricted by on-street parked vehicles to enable safe access to be gained (including for emergency vehicles), that the additional traffic generated by the development would be detrimental to highway and pedestrian safety and that there is inadequate parking within the proposed development.

A Transport Statement has been submitted to support the application. The statement concludes that the development would be adequately served and accessible to more sustainable modes of transport and is within walking distance of local facilities and given the scale of development will not have an adverse impact on the surrounding highway infrastructure.

The proposals include the extension of two existing adopted estate roads, Brookside and Spinney Drive together with their pedestrian footways to access the sites. Thereafter private shared surface roads run through the developments leading to private driveways, garages and parking courts providing adequate off-street parking for the dwellings that they serve. The applicant cannot be held responsible for any inconsiderate car parking that may occur within the existing estate. The roads are adopted public highway and capable of serving the proposed development of an additional 25 dwellings (Spinney Drive) and 24 dwellings (Brookside). The amended plans propose that all of the houses would have a minimum of two off-street car parking spaces with one space provided for the bungalows and one bedroom maisonettes. This level of provision is adequate to serve the development and would not therefore result in any additional on-street car parking within the public highway. Accordingly the proposals are considered to be in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan.

The Director of Environment and Transport (Highways) has no objection to the means of access through existing estate roads which are considered to be adequate to serve the proposed development. A number of standard highway related conditions are recommended relating to the internal road layout and design, parking provision and garage sizes. Of the five conditions recommended, the submitted amended plans address four of the conditions and they are not therefore necessary to make the development acceptable in planning terms. A condition is included to ensure the provision of the access and parking spaces for each dwelling before its occupation.

Impact on Neighbours

BE1 (criterion i) and the Council's Supplementary Planning Guidance on New Residential Development requires that new residential development does not adversely affect the amenities of the occupiers of neighbouring properties.

Objections have been received on the grounds that the proposals will be detrimental to the amenities of neighbouring properties due to overbearing/overshadowing impact, loss of privacy, loss of light, loss of open aspect and noise disturbance and air pollution (dust/fumes).

The amended proposed layout generally provides adequate separation distances of 25 metres or above between the main elevations of existing and proposed dwellings in accordance with the Council's adopted SPG on New Residential Development. In a small number of cases where the separation distance is slightly less (Plots 4 and 5 at 24 metres and 23 metres respectively) these are bungalows therefore a reduced distance is acceptable, and in the case of Plot 28 which is approximately 19 metres from an existing house on Brookside the proposed house is offset such that it does not face squarely onto the existing house. Consequently, it is considered that the development will not result in any adverse overbearing/overshadowing impacts or loss of privacy to the occupiers of neighbouring properties. The loss of an open aspect is not a material planning consideration and any potential adverse noise disturbance or air pollution that may result from development would be limited to the construction phase of the development. Overall, the proposals are considered to be in general accordance with Policy BE1 (criterion i) of the adopted Local Plan and SPG on New Residential Development.

Developer Contributions

Policy IMP1 of the adopted Local Plan requires developers to provide contributions towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed and requires developers to enter into planning obligations to ensure that provision. The request for any developer contributions must be assessed against the tests in the Community Infrastructure Levy (CIL) Regulations 2010. The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Objections have been received that there is inadequate infrastructure/services (schools, doctors, shops etc.) to support additional housing in the village. The applicant has submitted a draft Heads of Terms letter with the application with a view towards the completion of an agreement under section 106 to secure a proportion of affordable housing units within the site and a lump sum financial contribution towards any other infrastructure requirements. To support the proposed level of contributions a Viability Assessment has also been submitted with the application.

Affordable Housing

Policy 15 of the adopted Core Strategy requires that in rural areas on sites of 4 or more dwellings the starting point for affordable housing is a target of 40% affordable dwellings on site with a tenure split of 75% social rented and 25% intermediate housing. The policy further states that figures may be negotiated on a site by site basis taking into account local need, existing provision, characteristics of the site and viability. In this case, the policy requirement would equate to 20 affordable units comprising 15 social rented and 5 intermediate housing. The amended proposed scheme has increased the number of affordable units proposed from 10 to 12 affordable units (24.5%) comprising 9 social rented units and 3 intermediate housing units. However, this is still less than the provision sought by Policy 15. In this case, the applicant has submitted a viability assessment which has been considered independently on behalf of the Council to determine the level of contributions that the proposed development could sustain. Viability and the level of proposed contributions are discussed later in this report.

Play and Open Space

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

Within the Green Spaces Quantity/Accessibility Audit 2007 Barlestone was found to have an adequate provision of equipped play areas and informal amenity green space, however, the quality of the facilities provided was found to be poor and reducing its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £175,000 for equipped children's play areas and £60,000 for amenity green space within Barlestone. In the Audits of Provision 2007, Bosworth Road was given a quality score of just 61.7% and May Meadow just 38%.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use the facilities due to their close proximity to the application site. Any contribution being secured would help to mitigate impact from the future occupiers of the development upon the existing facilities. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and is therefore compliant with the CIL Regulations. It can be used to enhance and maintain both formal and informal play and open space facilities and children's play equipment at Bosworth Road, May Meadow and Spinney Drive which are all located within 400 metres of the proposed development.

In this case, based on the calculations within the adopted SPD on Play and Open Space, the total contribution required including the future maintenance of the wetland area would be £247,206.45 (split between a capital sum £50,837.70 and a future maintenance sum £196,368.75) or excluding the wetland area would be £98,806.45 (split between a capital sum £50,837.70 and a future maintenance sum £47,968.75).

Education

Director of Children and Young Peoples Services (Education) requests a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth

Academy £86,269.25) to address capacity issues as a result of the proposed development. In this case due to the scale of the assessed impact, the contribution is considered to be necessary and directly, fairly and reasonably related in kind to this development to make the development acceptable in planning terms and it is therefore compliant with the CIL Regulations.

Civic Amenity

Director of Environment and Transport (Civic Amenity) requests a contribution of £2305 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development. In this case due to the limited scale of the assessed impact, the contribution is not considered to be necessary to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

Police

Leicestershire Constabulary request a contribution of £17,322 to mitigate additional impacts on policing infrastructure/capacity as a result of the development. In the absence of the contribution, a formal objection is raised to the application. In this case due to the limited scale of the assessed impact, the contribution is not considered to be necessary to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

Of the contribution requests received, the following are considered to be justified in terms of CIL compliance:-

Affordable Housing
Play and Open Space
Education.

Viability Assessment

In more recent years it has become recognised that the economic viability of any development plays a fundamental role in the delivery of development. Recent appeal decisions have confirmed that economic viability is a determining factor in deliverability and should be a material consideration in the determination of any planning application. The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

The NPPF, in paragraph 173, suggests that sites and the scale of development identified in the development plan should not be subject to a scale of obligations and policy burdens such that their ability to be developed viably is threatened. To ensure viability, the costs of any infrastructure or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and developer to enable the development to be deliverable. Paragraph 205 also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 40%, but that this figure may be negotiated on a site by site basis taking into account a number of factors including viability.

The proposals include the provision of 12 affordable housing units (24.5% affordable, a shortfall of 8 units) and a lump sum contribution of £367,500 (£7,500 per unit) towards other infrastructure and facilities. The other infrastructure contributions for education and play and

open space amount to either £417,493.70 including for future maintenance of the wetland area (a shortfall of £49,993.70), or £269,093.70 excluding the wetland area (a residual amount of £98,406.30 from the total sum offered). The proposed wetland area would require more specialised maintenance than standard informal open space and, should Members be minded to approve the application, the residual contribution of £98,406.30 could be used by the developer to secure the future maintenance of the wetland area by a private management company for the benefit of the wider community. A condition requiring the submission of a scheme for its future maintenance would therefore be considered reasonable and necessary in such case.

A Viability Assessment has been submitted to support the proposed level of contributions and has been subject to an independent review in accordance with current working arrangements with Coventry City Council. The independent review concludes that the submitted appraisal details are reasonable and that the proposed development would not be viable or therefore deliverable if the full level of CIL compliant contribution requests, including 40% affordable housing units, were to be provided. In recent years officers have sought to take a pragmatic view towards the delivery of development whilst meeting policy objectives, therefore embracing the planning authority's role as a controller and enabler. This has been reinforced through the implementation of the NPPF.

Based upon the evidence provided and in view of the conclusions of the independent review, and having regard to paragraph 173 of the NPPF which requires decision makers to have regard to the need to provide competitive returns to developers and landowners it is considered that there is a case for a reduction in the level of contributions being requested in this case in order to enable delivery of the development to meet the housing requirement for Barlestone identified in the adopted Core Strategy. On this basis only it is considered that a 24.5 % affordable housing provision is acceptable in this case. The agent has confirmed that the developer considers that the scheme is deliverable at the level of contributions being offered. However, should Members be minded to approve the application, as viability can change rapidly as a result of changes in the economy, it is considered to be reasonable to include a clause in any section 106 agreement making provision for reassessment of the viability of the scheme if it has not been commenced within one year of the issue of planning permission. This approach has been taken on a previous application where the viability assessment has reduced the value of contributions.

Drainage/Flooding

Policy NE13 of the adopted Local Plan requires that adequate protection, alleviation or mitigation works are undertaken to ensure that the drainage functions of the natural watercourse system is not inhibited. Policy 14 of the adopted Local Plan requires that satisfactory arrangements are made for the disposal of foul sewage and surface water to reduce the risk of pollution of the water environment and flood risk.

Objections have been received on the grounds that: there is inadequate surface water drainage in the area leading to flooding problems on and within the vicinity of the site due to a high water table; that there is inadequate capacity for sewerage disposal that will result in back ups within the system and the pollution of surface water, homes and gardens.

A Flood Risk Assessment has been submitted to support the application. In respect of surface/storm water drainage of the site, the use of infiltration techniques along with underground storage tanks to provide attenuation (where infiltration is not viable) together with controlled flow into the existing natural watercourse system is proposed in order to alleviate the potential and risk of flooding as a result of the development. In respect of foul water disposal, it is proposed that the development will connect to the existing Severn Trent sewer network in Spinney Drive, Brookside and or the public sewer crossing the site.

Notwithstanding the objections received in respect of capacity issues, neither the Environment Agency nor Severn Trent Water Limited raise any objections to the development subject to a number of conditions requiring the implementation of flood risk mitigation measures, the submission of additional details in respect of the proposed diversion and opening up of the (currently culverted) watercourse and a surface water drainage scheme for prior approval. The conditions are considered to be reasonable and necessary to accord with Policies 13 and 14 of the adopted Local Plan and to make the development acceptable in planning terms.

Ground Investigation/Contamination

Policy NE2 of the adopted Local Plan states that planning permission will not be granted for development which would be likely to suffer material harm from existing or potential sources of air or soil pollution. The NPPF in paragraph 120 seeks to prevent unacceptable risks from pollution and land instability by ensuring that development is appropriate for its location.

Objections have been received on the grounds that the development encroaches into the 'cordon sanitaire' around the sewerage works to the south of the site and that there are unstable soils within the site unsuitable for construction.

A Preliminary Ground Investigation Report has been submitted to support the application. Whilst this does not identify any barriers to the development of the site, it recommends that further intrusive investigation is undertaken to determine the bearing capacities for foundations, the feasibility of using infiltration systems for the development, assessment/testing of the soils and the risk of potential chemical contamination (for example from the historical use of pesticides and any potential migration to the site from the sewage works to the south).

The Head of Community Services does not object to the application subject to standard conditions requiring further ground investigation works and the submission of additional information for prior assessment and approval. The conditions are considered to be reasonable and necessary to accord with Policy NE2 of the adopted Local Plan and to make the development acceptable in planning terms.

Biodiversity

The NPPF, in paragraph 118, aims to conserve and enhance biodiversity and encourages the opportunity to incorporate biodiversity within or around developments.

Objections have been received on the grounds that the development would be detrimental to a site of special ecological interest and existing wildlife and result in loss or damage to trees.

An Ecological Assessment and Arboricultural Assessment have been submitted to support the application. The Ecological Assessment states that there are no statutory or non-statutory sites of nature conservation interest within the proposed developments potential zone of influence, but it identifies opportunities for mitigation, a management strategy and enhancement of existing habitats within the site that would provide a net gain for biodiversity. It also recommends that the strategy could be secured by appropriate planning conditions and/or Section 106 agreement. The Directorate of Chief Executive (Ecology) considers that the report is satisfactory and raises no objection to the scheme subject to a condition requiring the submission of a long term management plan for the stream, woodland and marsh in the centre of the site for prior approval with a requirement for 5-year reviews of management for further approval. The condition is considered to be reasonable and necessary to accord with paragraph 118 of the NPPF and to make the development acceptable in planning terms.

The Arboricultural Assessment concludes that the proposals retain all of the mature trees with the exception of one Common Ash (T3) which is unsuitable for retention due to significant damage to the stem. Some tree surgery will be required in localised areas to prevent future conflict with occupiers. Despite the minor losses, proposed new planting will increase the amount of tree cover overall and the future of the woodland strip and surrounding vegetation can be secured by the implementation of a structured management plan that would benefit wildlife and occupants of the village. The Borough Council's Tree Officer confirms that the development has no adverse implications for trees within the site.

Archaeology

Policy 14 of the adopted Local Plan states that where archaeological remains may exist, field evaluation is to be carried out and the results made available prior to the determination of the application. Policy BE16 of the adopted Local Plan requires satisfactory investigation and recording of any important archaeological remains to be undertaken before development commences. On sites with archaeological interest the NPPF, in paragraph 128, requires developers to submit appropriate archaeological desk-based assessments and field evaluation where necessary.

An Archaeological Assessment has been submitted to support the application. This concludes that whilst there are no known sites or other heritage assets within the development area this is likely to be due to an absence of previous archaeological fieldwork. The Historic Environment Record for Leicestershire shows that it is within an area of archaeological and historical significance and there is a potential for remains to be preserved. Following the assessment a Geophysical Survey Report has also been submitted which identifies a number of anomalies within the site.

As a result of the assessment and survey the Directorate of Chief Executive (Archaeology) requires further archaeological impact assessment to be completed including field evaluation by appropriate techniques prior to determination of the application to ensure that an informed decision can be made. The developer has already undertaken additional field evaluation works on the site and produced a draft archaeological evaluation report. At the time of writing this report the final report is awaited along with the further consultation response of the Directorate of Chief Executive (Archaeology) which will be reported as a late item to the agenda.

Sustainable Design

Policy 24 of the adopted Core Strategy requires residential developments in Key Rural Centres to meet the sustainability targets set out in 'Building a Greener Future' rather than any policy requirement to meet any Code for Sustainable Homes standard. However, it is the applicant's intention that the dwellings will be constructed to Code Level 3 of the Code for Sustainable Homes in excess of policy requirements. This can be secured by condition.

Other Issues

The application site is not within a Conservation Area.

Loss of property values is not a material planning consideration.

The proposals for the diversion and treatment of the public footpaths that run through the site are acceptable to the Director of Environment and Transport (Rights of Way) and do not encourage antisocial behaviour. If any should occur this would be addressed by the relevant authority.

Conclusion

The two sites proposed for housing development within the wider application site lie outside of, but adjacent to, the settlement boundary of Barlestone and the proposed scheme would clearly change the open, rural character of those two areas. Notwithstanding this, those areas represent good locations for the current residual housing requirement of 46 dwellings for Barlestone which would meet the minimum requirements of Policy 11 of the adopted Core Strategy, particularly given the lack of deliverable sites within the settlement boundary. The development is therefore considered to be acceptable in principle in this case.

The proposed scheme provides a good layout and mix of well designed house types constructed in excess of Policy 24 requirements to Code Level 3 of the Code for Sustainable Homes and would result in a high quality development with interesting street scenes that would complement adjacent residential development and enhance the built form of the area. Adequate access and parking provision would be provided to serve the development therefore the scheme would not result in any adverse impact on highway safety. Adequate separation distances would be provided to ensure that the development would not result in any material adverse impact on the amenities of the occupiers of neighbouring properties.

Subject to the approval of additional details to be secured by conditions, satisfactory measures can be implemented to ensure that there would be no adverse impact on surface or foul water drainage, ground pollution or biodiversity and that the central wetland area would be maintained for the future benefit of the wider community.

Whilst the scheme falls short of providing the full level of affordable housing required by Policy 15 of the adopted Core Strategy, the current viability of the scheme has been independently assessed and confirms that the scheme would not be deliverable without some reduction in overall contributions. However, viability is subject to fluctuation and therefore it would not be unreasonable to include a clause within any section 106 agreement requiring viability to be reassessed in the future if the scheme does not commence within a reasonable time period. The developer has indicated that such a clause would be acceptable.

Subject to satisfactory resolution of the outstanding archaeology issues, the scheme is generally considered to meet the requirements of relevant national planning guidance, adopted Core Strategy and adopted Local Plan policies and guidance and is therefore recommended for approval subject to conditions and the completion of a section 106 agreement to secure the proposed level of developer contributions towards affordable housing, education and play and open space infrastructure and facilities. The application is accompanied by a Planning Performance Agreement allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

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 affordable housing and public open space together with financial contributions towards public play and open space and education, and subject to the satisfactory resolution of the outstanding archaeology considerations and no new significant material objections being received prior to the expiry of the consultation period on 15 June 2013, the Development Control Manager shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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 location of the site and the residual housing requirements for Barlestone the proposals are acceptable in principle. By virtue of the layout, scale, design and appearance of the scheme the proposals will not have any adverse impact on the character or appearance of the area, highway safety, residential amenity, drainage of the site, biodiversity or archaeology. In addition the development will incorporate sustainable design measures and contribute to local infrastructure and facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, e, g and i), BE14, BE16, NE2 (criteria a and b), NE5 (criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE13 (criteria a, b and c), NE14, T5, IMP1, REC2 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 17 and 24.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan DWG No. LLC918_100 received by the Local Planning Authority on 7 February 2013; Garage Type Floor Plans and Elevations Dwg Nos. LLC918_152A, 154A, 172, 185 and 186 received by the Local Planning Authority on 30 April 2013; House Type Floor Plans and Elevations Drawing Nos. LLC918_132B, 135A, 137A, 138A, 139B, 140A, 141A, 142A, 144B, 147, 148B, 156, 157A, 158A, 159B, 162B, 163B, 164C, 166A, 168B, 169A, 170A, 173A, 175A, 180, 183 and 184 received by the Local Planning Authority on 7 May 2013; Masterplan Dwg No. LLC918_95 Revision D received by the Local Planning Authority on 16 May 2013; House Type Floor Plans and Elevations Dwg Nos. LLC918_151C, 174B and 182 received by the Local Planning Authority on 4 June 2013; Site Layout Spinney Drive Dwg No. LLC918_102 Revision J, Site Layout Brookside Dwg No. LLC918_103 Revision J received by the Local Planning Authority on 11 June 2013.
- 3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 No development shall commence unless and 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.
- 5 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3

has been provided in writing to the Local Planning Authority. In addition, within 3 months of the first occupation of each dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

- 6 No development shall commence until details, including samples where necessary, of the means of construction of the access road and its surfacing material(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 No development shall commence until details of the boundary treatment design and materials and a timetable for their erection, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) hard surfacing materials
 - c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc).
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - g) implementation programme.
- 9 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 five year period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 10 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, dated April 2013, Ref R-FRA-Q6253PP-01-A, undertaken by JPP consulting and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - Section 5.0, and as shown on the plan in Appendix C.
 - b) Confirmation of the diversion and opening up of any culverted watercourse (East drainage ditch) crossing the site - Section 6.0, and as shown on the plan Drawing No. FRA04 in Appendix H, and RDC Drawing No. LLC9018_103.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

- 12 No development shall commence until a scheme for the detailed design of the diversion and opening up of the existing culverted watercourse (East drainage ditch), 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 prior to the commencement of the Eastern Plots (Brookside area) development.

The scheme shall include:

- a) Diversion and opening up of the existing watercourse (East drainage ditch) where it currently runs in culvert underneath the area proposed for plots 42, 43, 48 and 49 (the inlet being identified by the word sink on the OS Map), and where it runs in a 300mm diameter culvert under the field on the western side of the eastern development area, as shown on the plan Drawing No. FRA04 in Appendix H of the FRA, and RDC Drawing No. LLC9018_103.
- b) Watercourse crossings required for the provision of access eg roads, should in preference be clear spanning bank top to bank top structures, or where culverting is necessary, these will need to be designed in accordance with CIRIA C689, the culvert design manual.
- c) Provision of the proposed diverted watercourse within a minimum 5m wide watercourse corridor/easement (2m wide either side of the watercourse channel (assuming a channel width of 1m).
- d) A minimum 2m buffer/maintenance strip shall be provided between any building or other fixed above ground equipment/fence/retaining structure, and the top of the bank of the existing and proposed watercourse (East drainage ditch).

- e) Details of how the proposed watercourse (East drainage ditch) shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 13 No development shall commence until a working method statement to cover all channel/bank works to the watercourse (East drainage ditch) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
- The working method statement to cover the following requirements:-
- a) timing of works
 - b) methods used for all channel, bankside water margin works
 - c) machinery (location and storage of plant, materials and fuel, access routes, access to banks etc)
 - d) protection of areas ecological sensitivity and importance
 - e) site supervision.
- 14 The access, turning and car parking facilities indicated on the Site Layout Plans Dwg Nos. LLC918_102 Revision J and LLC918_103 Revision J shall be provided before the associated dwelling(s) is/are first occupied and once provided shall remain available for such use at all times thereafter.
- 15 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.
- 16 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.
- 17 No development shall commence until a scheme for the long term management and maintenance of the stream, woodland and wetland area, including provision for the submission of five year reviews for further approval, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 18 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.

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 does not have an adverse impact on the residential amenity or character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To secure the sustainable credentials of the development in accordance with the merits of the scheme as submitted and to ensure overall compliance with the intentions of the delivery of sustainable new homes in accordance with the intentions of Policy 24 of the adopted Local Plan (2006-2026) Core Strategy and the National Planning Policy Framework.
- 6 To ensure a satisfactory form of development in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the development has a satisfactory appearance in the interests of visual amenity, to protect the privacy and amenity of future occupiers of the site and to ensure that the work is carried out within a reasonable period to accord with Policy BE1 (criterion a and i) of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with Policies BE1 (criterion e), NE5 (criterion iii) and NE12 (criteria a, b, c and d) of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 10 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and by diverting and opening up the existing culverted watercourse (East drainage ditch) and to reduce the risk of flooding from blockages to the existing/proposed access culverts and to the proposed development and future occupants in accordance with Policy 13 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 11 To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 12 To ensure the structural integrity of the existing and proposed watercourse bank slopes, to ensure future maintenance of the watercourse, fluvial drainage system, to prevent the increased risk of flooding to the proposed development and future occupants and to improve and protect water quality, improve habitat and amenity, of the watercourse to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 13 To ensure that the construction phase of the development hereby permitted does not adversely affect the bank or channel of a watercourse or pose a significant risk of silt pollution to accord with the National Planning Policy Framework.
- 14 To ensure that satisfactory access, turning and off-street car parking facilities are available to serve the dwellings hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 15&16 To ensure the protection of controlled waters and the safety and amenities of the future occupiers of the site to accord with Policies NE14 and BE1 (criteria b and i) of the Hinckley and Bosworth Local Plan.
- 17 To conserve and enhance the biodiversity value of the site and ensure its long term maintenance in accordance with paragraph 118 of the National Planning Policy Framework.
- 18 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed structure forming part of the ordinary watercourse drainage system. This includes diversions of the watercourse and/or alterations to existing and/or proposed crossings of the watercourse to provide vehicular or pedestrian access, e.g. culverts or bridges. To discuss this position with the Environment Agency, please contact Sarah Mallett, Flood Risk Management - Partnerships and Strategic Overview Officer (Tel: 01543 405029).
- 6 In relation to Conditions 15 and 16, advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 7 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.

Public footpaths cross the site and these must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

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

Contact Officer:- Richard Wright Ext 5894

Item: **03**

Reference: **13/00094/FUL**

Applicant: **David Wilson Homes and Andrew Granger and Company**

Location: **Land Off Three Pots Road Burbage**

Proposal: **Erection of 34 Dwellings and Associated Infrastructure**

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 development.

Application Proposal

This application seeks full planning permission for the erection of 34 dwellings with associated infrastructure. The proposed dwellings consist of 2 x five bed, 16 x four bed, 14 x three bed and 2 x two bed properties all developed at 2 and 2.5 storey proportions. The majority of these properties will have private garages. The submitted scheme includes 7 affordable housing units dispersed in two areas within the development.

Access to the site will be via Three Pots Road on the north-western edge of the site.

During the course of the application the applicant has submitted an amended layout plan that improves the relationship between some of the plots. Some of the garages have also been widened. No further consultation was considered necessary as the number of plots and general layout did not change.

The Site and Surrounding Area

The application site extends to over 2 hectares in size and is situated on the southern edge of the settlement of Burbage. Rugby Road runs along the north-eastern boundary of the site with Three Pots Lane, which is the location of the access point into the site, to the north-

western boundary. To the south-western aspect are three dwellings on relatively large plots that back onto the application area. Further estate-type dwellings are located further to the north and west.

The application site is a relatively flat grassland area that has mature hedging and trees along almost the entirety of its boundary.

The site is defined as being outside the settlement limits of Burbage and almost the whole site has a designation as a Site of Ecological Interest.

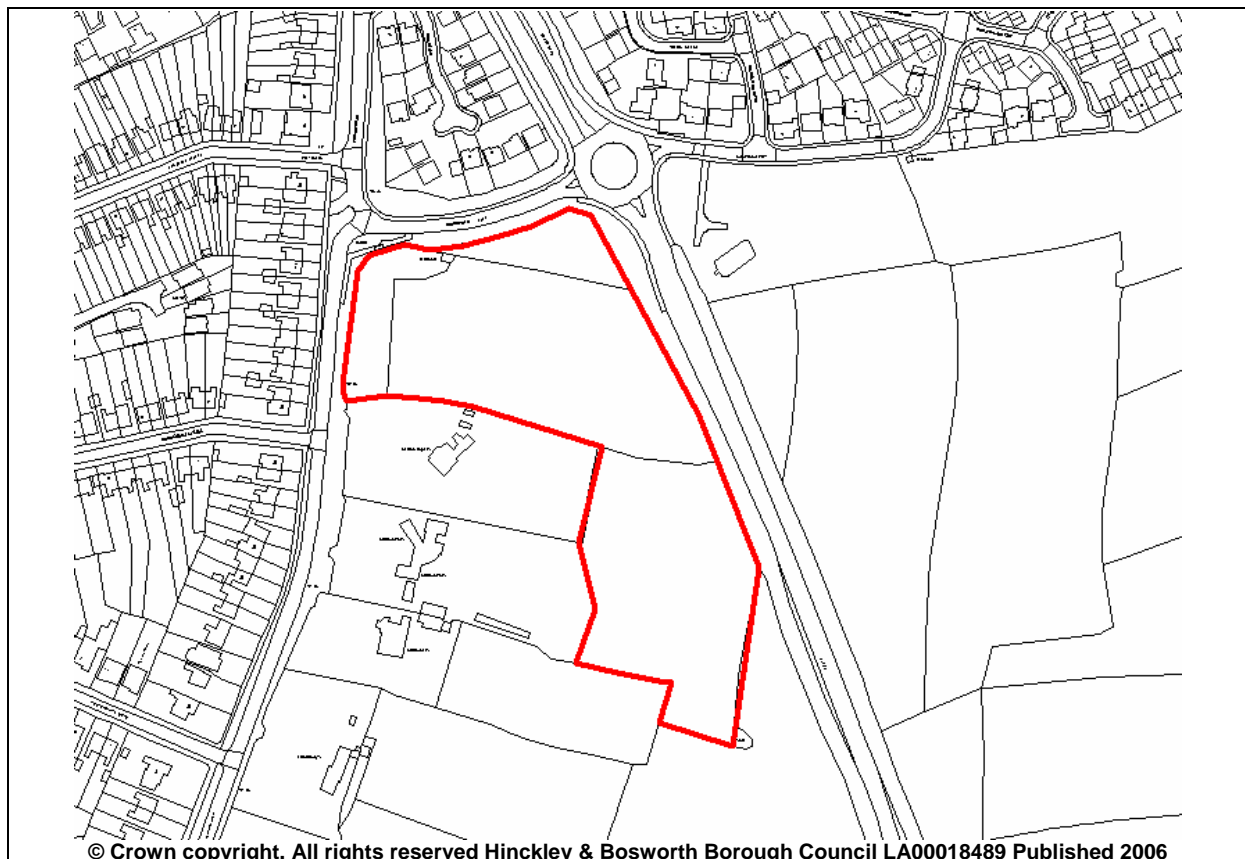
Technical Documents submitted with application

Affordable Housing Statement
Arboriculture Survey
Noise Impact Assessment
Highway Report
Flood Risk Assessment
Ecological Report
Archaeology Heritage Assessment
Planning Statement
Design and Access Statement

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

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Natural England
Planning Policy.

No objections subject to conditions have been received from:-

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

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00 towards mitigating the impacts arising from the increased use of Barwell Civic Amenity site as a result of the new development
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,140.00 towards providing additional capacity for Burbage library, Church Street Burbage
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) and 2 bus passes per dwelling (325.00 per pass) to encourage sustainable modes of transport.

Burbage Parish Council objects on the following grounds:-

- a) the site being a Greenfield site located outside of the settlement boundary
- b) the individual character of the village should be maintained
- c) the rural vista should be protected to meet the recreational and leisure needs of the community
- d) the development would result in the loss of a high value ecological site (some years ago) and with appropriate management it could be again
- e) overdevelopment
- f) creation of a polluted area surrounded by roads unsatisfactory for habitation
- g) impact on highway safety
- h) congestion arising from single access point for the estate
- i) impact of construction traffic
- j) development could be a car park for commuters who access other forms of transport from this location
- k) impact on the security of neighbouring properties
- l) concerns over the long term upkeep of the land
- m) a 2m high security fence should be erected to the southern end of the site to ensure safety and security of all residents.

A site notice has been displayed and neighbours notified. As a result of the publicity 18 letters of objection have been received raising the following concerns:-

- a) overdevelopment of a Greenfield site
- b) too many cars for this busy road
- c) the area is already overdeveloped and no further development should be allowed in this area
- d) development is outside the settlement boundary
- e) proposal does not accord with Core Strategy
- f) brownfield sites should be developed rather than this site
- g) the number of houses exceed the 5 year land supply
- h) lack of infrastructure to cope with the development
- i) impact on highway network
- j) visual intrusion
- k) risk to highway safety
- l) development will have a detrimental impact on the adjoining property
- m) inadequate access for the development
- n) loss of trees
- o) detriment to Conservation Area and listed building
- p) dust/fumes
- q) flooding/washland
- r) inadequate drainage
- s) loss of privacy
- t) noise and disturbance
- u) overshadowing/overbearing
- v) poor design.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigating and Recording
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T3: New Development and Public Transport
Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

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

Other Material Guidance

Burbage Village Design Statement

Appraisal:-

This application seeks full planning permission for 34 dwellings on a Greenfield site. The main considerations for the proposal are the principle of development, the layout, scale and appearance of the development, highway safety, ecological impacts, and the impact on neighbour's private amenity.

Principle of Development

National Planning Policy Framework

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

Housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so significantly and demonstrably outweigh the benefits.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. The NPPF goes further than PPS3 by stating that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%.

Core Strategy

Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The policy identifies that the primary focus for new development is to the north of the settlement and permissions have been granted to enable these to be progressed. Paragraph 4.5 of the Core Strategy acknowledges that to identify land to meet the Core Strategy requirements the authority will identify brownfield / greenfield sites within settlement boundaries followed by land adjacent to settlement boundaries where there is a need to do so.

Policy 4 of the Core Strategy notes the need to protect and preserve the open landscape to the east of Burbage and seek to enhance the landscape structure which separates the

village from the M69 corridor which was informed by the Council's Landscape Character Assessment (July 2006). Although in this parcel of land boarded by Wolvey Road, Three Pots Road and Rugby Road there is sporadic development leading from the Burbage residential estates almost to the M69 roundabout, this proposed development would intensify this to the north of this parcel.

Policy 15 of the Core Strategy sets out the Council's requirements for Affordable Housing in new development. The policy sets a starting target of 20% affordable units on developments of 15 dwellings or 0.5ha and over in urban areas. The applicant has indicated that the full 20% requirement will be delivered.

Housing Supply

In their planning statement the applicant concludes that the Council does not have a five year supply at 1 April 2012 and states that this has been demonstrated through appeal decisions. The Council does not accept this position and maintains that as of October 2012 the housing supply equates to 5.37 years, which includes a 5% buffer taken from later in the plan period.

Even with a five year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development (para 14; NPPF). The current housing supply needs to be considered in the context of making provision for a residual housing requirement of 116 dwellings to be delivered in Burbage to meet the requirements of the Core Strategy. At this moment in time the entire residual housing requirement for Burbage could not be allocated on previously developed land and therefore suitable Greenfield sites which conform to Policy 4 will need to be identified to allocate the necessary provision.

It is acknowledged that Policy 4 also encourages the protection and preservation of land to the east of Burbage; however, given the decline in the ecological quality of the application site, which has been confirmed within the response from Directorate of Chief Executive (Ecology), and the fact that new housing within Burbage cannot be wholly be accommodated on previously developed sites it is considered that, on balance, the proposal would be generally in accordance with the aforementioned policies and would contribute to the required 5 year housing land supply in the settlement of Burbage. Therefore, subject to all other matters being acceptable, the principle of development on this site is justified.

Highway Safety

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

The Director of Environment and Transport (Highways) has recommended conditions in respect of the provision of footways, the retention of parking spaces for the dwellings, the retention of garage spaces for vehicles and for the site to remain free of mud and debris during construction. The suggested conditions are considered appropriate and therefore should be attached to any forthcoming approval.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies BE1 (criterion g), T5, T9 of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Density/Layout/Design/Scale

The application proposes 34 dwellings on a 2.1 hectare site equating to a net density of 17 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 40 dwellings per hectares within and adjoining Hinckley, Burbage, Barwell and Earl Shilton and states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. This site was defined in the 1980s at County level as being of ecological importance; however, the submitted ecological report states that much of the site has been in decline in terms of its quality. This decline in the quality of the land has been confirmed by the Directorate of Chief Executive (Ecology). The proposed layout does however contain a large area of marshy grassland that is to be conserved for nature purposes within the scheme. Given that this area is to be retained and made a feature within the site this has resulted in a reduced density for the number of dwellings that can be accommodated. Based on the unusual nature of the site it is considered that the reduced density would be acceptable in this instance.

The layout identifies two groups of dwellings that are separated by the grassland marsh. The majority of the dwellings are detached houses with detached garages. There are also five pairs of semi-detached dwellings and a terrace of three dwellings. The terrace group of three and one pair of the semi-detached dwellings have been identified as affordable housing. The dwellings predominantly front the access road that has been taken from Three Pots Lane. The terrace dwellings are the only properties that have a parking courtyard area rather than conventional parking areas at the side of the associated houses.

The scale of the dwellings are of typical domestic proportions and will have ridge heights of between 7.9m and 9.5m. The proposed dwellings will be two-storey with eight of the 34 dwellings being two and a half storey buildings; the latter of which will all have dormer windows to their primary frontages. The two and a half storey dwellings predominantly face the access road for the estate; however, it is considered that these dwellings would complement rather than dominate the street scene.

In terms of the appearance of the properties, the dwellings will all have dual pitched roofs with a number having chimneys. A variation of house types have been used within the development and these have been dispersed across the site to provide an improved visual mix for the types of properties. The boundary treatments are typically 1.8m high screen fencing for the rear garden boundaries and where properties are sited to overlook the marsh grassland and balancing pond areas a 1.2m high post and rail fence has been used resulting in a more rural, open appearance that will be of benefit to the general street scene.

The dwellings are to be constructed using three variations of Ibstock bricks ('Northern Buff', 'Welbeck Village Blend' and 'New Cavendish Stock') and two colours of roof tiles ('Russell Lothian Cottage Red' and 'Russell Lothian Slate Grey'). Three of the dwellings are to have a white rendered finish.

In conclusion it is considered that the density, layout, design and scale of the dwellings is acceptable.

Impact on Residential Amenity

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

The application site is a green field site that is somewhat isolated from the residential estate dwellings that are located to the north and west of the site, this is largely due to Three Pots Lane acting as a buffer between the application site and these properties. The impact of the development on these dwellings is further reduced due to the mature landscaping (in the form of trees and hedging) that exists to the boundaries of the site. It is therefore considered that the development will have little impact on the private amenity of the occupiers of these dwellings.

Situated closer to and bordering the application site are a further three detached dwellings. These dwellings are situated on oversized plots that have a range of 60m to 120m deep garden areas. Mature hedging and a number of mature trees are positioned along the boundary that separates the application site and the garden areas to these dwellings. There will be a separation distance of over 22m between the dwelling known as Stretton Poplars and plot 27; a distance that is considered acceptable given the high degree of mature landscaping that exists.

Based on the location of the site and its relationship with nearby dwellings, and taking into account the existing mature landscaping that is to be retained within the scheme it is considered that the development will not adversely impact on the private amenities of occupiers of nearby dwellings by way of overlooking/loss of privacy, visual intrusion, loss of sunlight and noise and disturbance. Accordingly the scheme appears to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The applicants have submitted a flood risk assessment (FRA) and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) who all raise no objections subject to the imposition of planning conditions relating to conditions for drainage plans for the disposal of surface water and foul sewage and a condition for drainage details which incorporate sustainable drainage principles. The drainage conditions should also be suitably worded to incorporate the mitigation measures proposed within the submitted FRA as per the Environment Agencies recommendations. It is considered that in the absence of full details and in the interests of drainage and flood risk that such conditions be imposed.

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

Ecology

The site was originally designated in the 1980s as being of County-level importance due to its marshy grassland; however, the Directorate of Chief Executive (Ecology) states that the site has declined in quality since. They state that there is an area of marshy grassland that is still of value within the site and this area is to be retained within the scheme.

An ecology report has been submitted with the application, which has been considered by the Directorate of Chief Executive (Ecology). They raise no objection to the proposal and conclude that the submitted ecology report is satisfactory. They do however recommend a condition to be attached requiring a biodiversity management plan for the retained marshy grassland area that should be submitted to and approved prior to the commencement of any

development. It is considered that this condition would ensure that the area of marshy grassland is suitably protected.

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

Developer Contributions and Affordable Housing Provision

The application proposes 34 residential units which attracts infrastructure contributions.

Developer contribution requests must be considered against the statutory tests contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

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

This application is for the provision of 34 dwellings in Burbage. Affordable housing policy, as set out in policy 15 of the Core Strategy requires 20% provision to be for affordable housing; 75% for social rented and 25% for intermediate tenure.

This application offers the policy requirement of 20% affordable housing. The tenure follows guidance and offers 75% social rented and 25% intermediate tenure. The affordable housing offered is 2 x 2 bedroom houses, 2 x 3 bedroom houses and 1 x 4 bedroom house for rent, and 2 x 3 bedroom houses for Intermediate tenure.

Burbage is an area of high demand in the Borough, and there are currently the following numbers on the Councils Housing Register for Burbage:-

1 bed properties	496
2 bed properties	346
3 bed properties	109
4 or more bed properties	27

As this scheme consists of family houses the mix and tenure offered for affordable housing on the site is acceptable, as is the clustering of the affordable housing on site.

Since this development is in the urban area, it is requested that any local connection criteria included in the section 106 agreement is to the Borough of Hinckley and Bosworth.

This scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Hinckley as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and

reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

The provision of affordable housing is to be secured through a S106 agreement and has been identified by the applicant within the submitted heads of terms. Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to mitigate the impact of additional residential dwellings on the use of such facilities and to comply with policies IMP1, REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Burbage was found to be relatively well served by formal outdoor sports facilities with good access to equipped children's play areas and informal amenity green space, however, the quality of the facilities provided in all cases was found to be poor and reducing its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £350,000 for equipped children's play areas and £150,000 for amenity green space within Burbage. In the Audits of Provision 2007, Colts Close (1) and Colts Close (2) (both local open space) were given quality scores of 66.7% and 29.6% respectively.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use this facility due to its close proximity and linked relationship to the application site; the site falls within the catchment area of 400m of a locally equipped area of play and is within 1km of Britannia Road recreation ground. The contribution being secured will help to mitigate the impact from the future occupiers of the development upon the existing facilities by providing additional facilities and maintaining them. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and can be used to enhance and maintain both formal and informal play and open space facilities at Colts Close located close to the site and the recreation ground at Britannia Road.

In this case the total contribution required will be £62,478.40 (£1,837.60 per dwelling). This equates to a capital sum of £38,780.40 (£10,975.20 for formal open space, £24,633.60 for children's equipped play space and £3,141.60 for informal children's play space equating to £1,140.60 per dwelling). The maintenance contribution equates to £23,698.00 (£8,976.00 for formal open space, £12,019.00 for children's equipped play space and £2,703.00 for informal children's play space equating to £697.00 per dwelling).

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

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,140.00
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) and 2 bus passes per dwelling (325.00 per pass).

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

- Education (£62,407.54)
- Highways - Travel Packs (£52.85 per pack) and 6 months bus passes (£325.00 - 2 per household)

In terms of the request from the Director of Environment and Transport (Civic Amenity) for a contribution of £1,600.00, the development is estimated to produce an additional 9 tonnes per annum on an existing tonnage of 8,200 at 11/12 figures. This equates to an increase of 0.1% and it is difficult to see that test (i) of Regulation 122 is met and that the contribution is necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

In terms of the request from the Director of Adults and Communities (Libraries) for a contribution of £2,140.00, the library affected by the development has an active borrower base of 1,143 but serves a population of 14,650. The development is estimated to produce an additional 57 users. However, it is unlikely that these users will all use the library services and therefore it is unlikely that the borrower base for the library will greatly increase. It is therefore concluded that test (i) of Regulation 122 has not been met and that the contribution is not necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

Sustainability

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

Letters of Representation

A total of 18 letters of representation have been received raising a number of concerns with the proposal. These concerns have been taken into account; however, it is considered that,

on balance, these concerns do not outweigh the merits of the proposal and the proposal is generally considered to be in conformity with the policies referred to.

Conclusion

In conclusion, the adopted Core Strategy Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026 and this development would make a significant contribution to this requirement. The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

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

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, education and travel packs the Development Control Manager be granted powers to issue full planning consent, subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the aim of the core strategy providing 34 new homes in Burbage, be of an acceptable design, would not have an adverse impact upon neighbour's private amenity, flooding, ecology and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, IMP1, BE1, BE16, REC2, REC3, RES5, NE5, NE14, T3, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 4, 15, 16, 19, and 24.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall not be carried out otherwise than in complete accordance with the following details received on 7 June 2013:- Planning

layout - chimney deposition plan drawing no. S0000_100_05 Rev B; Planning layout - material schedule drawing no. S0000_100_03 Rev B; Planning layout - boundary treatment plan drawing no. S0000_100_02 Rev B; Planning layout - surface finishes plan drawing no. S0000_100_04 Rev B; Garage type drawing no. E07W.

Details received on 29 April 2013:- Planning layout drawing no. S0000_100_01 Rev E.

Details received 14 February 2013:- Location plan drawing no. S0000/100/03; Arboricultural Survey drawing no. DWH/TPLB/01 Rev A; House type drawing nos. H433.04 (OPP); H433.03 (OPP); H421.01 (AS); H421.02 (AS); H455.01 (AS); H455.02 (AS); H597.03 (OPP); H597.04 (OPP); H421.03 (OPP); H421.04 (OPP); T307.02 (AS); T307.01 (AS); T307.04 (OPP); . T307.03 (OPP); P341.03 (OPP); P341.04 (OPP); P383.02 (AS); P383.01 (AS); P206.BI.02 (AS); P206.BI.01 (AS); P206.04 (OPP); P206.03 (OPP); P383/SH41.02 (AS); P383/SH41.01 (AS); H404.04 (OPP); H404.03 (OPP); H455.03 (OPP); H455.04 (OPP); H469.05 (AS); H469.06 (AS); H469.08 (OPP); H469.07 (OPP); H341.10 (AS); H341.09 (AS); P341.11 (OPP); P341.12 (OPP); P383.01 (AS); P383.02 (AS); P383.04 (OPP); P383.03 (OPP); Garage type drawing nos. G2A; E51W.01; G3C; G2C; G2D; G1B.

Design and Access Statement

- 3 Prior to the occupation of the first dwelling within the development hereby permitted, a footway shall be completed from the existing footways located adjacent to northern edge of the site (situated on the corner of Rugby Road/Three Pots Lane) and the north-western edge of the site (situated on the corner of Three Pots Lane) to the point of the new access to the development.
- 4 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be available for use.
- 5 The use of the garages hereby approved shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 6 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 7 No development shall commence until full drainage details, which shall incorporate sustainable drainage principles and an assessment of the hydrological and hydroeological context of the development, have been submitted in writing to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling.
- 8 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated January 2013: Rev 0 compiled by EWE Associates Ltd and the following mitigation methods within the FRA:

- a) A scheme for the provision and implementation of a Sustainable Drainage (SuDs) System with two treatment trains and the utilisation of holding sustainable drainage techniques
- b) The limitation of surface water run-off to equivalent greenfield rates
- c) The ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based on the submission of drainage calculations
- d) Finished floor levels within the southern parcel are set no lower than 200mm above the adjacent external ground level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 9 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. In addition, prior to the first occupation of the dwellings hereby approved, a final certificate demonstrating that the dwellings have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 10 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and:-
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording investigation, including a timetable
 - Provision to be made for archive deposition of the analysis and records of the site investigation, including a timetable
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 11 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 10.
- 12 The site investigation and post investigation assessment and the provision made for analysis, publication and dissemination of results and archive deposition shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians. To accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan.

- 4&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 Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 8 To prevent flooding by ensuring the satisfactory storage and disposal of surface water via sustainable drainage techniques from the site to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
- 10-12 To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 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 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.
- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

Contact Officer:- John Taylor Ext 5680

Item: 04

Reference: 13/00278/FUL

Applicant: Mr Jonathan Read

Location: Land At Brookland Farm Kirkby Road Barwell

Proposal: Change of use from a residential dwelling to an Independent Special School for children and use of buildings and land for education purposes including keeping ponies, chickens etc.

Target Date: 6 June 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the change of use from a dwelling to a non-residential independent special school (Class D1) for children (aged 5 - 11 years) together with the use of an associated outbuilding and land for education purposes including the keeping of livestock (ponies, sheep, chickens etc). The school would be for primary aged children with social and emotional difficulties as well as Autism and speech and communication difficulties. Up to 20 children would be placed at the school from Leicestershire local authorities. The application indicates that there would be between 11 and 13 full time employees and 2 part time employees and would operate between the hours of 8:00am and 5:00pm Mondays to Fridays. Children would be transported to and from the school by taxi with some sharing.

The dwelling would be converted to provide a teaching block with dining room, kitchens, bathroom facilities at ground floor and staff and administration facilities on the first floor. The outbuilding would be converted into two additional classrooms and a storage area. The walled enclosure to the rear of the outbuilding would be used as an outdoor play area and the grassed paddock beyond for the keeping of livestock. The vegetable patch to the west of the outbuilding and the orchard to the north of the dwelling would be used to grow vegetables and fruit and to keep chickens. The courtyard between the house and outbuilding would be used for parking and a drop off point for taxis providing transportation for the children. The application proposes only minor alterations to the external courtyard elevation of the outbuilding and new metal railings to a height of 2 metres on top of the existing courtyard boundary wall.

The Site and Surrounding Area

The application site measures approximately 1.27 hectares and is located in the open countryside. Kirkby Road abuts the western edge of the site and this road connects the nearest settlements of Barwell and Kirkby Mallory. The two storey dwelling and single storey outbuilding are constructed with white painted render and brown concrete roof tiles and a concrete surfaced courtyard separates the dwelling and stable block. There is a breeze block walled enclosure to the south of the outbuilding, a vegetable garden to the west of the stable block and an orchard enclosed by post and rail fencing to the north of the dwelling. An irregular shaped grassed paddock lies to the south of the buildings complex that is enclosed

by field boundary hedgerows, mature trees and a watercourse. There are two access points to the site, one directly into the courtyard area and another to the north of the orchard providing access to a parking area and the buildings located immediately to the east of the application site. These buildings are used as an equestrian livery and riding school operation comprising an indoor riding arena together with stable and storage blocks. The building complex is surrounded by agricultural fields.

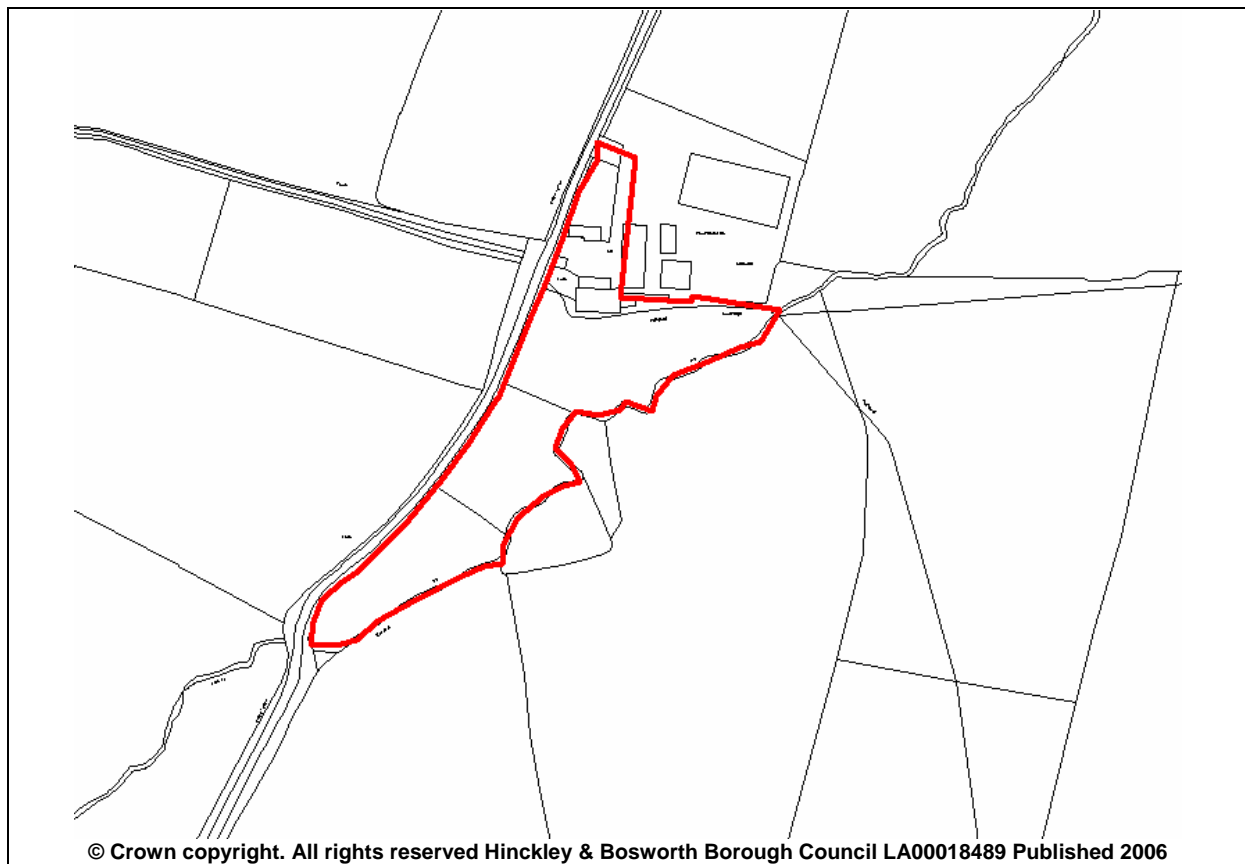
Technical Documents submitted with Application

Planning Statement
 Design and Access Statement
 Travel Plan/Parking Provision Statement
 Landscaping Statement
 Sustainability Statement

Relevant Planning History:-

There are a number of previous planning permissions on the site. Whilst those detailed below are not directly relevant to the current proposal they provide an indication of the previous uses of the site and adjacent land and buildings.

12/01051/COU	Change of use from residential dwelling to an independent school for primary age children (5-11 years) and use of buildings and land for educational purposes including the keeping of ponies, chickens etc	Withdrawn	11.03.13
95/00674/COU	Change o use of Agricultural Building to Motor Vehicle Repairs & Tyre Fitting	Approved	18.10.95
83/00502/4	Erection of Riding School Building & Use of Existing Buildings & Land as a Riding School	Approved	19.07.83
79/02585/4M	Erection of Outbuildings Comprising Calf Rearing Pens, Stores, Tack Room and Tractor and Implement Store	Approved	21.04.80
77/01780/4M	Erection of Garage & Stables	Approved	21.02.78



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Barwell Parish Council
Head of Community Services (Land Drainage).

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

The Director of Environment and Transport (Rights of Way) does not object subject to the applicant making an application to divert the public bridleway (T95) that crosses the site.

The application was advertised and a site notice was displayed. As a result of the publicity one representation was received in support of the application. The reasons for support include that the proposal will provide much needed specialist education locally for children living in the borough that are currently being transported at great expense to provision at the other side of the County.

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

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy BE20: Re-Use and Adaptation of Rural Buildings

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Conversion of Rural Buildings (SPG)

Appraisal:-

The main issues for consideration within this application are the principle of development in this countryside location, the impact on residential amenity, the impact of the alterations on the character and appearance of the area, highway safety and other matters.

Principle of Development

The proposal is for the change of use of the existing dwelling and stable block to a specialist school for children aged between 5 and 11 years old. The children suffer with social and emotional difficulties and autism. This application (if approved) will see the relocation of the existing specialist school in Sileby to this site.

The specialist school works closely with educational needs departments, children's services and educational psychology departments that deal with the most vulnerable children across the city and county.

The hours of opening for the school are from 0900 hours to 1500 hours during the weekdays and the school will be closed during normal school holiday periods.

The allowance of this application would see the relocation of the 15 children that the existing school accommodates and it is the applicant's intention to increase this number to 20 pupils. The application will not greatly alter the character of the existing building as it proposes only minor alterations to the exterior form of the buildings. The internal arrangement of the existing dwelling will remain virtually unaltered.

The stable block that is to be converted will involve the removal of a garage door replacing this with a window and conventional doorway, the removal of a further doorway and the insertion of a window in its place, the reopening of a blocked doorway and making good all walls to match the existing character of the stable block. Internally the stable blocks will accommodate two classrooms and a store room.

Policy BE1 (criterion a) of the adopted Local Plan generally supports developments that complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is considered that the proposal, in terms of the physical alterations to the buildings, would appear to be in accordance with this policy. Policy NE5 (criterion b) supports the change of use of rural buildings if there is no adverse impact on the character and appearance of the landscape, is in-keeping with the scale and character of the buildings and the resulting traffic does not exceed the capacity of the highway network. It is considered that the proposal also complies with the criteria within

this policy. Furthermore, the proposal appears to be compliant with policy BE20 'Reuse and Adaptation of Rural Buildings'.

The applicant has submitted a sustainability appraisal of the site in relation to the proposed use for a specialist school. The submitted information states that the applicants work closely with Special Educational Needs Transport (SEN Transport) to make sure that taxi journeys to the site are kept to a minimum. The children would not be able to use public transport due to their needs and ages and most students will share taxis to and from the school. The school will be open between the hours of 0900 and 1500 hours during normal term time only and there will be little or no traffic to and from the school at the weekends or in the school holidays.

Members of staff are encouraged to share transport whenever possible and cycle spaces and on-site shower facilities for staff are to be provided to encourage cycle use. Student's journeys are planned and taxis are shared by the children in most cases. The sustainability appraisal therefore appears to be sound by supporting sustainable methods of transport (in the form of car sharing and cycling) for this type of use in this rural location.

It is concluded that, on balance, the proposal is a sustainable form of development and is a use that would provide specialised educational support for children who have special needs.

Impact on Neighbour's Private Amenity

The nearest dwelling to the application site is located some 250m northwest of Brooklands Farm and it is therefore unlikely that the alterations to the buildings or any impacts arising from the new use would adversely impact on neighbour's private amenity.

Highway Safety

The existing property has a large area of hardstanding that can accommodate up to 20 cars. The proposal will see a reduction in these spaces down to 12 parking spaces and 2 disabled parking spaces. Cycle spaces also form part of the application. The applicants state that during the day there will be very few car trips to and from the site and, given the nature of the use and taking into account the submitted information in the sustainability report, I consider there that is little reason to dispute this. The Director of Environment and Transport (Highways) does not object subject to conditions being attached relating to the revised access being completed prior to the site being used as a school and retaining visibility within the splay areas. A further condition is recommended requiring the provision of the cycle spaces and staff showering facilities to be in place prior to the commencement of the proposed use. The suggested conditions recommended by The Director of Environment and Transport (Highways) appear reasonable as they will ensure that highway safety is not compromised and that sustainable modes of transport have been encouraged.

It is therefore concluded that the proposal accords with policy T5 of the Local Plan and is therefore acceptable.

Other Matters

Landscaping

The pupils at the school will use outdoor space as an integral part of their curriculum. Currently the site offers level paddocks, a vegetable garden with established hedging and mature trees running almost continuously along the south-eastern boundary of the site.

Whilst a site of this nature and character would not normally require any further landscaping the applicant seeks to extend the vegetable garden area and flower growing area and the applicants state that further landscaping is planned within the site (no plans have been submitted). It is considered that no landscaping conditions are required given the character and rural appearance of the site. Future landscaping is unlikely to require an application.

Diversion of the Bridleway

A public bridleway (T95) dissects the site running along the southern boundary of the existing stable block. The Director of Environment and Transport (Rights of Way) does not object to the application subject to the applicant making an application to divert the public bridleway (T95) that crosses the site. The applicants have submitted a statement confirming that an application would be submitted to divert the footpath in line with their recommendations. A note to applicant has been attached advising that the applicant must obtain separate consent for the diversion of the footpath as diversions or stopping up rights of way is covered under separate legislation.

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 Local Plan (2001):- policies BE1, NE5, BE10 and T5.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site location plan, Site Plan (annotated), Plan no Doc 4 2529367V1 (parking provision), Proposed elevations of stable building, Proposed floor plans of stable building, Proposed ground floor plans of dwelling, Proposed first floor plans of dwelling, and Plan no.1209 (Revised access details) dated 11 April 2013.
- 3 Before the use hereby permitted is first brought into use, the access works shown on drawing no. 1209 shall be completed to the satisfaction of the Local Planning Authority and thereafter maintained.
- 4 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.
- 5 Before the development hereby permitted is first used, cycle parking provision together with staff showering and changing facilities shall be made to the satisfaction of the Local Planning Authority and once provided shall be thereafter maintained and kept available for use.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of the sustainability of the development and to encourage alternative transport choice.

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 is advised that this permission does not grant approval for the diversion of the footpath (T95) that crosses the site for which a separate application will be required. You are advised to contact the Development Services.

Contact Officer:- John Taylor Ext 5680

Item: 05

Reference: 13/00186/OUT

Applicant: Konrad Skubala

Location: Glebe Farm Kirkby Road Barwell

Proposal: Erection of a bespoke carehome with 35 bedrooms and associated amenities (outline - access, layout, appearance and scale)

Target Date: 16 July 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

The application is for demolition of the existing dwelling and erection of a 35 bedroom care home at Glebe Farm, Kirkby Road, Barwell. This is an outline application, with all matters to be considered excluding landscaping.

It is proposed to demolish the existing farm house and construct a 35 bedroom care home which would include associated facilities, including communal lounge and dining areas, staff accommodation, and a landscaped garden. The proposed building takes the form of two farm houses connected by a range of buildings, sited in an 'L' shaped form, adjacent to the northern and western boundaries. The development would be two storey in height with projecting gable features and single storey elements resulting in a variation in scale and ridge height. Chimneys are sited within the centre of the farmhouse elements.

The proposed building would have access from Kirkby Road via the existing bell-mouth junction to the south of the site, with 19 car parking spaces provided in a linear fashion to the south of the site. The building would be sited with amenity space to the east with the building forming two sides of a courtyard.

Amended plans have been received that raise the height of the two 'farmhouse' elements so the linking elements have a subservient relationship.

The Site and Surrounding Area

Glebe Farm currently consists of a three storey dwelling house and associated amenity area. The farm house has been renovated and is currently used as a private dwelling house. The outbuildings associated with the farm house have been demolished and the site cleared.

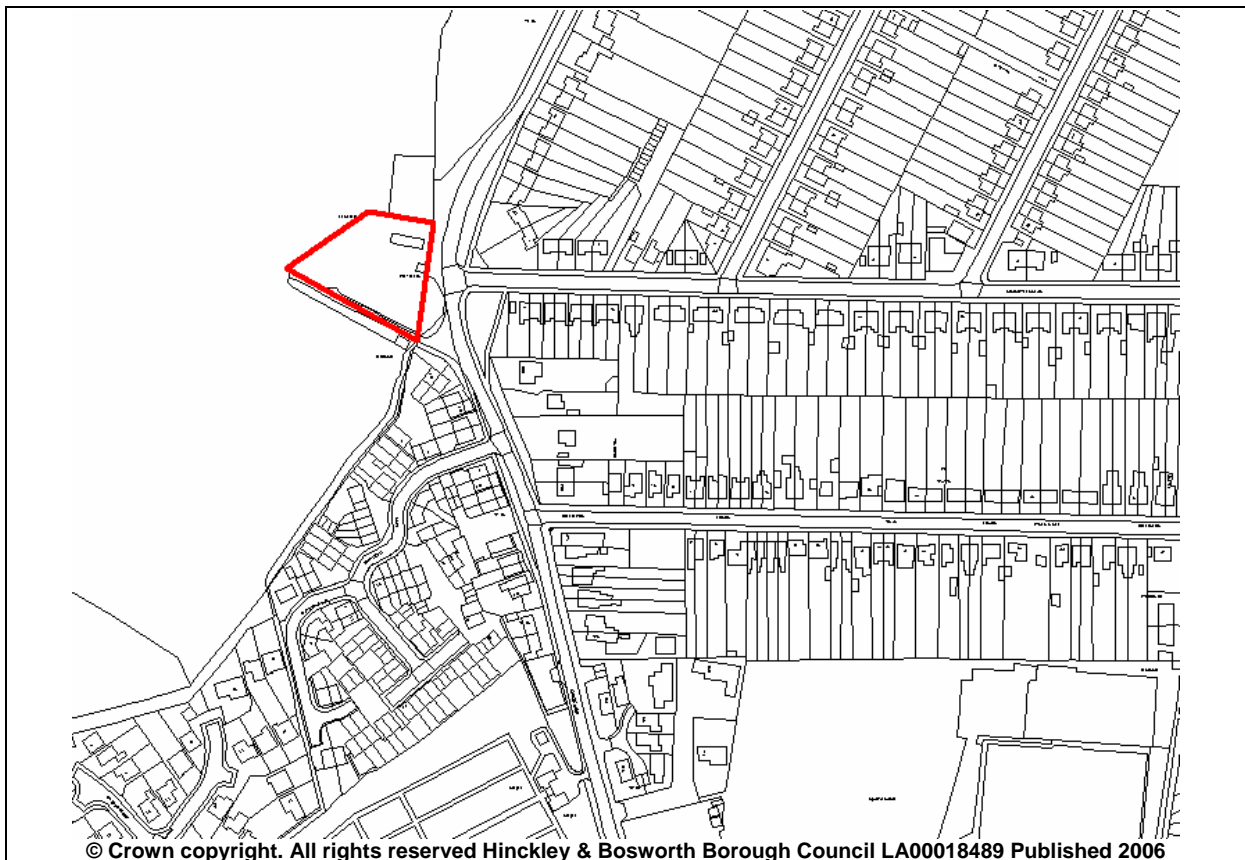
Glebe Farm is located on the west side of Kirkby Road, opposite the junction with Charnwood Road. The site is located adjacent to but outside the settlement boundary of Barwell which lies to the east. There are residential properties to the east and south and farmland adjoins the site to the north, west and south west.

Technical Documents submitted with application

Transport Statement
Design and Access statement
Ecological Report.

Relevant Planning History:-

12/00540/EXT	Extension of time of planning permission 09/00017/COU for change of use to residential care home	Approved	16.08.12
11/00791/OUT	Erection of bespoke care home with 48 bedrooms, associated amenities and staff facilities (outline- layout, siting, appearance, and access for approval)	Refused	08.05.12
10/00025/OUT	Residential care home with associated parking	Withdrawn	07.07.10
09/00017/COU	Change of use to residential care home	Approved	29.06.09



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Director of Environment and Transport (Rights of Way).

No objection subject to conditions have been received from:-

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

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) no contribution requested
- e) Director of Environment and Transport (Highways) has requested one travel pack per resident at £50.18, and improvements to the nearest bus stops (including raised and dropped kerbs to allow level access) at £3,210.00 per stop and bus shelter at the nearest bus stop at £4,000 per stop.

Barwell Parish Council has no objection however requests a play and open space contribution towards Kirkby Road Recreation Ground.

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
The Leicestershire Constabulary Crime Reduction Officer
Neighbours.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Policy 3: Development in Barwell

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 CF8: Residential Care and Nursing Homes

Supplementary Planning Guidance / Documents

None relevant.

Appraisal:-

The main considerations with regards to this application are: the principle of development; the design, scale and appearance of the proposed residential home, the effect on the Barwell Sustainable Urban Extension (SUE), highway safety, infrastructure improvements, landscape, pollution and neighbours amenities.

Principle of Development

The National Planning Policy Framework (NPPF) in paragraph 12 makes it clear that it does not change the statutory status of the development plan as the starting point for decision making as required by Section 38 of the Planning and Compulsory Purchase Act 2004. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The application site lies outside, but adjacent to, the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map and therefore is in an area designated as countryside. Policy NE5 (criteria a, b and c) of the adopted Local Plan seek to restrict development in such areas and are therefore in conflict with the NPPF which provides a presumption in favour of sustainable development. Criteria a, b and c of Policy NE5 can therefore be given little weight in the determination of the application. However, the design criteria (i, ii, iii and iv) of Policy NE5 are considered to be in general conformity with the NPPF and can be given weight. These require that development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings, is adequately screened by landscaping and does not adversely affect highway safety.

The proposed care home would provide a significant increase in floor space and built form within the site than the existing farmhouse and would therefore have a degree of conflict with the design criteria i and ii of Policy NE5 of the adopted Local Plan. However, Members may recall that a similar proposal for a care home came before planning committee in February and May last year where Members refused the application only on design grounds therefore resulting in an implication that the principle of development for the proposed use in this location was considered acceptable. This decision is a material consideration in respect of the determination of the current application. In addition, since the previous refusal of planning permission, the Planning Committee has resolved to grant outline planning permission for the Barwell Sustainable Urban Extension (SUE) which would surround the application site to the north, west and south.

The NPPF in paragraph 14 provides a presumption in favour of sustainable development and in paragraph 7 identifies three dimensions to sustainable development as being economic, social and environmental. The proposed scheme would contribute to the economic role by providing additional employment opportunities within the facility and to the social role by providing residential care accommodation for future generations. In addition, the site is located adjacent to the settlement boundary within 100m of a bus stop that has a service every 20 minutes to Barwell village centre and Hinckley town centre and therefore is considered to be in a sustainable location.

In summary, whilst the proposal has a degree of conflict with the design criteria i and ii of Policy NE5 of the adopted Local Plan due to its location outside the settlement boundary and

its impact on the character of the site and surrounding landscape, there are other material planning considerations that outweigh that policy conflict including the determination of the previous application, the resolution to approve the Barwell SUE application which will surround the application site to three sides and the location and sustainable development credentials of the scheme. As a result, the current scheme is considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Design, Scale and Appearance

The NPPF in paragraph 56 identifies good design as being a key aspect of sustainable development. Paragraphs 17 and 57 seek to secure high quality design and good standard of amenity. Policies BE1 (criterion a) and CF8 of the Local Plan require development (including care homes) to complement or enhance the character of the surrounding area with regard to scale, layout, design, mass, materials and architectural features. Policies BE1 and CF8 are considered to be in accordance with the principles of the NPPF and therefore carry significant weight.

There is residential development along both sides of Kirkby Road to the south of the application site and along the east side northwards where development comprises semi-detached 1930's dwellings set back from the highway edge. These dwellings are typical of their time with hipped roofs, projecting gables some bay windows and chimneys. The existing dwelling within the application site has the appearance of a traditional farm house and presents the gable end to Kirkby Road, with the principle elevation facing south. From the application site northwards the west side of Kirkby Road has a rural character as the formal footway ends and the highway edge takes on a softer appearance with grassed verge and a thick hedgerow.

The proposed care home has been designed to have the character of a range of country properties. The buildings take the form of two farmhouse sized dwellings with a subservient range of buildings between, with feature gable details. Amended plans have been submitted, that raise the two 'farmhouse' elements to ensure that the range of buildings connecting these elements would be subservient to the two dominant feature buildings. No additional floor space has been created but the eaves height has been raised to incorporate a blank area above the windows, a traditional feature of some Leicestershire farm houses.

The main 'farmhouse' elevations facing Kirkby Road and the countryside to the south, would have a length of 23m and 24.5 metres respectively with a two storey element (height to ridge of 9.5 metres and height to eaves of 6.3 metres) with subservient elements to the sides providing a staggered roof line and breaking up the mass and scale of the proposal. The main elements would have central chimneys, which would assist in breaking up the ridge line. The majority of the mass of the proposal would be sited behind these elements which would reduce the impact of the scheme when viewed from Kirkby Road to the east and the countryside to the south. The elevations facing the countryside to the north and west have a more uniform ridge line broken by two gable features and the gable ends of the 'farmhouse' elements. These elevations have the character of a large country property and reflect the rural character of the location and would not have any adverse impact on the proposed green buffer within the Barwell SUE that would surround the site to the north, west and south.

The overall character of the scheme is considered to reflect the former agricultural use of the site and its location in the countryside adjacent to the settlement boundary. The scheme incorporates features from the surrounding properties with the inclusion of gables and chimneys and changes in the height and form of the various elements of the buildings enhances the design by breaking up the mass and scale of the proposal. As a result, the scheme is considered to be acceptable in design terms and subject to an appropriate landscaping scheme being approved at the reserved matters stage would complement the

character and appearance of the area in accordance with Policies BE1 (criterion a) and CF8 of the adopted Local Plan.

Effect on Proposed Sustainable Urban Extension

The site is located adjacent to land that is allocated as part of the Sustainable Urban Extension to Barwell. The emerging Earl Shilton and Barwell SUE Area Action Plan (AAP), is currently at the preferred options stage and was informed by a master planning exercise. Regard was given to the wishes of Barwell residents that a green buffer be maintained between the existing and proposed urban form. The area of the SUE that would surround the application site to the north, west and south west is within the AAP as outdoor sports provision. Whilst the AAP is currently only at the preferred options stage, the impact of the proposal is still a material consideration in light of the resolution to approve outline planning permission. The application site would project into the proposed green buffer but as a result of the small size of the application site in relation to the proposed green buffer within the SUE, subject to an appropriate landscaping scheme being approved at the reserved matters stage approval of the scheme would not adversely affect the provision of the green buffer between the existing and proposed urban form. As a result the proposals are considered to have an acceptable relationship to the proposed Barwell SUE.

Highway Safety

The Local Highways Authority has referred the case officer to comments made on the previous application which proposed 10 more rooms than now under consideration. The previous application submitted details regarding works to the highway entrance which included continuing the pedestrian footpath from the west side of Kirkby Road to the public footpath (U34) that joins Kirkby Road at the site entrance, the widths and radii of the access. The plans have been submitted with the current application, however have been amended to accord with the revised design. It is considered that given the increased number of vehicular movements potentially generated by the proposal the condition requiring the footway to be extended to ensure users of the footpath a safe access is reasonable and necessary for the development.

Other conditions requested seek to restrict obstructions across the entrance within 5m of the highway, a drainage scheme to prevent water draining onto the highway, a scheme to prevent mud and stones being deposited within the highway during construction, and car parking and access to be hard surfaced and appropriately marked out. The Head of Community Services (Drainage) has requested that drainage details be sought by condition and these would incorporate the information required by The Director of Environment and Transport (Highways). The other conditions requested by Director of Environment and Transport (Highways) are considered to be necessary to ensure the safety of users of the public highway.

Infrastructure Improvement

The Director of Environment and Transport (Highways) has requested that through an agreement under S106 of the Town and Country Planning Act 1990, that the provision of travel packs be provided for each resident, and improvements are carried out to the nearest bus stops including raising and dropping of the kerbs to allow level access and the erection of shelters. This is in the interests of encouraging sustainable travel to and from the site.

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

In this case, it is considered that in view of the nature of the development and the likely health and mobility of future occupants, it is highly unlikely that the requested contribution could be said to be necessary in relation to the development and therefore the contribution would not be compliant with the CIL Regulations and should not be pursued.

Leicestershire County Council has not requested contributions towards libraries, civic amenity, landscape or ecology.

Policy REC2 only seeks contributions towards play and open space as a result of new dwelling houses. It is therefore not possible to request contributions towards Kirkby Road recreation site in this instance.

Landscape

Details of the landscaping proposal are reserved for later consideration as part of a reserved matters application and therefore are not for consideration at the current time. The site layout provides scope for the provision of high quality landscaping and garden areas within the site to enhance the appearance of the development and provide residential amenity in accordance with Policies NE5 (criterion iii), BE1 (criterion e), and CF8 of the adopted Local Plan.

Pollution

Due to the former use of the site, should planning permission be granted, the Head of Community Services (Pollution) has requested that conditions be imposed to ensure that there is no contamination remaining on the site that could be harmful to future residents.

Impact on Neighbours

It is considered that given the separation distance between the proposal and neighbouring dwellings, in excess of 40m to the nearest residential properties (156 and 261 Kirkby Road and 1 and 4 Charnwood Road), the proposal would not detrimentally affect the amenities of nearby neighbours.

Conclusion

Since the previous application, the scheme has been redesigned and is now considered to result in a proposal that respects and does not harm the character or appearance of the area. The proposal is considered to be in a sustainable location, adjacent to the edge of Barwell and surrounded by the proposed SUE. The access, appearance, layout and scale are considered to be acceptable and in accordance with Policy 3 of the Core Strategy, and policies IMP1, NE5, BE1, T5 and CF8 of the Hinckley and Bosworth Local Plan.

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant outline planning permission for the development subject to no new significant planning objections being received before the expiry of the consultation period on 16 June 2013, 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 care

home would be in accordance with the development plan, by virtue of the scale, siting and design the proposal is not considered to detrimentally affect the character or appearance of the area or streetscene and would not detrimentally affect the amenities of the neighbouring residents. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy 3.

Local Plan 2006-2026: Core Strategy (2009):- Policies IMP1, BE1, NE5, NE2, T5 and CF8.

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

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan (scale 1:1250) received 16 April 2013; Site Layout Plan, ADG - 001 received 16 April 2013; Highways Entrance Detail, ADG-000 received 24 May 2013; Proposed Ground Floor Plan, ADG 010 received 16 April 2013; Proposed First Floor Plan, ADG 011 received 16 April 2013; Proposed Roof Plan, ADG 013 received 16 April 2013; Proposed Elevations, ADG 101 Rev A received 6 June 2013; Proposed Sections, ADG 201 Rev A received 6 June 2013.
- 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 any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 6 Before first use of the development hereby permitted, a new pedestrian footway shall be completed from the existing footway to the fore of 259 Kirkby Road around the southern side of the new access to the point of the entrance to the site in accordance with the details shown on Plan no. ADG-000 (Highway entrance) received 24 May 2013.
- 7 Prior to the commencement of development details of how the highway will be kept free of mud, water, stones etc for the period of the construction, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented for the period of the construction.

- 8 Before first use of the development hereby permitted the access drive from its junction with Kirkby Road including the car park shall be surfaced with a hard bound material porous material.
- 9 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 10 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.
- 11 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 as 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.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 9 To ensure that the drainage from the site is dealt with in a sustainable manner that does not exacerbate or result in flooding in accordance with Policy NE14 and the objectives of the NPPF.
- 10&11 To prevent material harm through pollution of the soil to future occupiers of the site in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 10 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 13/00338/LBC

Applicant: Mrs Rita Finney

Location: Atkins Building Lower Bond Street Hinckley

Proposal: Alterations to listed building

Target Date: 17 June 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

Listed Building Consent is sought for internal alterations to a current open plan space to create 3 separate meeting rooms within the basement of Building 2.

The office spaces will be created by 2.7 metre high timber partitions with a plasterboard ceiling finished in white vinyl matt emulsion with ply wood doors. The materials proposed are to match those used elsewhere within the building.

The remainder of the room will remain as open plan as per existing.

For the avoidance of doubt there are no external works proposed to the exterior of the building.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The site is bounded by three roads: Lower Bond Street, Baines Lane and Druid Street, a public footpath links Lower Bond Street to Druid Street. Its principal frontage is to Lower Bond Street.

The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centre Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

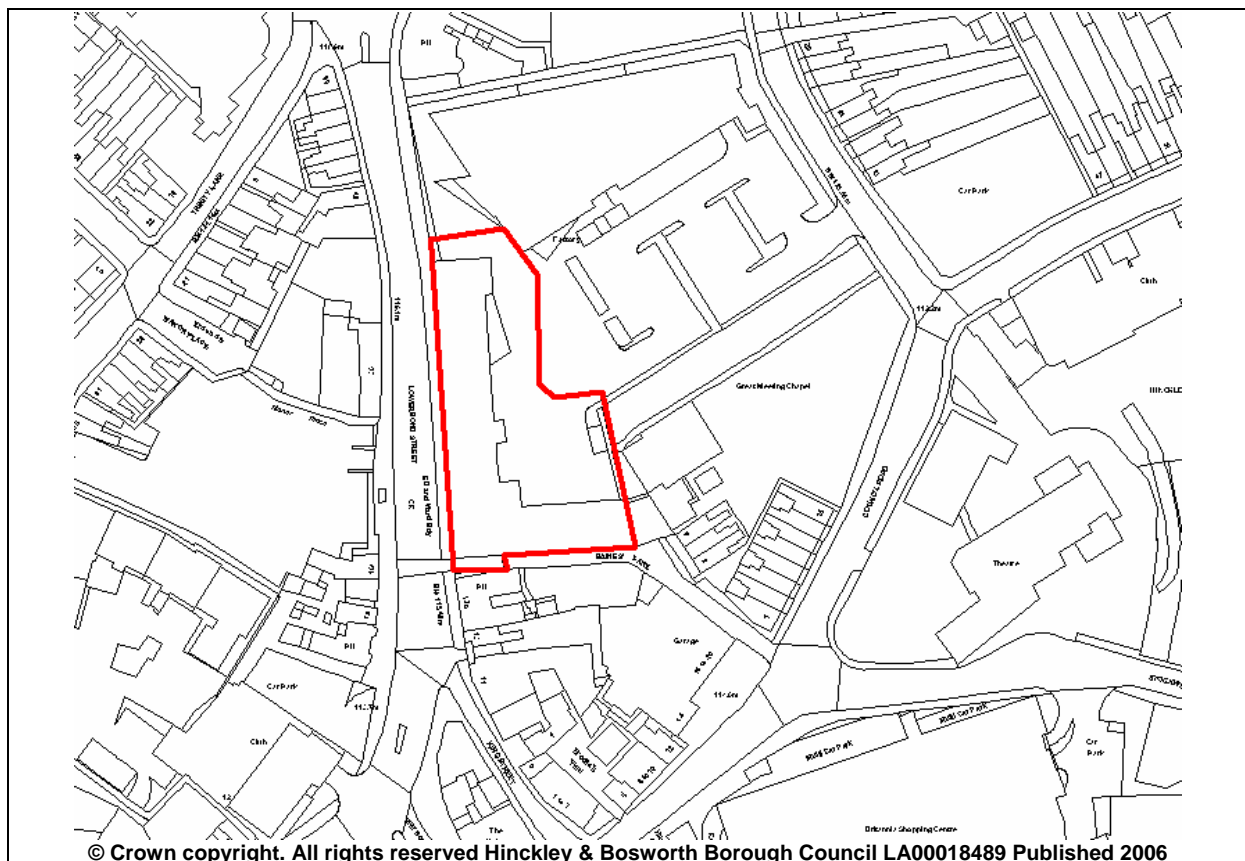
Technical Documents submitted with application

Design and Access Statement
Heritage Statement

Relevant Planning History:-

12/00008/LBC	Formation of a meeting Room and partitioning two open plan offices	Approved	02.04.12
11/00216/LBC	Alterations to Listed Building	Approved	02.09.11
10/00450/LBC	Amendments to Listed Building Consent 09/00142/LBC	Approved	15.11.10
10/00271/DEEM	Variation of condition No.2 of Planning Permission 09/00141/DEEM to allow minor material alterations	Approved	11.06.10
10/00264/DEEM	Variation of condition No.2 of Listed Building Consent 09/00142/LBC to allow external alterations	Withdrawn	26.05.10

09/00141/DEEM	Re-development of the former Atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of the existing Goddard building for use as a creative industries centre, including associated car parking and public realm improvement	Approved	04.09.09
09/00142/LBC	Conversion and adaptation of the Existing Grade II Listed Goddard building to facilitate use as a creative industries centre	Approved	12.05.09
09/00003/LBC	Works to windows/openings (including replacement), flat roof covering, upgrade lightning protection, brickwork and timber cleaning and removal of redundant building services	Approved	30.03.09



Consultations:-

No objection has been received from:-

Head of Community Services (Land Drainage)

The Council's Conservation Officer.
Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report, no comments have been received from:-

Historic Buildings Panel
Ancient Monuments Society
The Society for the Protection of Ancient Buildings
Georgian Group
The Victorian Society
Council for British Archaeology
Neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990

Local Plan 2006 - 2026: Core Strategy (2009)

None relevant.

Hinckley & Bosworth Local Plan (2001)

Policy BE4: Alterations to Listed Buildings

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main consideration in the determination of the application relates to whether the works proposed preserve the architectural or historical character of the building and therefore accord with Policy BE4 of the adopted Hinckley and Bosworth Local Plan and the overarching guidance contained within Chapter 12 of the NPPF. Policy BE4 is considered to be in compliance with the intentions of the NPPF.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts.

The accompanying Design and Access Statement sets out the justification for the proposed alterations stating that the basement of the building is currently vacant and un-used. The creation of 3 meeting room spaces within this area allows privacy and would appeal to existing and future tenants and lead to a used space.

Impacts on the Fabric and Character of the Listed Building

The scheme seeks to subdivide an existing open plan building to create 3 no. meeting rooms.

Timber partitioning by virtue of its design will not result in any significant harm to the original fabric of the building. A suspended ceiling is proposed for each of the office spaces in order to aid in acoustic performance, which will allow for lighting systems without harming the historic fabric of the building.

The partitioning can be easily removed and therefore does not impose a lasting material change within the building.

The building is already subject to works and alterations which have allowed modern finishes and the materials and finishes proposed are set to match those used in the existing Atkins building. It is not considered that the addition of these would harm any special architectural fabric.

The remainder of the room will remain as open plan as per existing.

For the avoidance of doubt there will be no impact on the external appearance of the building.

In conclusion, the works represent a scheme of modifications that will facilitate the re-use of the important and historic building with only minimal intervention to the historic fabric. It is considered that the works proposed to the listed building has adequately demonstrated that they would not significantly detract from the architectural or historical character or appearance of the building and the proposal will help protect the heritage asset by improving the financial viability of the development. Accordingly it is considered the works proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles of guidance contained within the NPPF and is therefore recommended for approval subject to the imposition of planning conditions.

Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that applications by a Local Planning Authority on its own land for Listed Building consent are to be made to the Secretary of State following the committee resolution

RECOMMENDATION-that the Development Control Manager be authorised to make application to the Secretary of State, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 (1519) for consent to the proposals.

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 scheme and would not be to the detriment of the special architectural or historic interest of this Listed Building.

Hinckley and Bosworth Local Plan (2001):- Policy BE4.

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: Location Plan (Scale 1:1000); Block Plan (Scale 1:500) and Lower Ground Floor Plan drawing no. 0121 Rev. H received by the Local Planning Authority on 22 April 2013.
- 3 Before any works commence, representative samples of the types and colours of materials to be used internally shall first be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory appearance and does not detract from the special architectural or historic interest of this Listed Building to accord with Policy BE4 of the adopted Hinckley & Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 07
Reference: 13/00308/FUL
Applicant: Mr Jones
Location: Bondman Hayes Farm Markfield Road Ratby
Proposal: Demolition of three existing stables and the erection of two 2-bed holiday units
Target Date: 3 July 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 on grounds that it is development in the open countryside, located outside of the settlement boundary and there are highway concerns.

Application Proposal

This application seeks full planning permission for the demolition of existing stables and the erection of two holiday units.

The building proposed would be a part one and a half storey and part single storey building containing two, two bedroom holiday units each with a bathroom, kitchen and living area.

Plot 1 would have a floor space of 57m² and Plot 2 68m².

The proposed building aims to provide holiday accommodation for up to eight people. The building proposed is of a contemporary design utilising a timber clad finish and larch shingles to the roof. Private external amenity space is proposed to the south and rear of the holiday units. Vehicle access is proposed to be obtained by extending the private driveway serving the existing dwelling.

The Site and Surrounding Area

The site is located to the rear of the property known as Bondman Hayes, Cow Lane, Ratby and is approximately 578m² in size. The site is located approximately 1.7km from the centre of Ratby and is located within the countryside and within the National Forest.

The site currently consists of three timber stables and a hay store set on concrete hardstanding. The stables are separated from the curtilage of the dwelling by a 2.7 metre high close boarded fence and soft landscaping. The stables have previously been operated as a livery with associated vehicle movements for a number of horses.

To the south of the site is an area defined by a post and rail fence approximately 1.5 metres high, used for the storage of horse boxes, a tractor and associated equestrian equipment. Immediately to the south of this area is an equestrian manège/riding arena bounded by a post and rail fence.

The site is bounded to the east by a mature hedgerow interspersed with trees. Adjacent to this boundary is a private unmade access road designated as a public right of way (bridleway). The Ivanhoe Trail (footpath/bridleway) is located approximately 700 metres to the south of the site.

To the east of the unmade access road is further landscape screening in the form of a tall mature hedgerow and trees. The land to the west of the site is used as an open paddock for the grazing of horses.

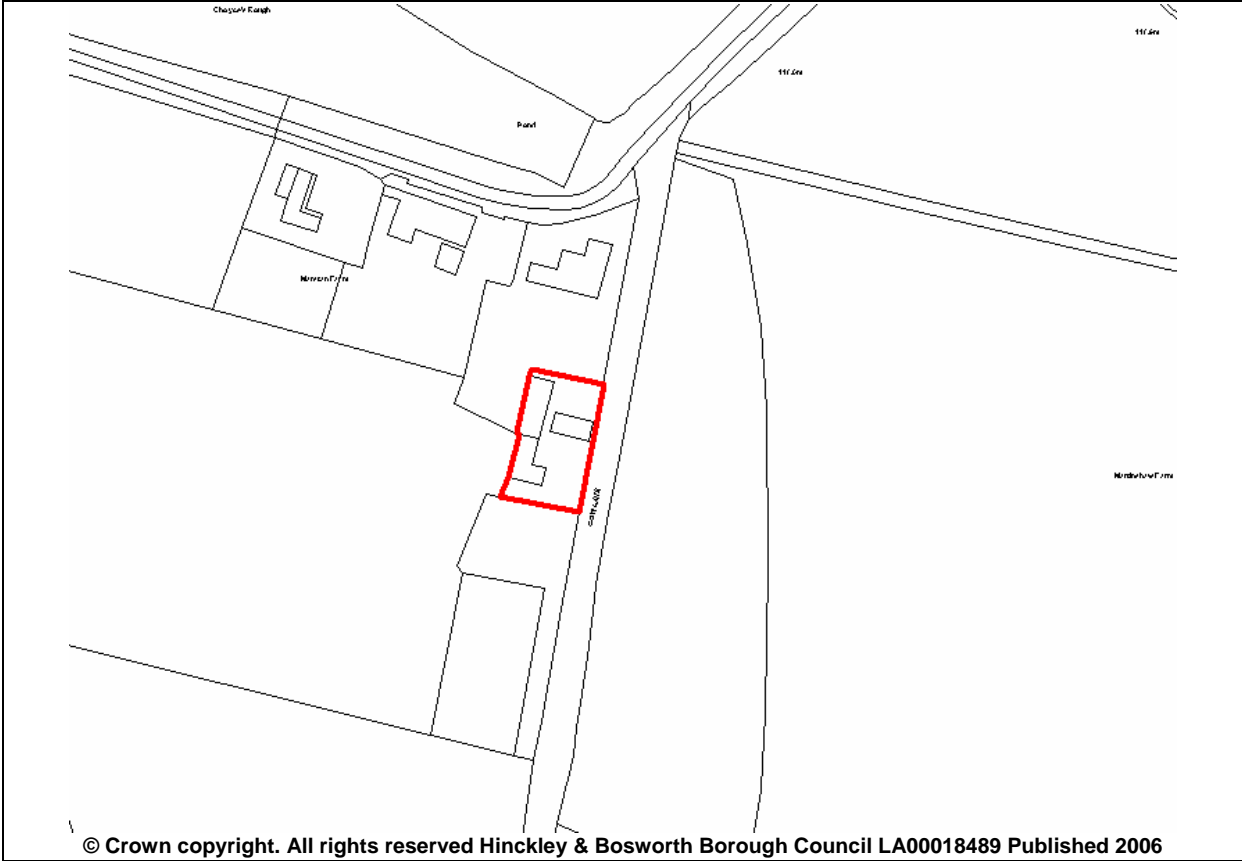
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement
Planning Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection received from:-

- Director of Environment and Transport (Public Rights of Way)
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution).

No objection subject to conditions from Director of Environment and Transport (Highways).

Ratby Parish Council objects to the application due to its location outside of the settlement boundary and due to the increase of traffic on a narrow country lane.

Site notice was displayed and neighbours notified.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006 - 2026: Core Strategy 2009

Policy 21: National Forest

Policy 23: Tourism Development

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, the surrounding countryside and National Forest, impact on highway safety and residential amenity.

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 NPPF 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 taken as a whole.

Paragraph 17 of the NPPF promotes sustainable economic development that is of a high quality design that conserves and enhances the natural environment. Paragraph 28 supports economic growth in rural areas and promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through the conversion of existing buildings and well designed new buildings. In addition, sustainable rural tourism developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside should be supported. This includes supporting the provision and expansion of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy 23 of the Core Strategy supports tourism development for holiday accommodation in suitable locations where the development can help support existing local community services and facilities, is of a design and scale which is appropriate to minimise impact and would assimilate well with the character of the surrounding area with acceptable landscaping. The

development should add to the Borough's local distinctiveness, complementing the tourism themes of the Borough and add to the economic wellbeing of the area.

Policy 21 of the Core Strategy supports tourism developments and especially overnight quality accommodation linked to tourism in the Forest.

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 i, ii and iii) of the Local Plan provide 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 NPPF and Core Strategy support tourism accommodation proposals of this nature in rural areas. As such it is considered that the development is acceptable in principle subject to all other planning matters being appropriately addressed and appropriate conditional controls to ensure that the development remains for holiday accommodation only.

Siting, Design and Impact on the Surrounding Countryside and National Forest

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria of Policy NE5 of the Local Plan is in conformity with the NPPF and states that development in the countryside should not have an adverse impact on the character or appearance of the landscape. It should be in keeping with the scale and character of existing buildings and general surroundings and be effectively screened by landscaping.

Policy BE1 (criteria a and c) of the adopted Local Plan require development to complement the character of the surrounding area with regard to scale, layout, design and materials with landscaping incorporated to a high standard where it would add to the quality of the design and siting of the development. Policy 21 of the adopted Core Strategy requires development to respect the character and appearance of the wider countryside and National Forest.

The proposal would be set behind and to the rear of the dwelling known as Bondman Hayes. The proposal would not be visible from the frontage or street scene of Cow Lane. The site is flat and level and is bounded to the east by a mature hedgerow interspersed with trees. Adjacent to this boundary is a private unmade access road designated as a public right of way (bridleway). To the east of the access road is further screening in the form of a tall mature hedgerow and trees. The land immediately to the south of the application site features an equestrian manege/riding arena. Beyond this to the south are views of the wider open countryside and agricultural fields. The land to the west of the site is used as an open paddock for the grazing of horses. A belt of mature trees breaks the continuation of view further to the west. As the proposed holiday units have no direct road frontage, are located to the rear of the existing dwelling and would be well screened from the wider landscape by trees to the west and a mature hedgerow and trees to the east, the only prominent view of the building would be from the open countryside to the south. It is therefore not considered that the proposal would have a significantly detrimental harmful impact to the immediate or wider landscape setting.

The proposal would feature two distinct one and a half storey and single storey elements with pitched roofs to give the visual appearance of barns through the use of strong gable end features connected through the use of a flat roof linked section in the centre. The entrance facade of the building responds to the proposed access driveway entering the site from the

north which allows for private outdoor amenity space to be created to south and west of the building. The tall and narrow profile of the fenestration proposed reinforces and adds to the overall impression of the design and adds a somewhat contemporary element to the traditionally inspired approach of the barn design.

The scale of the proposal would be relatively modest when compared to the existing surrounding built form in the context of the existing two storey dwelling Bondman Hayes and the neighbouring detached chalet. The southerly most barn element would be one and a half storeys in height and the northern most barn element would be one storey with a pitched roof. The height of the proposed structure is therefore lower and would appear subservient, in the form and appearance of associated outbuildings, to the existing dwelling to the north Bondman Hayes.

The use of timber cladding as a building material will weather and overtime, soften to blend naturally into the surrounding context. The roof is proposed to be constructed from larch shingles which is considered to be an appropriate choice which will weather naturally to give a natural and soft finish to the building. A condition has been imposed requiring material samples prior to the commencement of development to ensure the final details will relate appropriately to the surrounding context. It is therefore considered that the design of the proposal has been considered to reflect and blend in with the character and setting of the surrounding countryside and National Forest.

Given the location of the proposal, in the context of the National Forest and surrounding rural character of the area, a condition has been imposed requiring a landscaping scheme to be submitted and approved prior to the commencement of the scheme. Appropriate soft landscaping will soften the introduction of the building within the surrounding landscape. The flat roof single storey connecting element in the centre of the building is proposed to feature a green roof. This will contribute to the visual appearance of the proposal and its setting whilst increasing the opportunity for biodiversity.

Overall it is not considered that the siting, design, form and layout of the proposal would visually conflict or harm the rural character and nature of the surrounding area. The proposal is therefore considered to be in accordance with Policy BE1 (criteria a and g) and NE5 (criteria i and ii) of the Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) of the Local Plan states that development should not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring residential property is located approximately 40 metres to the north west. As a result of the distance between this property and the proposed holiday lets it is not considered that proposal would give rise to overlooking or disturbance to the amenity of this property. As such it is not considered that the proposal would have an adverse impact on residential amenity and as is considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety and Public Rights of Way

The Highway Authority has raised no objection to the proposal subject to conditions. Given the previous use of the stables as a livery with associated vehicle movements towing horseboxes to and from the site it is considered that two holiday units would result in less vehicle traffic movements than the existing use of the site. An unmade vehicle access road exists adjacent to the east of the application site which is classed as a public bridleway. Whilst access to the stables is currently obtained via this unmade road, the holiday units are

proposed to be accessed from the existing private vehicle driveway running to the east of Bondman Hayes. This driveway would be enlarged and extended to the rear of the site to serve the holiday units. A condition has been requested by the Highway Authority which is considered reasonable to impose to ensure the existing vehicular access point from the unmade access road to the stables is closed up to ensure there is no direct form of vehicular access between the site and the bridleway. Vehicle parking for four parking spaces would be provided adjacent to the holiday units which is considered to be acceptable in relation to the adopted parking standards and a conditions have been imposed requiring this to be provided and surfaced in hardbound material prior to first occupation. It is therefore considered that the proposal would not impact upon highway safety, the public right of way or the satisfactory functioning of the local highway network and is in accordance with Policy T5 of the Local Plan.

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.

The NPPF and Core Strategy supports the development of tourist accommodation proposals in rural areas. As a result of the siting, scale and design together with the materials proposed it is considered that the proposal would 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 as a livery it is not considered that there would be a material increase in traffic to or from the site that would adversely affect highway safety. The proposal would be sufficient distance from the nearest neighbouring property to not have a detrimental impact upon residential amenity. The proposals are therefore in accordance with adopted Core Strategy Policies 21 and 23 and Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a, g and i) 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 the principle of development is considered to be acceptable, the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding countryside or the National Forest, highway safety or residential amenity.

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

Local Plan 2006-2026: Core Strategy (2009):- Policies 21 and 23.

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: Dwg No. 1220 P01 Site Location Plan (1:1250), Dwg No. 1220 P02 Block Plan (1:200) and Floor Plan (1:100) and Dwg No. 1220 P03 Elevations (1:100) received by the Local Planning Authority received 8 May 2013.
- 3 The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding eight weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (amended) or any order revoking or re-enacting that Order, no development permitted by Classes A, B or C of Part 1 of Schedule 2 of that Order shall not be carried out without the prior consent of the Local Planning Authority.
- 5 Prior to the commencement of development, details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 6 Prior to the commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details should include:-
 - Means of enclosure and boundary treatments
 - Hard surfacing materials
 - Schedules of plants, species, sizes, planting plans and densities; and
 - An implementation programme.
- 7 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.
- 8 Prior to the first use of the development hereby permitted, the redundant existing vehicular crossings and the verge shall be reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority; there shall be no direct form of vehicular access between the site and the bridleway.
- 9 Prior to the first use of the development hereby permitted, off-street car parking provision shall be made within the application site in accordance with the details shown on the Dwg No. 1220/P02. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

- 10 Prior to the first use of the development hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To prevent the occupation of holiday accommodation on a permanent basis which would be considered unsustainable as per Paragraph 55 of the National Planning Policy Framework.
- 4 To allow the Local Planning Authority to retain control of the bespoke design, siting and external appearance of the development in accordance with the criteria specified in Policy BE1 of the Hinckley and Bosworth Local Plan 2001 and Policy 23 of the Core Strategy.
- 5 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.
- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

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

Contact Officer:- Simon Atha Ext 5919

Item: 08

Reference: 13/00395/COU

Applicant: Miss Joanne Squires

Location: Dalebrook Farm Leicester Road Earl Shilton

Proposal: Change of use to a ten pitch caravan site and part demolition of buildings

Target Date: 10 July 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local or wider controversial issues.

Application Proposal

This application seeks full planning permission for the change of use to a ten pitch caravan site and part demolition of buildings. The application confirms that the site is to provide occupation for gypsies.

Each pitch will accommodate two caravans and will have a minimum area of 304m² and will have a gravelled finish. The proposal includes a landscaped earth bund, 3 metres wide and 1 metre in height running along the western and part northern boundary of the site. An internal access road, leading from and existing access with Leicester Road will run throughout the site. This has a width of 5.5 metres 40 metres back from the highway. A 'Give Way' sign and a passing place is proposed. A large area of coppicing is proposed between the southern side of the access road and the southern boundary. Eight standard lampposts, are proposed at various locations around the site.

The Site and Surrounding Area

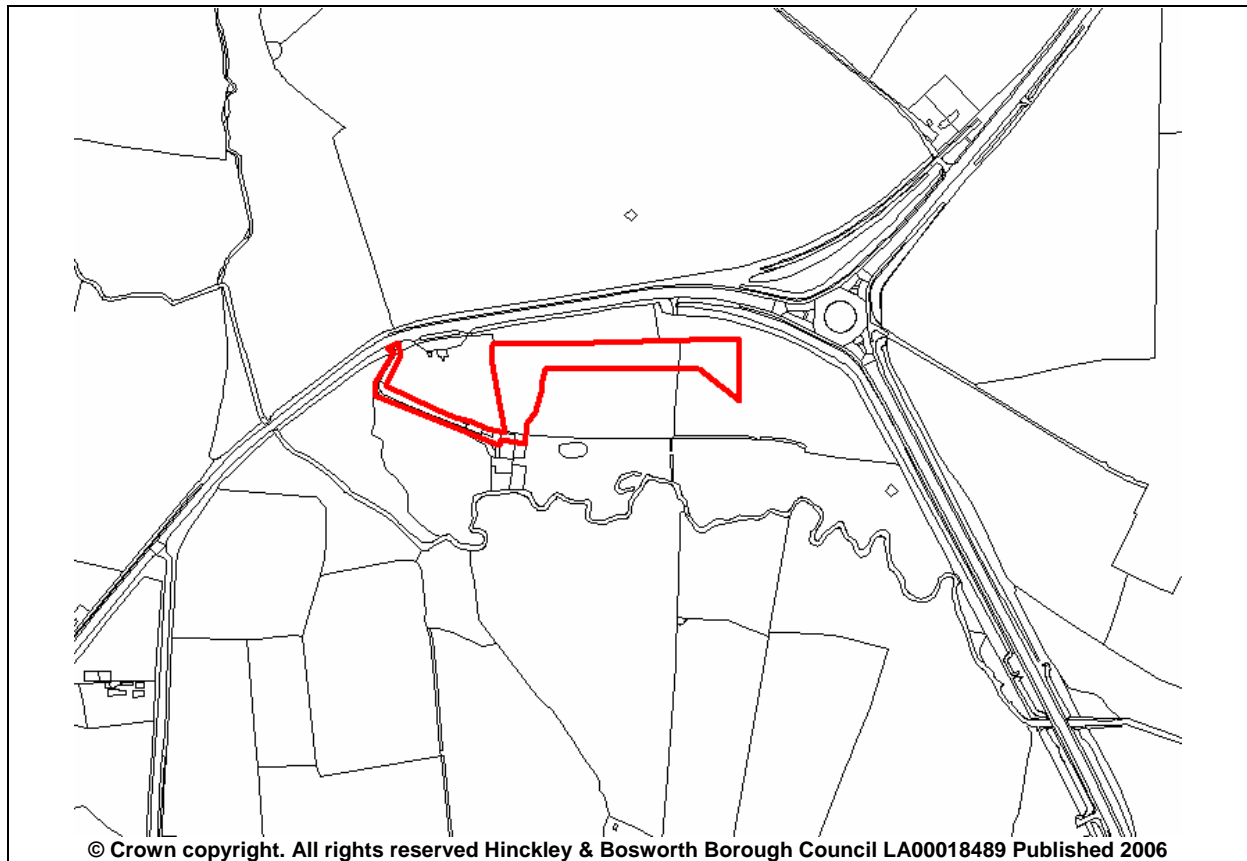
The application site comprises of a smallholding known as Dalebrook Farm. This is located to the north of Earl Shilton. Built development on site comprises a bungalow and a number of agricultural outbuildings. The site has an area of 17 acres, is within the countryside and the land is currently used for the grazing of livestock. To the north west of the site there is a detached dwelling, which was formerly a petrol filling station, with open fields around the remainder of the land holding. There is an existing vehicular access off the Leicester Road to the west of the former filling station. The site partially falls within Flood Zones 2 and 3.

Technical Documents submitted with application

Design and Access Statement
Flood Risk Assessment

Relevant Planning History:-

11/00158/COU	Change of use of land to gypsy site for four caravans	Withdrawn	04.05.11
08/00332/COU	Change of Use of Agricultural Building to Dwelling	Withdrawn	19.06.08



Consultations:-

No objection has been received from:-

National Grid
Head of Community Services (Pollution).

Director of Property Services (Travellers Sites and Liaison Officer) has submitted a letter of support that outlines the need for and benefit of the provision of traveller sites in the area and support for such sites in national guidance and good practice documents.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Environment Agency.

Earl Shilton Town Council do not object to the principle of the development, but raise the following concerns:-

- a) flood Risk
- b) prematurely
- c) drainage
- d) biodiversity
- e) highways
- f) procedure

Five letters of neighbour representation have been received, these raise the following issues:-

- a) highway safety Concerns
- b) flooding concerns- risk that part of the access road falls within flood zone 3, and parts of the site fall within flood zone 2. This requires special consideration and application of the 'Exception Test'
- c) clarification on type of caravan, occupation and number of caravans per pitch
- d) site too large
- e) adverse impacts on nearby footpath
- f) adverse impact on view
- g) local amenities will be stretched
- h) deleterious effect on neighbouring farms and house prices
- i) impacts on wildlife
- j) waste concerns.

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

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Planning Policy for Traveller Sites (March 2012)

Local Plan 2006-2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.

- a) are sustainable, safe and easy to manage and maintain
- b) are of a decent standard, equitable to that which would be expected for social housing in the settled community

- c) support harmonious relations between Gypsies and Travellers and the settled community.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

Appraisal:-

The proposed development is for the change of use to a ten pitch caravan site and part demolition of buildings for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The Officer also verifies the applicant's details and the need for the site. Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the surrounding countryside, neighbours and highway safety.

Planning Policy for Traveller's Sites (March 2012)

'Planning Policy for Traveller's Sites' came into effect on the 27 March 2012, and must be read in conjunction with the National Planning Policy Framework (NPPF). As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in these documents. Policy H of the new traveller sites policy (in paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are discussed below:-

- a) the existing level of local provision and need for site

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies a need for 42 residential pitches for the period up until 2016 within the Borough. The assessment informed the requirement for 42 pitches included within Policy 18 of the adopted Core Strategy.

Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, a total of eight pitches at Winter Oaks (formerly The Paddock), Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 29 permanent pitches. Furthermore, ten temporary pitches have been allowed on appeal for a temporary period at the Good Friday site at Barlestone.

As there is a deficit of 29 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site having regard to the requirement within the Core Strategy. Furthermore, in the absence of meeting the Core Strategy Requirement for pitch provision the Borough Council does not have a 5 year supply of Gypsy and Traveller Pitch Provision. Approval of this application would go towards meeting the current shortfall in pitches and will significantly improve the access to services such as health and education for any families residing on the site and will provide a more stable environment for their children's development.

- b) the availability (or lack) of alternative accommodation for the applicant

The Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full with a waiting list of 14 families. In addition, there are a number of families living on site that have grown up children who would like to start their own families with nowhere to move to. Approval of this application would go towards meeting the current shortfall in pitches and relieving the strain on such a site.

- c) other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer have submitted a letter of support of the application. The letter confirms the proposed site would be open to all Gypsies & Travellers regardless of their ethnic origin or family background and that Mr Smith - Agent (who would be the site manager) has indicated that he would be prepared to work with the Multi Agency Travellers Unit to accommodate Gypsies and Travellers in need of housing (at his own discretion). The applicant wishes to provide a site to accommodate some of the increasing number of Gypsies and Travellers who have no legal place to live. In addition the applicant state that he is local traveller who is well known and respected in the community.

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

The locally specific criteria in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy further below in this report.

- e) that Local Planning Authorities should determine applications for sites from any travellers and not just those with local connections

The origins of the proposed end users of the site are unknown; however the site has been owned by the applicant for 6 years.

Although paragraph 23 of Planning Policy for Traveller's Sites states that Local planning authorities should strictly limit new traveller site development in open countryside, however it is considered that this stance could only be taken once the Borough Council has identified sufficient sites to satisfy the evidenced need. This should not therefore be used as a reason for refusal for this application. Paragraph 23 also requires that the scale of a proposed site should not be of such a size as to dominate the nearest settled community and should avoid placing an undue pressure on the local community. In this respect, the issues of scale and the availability of local services will be discussed in further detail below, as these are locally specific policy criteria contained within Policy 18 of the adopted Core Strategy.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:-

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
- c) promote opportunities for healthy lifestyles such as providing adequate play areas for children
- d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

Whilst the application site is not previously developed, untidy or derelict, it offers the opportunity for a well planned site on the outskirts of 3 large settlements; Barwell, Earl Shilton and Hinckley and in sustainability terms is there sequentially preferable. The proposal provides a layout that offers additional hard and soft landscaping measures to complement the existing mature landscaping around the site and an abundance of space, providing amenity/play areas for future occupiers and their children. Aside from the bungalow on site, there is only one other property within the vicinity of the site. This is the Former Fuel Station which is situated between the access and the western boundary of the site. There will be a landscaped bund along the western boundary, however this is not considered to result in isolation of the sites occupants from the surrounding communities.

In summary it is considered that the proposal is in general conformity with the overarching principles of Planning Policy for Traveller Sites.

Local Plan 2006-2026: Core Strategy Policy 18

Policy 18 of the adopted Core Strategy confirms the Council's commitment to provide residential and transit site gypsy pitches within the context of the policy's criterion and as such implies a presumption in favour of such development. This is generally consistent with the intentions of the Planning Policy for Traveller Sites.

Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is located off Leicester Road Earl Shilton and is approximately 1.14km from the centre of Earl Shilton and 7km from the Centre of Hinckley. Although there is not a continuous footpath from the site to the centre of Earl Shilton, one is present 200 metres to the south west of the site which then extends into the town. Alternatively, a footway and cycleway is available on Clickers Way which links the site into Hinckley Town Centre. Notwithstanding this, although the residents of the site would not have to use a vehicle to travel to these settlements, it is likely that the majority of journeys would be made by car. Based on the above, the site is considered to be within a 'reasonable' distance of Earl Shilton and the services and facilities provided, as required by Policy 18.

Sympathetic Assimilation within the Countryside

The Policy requires that gypsy and traveller sites should be capable of sympathetic assimilation to their surroundings. The site occupies a slightly lower ground level than Leicester Road and is enclosed on the northern boundary by a mature hedgerow. The remaining boundaries however are either sparsely vegetated or are open. In order to assimilate the stark utilitarian urbanising impact that caravans might create in an undeveloped rural landscape, a landscaped bund is proposed along the western, and part northern boundary and an area of coppicing is proposed to the south of the internal access road. Accordingly the site will be well assimilated within the surrounding countryside, particularly during the spring and summer months, and the formation of the earth bund will not be prominent or have any significant adverse impact on the character or appearance of the countryside. On balance, and having regard to the current shortfall in pitches within the Borough, the proposals are considered to meet the requirements of Policy 18 of the adopted Core Strategy.

Scale

The Policy requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 10 pitches and when considered against a settled population of Earl Shilton, which is a large settlement, it is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment for Residents

The Policy requires proposed sites to provide a safe and healthy environment for residents in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near hazardous places as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The site is flat (not exposed) and not located on contaminated land.

The Borough Council's Strategic Flood Risk Assessment (2007) identifies that this site is partially situated within the flood zone.

Chapter 10 of the National Planning Policy Framework (NPPF) is concerned with climate change, flooding and coastal change. Paragraph 100 states that local plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk. This is to be done by, amongst other things, applying the Sequential and Exception Tests.

Caravans which are to be used as permanent residential bases are classed as 'highly vulnerable' in the Technical Guidance to the National Planning Policy Framework and their inclusion within Flood Zone 2 should only be permitted if the Exception Test is satisfied. Paragraph 102 of the NPPF state that for the Exception Test to be passed:-

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and,
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this case a short section of the access route falls within Flood Zone 2 and 3. However the site has been carefully laid out to ensure that the pitches do not fall within an area of flood risk. Accordingly, the Environment Agency have confirmed, based on their best available data that in the event of a flood, the pitches would remain dry and that there is land available for dry egress if required.

As only a small part of the access falls within flood zones 2 and 3 the likely harm to the future occupiers, when balanced against the 'need' for the site, is considered minimal and would not warrant refusal of the scheme.

Separate vehicular and pedestrian access is not provided in this case and is not considered to be achievable in any event. Emergency vehicles could access the site.

The Good Practice Guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. The dwelling at the site benefits from basic facilities of electric, water and drainage and the applicant has confirmed that the foul effluent resulting from the proposal is to be drained to an existing septic tank which currently serves a bungalow on site. Notwithstanding this information, as no details of the existing Septic Tank have been provided, the Environment Agency have raised concerns in respect of its size, suggesting that it may not be large enough to cater for the requirements of the development. In the absence of these details, a condition has been suggested to secure such. This is considered a reasonable and necessary request and will be imposed if the application is recommended for approval.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Design and Layout

The Good Practice guide states that sites of various sizes, layouts and pitch numbers operate successfully. In this case, this is a private site, meaning there are no defined standards in terms of design. The guidance suggests that permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle. The proposed pitches will each have a minimum area of approximately 304m² and a maximum area of approximately 486m². Although the parking spaces and amenity buildings are not illustrated on the plans, there is adequate space for their provision. The design and layout affords individual pitches, open amenity/play space and parking spaces whilst providing natural surveillance. The internal access road runs to the front of the pitches, not between them, thus reducing noise and disturbance. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

The proposal also includes a landscaped earth bund along the western and part northern boundary of the site. This will both provide privacy and will act as an acoustic barrier from traffic travelling along Leicester Road.

Accordingly the internal layout is considered to be acceptable in terms of its design and siting.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in ten pitches, there will be increased activity on site and more vehicle movements. However, the nearest residential property to the site is the Old Filing Station which is roughly 40 metres from the access and roughly 46 metres from the nearest pitch. As a result of the scale of the proposed development, the provision of the landscaped bund and the separation distances, on balance, the level of noise and disturbance created is not considered to be materially harmful to this properties residential amenity.

Highway Safety

Policy 18 requires Gypsy and Traveller sites to have a safe highway access as well as adequate provision for parking and servicing.

The Director of Environment and Transport (Highways) have responded as follows:- "whilst the access is on the inside arm of a sweeping bend, there is a wide verge on the south side

of Leicester Road which helps to improve visibility. Whilst the 160 metre splay requirement can be met in the critical (right hand) direction, the left hand splay measures around 140 metres which represents a 20 metre or 12.5 per cent shortfall. Whilst this may be material, it is more doubtful whether the shortfall is "severe", which is the test of materiality set out in the NPPF.

There have been no recorded accidents along this part of Leicester Road in the last 5 years and surveys have shown a dramatic decline in traffic volumes since the opening of the Earl Shilton bypass.

Taking into account all the matters above, it is considered, on balance, that a refusal on highway safety grounds would be difficult to justify. As such, the proposals are considered acceptable from a highway point of view, subject to the conditions."

Other Considerations

Lighting

It is stated on the application forms that the site will be lit by lighting columns; however no specific details of these have been submitted with the application. Accordingly these details will be requested by condition if the application is recommended for approval.

Part Demolition of the Agricultural Building

The building in question comprises a corrugated panelled building in a poor state of repair. Its partial demolition will enhance the local setting and the visual amenity and character of the surrounding countryside and is therefore considered acceptable. Its demolition is required to facilitate the most preferable route of vehicle access to the pitches.

Issues raised within the neighbour letters of representation not addressed elsewhere in the report, will be considered below:-

The Gypsy and Traveller Site Allocations process has not yet begun, and is not expected to commence until early 2014. The Borough Council in its capacity as the Local Planning Authority has a duty to determine any planning application submitted. Given the need for Gypsy site provision as identified by policy 18, there is no case for the borough Council to delay the determination of the application until the completion of the site allocations process.

Concerns have been raised that the site will have an adverse impact on biodiversity. The site has no known protected or priority species does not comprise a designated site, important habitat or have any other biodiversity features and has no features of geological conservation importance. Accordingly no further ecology surveys or investigations have been required for the site, and no objections have been raised by Directorate of Chief Executive (Ecology) from the 'weekly list' consultation.

It has been suggested that the site has already been granted delegated approval. This is not the case. From the outset, the application has been designated to be determined by the planning committee due to the wider controversial issues it raises. No recommendation is made until a full appraisal of the scheme has been undertaken.

Clarification has been required on the number of caravans per pitch. A pitch can accommodate up to 3 caravans.

As the site is situated roughly 200 metres from the public footpath, there is no reason or evidence to suggest that the development would have an adverse impact on the footpath.

Impact on, or loss of view is not a material planning consideration.
Impact on land or property value is not a material planning consideration

Waste concerns - there is no reason or evidence to suggest that the development would have an adverse impact in respect of waste, and thus this will have no impact on the outcome of the application.

Conclusion

Based on the identified shortfall in pitch provision and need for the site, which has been confirmed by the County Councils Gypsy Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and national planning policy for Traveller sites, the 'need' for the site and therefore the principle of development is considered to be acceptable. Further, the criteria listed within the national guidance and Policy 18 is considered to have been met. The site is considered to be a reasonable distance from local services and infrastructure, will be compatible with the scale of the nearest service centres, will result in no adverse impacts in terms of highway safety or residential amenity, will sympathetically assimilate into the surroundings, and will provide a safe and healthy environment to residents. Accordingly the proposal is considered acceptable and will be recommended for approval subject to conditions.

RECOMMENDATION: That the Development Control Manager shall be granted delegated powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 20 June 2013 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. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within National Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, the 'need' for the site in question is considered to be justified and the requirement to provide sites, considered paramount. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact in terms of visual or residential amenity, flooding or flood risk, on the character of the countryside or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all other material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of NPPF and the Planning Policy for Traveller Sites.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), NE5, T5 and NE10.

Local Plan 2006-2026: Core Strategy 2009:- Policy 18.

In dealing with the application, through ongoing negotiation 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: Drg Refs:- 'Location Plan', 'Proposed Caravan Site and Barn Extension Dalebrook Farm' received by the Local Planning Authority on the 15 May 2013.
- 3 The approved soft landscaping scheme shall be carried out and completed in accordance with the details as included on Drg Ref: 'Proposed Caravan Site and Barn Extension Dalebrook Farm' received by the Local Planning Authority on the 15 May 2013 and shall be implemented within the first planting season following the development. 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.
- 4 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for travellers sites'.
- 5 Before first occupation of the site hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 6 Before first occupation of the site hereby permitted, its access drive, any turning space and junction radii shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.
- 7 The access road shall be a minimum of 5 metres wide for at least the first 10 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 8 Before the first occupation of the site hereby permitted, visibility splays of 2.4 metres by 140 metres shall be provided to the left of the access at the junction with Leicester Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 9 Prior to first occupation of the site hereby approved, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:-
 - A plan illustrating the positions of the lighting columns
 - A scaled plan indicating the height of the lighting columns
 - The candela of the light source
 - Any measures to reduce glare
 - Implementation programme

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 work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 (criteria a) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use therefore this condition is required to ensure that the site is occupied for the justified purposes.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) In accordance with Policy T5 of the Hinckley and Bosworth Local Plan
- 7 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 9 In the interests of residential amenity and to protect the character of the countryside. In accordance with criteria i of policy BE1 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 In order to provide the visibility splays detailed in condition 8 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.

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).

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

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Adoptions team or the Area Manager.

For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Guide" (Htd) at www.leics.gov.uk/Htd.

Contact Officer:- Eleanor Overton Ext 5680