

**PLANNING COMMITTEE**

**18 September 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**

**PLANNING COMMITTEE AGENDA - 18 September 2013 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
13/00056/FUL	Mr Michael Gisborne	71 Park Road Ratby	01	02
13/00413/FUL	David Wilkinson	112 Main Street Higham On The Hill Nuneaton	02	25
13/00416/FUL	Mr Peter Draycott	Tooley Park Farm Peckleton Common Peckleton	03	33
13/00424/FUL	Mrs Jane Carrara Chambers	Land R/O 86 Leicester Road Hinckley	04	37
13/00458/FUL	Mr Andrew Lloyd	Bulls Head 88 Main Street Nailstone	05	49
13/00534/FUL	Mr Jeff Penman	Maple Drive Hinckley	06	58
13/00566/EXT	Mr John Brown	Manor Farm Main Street Thornton	07	68
13/00579/HOU	Mr S Dempsey	49 Stamford Drive Groby	08	79
13/00600/FUL	Urban Wind Ltd	Land North Merrylees Road Thornton	09	84
13/00610/FUL	Mr Chris Stamper	Coton Priory Priory Lane Far Coton	10	96
13/00658/COU	Mr G Penney	The Oaks Stapleton Lane Kirkby Mallory	11	102

**Item:** 01  
**Reference:** 13/00056/FUL  
**Applicant:** Mr Michael Gisborne  
**Location:** 71 Park Road Ratby  
**Proposal:** Erection of 29 residential units  
**Target Date:** 9 May 2013

**Introduction:-**

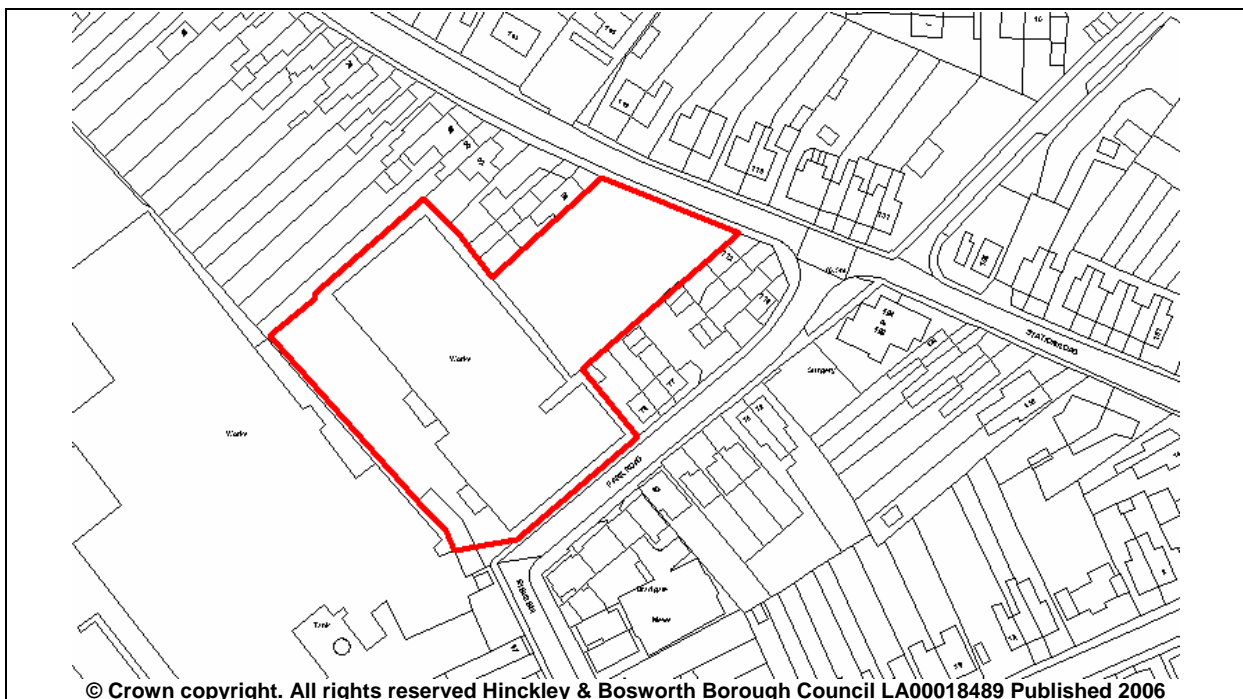
Application Proposal

Members will recall that this application went before them at July committee where it was resolved to approve the application subject to the completion of a S106 agreement to secure the affordable housing.

Following the resolution the architect has considered in more detail the proposal which has resulted in minor amendments to the plans. The application is therefore presented to committee to approve the changes and subsequent amendment to condition. The original report is attached for information as appendix A and original late items as appendix B.

The amendments sought relate to plots 1-3 inclusive, 8-10 inclusive and plots 22-24 inclusive. The changes to Plots 1-3 amend the internal layout which has resulted in changes to the rear fenestration. Plots 8-10 now incorporate a stagger to the roof line to reflect the change in levels across the site.

An additional re-consultation has taken place.



## **Consultations:-**

(Received as part of consultation from amended plans)

Site notice and press notice were displayed and neighbours notified.

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

- a) the on street parking is based upon an error within the Transport Statement that assumes the on street parking is due to visitors to shops. It in fact derives from residents parking
- b) the development will displace 4-5 vehicles and create more demand for on-street parking
- c) proposal will restrict access to private driveways.

## **Appraisal:-**

The application originally went before Members in July where it was resolved to approve subject to a S106 being completed to secure the affordable housing. Due to the submission of amended plans, the application is back before Members to consider whether the elevation changes detrimentally affect the appearance or character of the streetscene in which they sit, or whether the changes would affect the amenities of neighbouring residents whether existing or future occupiers of the development.

### Plots 1-3

This change only relates to the ground floor rear elevation of plot 1 and consists of patio doors and a window being relocated. These changes do not affect the appearance of the development, and the location to the rear means that there are no changes to the character of the streetscene. The proposal is considered acceptable and considered to comply with Policy BE1 criterion a.

### Plots 8-10 and 22-24

The changes to these plots incorporate a stagger in the eaves and ridge heights to reflect the changes in finished ground levels. The change in levels break up the ridge and eaves line. It is not considered that these changes are significant and therefore are considered to conserve the character of the development and therefore are in accordance with Policy BE1 criterion a. The proposal is therefore considered acceptable.

### Amenity

Plots 1-3: The amendments relate to the rear elevation and ground floor only. The amendments involve switching a window and door around. It is not considered that the proposals would result in any additional overlooking that would detrimentally affect the amenities of neighbouring residents.

Plots 8-10 and 22-24: the stagger in the ridge line of the two terrace blocks would not affect the amenities of existing residents living around the site or future residents.

The proposed amendments are not considered to result in a detriment to the amenity of either existing or future occupiers.

### Conditions

An amendment to condition 2 is required, removing the superseded plans and incorporating the latest set of amended plans.

Condition 2 has been amended to read:

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

3359/WD/12/001 Rev A (Local plan scale 1:1250), 3359/WD/12/024 (site sections), 3359/WD/13/011, 3359/WD/12/002 (topographical survey), 3359/WD/13/013, Received 7 February 2013.

3359/WD/13/010 Rev B, 3359/WD/13/021 Rev B, received 8 April 2013.

3359/WD/13/020 Rev C, 3359/WD/13/12 Rev A, 3359/WD/13/022 Rev B, 3359/WD/13/023 Rev C, 3359/WD/13/024 Rev B, 3359/WD/13/025 C, 3359/WD/13/015 Rev A, 3359/WD/13/014 Rev A, received 22 May 2013.

3359/WD/13/026 Rev B, 3359/WD/13/017 Rev B, 3359/WD/12/003 Rev L, 3359/WD/12/004 Rev F, 3359/WD/13/016 Rev A, 3359/WD/13/028 Rev C, 3359/WD/13/018 Rev B, received 1 July 2013.

3359/WD/13/027 Rev D, 3359/WD/13/030, 3359/WD/13/019 Rev E, 3359/WD/13/029 Rev F, received 13 August 2013.

#### Other issues

Since re-consulting one letter has been received raising objections regarding on-street parking and inaccuracies within the Transport Statement. These were considered within the original report and the changes now being considered do not affect parking, traffic or highway safety.

#### Conclusion

The amended plans seek minor changes to the elevations of a scheme that has a resolution of approval subject to the completion of a S106. The changes are not considered to detrimentally affect the character or appearance of the development or streetscene in which they sit, or the amenities of existing or future neighbouring residents.

It is therefore recommended to approve the application, subject to completion of the S106 and amend condition 2 to reflect the amended plans.

**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 the Development Control Manager shall be granted delegated powers to granted planning permission subject to the conditions below.**

- 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: -

3359/WD/12/001 Rev A (Local plan scale 1:1250), 3359/WD/12/024 (site sections), 3359/WD/13/011, 3359/WD/12/002 (topographical survey), 3359/WD/13/013, Received 7 February 2013.

3359/WD/13/010 Rev B, 3359/WD/13/021 Rev B, received 8 April 2013.

3359/WD/13/020 Rev C, 3359/WD/13/12 Rev A, 3359/WD/13/022 Rev B, 3359/WD/13/023 Rev C, 3359/WD/13/024 Rev B, 3359/WD/13/025 C, 3359/WD/13/015 Rev A, 3359/WD/13/014 Rev A, received 22 May 2013.

3359/WD/13/026 Rev B, 3359/WD/13/017 Rev B, 3359/WD/12/003 Rev L, 3359/WD/12/004 Rev F, 3359/WD/13/016 Rev A, 3359/WD/13/028 Rev C, 3359/WD/13/018 Rev B, received 1 July 2013.  
3359/WD/13/027 Rev D, 3359/WD/13/030, 3359/WD/13/019 Rev E, 3359/WD/13/029 Rev F, received 13 August 2013.

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until 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:
  - proposed finished levels or contours
  - means of enclosure
  - car parking layouts
  - other vehicle and pedestrian access and circulation areas.
  - hard surfacing materials
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - planting plans
  - written specifications
  - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular accesses from Station Road.
- 7 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.
- 8 Before first occupation of any dwelling, its access drive 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.
- 9 The window to be inserted in the first floor of the south eastern elevation of plot 5 and north eastern elevation of plot 11 shall be obscure glazed and top opening only and retained as such at all times thereafter.
- 10 No development shall commence until a scheme that includes the following components to deal with the risks associated with the contamination of the site shall be submitted to and approved, in writing, by the local planning authority:
  1. A preliminary risk assessment which has identified:-

- All previous uses
  - Potential contaminants associated with these uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigations scheme based on (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and detailed risk assessment referred to in (2) an, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) and complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 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.
- 12 No development shall commence until details of acoustic ventilation to be installed in all habitable rooms of plots 11-26 (inclusive), all habitable rooms on the south west elevations of plots 6-10 (inclusive) and south east elevations of plots 27-29 (inclusive) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
- 13 No development shall commence until details of the acoustic fence to the south-western boundary separating the site from the adjoining industrial premises shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary shall be implemented in accordance with the approved details prior to the first occupation of the site.
- 14 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 into use.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.

- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate landscaping is carried out in the interest of the visual amenity of the site in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 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 prevent overlooking of neighbouring residents in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 10&11 To ensure that the previous uses of the site do not result in material harm to future occupiers through air or soil pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan supported by paragraph 121 of the NPPF.
- 12&13 To protect the amenities of future occupiers of the site from noise of the neighbouring industrial premises in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

**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](http://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 11 advices 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.

#### Appendix A - July Committee Report.

**Item:** 04  
**Reference:** 13/00056/FUL  
**Applicant:** Mr Michael Gisborne  
**Location:** 71 Park Road Ratby Leicester  
**Proposal:** Erection of 29 residential units  
**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 consisting of 10 or more dwellings.

#### Application Proposal

This application seeks full planning permission for the erection of 29 residential dwellings on land to the south-west of Station Road and north-west of Park Road, Ratby. The proposal includes 5 dwellings accessed off Station Road which comprise a terrace of 3 dwellings and a pair of semi-detached dwellings. Parking is provided to the front of each property with direct access onto Station Road. The remaining 24 dwellings are accessed off Park Road, with 7 (4 semi-detached dwellings and 3 terraced dwellings) facing Park Road, and the remaining 17 dwellings located around and accessed off a small cul-de-sac from Park Road.

The proposal consists of 4 x one bedroomed flats, 16 x two-bedroomed dwellings and 9 x three-bedroomed dwellings. All of the properties are two storeys with off street parking and private gardens or access to amenity space. The properties facing Station Road have been designed with a traditional appearance incorporating chimneys; arched brick headers and pitched canopies above the entrance doorways.

Amended plans have been received changing some details of the dwellings, to result in a more coherent development and moving plots 7 and 8 to the south west. Further consultation has taken place which expires on 12 July 2013.

#### Site and Surrounding Area

The site currently comprises former industrial buildings no longer required for economic purposes with associated car parking and measures 5,087 square metres. It is located to the south-west of Station Road and north-west of Park Road, Ratby. The buildings comprise single storey and two storey brick built elements fronting Park Road with a larger more modern steel portal building behind. The site level falls away to the south west, and currently there is a change in levels within the site between the factory units of approximately 0.5m.

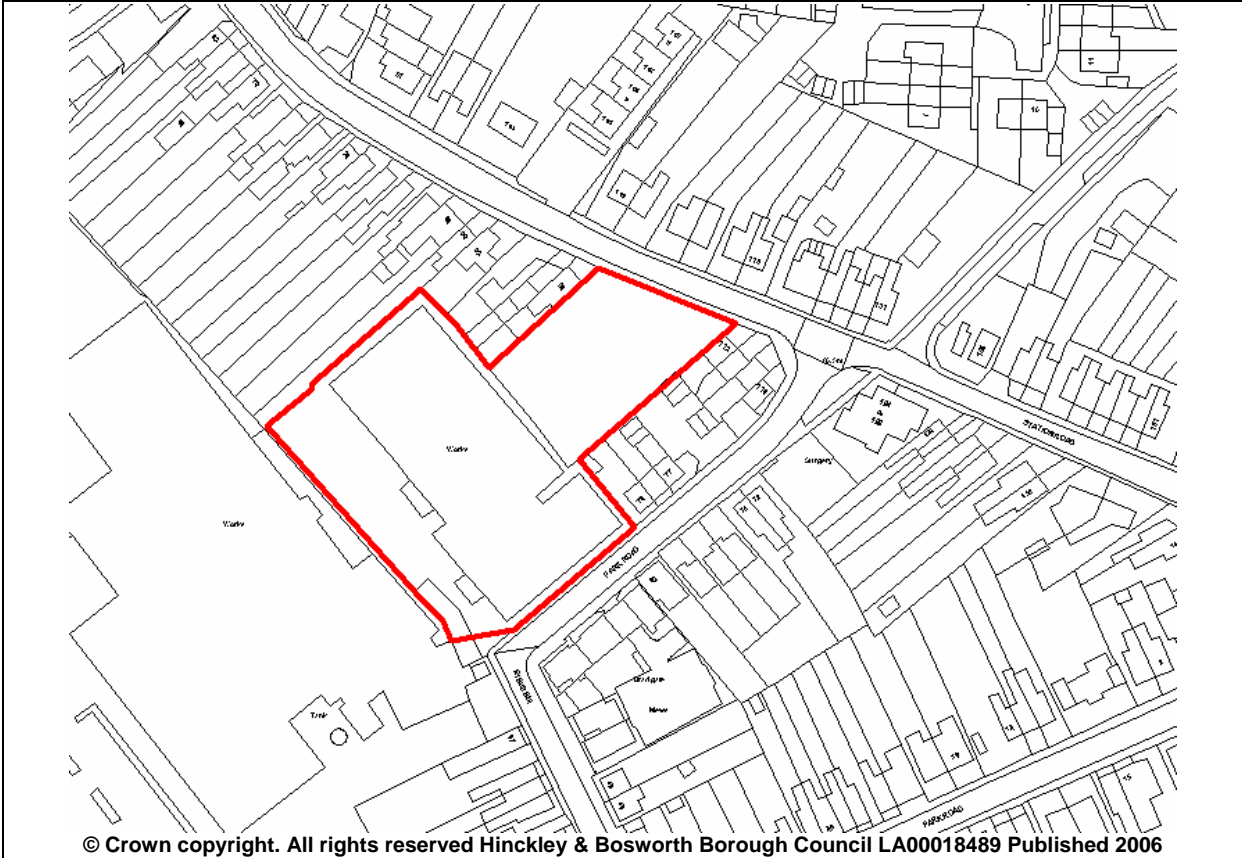
The application site is located within a predominantly residential area with some commercial uses interspersed, for example a local paper shop and doctor's surgery, as well as the existing industrial premises on the site. The dwellings located on the western side of Station Road, to the north of the site, are traditional Victorian terrace properties, with 1920/30's semi detached dwellings opposite. To the south of the site before the junction with Park Road, there is a small development of 1970's properties. Park Road contains a mix of properties including a pair of semi-detached Victorian Villas, three 1980's dwellings and a two storey block of flats.

**Technical Documents Submitted with the Application**

- Transport Statement
- Affordable Housing Statement accompanied by Affordable Housing Needs document
- Noise Impact Assessment
- Design and Access Statement
- Heads of Terms

**Relevant Planning History:-**

None relevant



**Consultations:-**

No objection subject to conditions have been received from:-

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

Head of Community Services (Pollution)  
Head of Community Services (Land Drainage)  
Head of Business Development and Street Scene Services

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

- a) Directorate of Chief Executive (Ecology) no request made
- b) Director of Children and Young Peoples Services (Education) has requested £72,594.06 towards extensions at Ratby Primary School to accommodate the additional demand created by the residential development
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,446.00 towards mitigating the increased use of the civic amenity site associated with the new development at Coalville and Wheatstone Civic amenity sites
- d) Director of Adults and Communities (Libraries) has requested a contribution of £1,550 towards Ratby Library, to off set the impact of the development on the library facility
- e) Director of Environment and Transport (Highways) has requested a travel pack to be provided for each dwelling (LCC can supply these at a cost of £52.85 per pack) and two 6 month buss passes per dwelling at a cost of £325.00 per pass).

The Primary Care Trust has requested £2,492.38 towards the cost of an additional clinic room at the Ratby Practice.

Ratby Parish Council have no objection to the proposal and consider the provision of 40% affordable housing good for Ratby, however would like to see bungalows and apartments for older residents who wish to own their own homes.

Site notice and Press notice were displayed and neighbours notified.

Three letters of objection and one letter of support have been received raising the following concerns:-

- a) restricts rear access to neighbouring properties, effecting bin collection and storage of motorcycle for which their deeds allow
- b) loss of privacy and overlooking
- c) additional traffic resulting in congestion and parking problems
- d) Error in transport statement that states 'on street parking is generally created by passing trade to local shops'. This is incorrect as most on street parking is created by residents. Visitors to the proposal will increase on street parking within the area.
- e) prevent off street parking to the front of the neighbouring property
- f) loss of light to a second floor window.

In support of the application the following comments have been received:-

- a) the existing factory is an eye sore and hazardous
- b) proposal is well designed.

### **Policy:-**

#### National Policy Guidance

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

### Local Plan 2006-2026: Core Strategy (2009)

Policy 7: Key rural centres  
Policy 8: Key rural centres relating to Leicester.  
Policy 15: Affordable Housing  
Policy 16: Housing Density Mix and Design

### Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of infrastructure and facilities.  
Policy RES5: Residential proposals on unallocated sites  
Policy EMP1: Existing employment sites  
Policy BE1: Design and siting of development  
Policy NE2: Pollution  
Policy T5: Highway design and vehicle parking standards  
Policy REC2: New residential development - outdoor open space provision for formal recreation  
Policy REC3: New residential development - outdoor play space for children

### Supplementary Planning Guidance/Documents

New Residential Development (SPG)

### Other Material Policy Guidance

Employment Land and Premises Study 2010.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, including the loss of employment land and contribution to housing supply; layout, design and appearance of the proposal; impact on the amenities of existing and future residents; highway safety and developer contributions.

### Principle of development

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 site is located within the defined settlement boundary of Ratby and is located close to services, public transport routes and community facilities and represents the development of previously developed land. The location is considered to be sustainable and in accordance with the objectives of the NPPF.

## Employment

The site is a designated employment site under Policy EMP1 (b), this identifies sites where proposals for other employment activities or alternative uses should be considered on their merits. The Employment Land and Premises Study supports this classification, and notes that the site consists of outdated buildings in a rural location with limited commercial demand, and suggests redevelopment for other employment activities or alternative uses as appropriate within a mixed use scheme. The study suggests that between 50% and 75% of employment land should be retained.

The application site comprises approximately one third of the total employment site identified within the policy and therefore retains more of the employment site than the minimal recommended for retention. The applicant has indicated that the portion of the wider employment site that forms the application area is now surplus to requirements and the industrial process will be focused within the buildings to the south.

It is considered that the proposed loss of part of the existing employment site is in accordance with Policy EMP1 supported by the Employment Land and Premises Study (2010).

## Housing Supply

Policy 8 of the Core Strategy seeks to allocate land within Ratby for a minimum of 75 new homes. To date 69 dwellings have been completed or granted planning permission within the plan period resulting in Ratby having a residual of 6.

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

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

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

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

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

It should be noted that the Ratby and the Shilton Road, Barwell decisions are currently being challenged through the Judicial Review process though that does not change the current

position which is to utilise the Liverpool method as accepted by the Inspector at those inquiries. Using that method the authority has a 5 year housing supply.

The proposal would exceed the allocation within the Core Strategy for Ratby by 23, a 30% over provision; however, the site is located within the defined settlement boundary on previously developed land, close to facilities and transport routes and therefore considered to be sustainable development in accordance with the NPPF. On this basis it is considered that the principle of the development is acceptable.

### Layout

The layout of the proposal seeks to reflect and complement the surrounding development. Five dwellings are proposed facing onto Station Road. The three terraced properties are sited in line with 98 Station Road, the immediate dwelling to the north west. The pair of semi-detached properties step forward, resulting in the front wall of the dwellings being sited 1m behind the rear elevation of the adjacent dwelling No. 112.

This element of the scheme is considered to respect the existing staggered development along Station Road, and whilst the side elevation of plot 4 would be visible due to this stagger, there are other examples within the street where this occurs (for example 86, 88, 94 and 112 Station Road). This is considered to be part of the character of this section of Station Road and therefore the proposed stagger is considered acceptable.

The majority of the proposed dwellings are accessed off Park Road. Seven dwellings face on to Park Road. Park Road contains a mix of dwellings from a wide range of periods. Numbers 70 and 72 are Victorian Villas, located close to the back edge of the highway, whilst opposite (Numbers 73, 75 and 77 Park Road) are part of a 1980's development with shallower pitched roofs, and off street parking in the form of garages to the rear. At the corner of Park Road, there is a two storey development comprising apartment blocks, built up to the back edge of the highway, with parking to the rear via an undercroft. Properties within this section of Park Road face onto the highway but vary in their distance from it. The proposed dwellings facing Park Road are considered to reflect this character. with parking being provided to the front and rear. The remaining dwellings accessed from a central estate road replicate this character with the proposed distance from the highway being staggered and a variety of parking solutions. The layout is considered to reflect the dimensions and shape of the site and character of the surrounding layout. The layout of the proposal is considered to be acceptable.

### Design and appearance

The proposed dwellings are all two storey in scale. The proposed dwellings facing Station Road incorporate chimneys with arched brickwork details and dual pitched porches above the doors. The dwellings accessed from Park Road have a plainer, more modern design with stone effect lintels rather than arched brickwork details with some rendered elevations to break up the brickwork.

It is considered that the design and appearance of the dwellings reflects the characters of the areas in which they are located. The properties facing Station Road have a more traditional treatment, whilst the properties with access from Park Road are a more modern design.

Amended plans have been received that seek to ensure that the elevations are coherent and have sufficient interest to result in an attractive development. It is considered that there is sufficient visual interest, that results in a coherent scheme and accordingly the proposal is considered to be in accordance with Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.

## Amenities

### *Existing residents*

The nearest residents to the proposal are 98 and 112 Station Road, and 73, 75, 77 Park Road.

98 Station Road is located northwest of plot 1. Plot 1 would be sited level with the side elevation of no 98 and there are no windows proposed in the side elevation that would result in overlooking of the proposal. No 98 has a second floor window in the side elevation facing the development; however the occupier of the property has confirmed that this serves a landing to a loft conversion and is not therefore a habitable room. Whilst the proposal would reduce light to this second floor window it is not considered that this would be so detrimental to as to constitute a reason for refusal of planning permission.

The rear windows to plot 1 would overlook part of the rear amenity space of number 98; however this would be at an angle and would not overlook the area closest to the rear elevation that is considered to be most private. This relationship is considered to be acceptable and similar to the relationship between any neighbouring dwellings.

112 Station Road is located to the south east of the site and comprises a two storey end terraced dwelling dating from the 1980's. There are no windows on the north-western side elevation of this dwelling facing the proposal and there is a 2m high wall along the boundary between No. 112 Station Road and the application site. The nearest proposed dwelling to no. 112 Station Road would be plot 5. This is a semi-detached dwelling, with a first and ground floor window to the side elevation, serving a bathroom and kitchen respectively. Due to the siting of the proposed dwellings, the first floor side window would overlook the rear garden of No 112 Station Road, however this window serves a bathroom and therefore it is considered appropriate and reasonable to impose a condition stating that the window shall be obscurely glazed and top opening only. Views from the ground floor window would be interrupted by the existing brick wall.

The proposed dwelling on Plot 5 would be orientated to the north-west of 112 Station Road, and is set in off the boundary by 2.4m. It is therefore not considered that the proposal would result in a detrimental loss of amenity to the occupiers of 112 Station Road.

The gardens of 75 and 77 Park Road, back on to the side of the rear garden of plot 6, as plot 6 sits at right angles to these 2 properties it is not considered that the proposal would result in any loss of amenity to these properties.

No 73 Park Road is located to the east of plot 11. Plot 11 is a two storey end terrace property with two windows in the end elevation, one at ground floor and one at first floor. Number 73 is at a higher land level than the application site. There is currently a 1.8m close boarded fence between 73 and the application site. This would block any views of the rear garden of 73 from the ground floor window. The first floor window serves a bathroom and in this circumstance it would be appropriate and necessary to impose a condition requiring this to be obscurely glazed and top opening only.

### Future occupiers

The relationship between Plot 7 and 8 results in Plot 7 projecting 4 metres beyond the rear of Plot 8 which has a kitchen and dining area across the rear with patio doors. Whilst not ideal, there is a 1 metre footpath between the 2 plots and the future occupiers will be aware of the situation before moving in. The developer does not consider that the relationship will render Plot 8 un-sellable and it is considered that it would not justify refusal of the application. A

similar situation occurs between plots 15 and 16, again this is not considered to justify refusal of the application.

Within the development only plots 1-5 inclusive and 6-10 inclusive back onto each other. The layout achieves a distance of 24 m between habitable windows on plots 4, 5 and 6, 7 which reduces to 20 m between plots 1-3 and 8-10. SPG on New Residential Development suggests that to preserve amenity a minimal distance of 25m between habitable windows should be achieved. Whilst these distances fall below the guidance this has to be balanced against other factors including making the best use of land. Policy 16 requires a density of at least 30 dwellings per hectare (dph) and the proposal represents a density of 57 dph and therefore represents a dense scheme. This is not considered to be out of character with the surrounding area, and such a density is considered acceptable. At such a high density, it would be difficult for the development to comply with distance proposals and the proposed distances between dwellings are not considered so detrimental to amenity bad to sustain a refusal of planning permission.

#### Impact on the Highway and Parking

The site would result in a new access being created off Park Road, whilst the properties facing Station Road and Park Road would have off street parking spaces accessed from individual vehicle crossovers. The Director of Environment and Transport (Highways) has no objection to the scheme stating that the traffic generated would be similar to that generated by the previous use of the site. The Director of Environment and Transport (Highways) suggests the following conditions: no gates be erected across any accesses from Station Road; and visibility is maintained and appropriate surfacing of accesses. The Director of Environment and Transport (Highways) has also requested that a scheme be submitted and approved providing details of how all redundant accesses are to be closed. This condition is not considered necessary as the proposed layout ensures existing accesses are closed.

Objections have been received over the accuracy of the Transport Assessment in respect of statements regarding on street parking. Local residents have commented that on street parking is generated by residents and not visitors to the local shops as cited within the Transport Assessment. There are no parking restrictions along Station Road and a lot of the properties do not benefit from off street parking, resulting in a high proportion of on street parking. The proposed scheme provides two off street parking spaces for each property and therefore meets parking requirements contained within the County Councils 6C's guidance. . No one has the right to reserve a space on the public highway and providing there are sufficient off street parking spaces provided, it would not be possible to demonstrate that the proposal would increase on street parking and detrimentally harm highway safety. The proposal is considered to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

#### Developer Contributions

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

#### Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, types, tenure and range of housing that is required and plan housing development to reflect local needs particularly for affordable housing.



Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application as it is in general conformity with the NPPF.

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

The latest housing register for Ratby indicate that there are 593 applicants seeking affordable housing of which 258 were seeking 1 bed roomed dwellings; 215 two bed roomed dwellings; 92 three bed roomed dwellings and; 28 four bed roomed dwellings. There is therefore a high demand for properties within the Ratby area.

The scheme proposes 19 units out of the 29 as affordable, resulting in 65% affordable provision. This is above the minimum policy requirement. Ratby has a large waiting list demonstrating there is a high demand for affordable dwellings and the over provision is considered to be acceptable.

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

#### Play and Open Space

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

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

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

No informal open space is located within 400m of the application site, however formal provision at Ferndale Drive is located within 1km of the site. Under the terms of the Council Policy an off-site contribution can be made towards the formal provision at Ferndale Drive site, however as the site falls outside the catchments for informal provision no request can be justified towards informal provision in this instance.

Within the Green Space Strategy Ratby has a sufficiency of 1.90 ha per population of outdoor sports space. Within the Audits of Provision Ferndale Drive scored 31.5% which within the 2007 update rose to 55.6%.

Whilst there is a sufficiency of outdoor sports space within Ratby, its poor score prevents residents using it to its full potential. The development is of a type that would result in additional use of open space which would be directly related to the development. It is considered that a request towards provision of off site play space is therefore fairly and reasonably justified to meet the requirements of the CIL regulations.

Ratby Parish Council have confirmed that any contribution would go towards improving the existing facilities at Ferndale Park, specifically the provision of changing rooms.

As such the contribution sought equates to £16,430.40 consisting of the following elements:-

- £9,038.40 for provision of formal recreation off site.
- £7,392.00 towards maintenance of the off-site recreation provision

It is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities, is directly related to the development and fairly and reasonably relates in scale and kind. Accordingly the contribution is considered to comply with Policy REC2 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

#### Other Developer Contributions

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

- a) Director of Children and young Peoples Services (Education) has requested £72,594.06 towards extensions at Ratby Primary School to accommodate the additional demand created by the residential development
- b) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,446.00 towards mitigating the increased use of the civic amenity site associated with the new development at Coalville and Whetstone Civic amenity sites
- c) Director of Adults and Communities (Libraries) has requested a contribution towards Ratby Library, to off set the impact of the development on the library facility
- d) Director of Environment and Transport (Highways) has requested a travel pack to be provided for each dwelling (LCC can supply these at a cost of £52.85 per pack) and two 6 month buss passes per dwelling at a cost of £325.00 per pass)
- e) The Primary Care Trust has requested £2,492.38 towards the cost of an additional clinic room at the Ratby Practice.

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

- Affordable housing (65% provision across the site)
- Play and Open Space (£16,430.40)
- Director of Children and Young Peoples Services (Education) (£72,594.06)
- Director of Environment and Transport (Highways) travel packs at (£52.85 per dwelling) and 6 month bus passes at (£325.00 per pass, 2 offered per dwelling)

The contributions sought by the Director of Adults and Communities (Libraries), by the Director of Environment and Transport (Civic Amenity) and the PCT are not considered to comply with the CIL regulations. These require, amongst other things for the contribution to be necessary to make the development acceptable.

The proposal would result in an increase of 3.9% in users of Ratby library, and given the number of users, it is considered that the impact of the proposed development would be

minimal and therefore it is considered that it would not be possible to demonstrate that the contribution would be necessary.

With regards to the contribution sought by Director of Environment and Transport (Civic Amenity). The development would result in an increase of 0.12% to the local Civic Amenity Site at Whetstone, and accordingly and for the same reasons as the library contribution above this is not considered that it is possible to demonstrate that the contribution would be necessary to make the proposal acceptable.

The PCT state that to accommodate the additional population generated by the proposal an additional 0.063 of a clinical room is required. Again given the scale of the additional need it is not considered to be of such an increase as to make it necessary to make the proposal acceptable.

### Viability

Government guidance suggests that local authorities should be reasonable and flexible and have regard to a scheme's viability when considering developers requests to reduce section 106 obligations (including affordable housing). The application is accompanied by a viability assessment which states that the scheme is not able to provide any developer contributions. The submitted information indicates that the scheme is being funded through a grant from a Registered Social Landlord (RSL), a condition of which is that the developer provides the proposed number of affordable units. The grant covers the costs of the affordable units, and the market houses only return a small profit of 5%. This is significantly below the 15-20% that most developers seek and is recognised as being an acceptable profit margin. The report has been checked by an independent consultant who has questioned some of the figures presented. Clarifications of these are being sought from the developer and the conclusions will be reported as a late item.

Notwithstanding this, the independent consultant has indicated that with the possible savings, these would not be sufficient to meet all the S106 requests, however depending on what savings can be made; it may be possible to secure some contribution. This will be dependant on the further information sought and will be reported as a late item. Due to the nature of the way the scheme is being funded the scheme would not proceed if some of the affordable houses were substituted for other S106 contributions. Whilst the scheme, does not meet all the contribution requests, the proposal would significantly contribute to providing affordable housing, a need for which has been demonstrated. It is through the specific way in which the scheme is being funded that allows the developer to provide the affordable housing, however as a result the developer is not making what would be considered to be a reasonable profit. Subject to the additional information requested confirming this position, in this instance the lack of developer contributions is acceptable. The affordable housing will be secured through a S106 agreement.

### Other Issues

#### Noise and pollution

The site was formally industrial premises and therefore the land may be contaminated. A condition is requested that requires a Land Contamination report to be submitted to the Local Planning Authority.

To the south west the site borders an industrial unit, the remaining Benlow Factory which has extraction units that when operational result in some noise and disturbance to neighbouring residents. The Head of Community Services (Pollution) has commented that noise complaints from surrounding residents have not been significant. The submitted noise report

recommends acoustic fences and acoustic trickle vents to mitigate the effect of the development however the Head of Community Services (Pollution) considered that more will be required, i.e. Fan assisted ventilation. A condition is therefore recommended that seeks these details on the plots closest to Benlow.

#### Refuse collection

A condition requesting the details of waste collection areas has been requested from Head of Business Development and Street Scene Services. It is intended that the internal cul-de-sac be adopted by the Highways Authority and is provided with a suitable turning head. All the plots are shown with access to the rear gardens where most waste receptacles are stored. Given the layout it is not considered that this condition is justified in this instance.

#### Rear access to neighbouring properties

An objection was made due to the proposal removing access to a rear garden gate in an adjoining dwelling. The developers were made aware of the complaint and have amended the design slightly to ensure that access will be maintained to the neighbours in question. This is however a private matter and not one that is material to the planning process.

#### Conclusion

The scheme is for residential development on a previously developed site within the settlement boundary of Ratby. The location close to services and the redevelopment of a brownfield site result in it being a sustainable form of development, consistent with the objectives of the NPPF and policies RES5 of the Local Plan and Policies 7 and 8 of the Core Strategy that seek to support residential development within the settlement boundaries. Whilst the site results in the loss of an employment site, the proportion of loss is consistent with the recommendations within the Employment Land and Premises Study, and Policy EMP1.

The layout and appearance of the proposal is not considered to be detrimental to the character or appearance of the area and accords with Policy BE1 criterion a. Subject to conditions ensuring obscure glazing is inserted where necessary, and a scheme to protect future occupiers from noise from the remaining industrial plant the scheme would not detrimentally affect the amenities of neighbouring occupiers, nor would the presence of the continuing employment activities have a detrimental affect on the amenities of future occupiers.

Whilst the scheme would not result in contributions towards play and open space, education and travel packs the development provides a greater provision of affordable housing due to the unique way in which the development is being funded. Subject to the additional information addressing queries within the initial appraisal, being acceptable, the sustainable nature of the site and affordable housing provision is considered to outweigh the lack of other 106 contributions and therefore, subject to the S106 being signed, is considered to be in accordance with the adopted Hinckley and Bosworth Local Plan.

#### **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 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the layout and siting of the dwellings the proposed residential scheme is considered to complement the character and appearance of the surrounding area; the scheme would not detrimentally affect the amenities or existing residents, and the proposal is considered to provide sufficient amenity for future residents; the proposal is considered not to result in additional traffic to result in a significant highway safety danger and the proposal provides sufficient off street parking. Furthermore the proposal provides affordable housing to address the recognised need in the parish. Accordingly the proposal is considered to comply with adopted policy.

Hinckley and Bosworth Local Plan (2001):- Policies 7, 8, 15 and 16

Local Plan 2006-2026: Core Strategy (2009):- Policies IMP1, RES5, EMP1, BE1, NE2, NE12, T5, REC2, REC3.

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

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

3359/WD/12/001 Rev A (Local plan scale 1:1250), 3359/WD/12/024 (site sections), 3359/WD/13/011, 3359/WD/12/002 (topographical survey), 3359/WD/13/013, Received 7 February 2013

3359/WD/13/010 Rev B, 3359/WD/13/021 Rev B, received 8 April 2013

3359/WD/13/020 Rev C, 3359/WD/13/12 Rev A 3359/WD/13/022 Rev B, 3359/WD/13/023 Rev C, 3359/WD/13/024 Rev B, 3359/WD/13/025 C, 3359/WD/13/015 Rev A, 3359/WD/13/014 Rev A, received 22 May 2013

3359/WD/13/026 Rev B, 3359/WD/13/017 Rev B, 3359/WD/13/019 Rev D, 3359/WD/12/003 Rev L, 3359/WD/12/004 Rev F, 3359/WD/13/029 Rev E, 3359/WD/13/016 Rev A, 3359/WD/13/028 Rev C, 3359/WD/13/027 Rev C, 3359/WD/13/018 Rev B, Received 1 July 2013

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until 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:
  - proposed finished levels or contours
  - means of enclosure

- car parking layouts
  - other vehicle and pedestrian access and circulation areas.
  - hard surfacing materials
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - planting plans
  - written specifications
  - schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular accesses from Station Road.
- 7 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.
- 8 Before first occupation of any dwelling, its access drive 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.
- 9 The window to be inserted in the first floor of the south eastern elevation of plot 5 and north eastern elevation of plot 11 shall be obscure glazed and top opening only and retained as such at all times thereafter.
- 10 No development shall commence until a scheme that includes the following components to deal with the risks associated with the contamination of the site shall be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:-
    - All previous uses
    - Potential contaminants associated with these uses
    - A conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site.
  2. A site investigations scheme based on (1) to provide information for a details assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and detailed risk assessment referred to in (2) an, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) and

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 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.
- 12 No development shall commence until details of acoustic ventilation to be installed in all habitable rooms of plots 11-26 (inclusive), all habitable rooms on the south west elevations of plots 6-10 (inclusive) and south east elevations of plots 27-29 (inclusive) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.
- 13 No development shall commence until details of the acoustic fence to the south-western boundary separating the site from the adjoining industrial premises shall be submitted to and approved in writing by the Local Planning Authority. The proposed boundary shall be implemented in accordance with the approved details prior to the first occupation of the site.
- 14 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 into use.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate landscaping is carried out in the interest of the visual amenity of the site in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 7 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 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 prevent overlooking of neighbouring residents in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 10&11 To ensure that the previous uses of the site do not result in material harm to future occupiers through air or soil pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan supported by paragraph 121 of the NPPF.
- 12&13 To protect the amenities of future occupiers of the site from noise of the neighbouring industrial premises in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

**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](http://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 11 advices 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 04**

**13/00056/FUL**

**Mr Michael Gisborne**

**Appraisal:-**

Employment Land and Premises Study (2013)

Since the report was finalised, the Employment Land and Premises Review has been updated and adopted at Executive.

With regards to this application site, the 2013 study requires the feasibility of converting a portion of the site into small business units to be considered and seeks to retain 50% of the site for employment use whilst supporting change of use for the other 50% of the site.

The proposal equates to approximately one third of the site and therefore is still considered to be in accordance with the 2013 study.

Viability

Further clarification was requested of the developer with regard to discrepancies in costs between the sales and affordable housing, and the marketing costs. The applicant has provided additional information stating that the costs of the market and affordable housing is calculated separately. This has resulted in a discrepancy between the two housing elements principally due to half of the market properties facing Station Road and connecting directly into that sewer and there not being the contamination issues with these properties as with other parts of the site.

The other point of clarification related to the marketing costs. This was cited at being £7,000 per dwelling. To justify this, the applicant has provided a breakdown of costs. Whilst this is still considered high, this figure is consistent with other developments the developer has recently put forward which have been accepted by this Authority.

This additional information was sent to the independent consultants who still considered that the costs were high. However the development profit margins are considerably lower than usually acceptable and it would not be unreasonable for any additional profit to increase this rather than go towards other S106 contributions. This estimated additional profit would not bring the profits up to an acceptable level. It is considered that given the low profit margins, and the consistency between the costs of other schemes, that have been accepted, the viability appraisal is considered acceptable and lack of contributions are considered acceptable in this instance.

**Contact Officer:-** Sarah Fryer Ext 5682

**Item:** 02

**Reference:** 13/00413/FUL

**Applicant:** David Wilkinson

**Location:** 112 Main Street Higham On The Hill Nuneaton

**Proposal:** Subdivision of 112 Main Street into separate units and creating a new access through existing garage onto Main Street, Higham on the hill

**Target Date:** 10 September 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of Cllr Ward due to the potential impact of the proposed access upon highway safety and the amenity of neighbouring residents.

Application Proposal

This application seeks full planning permission for the subdivision of No. 112 Main Street to create an additional dwelling. The proposal involves the creation of a new vehicular access onto Main Street through the demolition of a section of wall to the north elevation of the building.

The existing hay loft above No. 112 is proposed to be converted to living accommodation to create two bedrooms for this property with the introduction of a new dormer window to the elevation facing the courtyard and a roof lights to the front and rear roof slopes. A new door is proposed to the rear elevation.

The new dwelling proposed adjacent to No. 112 would have three bedrooms. A dormer window is proposed to be inserted to the first floor elevation facing the courtyard with a roof light to the front and two roof lights to the rear. No other new openings are proposed to the front or rear elevation.

A small decking area is proposed to the rear of each dwelling to provide external amenity space.

Parking is proposed within the central courtyard for up to six vehicles.

The Site and Surrounding Area

No. 112 Main Street, the application site, is part of a group of connected buildings informally known as the 'Stables'. The Stables are located to the north of Main Street at the eastern edge of the village of Higham on the Hill.

The Stables are part of a quadrangular range of outbuildings previously forming the stable block for the Grade II listed Higham Hall which is located approximately 60 metres to the south west of the Stables. The stable block itself is not listed and is not included in the listing description for Higham Hall. However, the site is located within the Higham on the Hill conservation area.

The stable block was constructed in the early 1900s. In the past parts of the stable block have been subdivided into dwellings. No. 112 Main Street itself is located to the south east corner of the stable block. Adjacent to No. 112 is the property known as The Cottage, also owned by the applicant. No. 1 Barr Lane occupies the north west part of the building and No. 2 Barr Lane the south west side of the stable block.

The original entry to the internal quadrangle of the stable block was from Higham Hall to the south. The archway in the southern elevation has now been bricked up and the only access to the internal quadrangle is via a narrow covered entrance way in the western side of the stable block owned by No. 2 Barr Lane. This access leads through the garden of No. 2 onto Barr Lane.

The stable block is constructed from standard sized, industrially produced, red brick set in a Flemish bond. The roof is finished in a red clay plain tile.

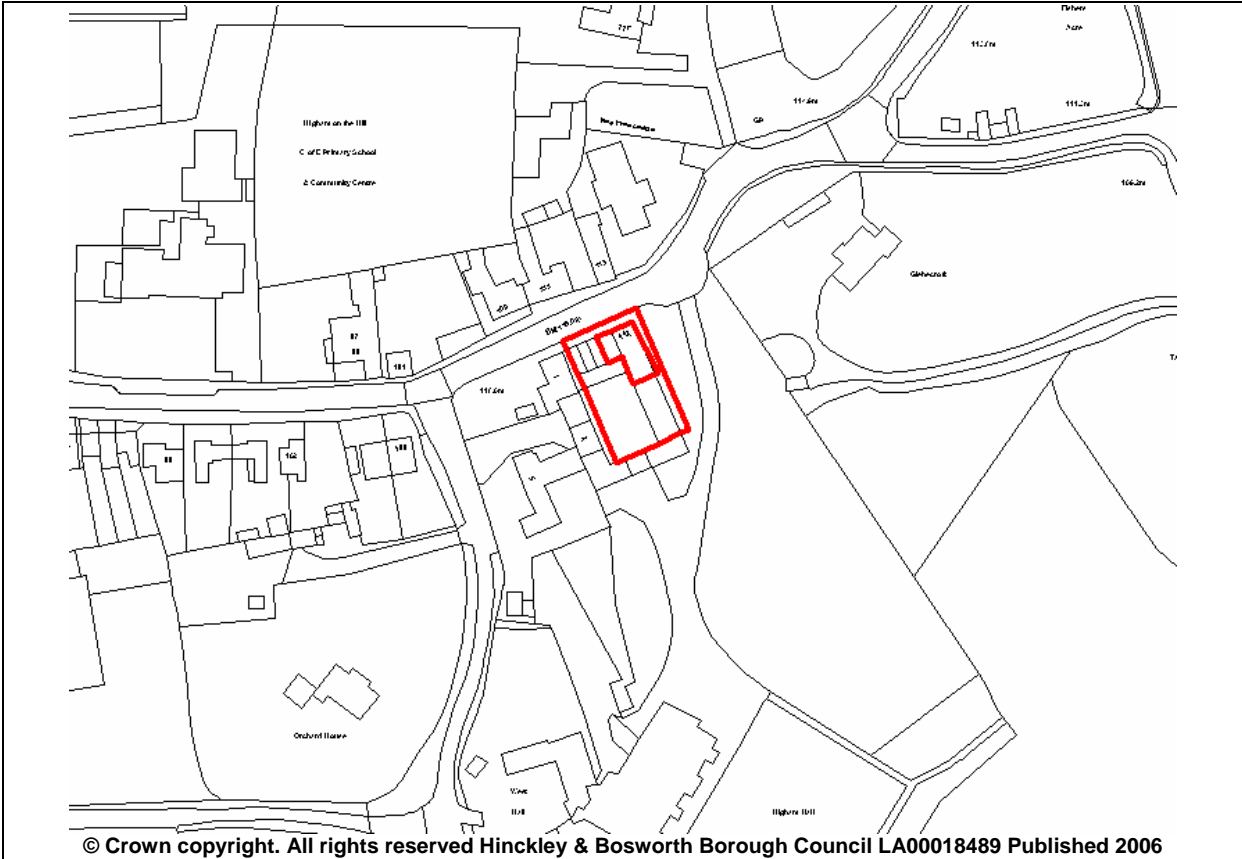
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement  
Historic Fabric Survey.

**Relevant Planning History:-**

None relevant.



## **Consultations:-**

No objections have been received from:-

Head of Community Services (Land Drainage)  
Head of Community Services (Pollution)  
Director of Environment and Transport (Highways)  
Head of Business Development and Street Scene Services (Waste Minimisation)  
Conservation Officer.

Higham on the Hill Parish Council make comments neither supporting or objecting to the application:-

The site has a number of historical features relative to the village which should be kept if at all possible. One of these is a stone wall which was part of the stable site. The Parish Council have a major concern with regard to the proposed access onto Main Street. The access would be on to the brow of a hill and a slight bend. The safer access would be the existing access onto Barr Lane and the Parish Council suggested that this option remain.

A press notice was advertised, a site notice was displayed and neighbours notified.

Four letters of objection have been received. Summary of comments received:-

- a) concerns over drainage into existing private sewer
- b) the proposed access point would be dangerous
- c) overlooking from proposed dormer windows
- d) the right of way through No. 2 Barr Lane only extends to No. 112 Main Street and would not allow access for the new property
- e) disturbance caused by additional vehicles using the courtyard.

## **Policy:-**

### National Policy Guidance

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

### Hinckley and Bosworth Local Plan 2001

Policy IMP1: Infrastructure Provision  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy BE1: Design and Siting of Development  
Policy BE5: Setting of Listed Buildings  
Policy BE7: Conservation Areas  
Policy T5: Highway Safety  
Policy REC3: New Residential Development - Outdoor Play Space for Children

### Supplementary Planning Guidance/Documents

New Residential Development (SPG)  
Play and Open Space (SPD)

### Other Material Planning Guidance

Higham on the Hill Conservation Area Appraisal 2009

## **Appraisal:-**

The main considerations in respect of this application are the principle of development, the design of the proposal and its impact on the character and appearance of the conservation area, listed buildings, residential amenity and highway safety.

### Principle of Development

The National Planning Policy Framework (NPPF) sets out a clear presumption in favour of sustainable development. Policy RES5 of the Local Plan supports new residential development on unallocated sites providing the site lies within a settlement boundary. The site is located within settlement boundary for Higham on the Hill and as such is considered to be a sustainable location.

The proposal seeks consent for the subdivision of No. 112 Main Street to create an additional dwelling. The proposal involves the creation of a new vehicular access onto Main Street through the demolition of a section of wall to the north elevation of the building and associated works. The proposal and principle of development is therefore considered to be in accordance with the NPPF and Policy RES5 of the Local Plan.

### Design and Impact upon the Character and Appearance of the Conservation Area

Policy BE1 (criterion a) of the Local Plan and the Supplementary Planning Guidance (SPG) on New Residential Development requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

The site is located within the Higham on the Hill conservation area and as such Policy BE7 applies. Policy BE7 states that in conservation areas the primary aim will be the preservation or enhancement of their special character. Planning permission for proposals which would harm the special character or appearance of the conservation area will not be permitted. New development should enhance their character and appearance and be in sympathy with its surroundings.

The proposed subdivision to No. 112 Main Street to form a new dwelling would not be visible directly from within the street scene given its position within the courtyard of the stable block. The main visual change and impact to the conservation area that would arise as a result of this proposal is the new vehicle access opening from the courtyard to Main Street. The Conservation Officer has considered the proposal and states that the new opening would provide an enhancement to the conservation area, allowing better use of the stable block and would also result in the blocking off of the existing unsatisfactory access from Barr Lane. The design of the proposed vehicle access is considered to be sympathetic to the form, proportions and appearance of the existing stable block. The access would remain covered by the existing roof and a section of the garages would be removed to allow access through to the courtyard. The boundary wall along Main Street is proposed to be modified, lowered and curved into the entrance to provide sufficient visibility splays. Railings are proposed to allow further visibility for vehicles exiting the courtyard. The new section of wall would be constructed from bricks reclaimed from the section of wall to be removed.

The design and form of the proposed dormer windows to the first floor west elevation are considered to relate to the character, form and proportions of the existing stable block and would replace an existing opening to serve the hay loft. The roof lights proposed to the front and rear roof slopes would match other existing roof lights to that serve the existing dwellings within stable block.

The proposal is therefore considered to be in accordance with Policies BE1 (criterion a) and BE7 of the Local Plan.

#### Impact on Listed Buildings

Policy BE5 of the Local Plan states that the setting of listed buildings will be preserved and enhanced by appropriate control through the design of new development, having regard to the scale, form, siting and design of the proposal in relation to the listed building and its setting. Where appropriate, regard should be had to the preservation of trees and landscape features.

Higham Hall is a grade II listed building. Due to the minor external alterations required to achieve the subdivision, it is not considered that this element of the proposal would impact upon the setting of the listed building. The external alterations to the proposed vehicular access onto Main Street would be sufficient distance from the Hall to not have a detrimental impact. From within the street scene the Hall and the Stables cannot be read together. It is therefore considered that the proposal would not have a visual or harmful impact upon the setting of the listed building and as such would preserve its setting in accordance with Policy BE5 of the Local Plan.

#### Impact on Residential Amenity

Policy BE1 (criterion i) states that development should not adversely affect the amenity of neighbouring properties. The nearest residential property that would be most directly impacted by the proposed development is No. 2 Barr Lane which occupies the west side of the stable block. This property has windows serving habitable rooms at both the ground and first floor level overlooking the central courtyard. Presently the existing dwelling No. 112 and The Cottage do not have habitable rooms and windows at the first floor level. The SPG on New Residential Development states that where a window of a habitable room faces a similar window of a neighbouring dwelling a minimum distance of 25 metres will normally be required. In this instance the distance would be approximately 11 metres between the proposed dormer windows at the first floor level and the windows serving habitable rooms of the east elevation of No. 2 Barr Lane. However, given the existing arrangement within the stable block and the existence of dwellings on each side of the courtyard it would not be appropriate to apply the same standard as if it were a new build dwelling.

A close boarded fence approximately 2.1 metres in height exists within the courtyard to offer a degree of privacy to windows at the ground floor level of No. 2 Barr Lane. Discussions have been held with the applicant to replace this fence with a brick wall of a similar height which is considered to be a more suitable material in respect of the existing fabric of the stable block. In order to offer an enhancement over the existing situation it is proposed to extend this wall across the existing access point thereby permanently blocking it up for use by vehicles. A condition has been imposed requiring details of this boundary treatment to be submitted and agreed prior to the commencement of development. The proposed wall would also reduce the potential for noise disturbance by providing a degree of screening from vehicles manoeuvring within the courtyard.

In terms of external amenity space the SPG on New Residential Development states that for a two bedroom dwelling a minimum of 60 square metres should be provided. For a three bedroom dwelling this is increased to 80 square metres. The external space proposed to be decked to the east side of the stable block would be below this standard. However, the SPG does state that the overall size of the garden should be in proportion with the type of dwelling and the general character of the area. In this instance given the historic nature of the stable block and the subdivision which involves the conversion of the existing building to a dwelling,

in this instance it would not be appropriate to require the standard as set out in the SPG to be achieved.

No other residential properties are located near enough to the site to be affected by the development. The proposal is therefore in accordance with Policy BE1 (criterion i).

#### Impact on Highway Safety

Policies BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. The Director of Environment and Transport (Highways) has raised no objection to the proposed new access to Main Street. The proposed access would benefit the residents of No. 2 Barr Lane as existing vehicular traffic currently uses the covered access under this property which is narrow and allows little room for manoeuvring. It is considered that the proposed access would be an improvement over the existing situation. Adequate parking for up to six vehicles is proposed and therefore the proposal is in accordance with Policy BE1 (criterion g) and T5 of the adopted Local Plan.

#### Open Space

Policy REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities. The proposed development is within 400 metres of King George V Playing Field which provides such facilities. The request for any developer contribution 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.

Within the Green Space Strategy 2005-2010, Higham on the Hill was found to have sufficient areas of equipped open space (+0.06 hectares) for its population when compared with the National Playing Fields Standard. However, the quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded King George V Playing Field a quality score of only 48%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would total £1,250.80 and would be used towards improvements to the landscaping of the playing fields to improve the quality of the site and to mitigate the impact of the additional dwelling on such facilities. Given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear on facilities. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking has been completed by the applicant to enable contributions to be secured.

#### Other Matters

Concern has been raised by neighbouring residents in respect of the impact of the additional dwelling upon the existing drainage system. The existing properties drain into a private sewer that runs and drains to the south. Surface water is collected in a holding tank that exists under the courtyard. Whilst it is accepted that the introduction of an additional dwelling could potentially place additional use on the existing drainage system it is the responsibility of the applicant to ensure that the dwellings are satisfactorily drained in accordance with the relevant Building Regulations.

## Conclusion

The site is located within the settlement boundary for Higham on the Hill and therefore the principle of new residential development is considered to be acceptable. The site is located within the conservation area and it is considered that the proposal would be a positive enhancement that would be in sympathy with its surroundings. The proposal would not result in an adverse impact upon the amenity of any neighbouring properties. The proposed new access would not have any adverse impact on highway safety. The proposal is therefore considered to be in accordance with adopted Local Plan Policies RES5, BE1, BE7, T5 and REC3 together with the SPG on New Residential Development and the overarching intentions of the NPPF.

### **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 acceptable, the proposal would make a positive enhancement to the conservation area and there would not be any adverse impact on residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, BE1, BE7, REC3 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: Dwg No. H112/LP Site Location Plan 1:2500, Dwg No. H112/PGL Block Plan 1:500, Dwg No. H112/PPD Proposed Parking & Drainage Plan 1:100, Dwg No. H112/PL/A Proposed Landscaping Plan 1:200, Dwg No. H112/EWP Proposed West Elevation 1:100, Dwg No. H112/ENP/A Proposed North Elevation 1:100, Dwg No. H112/EEP/B Proposed East Elevation 1:100, Dwg No. H112/PPGA Proposed Roof Plan 1:100, Dwg No. H112/PF/A Proposed Floor Plan and Proposed Access Section 1:100 received by the Local Planning Authority on 16 July 2013.
- 3 The materials to be used on the external elevations of the proposed development shall match the corresponding materials of the existing building.
- 4 No development shall commence until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - a) Means of enclosure and boundary treatments, including details of the wall proposed to replace the existing fence within the courtyard.
  - b) Hard surfacing materials.



- c) Schedules of plants (including those to be retained), noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - d) Implementation programme.
- 5 Before first occupation of the dwelling hereby approved, the respective proposed access, turning area and parking areas shall be provided and shall be so maintained at all times thereafter.

**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 the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.
- 4 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that adequate access, manoeuvring and off-street parking facilities are available 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](http://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: 03**  
**Reference: 13/00416/FUL**  
**Applicant: Mr Peter Draycott**  
**Location: Tooley Park Farm Peckleton Common Peckleton**  
**Proposal: Replacement agricultural building (part retrospective)**  
**Target Date: 7 October 2013**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the floor space of the development proposed exceeds 500 square metres.

Application Proposal

This application seeks full planning permission for a replacement agricultural building located within the existing farm complex at Tooley Park Farm. The building is required for general purpose storage of agricultural machinery and grain storage prior to drying. Work has already started constructing the base and as such the application is part retrospective.

The proposed building would have a gross floor space of approximately 600 square metres and would be approximately 30 metres in length by 20 metres in width. The height of the building would be 7.5 metres in height with a dual pitched roof. The building would be constructed from pre-stressed concrete panels to the lower half with box profile polyester coated sheets to the upper half of the walls with fibre cement roof sheets. A roller shutter door is proposed to the south elevation.

The previous building which has been demolished was used for a similar purpose and constructed from corrugated sheeting. The proposed building is in the same location but larger than the previously demolished building.

A previous application was submitted as a prior approval under Part 6 of the GDPO 1995; however as the proposed building exceeds 465 square metres it could not be considered as permitted development and as such a full application was required.

The Site and Surrounding Area

Tooley Park Farm is located to the south of Peckleton Common, approximately 0.8 miles to the east of the village of Peckleton. The site is located within the countryside.

Surrounding the proposal are a number of existing agricultural buildings in a similar style to the building proposed that form part of the Tooley Park Farm complex. The farm house is located to the south of the complex approximately 40 metres from the proposed building.

The site is bounded to the north east by a mature tree belt. To the east and south are open fields bounded by mature hedgerows. To the west of the site located behind a group of mature trees is the Peckleton Lane Business Park.

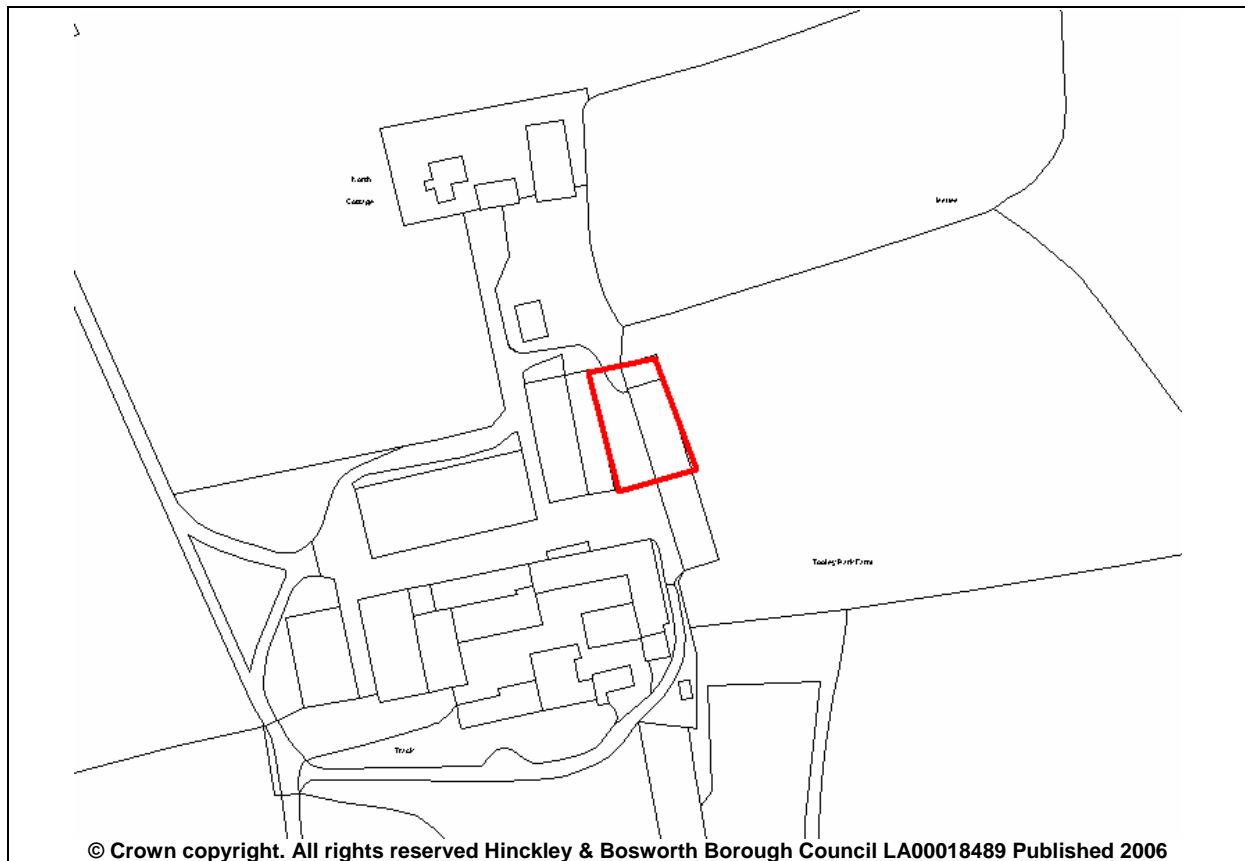
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement.

**Relevant Planning History:-**

13/00346/GDO	Erection of Grain Store Building Prior Approval	Withdrawn	29.05.13.
--------------	--	-----------	-----------



**Consultations:-**

Site notice was displayed and neighbours notified.

No objections have been received from:-

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

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy NE5: Development in the Countryside  
Policy T5: Highway Safety

## Supplementary Planning Guidance/Documents

### Design of Farm Buildings (SPG)

#### **Appraisal:-**

The main considerations in respect of this application are the principle of development, the siting and design of the building and the impact on the visual amenities of the site, the surrounding countryside, residential amenity and highway safety.

#### Principle of Development

One of the overarching principles of the National Planning Policy Framework (NPPF) is to protect the countryside but to allow sustainable development where it is appropriate. Paragraph 28 of the NPPF supports the development of agricultural businesses in order to promote a strong rural economy. Furthermore, Policy NE5 of the Local Plan supports development in the countryside that is important to the local economy and cannot be provided within or adjacent to existing settlements and for the extension of existing buildings in the countryside subject to a number of design criteria being satisfied.

The function of the proposed replacement building is to provide general purpose agricultural storage for machinery and grain storage before drying both of which are appropriate and justifiable agricultural uses within the countryside. The proposal and principle of development is therefore considered to be in accordance with the NPPF and Policy NE5 of the Local Plan.

#### Siting, Design and Impact on the Surrounding Countryside

Policy BE1 and Policy NE5 of the Local Plan state that development should not have an adverse effect on the appearance or character of the landscape and should be in keeping with the scale and character of existing buildings and its general surroundings. In addition the SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features and within the farm complex itself.

The proposed building will be located on the edge, but within, the existing farm complex, replacing a previous agricultural building that has been present for a number of years. The replacement building would replicate the form and design of the existing agricultural buildings within the farm complex and is typical of the form and design of modern agricultural buildings. The building will not be seen from the public highway and therefore the street scene will not be adversely affected by the proposed development. It is therefore considered that the proposal complements the character of existing buildings and its surroundings and is in accordance with Policy NE5 (criterion ii) and BE1 (criterion a) of the adopted Local Plan together with the SPG on the Design of Farm Buildings.

#### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential property is the farm house itself and as a result of the existing agricultural uses of the site, together with the separation distance, no adverse impact on residential amenity will result. No other residential properties are located near enough to the site to be affected by the development. The proposal is therefore in accordance with Policy BE1 (criterion i).

### Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. Adequate access, parking and manoeuvring will be retained within the farm complex and therefore the proposal is in accordance with Policy NE5 (criterion iv) and T5 of the adopted Local Plan.

### Conclusion

The NPPF supports the development of agricultural businesses and as such a replacement agricultural building within an existing farm complex is sustainable and acceptable in principle. As a result of the siting, scale and design of the building together with the proposed materials the proposal would not have any adverse impact on the character or appearance of the site or the surrounding countryside. As a result of the existing uses of the site and separation distances there will be no adverse impact on the amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety. The proposals are therefore in accordance with adopted Local Plan Policies NE5 and BE1 together with the SPG on Design of Farm Buildings and paragraph 28 of the NPPF.

### **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 acceptable within the farm setting and by virtue of the siting, scale, design and proposed materials there would not be any adverse impact on the character or appearance of the site or surrounding countryside, residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:2500, Block Plan 1:500, 1:100 Proposed Elevations and 1:100 Floor Plan received by the Local Planning Authority on 30 May 2013.
- 2 The development shall be constructed in accordance with the material details shown on section 9 of the application form.

#### **Reasons:-**

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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:** 04

**Reference:** 13/00424/FUL

**Applicant:** Mrs Jane Carrara Chambers

**Location:** Land R/O 86 Leicester Road Hinckley

**Proposal:** Erection of dwelling

**Target Date:** 23 September 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in at the request of a local ward member in relation to the roof height and pitch, drainage and flood risk, surfacing of the driveway and impact upon trees.

Application Proposal

Full planning permission is sought for the erection of a single storey dwelling to the rear of No. 86 Leicester Road, Hinckley.

The proposed bungalow of three bed configuration intends to utilise the existing access from Leicester Road and the host and proposed dwelling will share the access drive, with parking for the provision of 3 no. car parking spaces for the new dwelling.

The dwelling will be sited within the rear garden of No. 86 Leicester Road. The site is largely bounded by residential development. There are a group of trees located to the bottom of the neighbouring garden (No. 84) which are subject to a Tree Preservation Order.

### The Site and Surrounding Area

The site falls approximately 2 metres from Leicester Road to the north west boundary, although the site itself is predominantly flat.

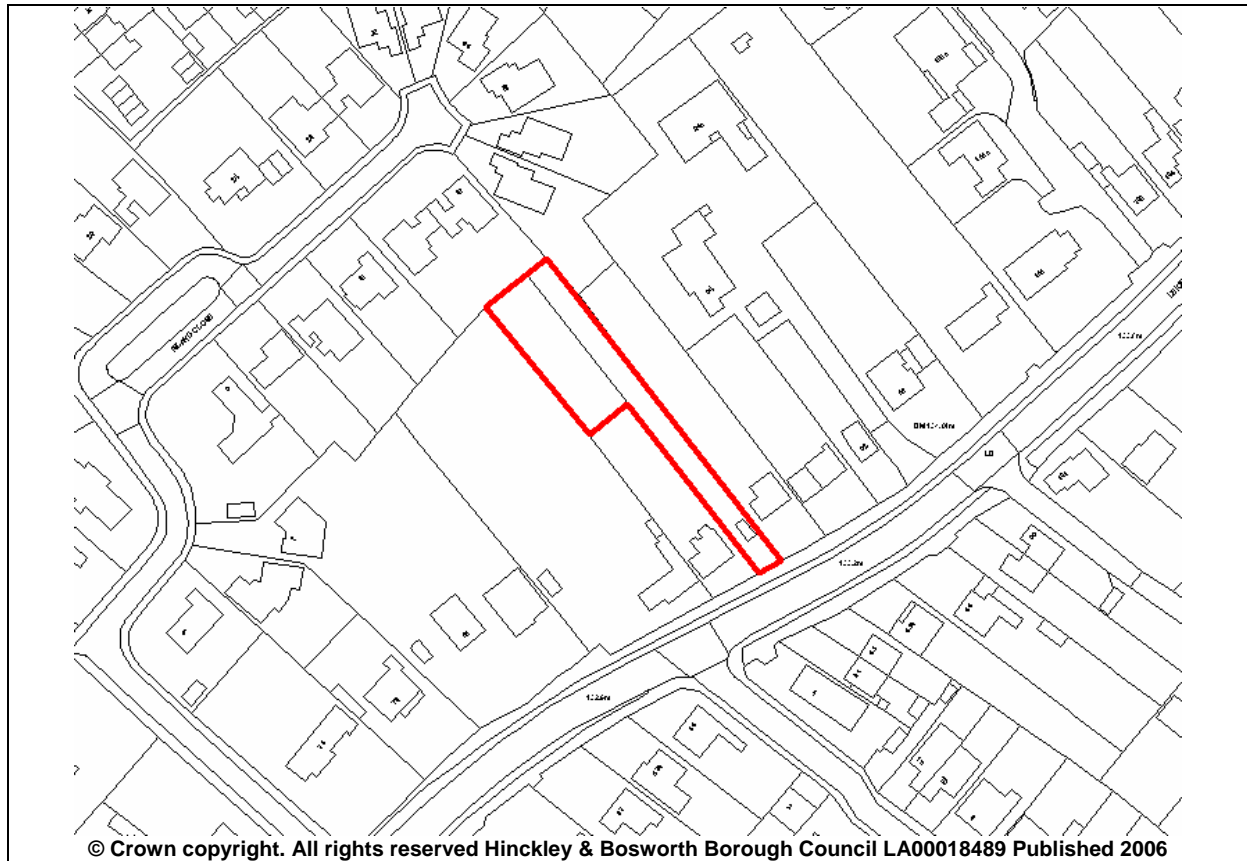
The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan.

### Technical Documents submitted with application

The application is accompanied by a Design and Access Statement and draft heads of terms.

### **Relevant Planning History:-**

12/00931/FUL	Demolition of existing detached garage and erection of bungalow with detached garage	Withdrawn	27.11.12
11/00178/FUL	Demolition of existing detached garage and erection of single storey dwelling	Approved	28.04.11
08/00780/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	19.11.08
07/01486/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	12.03.08
80/00457/4	Erection of a bungalow	Refused	24.06.80
78/00441/4	Erection of 1 dwelling and garage	Refused	25.04.78



### **Consultations:-**

No objections have been received from:-

Head of Community Services (Pollution)  
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
Head of Business Development and Street Scene Services (Waste Minimisation).

Ward Councillor Nichols wishes to raise the following concerns and request specific conditions:-

- a) pitch of the roof reduced to 25 degree to ensure there is no impact on the visual amenity of the neighbours
- b) apply same condition as before to restrict unacceptable modifications to the roof
- c) apply same condition as before to protected trees and hedges on site
- d) gravel on the driveway will cause unnecessary noise from vehicles using it and depositing loose material
- e) apply same condition as before to request a scheme for the surfacing of the drive
- f) drainage systems already at full capacity and flooding is common
- g) assurances required that the application will not exacerbate the existing problem
- h) apply same condition as before for a drainage plan to be submitted.



Seven letters of representation have been received raising the following concerns:-

- a) drainage
- b) previous applications revealed that onsite infiltration of surface water was ruled out as ground conditions are not suitable for soakaway and there is not convenient watercourse located nearby
- c) land is not suitable for soakaways
- d) regular flooding since removal of trees
- e) Severn Trent Water Limited have confirmed the local sewage system is unable to take more rainwater
- f) gravel drive creates a nuisance to adjacent properties; planning committee demanded a hard surface
- g) single storey infill developments north of Leicester Road have been restricted to 22-25 degree pitches
- h) 35 degree pitch is excessive - maximum of 25 degrees has been set by an Planning Inspector at appeal; Present permission granted was 25 degrees;
- i) floor level of the proposed bungalow is 1 metre higher than neighbouring property
- j) visual impact upon main living area and garden
- k) lose natural light and passive heat
- l) unimaginative and visually degrading design
- m) consider whether combined development is over development
- n) all permitted developments rights to be removed to present any extensions/alterations without planning approval
- o) previous application only approved when the ridge has been reduced, a second application should not have been allowed to be submitted, stressful and a waste of tax payers money
- p) applicant should be made to abide my conditions under the previous consent.

At the time of writing the report comments have not been received from The Borough Council's Arboricultural Consultant.

### **Policy:-**

#### National Policy Guidance

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

#### Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley  
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 RES5: Residential Proposals on Unallocated Sites  
Policy BE1: Design and Siting of Development  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy REC3: New Residential Development - Outdoor Play Space for Children

## Supplementary Planning Guidance/Documents

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

## Other Material Planning Guidance

None relevant.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, impact upon character, impact upon residential amenity, drainage and flood risk highway considerations and other matters.

### Principle of Development

The site is located within the settlement boundary of Hinckley, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

Paragraph 53 within the National Planning Policy Framework states that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The relevant local plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of RES5 and paragraph 53 of the NPPF for Local Authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

The principle of residential development has already been established through the earlier grant of planning permission (ref:11/00178/FUL) and this application is still valid until 28 April 2014.

The development proposed in this application is for 1 dwelling and for the reasons discussed further in this report are not considered to be in conflict with adopted development plan policy.

### Impact Upon Character; Siting and Design

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the requirements within paragraph 53 within the NPPF, came into force, through consideration of the requirements of Policy BE1.

In addition, paragraph 64 within the NPPF stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The area to the south of the proposed dwelling is largely characterised by large two storey detached dwellings set close to the road frontages with large gardens to the rear. To the north of the site are properties on Island Close which comprise of mainly single storey or dormer bungalows which again are predominantly located close to the road frontage. There are also 2 no. dwellings to the east of the site (No's 94 and 94A) which do not front the road frontage, and as such backland development has already taken place within the immediate area. In addition, the dwelling is proposed to be sited in a similar location to the dwellings which already exist at depth and therefore adds to this select cluster of backland dwellings in the locality. As such the siting of the dwelling is considered acceptable.

Two storey proportions are common to the south of the site, whilst dwellings to the north and east are of detached bungalows. Whilst the proposed dwelling would have a larger footprint than that of the existing host dwelling, the scheme proposes an appropriately sized rear garden in accordance with the standards set down in the Borough Council's SPG which gives a spacious, low-density development. By virtue of the single storey nature of the proposal and size of the plot, the overall scale and density of the scheme is considered acceptable in this location. As such it is considered that the footprint of the dwelling with single storey proportions is considered acceptable in this location.

Letters of objection have referred to the developments in the vicinity being subject to 22 degrees roof pitches and that the pitch on the roof should be reduced to 25 degrees, in line with that of the previously approved scheme (ref: 11/00178/FUL) For the avoidance of doubt the previous applicant agreed to reduce the roof pitch on the previous application to appease neighbour concerns, but there was no planning related requirement for the applicant to be made to do so. It is considered in this case that the single storey dwellings in the vicinity are characterised by shallow pitched roofs, however the scheme still proposes a shallow pitch roof and therefore reflects the style of the surrounding area.

In response to letter of representation stating that this scheme has a larger footprint than the scheme previously approved and No.86 has more bedrooms as a result of 12/00883/HOU whether the combined development of the plot is overdevelopment. Both dwellings are fairly large footprints, but within large plots and adhere to all separation distances and retain and propose adequate amenity space.

In summary, given that there is already the existence of development at depth, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. As such, the scheme is considered to be in accordance with guidance contained within the NPPF, Saved Policies RES5 and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

### Impact upon Residential Amenity

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

The residential dwellings most immediately impacted upon as a result of the proposal would be No.19 Island Close located due north and Nos.94,96 and 98 Leicester Road, located due east, given the proximity of the proposal.

The Council's SPG on New Residential Development seeks a minimum distance of 25 metres between principal windows of habitable rooms to similar windows in neighbouring dwellings. No.19 Island Close has a rear garden of approximately 15 metres and there is a distance of approximately 17 metres between the shared rear boundary wall with No.19 and the rear wall of the proposed dwelling. Therefore accumulatively there is a distance of approximately 32 metres between the rear walls of the proposed and neighbouring dwelling. As such it is considered that there is sufficient distance between the dwellings to ensure that there would not be any significant overlooking, overshadowing or overbearing impacts as a result of the scheme.

The side wall of No.94 Leicester Road located to the east of the site is sited approximately 23 metres from the side wall of the proposed dwelling and the distance is occupied by the rear garden of No 98. As such there are boundary treatments occupying both boundaries to No.98 which offers a level of screening between the proposed and neighbouring dwelling. Overall given the distance and existence of boundary treatments offering some screening, it is not considered that the scheme would give rise to a significant detrimental impacts upon the amenities of the occupying dwelling.

Given the distance of 35 metres between the host and proposed dwelling, and by virtue of the proposed dwelling's positioning due north and of a single storey scale it is not considered that there would be any material impacts upon the host dwelling.

It is not considered that there are any other neighbouring dwellings impacts upon as a result of the proposal.

In response to letters of neighbouring objections regarding the roof pitch, it is considered that upper floor accommodation may be achievable at the current pitch, and therefore it is considered necessary to impose a condition to restrict future permitted development rights that may allow for unacceptable modifications, including to the roof.

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

### Drainage and Flood Risk

The site, in conjunction with land to the rear of No. 94 Leicester Road, has previously been subject to planning applications for the erection of 10 no. dwellings. App ref: 07/01486/FUL was refused for two reasons, one of which was:-

*In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposed development can be provided with an adequate foul and surface water drainage system. The proposal would therefore be contrary to policy BE1 of the adopted Hinckley and Bosworth Local Plan.*

This scheme has been considered by the Head of Community Services (Land Drainage). For the avoidance of doubt there is no formal requirement to consult Severn Trent on applications for single dwellings in urban areas.

The Head of Community Services (Land Drainage) states that if the intended sustainable drainage option is to be based on soakaways, the suitability of the ground strata for infiltration drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the more recently developed, modular water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Notwithstanding this representation, in light of the previous planning history, letters of objection received and the previous application which was subject to a drainage condition, it is considered necessary in this case to impose a condition to ensure that drainage plans are first submitted to and approved in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this affect.

In response to letters of objection requiring that the gravel on the driveway will cause unnecessary noise and that a more permanent permeable hard bound material should be used, the Head of Community Services (Land Drainage) has specifically requested that the access drives, parking and turning areas, paths and paved areas must be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. . In addition, the Director of Environment and Transport (Highways) requires that the first 5 metres of driveway from the highway is surfaced in tarmac or similar hard bound materials. Accordingly notwithstanding the submitted details a condition is recommended to be imposed which requires the surfacing of the drive to be submitted, in the interests of drainage and highway safety.

In summary, subject to the imposition of a condition to secure drainage details it is considered that no increase in flood risk is anticipated and accordingly the development is considered acceptable in relation to guidance contained within the NPPF and Saved Local Planning Policy NE14 of the Local Plan.

#### Highway Considerations

Saved Policies T5 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.

The development proposes to utilise the existing access from Leicester Road and propose 3 no. off street car parking spaces and a turning area. The garage serving No.86 has already been demolished to facilitate the access.

The Director of Environment and Transport (Highways) who has no objection to the scheme subject to the imposition of planning conditions to ensure adequate drive width and car parking to be provided. As previously discussed it is also considered necessary to impose a condition relating to the surfacing of the driveway.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 and BE1 (criterion g) of the Local Plan.

## Other Matters

### Impact upon Trees

There are a group of trees located to the bottom of the garden of No.84 which are subject to a Tree Preservation Order and it is not considered that the trees will be impacted upon as a result of the development.

It is considered necessary to impose a condition to ensure that details of a scheme detailing all existing trees and hedgerows on the site and the method for the protection of these during construction works has first been submitted to and agreed in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this effect.

### Sustainability

Inline with Policy 24 of the Adopted Core Strategy, the residential unit to be constructed on this site will need to be constructed to a minimum of Code Level 4 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to a condition.

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site. Accordingly it is considered necessary to impose a planning condition to this effect.

### Levels

The submitted plans show the existing floor levels in comparison to the proposed finished floor level and surrounding finished floor levels to No's 84, 86 and 88. The proposed residential unit sits approximately 0.45 higher than the boundary with No. 19 Island Close and lower than levels of No's 84, 86, 88 and London Road. Overall the finished floor level is considered acceptable and no condition is required to be imposed.

### Play and Open Space Contributions

The site is located within 400 metres of open space Kirfield Drive. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

The quality of the Kirfield Drive play area has been considered within the Quality and Accessibility Audit of 2005 which awarded it a quality score of 42% within the Green Space Strategy 2005-2010. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 is required, towards the provision and maintenance.

It is considered that Kirfield Drive is shown to have a quality deficit relating to facilities. The size of units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility decreasing the quality of the area.

It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

A Unilateral Undertaking is currently under negotiation to secure play and open space financial contributions.

### Conclusion

The principle of residential development in this location is considered acceptable. The scheme is considered characteristic of the area and is not considered to create any significant material harm to residential amenity or highway safety no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

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

**RECOMMENDATION : - That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Development Control shall be granted delegated powers to granted planning permission subject to the conditions below. Failure to complete the said agreement by 23 September 2013 may result in the application being refused:-**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

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

Hinckley and Bosworth Local Plan (2001):- Policies RES5, BE1 (criteria a and i) and T5.

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

Local Plan 2006-206: Local Development Framework: Supplementary Planning Document (SPD): New Residential Development.

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 following details: Ordnance Survey (Scale 1:1250); Site Plan Drawing no. 04/13; Proposed Site Plan Drawing no. 02/13; Proposed Floor Plan and Roof Plans Drawing no. 01/13 and Proposed Elevations Drawing no. 03/13 received by the Local Planning Authority on 29 July 2013.

- 3 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 dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence unless and until a Code for Sustainable Homes 'Pre- Assessment' for the dwelling is carried out by a qualified code assessor, demonstrating that the residential unit hereby approved can be constructed to a minimum of Code Level 4 has been provided to the satisfaction of the Local Planning Authority. In addition, prior to the first occupation of the residential unit hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 5 No development shall commence until drainage plans for the disposal of surface water and foul sewage 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 before the development is first occupied.
- 6 No development shall commence unless and until the details of a scheme for the surfacing of the access drive and turning area has first been submitted in writing to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out accordance with the approved details and implemented before the first occupation of the residential unit hereby approved and thereafter shall be permanently so maintained.
- 7 No development shall commence unless and until the details of a scheme detailing all existing trees and hedgerows on the site and the method for the protection of these during construction works has first been submitted in writing to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented during the construction of the dwelling hereby approved.
- 8 Before first occupation of the residential unit hereby approved a scheme making provision for waste and recycling storage across the site shall be submitted in writing to and approved in writing by the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.
- 9 Before first occupation of the residential unit hereby approved, car parking provision and turning space shall be made within the curtilage, in accordance with the approved plans. The parking spaces and turning space so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 11 Notwithstanding the access provision shown on plan no. 02/13 no development shall commence unless and until a scheme showing the driveway to a minimum of 4.25 metres wide for at least 5 metres behind the highway boundary is first submitted in writing to and approved in writing by the Local Planning Authority. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5



metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwelling.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
- 5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 6 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to ensure a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 7 To ensure that existing trees and hedgerows are adequately protected during construction in the interests of the visual amenities and character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that adequate off-street parking and turning facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan 2001.
- 11 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 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](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Ebony Mattley Ext 5691

**Item:** 05

**Reference:** 13/00458/FUL

**Applicant:** Mr Andrew Lloyd

**Location:** Bulls Head 88 Main Street Nailstone

**Proposal:** Demolition of existing public house and erection of three detached dwellings

**Target Date:** 2 October 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in to committee by a Member on the basis of the age of the building and the concerns at the loss from local residents

Application Proposal

Planning permission is sought for the demolition of the public house and erection of three dwellings at 88 Main Street, Nailstone.

The proposal would result in the demolition of the public house and erection of a two storey detached dwelling featuring a central projecting porch and two external chimneys to the side elevations, in its place. Two other detached dwellings are proposed within the site the first of which is sited at right angles to the highway and faces the internal access road and the second located to the rear of the site, to the north of the two storey dwelling. These are two storey dwellings with first floor accommodation contained within the roof. They incorporate half hips, square fenestration and projecting central gables to the rear.

The proposal would include the creation of a new access located centrally within the site, providing access to parking and garaging which would be located to the north of the site. The garaging would consist of an enclosed double garage and open barn styled building containing four covered spaces.

## The Site and Surrounding Area

The site is currently occupied by the Bulls Head Public House which is a two storey building located behind a low brick wall approximately 2m from the back of the footpath. The Bulls Head is a long building with chimneys either end, slate roof and eyebrow features within the eaves line above the first floor windows. To the rear, adjoining the building are a series of two and single storey brick outbuildings. There is a detached brick built outbuilding to the rear of the parking area, beyond which is a mown grassed area used as amenity in connection with the public house.

To the west of the application site, No 100 Main Road, is a detached bungalow set back from the highway. There is vegetation to the front and eastern boundaries and one opening to the eastern elevation facing the application site. There is no public footpath to the front of this property. The footpath terminates at the front western corner of the Bull's Head.

To the east of the Bulls Head No 86 Main Street is a semi-detached bungalow. This is set back from the highway by over 8m. There are no windows or openings on the western elevation facing the site.

Opposite the application site across Main Road are two attached dwellings (101 and 105 Main Street) sited on the back edge of the footpath.

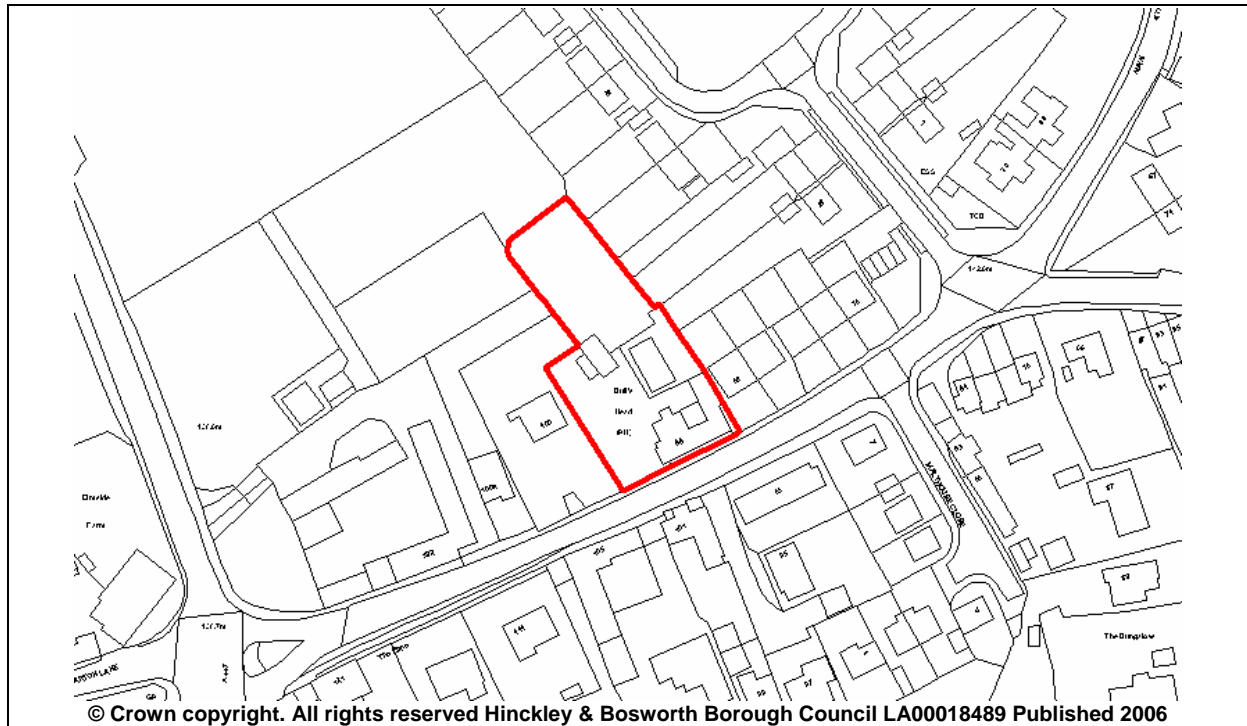
The site is within the Nailstone Settlement boundary with the exception of the amenity space to the rear of the Bulls Head which is within the countryside.

## Technical Documents submitted with application

Planning Statement.

### **Relevant Planning History:-**

12/00304/FUL	Demolition of existing public house and the erection of three new dwellings with associated access and parking	Withdrawn
--------------	--	-----------



**Consultations:-**

No objection has been received from:-

Severn Trent Water Limited  
 Head of Community Services (Pollution)  
 Head of Community Services (Land Drainage).

No objection subject to conditions have been received from the Head of Business Development and Street Scene Services.

Directorate of Chief Executive (Archaeology) have requested a heritage statement.

Director of Environment and Transport (Highways) have raised concerns about the size of the parking spaces and the distance of the designated off road parking from certain dwellings.

Site notice displayed and neighbours notified.

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

- a) pub has great potential to become an even greater asset to the village
- b) one of the oldest buildings in the village and a significant features in the visual appearance of Main Street
- c) figures provided to conclude the pub is unviable are based on an extreme interpretation designed to support the interests of the applicant
- d) important community hub
- e) loss of visual community asset in the village
- f) result in a village without a pub or any social facilities at all
- g) used by members of Nailstone as a meeting place and community centre
- h) loss would result in a lack of community cohesion and isolation of many elderly members.

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

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Spatial Objective 11: Built Environment and Townscape Character  
Policy 12: Rural Villages

Hinckley & Bosworth Local Plan (2001)

Policy IMP1: Contributions towards the provision of infrastructure and facilities  
Policy RES5: Residential proposals on unallocated sites  
Policy BE1: Design and siting of development  
Policy REC3: New Residential Development - outdoor play space for children  
Policy T5: Highway design and safety

Supplementary Planning Guidance/Documents

New Residential Dwellings (SPG)

**Appraisal:-**

The main considerations with regard to this application are the principle of the development including the loss of the public house, the design and appearance, highway safety, impact on neighbours and developer contributions.

Loss of Public House

The proposal will result in the loss of the public house. Policy 12 of the Core Strategy states the loss of a local facility should be resisted unless the facility can no longer operate viably. The NPPF supports the approach of resisting the loss of local facilities through Paragraph 28 which indicates that local plans should "promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". In addition, the NPPF in Paragraph 70 states that planning decision should "guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs".

The applicant has submitted a planning statement in support of the application. This states that the landlord is contemplating retirement and it is due to the landlords 'hard work and good stewardship' that the pub provides an adequate income to cover lifestyle costs and provide a place to live. It is claimed that this is due to the landlord running everything himself and this "is not sustainable in the long term" therefore demonstrating that the business is not a going concern and "is clearly unsustainable and unviable". The statement includes evidence that the business runs in profit and thus is an economically viable enterprise at the current time.

The application does not seek to demonstrate that the future use of the public house has been considered, and there is no accompanying marketing strategy that demonstrates that

the applicant has sought to sell the public house as a going concern. Thus, when considering this lack of justification alongside the submitted information demonstrating the sound economic viability of the existing commercial operation conclusions can be drawn in so far as the facility is well used as a community facility and thus its loss would impact on the services available to the village and ultimately the sustainability of the settlement.

The applicant has submitted an appeal decision in support of their application. The appeal referred to was determined in July 2007 on an application which was dated December 2005 for the change of use (opposed to demolition) of a public house. The appeal is considered dated considering the significant material change in the planning system from Planning Policy Statements to the NPPF in March 2012. In addition, the Inspector did not consider financial viability in his decision making as there was no financial viability test required by Melton District Council's Local Plan. This situation contrasts with the explicit policy requirement of Core Strategy Policy 12 to demonstrate that a facility can no longer operate in a viable manner.

The business has not been marketed and it is only on the anecdotal evidence from the landlord via the applicant's agent that it is an unsustainable business. The applicant has therefore failed to demonstrate that the public house is an unviable business.

Paragraph 128 of the NPPF requires applicants to describe the significance of the heritage asset affected. Annex 2 of the NPPF defines a heritage asset as "a building monument, site place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the Local Planning Authority".

Spatial Objective 11 'Built Environment and Townscape Character' of the adopted Core Strategy aims "To safeguard, enhance and where necessary regenerate the borough's distinctive built environment including its wider setting particularly that associated with Conservation Areas, Listed Buildings and historic industries".

The Bulls Head public house does not stand within or adjacent a Conservation Area, is not a Listed Building or stand within the setting of a Listed Building and is not currently on a local list.

However, a building can be considered to be a heritage asset depending on its heritage interest which may be due to its archaeological, architectural, artistic or historic merit, which can be identified by the Local Planning Authority through the pre-application stage, during decision making or through plan-making.

The Directorate of Chief Executive (Archaeology) has commented that the building shows upon Ordnance Survey maps of the early 19th Century and therefore should be considered as a heritage asset. Nailstone was once one of the villages within the Gossall Estate, a large country estate, and the building style is typical of the style of buildings favoured by custodians of the estate. The building is part of a group of buildings which includes the school opposite and Grade II listed Elms Farm House opposite which forms a distinctive entrance to the village. Its removal would detract from the character of this area of the village. The Bulls Head is therefore considered to constitute a heritage asset and therefore there is justification to request a heritage statement in accordance with Paragraph 128 of the NPPF.

Paragraph 135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing up applications ..... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

An understanding of the significance of this asset is therefore required to enable the local authority to determine the acceptability of the total loss of this asset and this can not be determined until a heritage statement is provided.

### The Case for Residential Development

The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. This document seeks developments; with high quality design; conserve heritage assets (paragraph 17); deliver a wide choice of quality homes (paragraph 47) and; guard against the unnecessary loss of valued facilities (paragraph 70).

The NPPF states that the development plan is the starting point for decision takers and policies adopted prior to 2004 should be assessed for their accordance with the NPPF. The Core Strategy adopted 2009 is considered to have limited conflict with the NPPF and should be given full weight in the decision making process.

The main consideration to this application is Core Strategy Policy 12: Rural Villages, which aims to support existing facilities through supporting limited residential development within the settlement boundaries, and resist the loss of local shops and facilities unless it is demonstrated that the business or facilities can no longer operate in a viable manner.

The proposal seeks the demolition of one of the two public houses within Nailstone, and the erection of three dwellings within the settlement boundary. The site is considered to be previously developed land (brownfield) and the principle of its development is in accordance with both the NPPF and Core Strategy.

The Hinckley and Bosworth Local Plan (2001) was adopted prior to 2004 and therefore policies within it should be assessed for their degree of conformity with the NPPF.

Policy RES5, of the Hinckley and Bosworth Local Plan, supports residential development on unallocated sites within the settlement boundary, providing other relevant policies are adhered to. This policy is considered to accord with the presumption in favour of sustainable development and therefore considered to be in conformity with the NPPF. The proposal is located within the settlement boundary and therefore is in accordance with Policy RES5.

### Design and Appearance

Policy BE1, criterion (a), seeks a high standard of design through new development having regard to the character and appearance of the surrounding area. Section 7 of the NPPF is entitled 'requiring good design' and considers that good design is a key aspect of sustainable development. Policy BE1 is therefore considered to accord with the NPPF.

The proposal is located on one of the main roads into Nailstone and is characterised by traditional properties located on the back edge of the highway with more modern properties set further back, resulting in no definitive building line. Traditional properties incorporate eyebrow dormers above first floor windows, a feature that has been replicated on some modern infill developments.

The two storey house would be set 4.5m behind the highway boundary. The design incorporates two external chimneys, a central entrance porch and eyebrow features above the first floor windows. The simple, symmetrical design that incorporates traditional features results in a property that compliments the character and appearance of the area and is therefore considered to comply with Policy BE1, criterion a.

The two 'barn' type dwellings are located further back into the site. The dwelling on the west of the access would have the gable facing Main Street set back 8m from the highway boundary. This would be a simple feature and given the set back and scale, the proposed dwelling would remain as the dominant feature within the streetscene.

Amended plans have been received simplifying the design of the two barn properties, and increasing the size of the garaging. It is considered that the changes in design and position of these properties within the site these elements would not detrimentally affect the character of the area, and are therefore considered to comply with Policy BE1 criterion a.

The SPG on New Residential Developments contains guidance on private amenity areas and distances between windows serving habitable rooms and rear boundaries. For a three-bedroomed dwelling, the guidance suggests that a garden area of 80 sq.m. should be provided. Between windows serving habitable rooms and a rear boundary wall there should be 12m.

The proposed barn dwelling to the east of the access has 77 sq m of private amenity space, as this is only 3 sq m short of the requirement this deficiency is not considered to be so severe to warrant a refusal of planning permission. The other properties have over the recommended level of amenity space.

### Impact on Neighbours

Policy BE1 criterion (i), seeks to ensure that development does not adversely affect the occupiers of neighbouring properties.

The nearest dwellings are 86 and 100 Main Street, located to the east and west of the application site respectively.

86 Main Street is a semi-detached bungalow with the front elevation set 2.5m back from the front elevation of the proposed front elevation of the dwelling house. The rear elevation of No 86 extends beyond the proposed elevation of the dwelling by 4.5m. The dwelling proposes windows serving bedrooms to the rear elevation. Presently the existing public house has a similar relationship with the living accommodation at first floor. It is therefore not considered that the dwelling would detrimentally result in significant overlooking or loss of daylight or sunlight to the detriment of the amenities of the residents of No 86.

The proposed barn to the eastern boundary would result in an additional mass within 4m of the boundary with 86 Main Street. At present there is a 1.8 timber fence with mature landscaping to the boundary, however the proposed dwelling would have first floor window serving a bathroom and two rooflight windows facing east. These overlook the ends of rear gardens with the rear elevation of No 86 15m at an acute angle and the rear elevation of 30 The Oval is located 45m away. It is not considered that given the siting the proposals will severely affect the amenities of occupiers of these properties.

No 100 Main Street, is set back 20m from the highway, and is a detached bungalow with no windows to the eastern elevation facing the site. The proposed dwelling west of the access would be located to the south east of the proposal. No 100 is separated from the application site by a 2m hedge. Whilst a 1st floor window and two roof lights face this property they all over look the front garden, which is less private. The windows in this elevation are at an angle to the proposal restricting visibility.

The proposed dwelling is sited 6m from the boundary, and would have an eaves height of 2.5m. The low height and distance from the boundary prevent this application from being overbearing or unacceptable restricting sunlight or daylight to the detriment of neighbouring residents.



## Highway Safety

Policy T5 of the Local Plan (2001) states that where proposals affects an access the local authority will apply the highway design standards set out in the current edition of the Leicestershire County Councils "Highway Requirements for Development". The current edition of this is titled the 6C's Design Guidance.

The proposal proposes a central access driveway with parking to the rear. With the demolition of the public house and degree of set back it is considered that the access can meet the relevant standards within the 6C's Design Guidance and result in a safe access. The Director of Environment and Transport (Highways), has initially commented raising concerns regarding the degree of separation of the parking areas from the residential properties and concerns that this would result in future residents parking on the highway to the front of the development, restricting visibility. Comments were also raised regarding the size of the garages. Amended plans have been submitted addressing the size of the garages, however no change is proposed to the layout. Any further comments from Director of Environment and Transport (Highways) will be reported as a late item.

## Developer Contributions

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

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

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

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

No equipped open space is located with 400m of the application site, however informal green space is located within 400m at Church Road, and therefore contributions can only be sought in respect of the informal green space.

Within the Green Space Strategy, Nailstone had a sufficiency of 0.14 ha per population of equipped play space and deficiency of -0.19 ha per population of casual informal space. Within Open Space, Sport and Recreation Facilities Study the Church Road Site was given a score of 56.4%. It is envisaged that this development will result in increased use of this facility due to the family sized dwellings being proposed.

There is a deficiency of informal play space within Nailstone when compared with the National Playing Fields standard. The development is of a type that would result in additional use of open space which would be directly related to the development.

The existing pub has living accommodation above and therefore there is a net gain of dwellings on the site of 2. In this instance a contribution of £343.80 is sought comprising £184.80 towards provision and £159.00 towards the maintenance of Church Road.

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

### Other Matters

The Head of Business Development and Street Scene Services has requested a condition requiring a scheme for waste collection and storage to be submitted to and approved, to ensure that waste can be collected from the rear of the public highway. Two properties are located within a few metres of the highway and sufficient space has been left for bins to be left next to the highway on the appropriate days. Every property has sufficient amenity space within the curtilage for the storage of refuse containers. The only dwelling that is located at some distance from the highway is the rear 'barn' property, which is sited approximately level with the neighbouring property 100, Main Street, and therefore would have a comparable distance to take the refuse containers to the highway. Given this and the space to the back edge of the highway it is not considered that the condition is necessary to the application.

### Conclusion

The proposal seeks the consent for the demolition of a public house, with the construction of three dwellings in its place, with associated garaging and access roads. The applicants have sought to justify the loss of the public house solely relying on the current operational practices without considering whether the business could be viable, if run in a different way or demand being tested for within the open market. It is therefore considered that applicant has failed to demonstrate that the business is unviable and therefore that the loss of the public house is acceptable. Whilst it is recognised that the proposal represents development of previously developed land, and the design and appearance of the proposal is considered acceptable, without adequate justification for the loss of a community facility. The scheme is therefore considered contrary to Policy 12 of the adopted Core Strategy which states that the Council will resist the loss of local shops and facilities in rural villages and the NPPF, particularly Paragraphs 28 and 70.

The property has been identified as having a heritage interest that is considered to have a degree of significance. This has not been explored by the applicants and therefore it is not possible to establish the harm of the loss of the building on the wider area. The scheme is therefore considered contrary to Spatial Objective 11 of the adopted core strategy which seeks to safeguard and enhance the Borough's distinctive built environment and the NPPF, particularly Paragraph 128.

**RECOMMENDATION:- REFUSE, for the following reasons:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

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

**Reasons:-**

- 1 In the opinion of the Local Planning Authority, the application fails to demonstrate that the proposal will not result in the loss of an important and viable local facility. The proposal is therefore contrary to Policy 12 of the adopted Hinckley and Bosworth Core Strategy, supported by the objectives contained within Paragraphs 28 and 70 of the National Planning Policy Framework.
- 2 In the opinion of the Local Planning authority, the application fails to demonstrate that the proposal will not result in the loss of an important local heritage asset. The proposal is therefore contrary to the Spatial Objective 11 of the adopted Hinckley and Bosworth Core Strategy, supported by the objective contained with Paragraph 128 of the National Planning Policy Framework.

**Contact Officer:-** Sarah Fryer Ext 5682

**Item:** 06

**Reference:** 13/00534/FUL

**Applicant:** Mr Jeff Penman

**Location:** Maple Drive Hinckley

**Proposal:** Erection of 2 no. industrial buildings (b1,b2,b8)

**Target Date:** 1 October 2013

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it a major development with a floor area in excess of 500m<sup>2</sup>.

Application Proposal

Full planning permission is sought for the erection of two industrial/warehouse buildings comprising of 6 units (Use Classes B1/B2/B8).

The buildings are proposed adjacent to the north western boundary of the site, and will be set slightly further back from the spine road than numbers 1- 6 Marina Court. Both buildings have a floor area of 698.51m<sup>2</sup> and are of identical design.

The units are rectangular in form, with shallow curved roofs. The buildings will have a maximum height of 8.2 metres to the apex. The units are to be of steel frame construction, with curved standing seam roof with horizontal flat cladding panels to the western and eastern elevations and the external facing gable ends. Vertical profile cladding is proposed to the internal facing gable ends. There are "wrap-around" horizontal panels to the corners of the internal gabled elevations of the buildings. Set within the east elevation, the units have a single roller shutter door and floor to eave aluminium curtain wall screens, which include glazing at ground and first floor level. The entrance doors are located within the glazed panels with a glazed canopy porch extending to the width of the glazing.

The scheme intends to comprise of 465.7 square metres of light industrial space (Use Class B1c); 465.7 square metres of general industrial floor space (Use Class B2) and 465.7 square metres of storage and distribution floor space (Use Class B8) and 349.5 square metres of office floorspace.

Facing elevations are clad in horizontally laid Metallic Silver micro-rib panels, with contrasting Merlin Grey vertical cladding panels to the non-facing elevations. In addition, flashings, gutters, rainwater pipes, roller shutter doors and curtain wall window panels are coloured Merlin Grey.

The scheme proposes 36 car parking spaces including 6 disability parking bays.

Units are intended to be operational for 24 hours a day.

A landscaped strip is proposed along the eastern and western boundaries of the site.

Following concerns raised by officers, amended plans have been received. The units have been sited further back from Maple Drive, a landscaped area has been provided along the western boundary and horizontal flat cladding panels have been proposed to the western elevations of the building. A full 10 day re-consultation has been undertaken.

The Site and Surrounding Area

The site covers an area of 0.59 hectares and is rectangular in shape. Unit's 1 - 6 Marina Court, which are of a similar design and form to the units proposed are located to the north west, and to the south east is a vacant plot of land on which planning permission (12/00402/FUL) has recently been granted for a Squash Club Building. To the west of the site is the estate spine road and further east is the Ashby de-la Zouch Canal and Conservation Area.

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

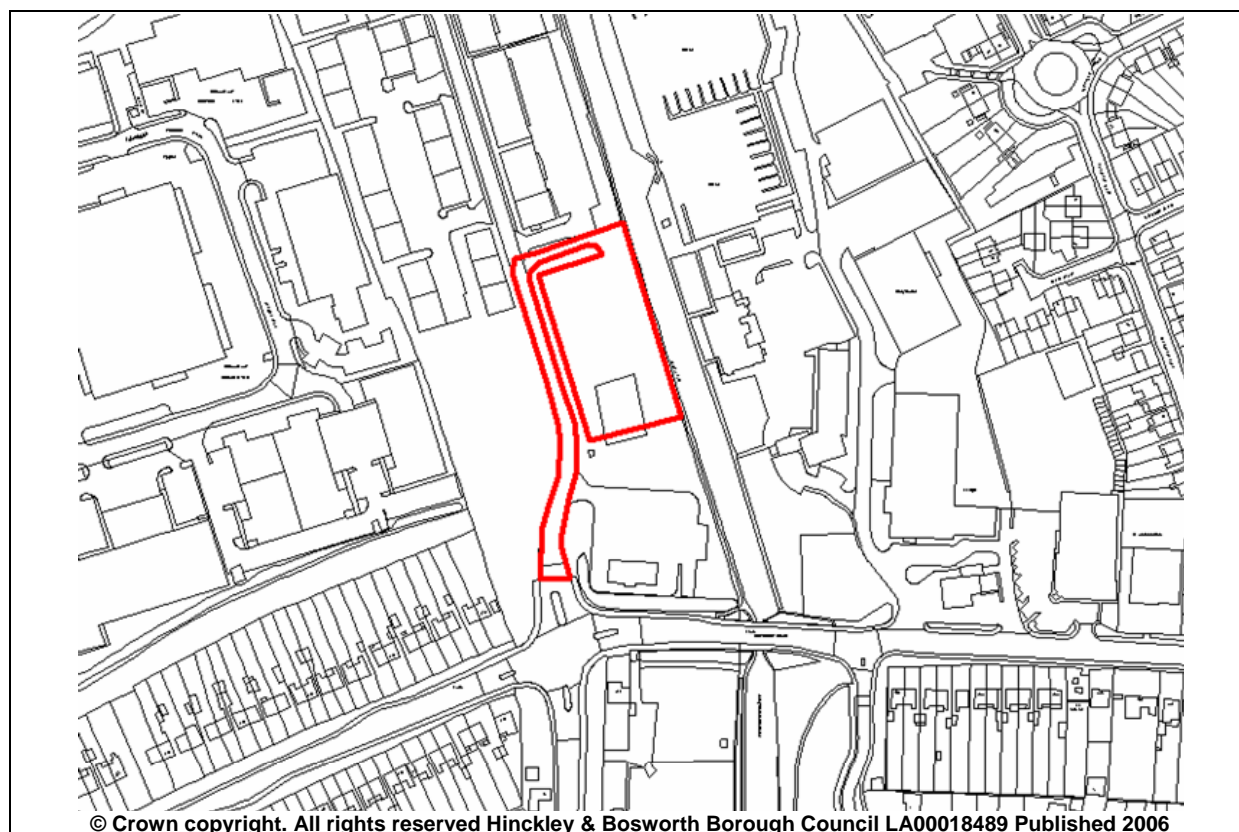
Technical Documents submitted with application

Design and Access Statement

**Relevant Planning History:-**

12/00998/FUL	Erection of 3 industrial buildings (B1,B2,B8)	Approved	23.01.13
12/00486/FUL	Erection of motor dealership including workshop, outdoor car sales display areas and associated works	Approved	06.09.12

12/00402/FUL	Erection of squash club building	Approved	29.06.12
12/00067/FUL	Erection of 2 no. industrial buildings (Use Classes B1/B2/B8)	Approved	12.04.12
11/00706/FUL	Erection of industrial/warehouse building (Use Classes B1/B2/B8)	Approved	27.10.11
07/01150/FUL	Mixed commercial development comprising B1, B2, B8 and Suigeneris uses	Approved	12.12.07
07/00529/FUL	Mixed commercial development comprising B1, B2, B8 and Sui generis uses	Refused Dismissed at Appeal	29.08.07
05/00615/FUL	Erection of 10 Commercial units	Approved	01.08.05
05/00216/REM	10 Commercial/Industrial/Office units	Withdrawn	02.03.05
03/00411/CONDIT	Variation of condition 3 of application 99/00048/OUT to allow extension of time for submission of reserved matters	Approved	09.06.03
99/00048/OUT	Industrial Development for No LPA Decision B1, B2 and B8 uses Appeal	Allowed	09.05.00



## **Consultations:-**

No objection has been received from:-

Ashby Canal Association  
Inland Waterways Association  
Environment Agency  
Head of Community Services (Pollution)  
Conservation Officer.

No objection subject to conditions has been received from:-

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

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

No response has been received from:-

Canal and River Trust  
Ramblers Association  
The Director of Environment and Transport (Rights of Way).

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

### Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy BE7: Development in Conservation Areas  
Policy REC6: Ashby Canal Corridor  
Policy NE14: Protection of Surface Water and Ground Water Quality

### Supplementary Planning Guidance/Documents

None relevant.

### Other Material Planning Guidance

The Ashby Canal Conservation Area Appraisal

## **Appraisal:-**

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

### Principle of Development

The NPPF at paragraph 19 and 20 states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

It is considered that the proposal by virtue of it being for commercial purposes would support economic development. Accordingly, the proposal would enhance the economic competitiveness of the site which in turn would benefit the economy of the immediate area and the Borough as a whole.

The principle of a mixed use commercial development on this site has already been established through the earlier grant of planning permission (ref: 07/01150/FUL). Subsequent planning permissions have been granted on the site for B1, B2 and B8 Use Classes. As such there is no in principle objection for the erection of two industrial buildings (Use Classes B1/B2/B8) subject to all other planning matters being appropriately addressed.

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

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

In terms of siting, it is considered that the principle of units to the northern part of Tungsten Park has already been agreed through the earlier grant of planning permission ref: 07/01150/FUL. The 2007 permission illustrated two units, A and B set at right angles to one another; with unit B located approximately 16 metres (at its closest point) to the canal boundary. The application under consideration comprises two units adjacent to one another parallel to Maple Drive. In order to reduce their prominence within the street scene, amended plans have been received, siting the units further back within the plot. Further, due to the parking and loading areas being sited to the rear of the buildings (as oppose to the side of unit B as previously approved), a separation distance of 27 metres has been achieved between the canal and the units. Accordingly the proposed layout is considered acceptable; resultant of their siting, the buildings will not have an adverse impact on the visual amenity of the street scene, and by virtue of the separation distance between the units and the Ashby Canal Conservation Area, the character of this area will be preserved.

In respect of density, within the 2007 application, Units A and B cumulatively proposed 1594 square metres in floor space. This scheme intends to provide 1397.02 square metres of floor space, however this minor decrease is not considered to have a material impact on the overall density of development on the site.

The massing of the building was broken in the earlier (07) scheme by virtue of them being sited at right angles to one another. This resulted in a broken form of development along the spine road (Maple Drive). Consequently, views of the canal from the spine road were improved. Further, by virtue of the layout of the parking, there was a greater separation distance between unit B and the proposed squash Club building. Notwithstanding this, the footprint, siting and form of the units are similar to those at 1 - 6 Marina Court, which have been considered acceptable. Further, the units are sited a greater distance from the Ashby de la Zouch Canal and the associated Conservation area, and for this reason are considered to have a lesser impact upon it and preserve its character.

In terms of design, the curved shallow pitch roofs are replicable to those of the other commercial buildings on Tungsten Park, both those already constructed and those approved, awaiting construction. Both buildings are of a simple rectangular form with the curved roof adding some further mass and visual interest to the unit, whilst not detracting from the inherent curved roof form of the wider development. Following the submission of amended plans, horizontal flat cladding panels have been proposed to the western elevation, which are replicable to those on the remaining facing elevations, with vertical profile cladding on the non facing gable ends.

The following materials have been proposed, these are in line with those used elsewhere on Tungsten Park:-

East, West and facing gable ends: TATA insulated steel cladding panel 1000mm Micro Rib 90mm thick - Colour Silver Metallic RAL Ref 9006

Non facing gable ends: TATA steel Trisomet 333 vertically laid Trapezoidal profile cladding - Colour Merlin Grey BS 18B25

Rear corners of buildings: Horizontal micro-rib panel "wrap- around" detail

Roof: Curved standing seam Euroclad Euroseam 400 (or similar) - Finish: Stucco Embossed - Colour Silver

Windows: Technal MX Curtain Walling and aluminium glazing panels - Finish powder coat - Colour Merlin Grey BS18B25

Doors: Pivot door with concealed overhead closer and full height glazing - Frame powder coated in BS18B25 Merlin Grey. Fire Exit and Industrial doors: Merlin Grey

The proposed materials are considered acceptable; however a condition will be imposed to ensure that the development is constructed in accordance with the approved details.

It is considered that the canal hedgerow is an important feature which preserves the character and appearance of the Ashby Canal Conservation Area. For the avoidance of doubt, the existing canal side hedgerow is to be retained and it is considered necessary to ensure that this existing hedgerow is protected during construction by attaching an appropriate condition.

A landscaped strip is proposed along the western and eastern boundaries. By virtue of the buildings increased set back from the Spine Road, the depth of this strip (in its most part) will be greater than that approved within the 07 application. Although parking spaces will be set within the landscaped area along the eastern (canal side) boundary, the depth of this area of landscaping is similar to that of the earlier application. The proposed landscaping will soften the appearance of the buildings, afford an attractive frontage and will provide a buffer between the built development and the Conservation Area and canal. It is considered that



any landscaping should be complimentary to that already approved across the site, as this will ensure consistency will aid the preservation of the character and appearance of the Conservation Area. As no specific details have been provided for the landscaping (in terms of planting mix, type, height, density etc) it is considered necessary to impose a condition to this effect.

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

In summary, it is acknowledged that the almost continuous form of development along the site frontage (west) will result in less open space and views through the site, in comparison with the 07 scheme. However, the scheme ensures that units are sited as far from the canal as possible and are in accordance with the general siting and scale of existing industrial units on the site, ensuring that they appear in keeping with the scale and character of existing development. The design and materials, combined with the retention of the canal side hedgerow and additional hedgerow and landscaping ensures that the character and appearance of the Conservation Area is preserved in this case. As such, the development is considered to be in accordance with Saved Policies BE1 (criterion a), BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.

#### Drainage and Flood Risk

Severn Trent Water Limited raises no objection to the proposal but has requested that a condition be imposed in respect of drainage details to be submitted.

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

In summary, subject to the imposition of the recommended condition, which is not being imposed for the reasons stated above, it is considered that the proposal would not have any significant impacts upon flooding in accordance with the intentions of the NPPF.

Head of Community Services (drainage) have stated that if the parking and manoeuvring areas are to be constructed from impermeable material, then surface water runoff shall be routed through suitably sited oil/fuel separators prior to being discharged into receiving waters. It is stated on the application forms that the hard surfaced areas will be finished in tarmac, in keeping with that used else where on Tungstone Park. Accordingly a condition to this effect is considered necessary and will be imposed.

#### Impact upon Residential Amenity

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

The residential dwelling most immediately impacted upon as a result of the proposal would be No.391 Coventry Road to the south west of Tungsten Park. There is a distance of approximately 250 metres from the closest unit (Unit B) and this dwelling. By virtue of this

distance, it is not considered that the proposal will result in any significant impacts in terms of residential amenity to this property.

Given the likely trips generated, as discussed below, it is not considered that there would be any significant impacts from traffic movements upon the occupiers of nearby dwellings.

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

### Highway Considerations

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

The application seeks to take access from the Tungsten Park spine road and proposes thirty six car parking spaces, including six disability spaces. The development has been considered by the Director of Environment and Transport (Highways) who has no objection subject to the imposition of a condition to secure covered cycle parking. In respect of the provision of cycle parking; within the Design and Access Statement it is suggested that secure cycle parking can be accommodated within each unit. Accordingly no condition is considered necessary to secure this.

As this scheme proposes a mix of B1c, B2 and B8 uses as oppose to pure office (B1a) use, which was previously approved, a Transport Statement has been included within the Design and Access Statement. This states, based on TRICS Database figures that B1c, B2 and B8 planning uses generate an average of 75% less traffic generation than pure B1a offices. Accordingly even after allowing for the small amount of first floor B1a office accommodation proposed, it is not considered that the scheme will result in an unacceptable number of movements to and from the site.

Based on the above, it is not considered that the proposal will result in any significant impacts upon highway safety. Accordingly the development accords with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

### Conclusion

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

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

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

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

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), T5, REC6, BE7 and NE14.

Hinckley and Bosworth Local Plan 2006-2026:Core Strategy (2009): - Policy 1.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: DRG Refs: 7922/005D, 7922/003C, 7922/006A, 7922/002C, 7922/001D received by the Local Planning Authority on 27 August 2013.
- 3 The development hereby approved shall be constructed in accordance with the following details:-  
  
East and west elevations and external gable elevations: TATA insulated steel cladding panel 1000mm Micro Rib 90mm thick - Colour Silver Metallic RAL Ref 9006  
  
Internal facing elevations: TATA steel Trisomet 333 vertically laid Trapezoidal profile cladding - Colour Merlin Grey BS 18B25  
  
Rear corners of buildings: Horizontal micro-rib panel "wrap- around" detail  
  
Roof: Curved standing seam Euroclad Euroseam 400 (or similar) - Finish: Stucco Embossed - Colour Silver  
  
Windows: Technal MX Curtain Walling and aluminium glazing panels - Finish powder coat - Colour Merlin Grey BS18B25  
  
Doors: Pivot door with concealed overhead closer and full height glazing - Frame powder coated in BS18B25 Merlin Grey. Fire Exit and Industrial doors: Merlin Grey
- 4 No development shall commence until details of a scheme to safeguard the existing hedgerow along the eastern boundary of the site during construction of the development and programme of implementation have first been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved scheme.

- 5 Notwithstanding the submitted plans no development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
- a) Planting plans
  - b) Written specifications
  - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - d) Maintenance schedule
  - e) Implementation programme
  - f) Areas to be grassed
  - g) Treatment of hard surfaced areas
  - h) Details of the landscape management plans for the hedgerow to the eastern boundary in its entirety.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To protect the existing hedgerow during development in order to secure its retention as a wildlife habitat and to protect the character, appearance and biodiversity importance of the adjacent canal corridor and to preserve the character and appearance of the Ashby Canal Conservation Area to accord with Policies BE1 (criteria a and e) BE7 and REC6 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 In the interests of visual amenity, to accord with Policies BE1 (criteria a and e) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criteria a and e) and BE7 of the adopted Hinckley & Bosworth Local Plan 2001.

- 7 To avoid water 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](http://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:-** Eleanor Overton Ext 5680

**Item:** 07

**Reference:** 13/00566/EXT

**Applicant:** Mr John Brown

**Location:** Manor Farm Main Street Thornton

**Proposal:** Extension of time for extant planning permission 10/00514/OUT for residential development (Access)

**Target Date:** 12 September 2013

**Introduction:-**

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

This application seeks an extension of time for implementation of an outline planning consent for residential development on approximately 0.24 hectares of land at Manor Farm, Main Street, Thornton. Planning permission is sought for access only at this stage with all other matters reserved, although an indicative only layout and street scene were submitted with the original outline application. The proposals include the demolition of a number of redundant agricultural buildings within the site, the construction of a new five metres wide access off Main Street to serve the development along with the creation of a 1.8 metres wide pedestrian footway across the sites frontage with Main Street and closure of the existing farm access further to the north. The indicative layout suggests a development of eight dwellings, representing a density of 33 dwellings per hectare, comprising a mix of dwelling types creating a street frontage with one plot in depth. The indicative street scene suggests that the development would be two storeys in height with a variety of designs.

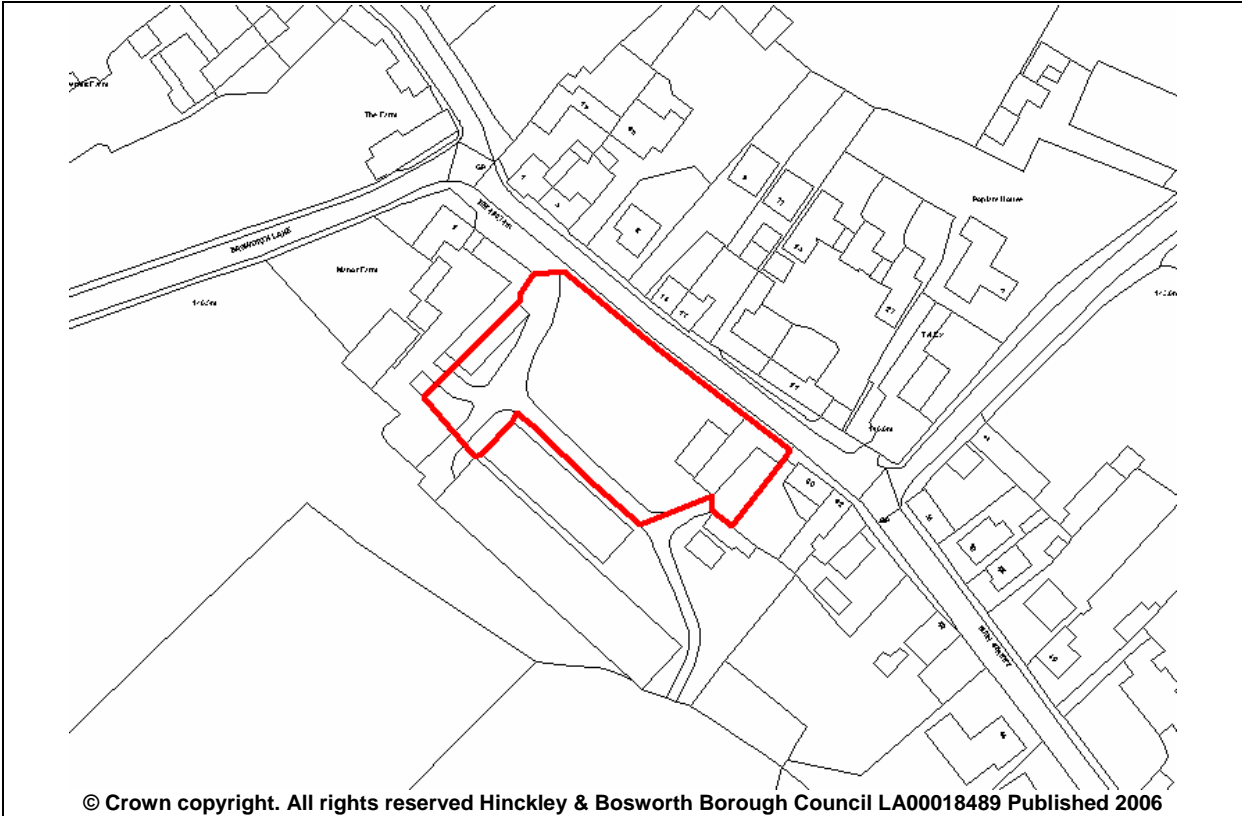
The site is located on the south west side of Main Street close to the northern end of the village of Thornton. It contains a number of redundant agricultural buildings of both traditional red brick and slate roof construction and open fronted structures of brick, timber and corrugated asbestos sheet construction, all in a poor state of repair. The site is somewhat overgrown and used for storage of various vehicles, farm machinery, building materials, tyres and other items. A farmhouse and a range of traditional red brick barns form the north west boundary of the site, there are residential properties to the northeast and southeast. To the southwest there are two former poultry sheds of timber construction and open fields beyond. The application site falls gently from north to south but is generally flat from east to west although levels fall significantly further to the southwest of the site. The site frontage to Main Street comprises of a 1 metre high wall constructed of a mix of stone sections and red brick sections along with the wall of a red brick barn that is to be demolished as part of the proposed development. There are a number of semi-mature and younger trees within the site.

Technical Documents submitted with application

Ecological Report - updated 19 June 2013  
 The application is also accompanied by a draft s106 legal agreement.

**Relevant Planning History:-**

10/00514/OUT	Residential Development (outline)	Approved	02.09.10
96/00362/TEMP	Retention of Poultry Houses	Approved	08.07.96
80/00973/4	Erection of a Grain Storage Silo	Approved	22.07.80
75/00870/4	Retention of Broiler Houses	Approved	28.10.75



## **Consultations:-**

No objection has been received from:-

Head of Community Services (Pollution)  
Head of Community Services (Land Drainage)  
Severn Trent Water Limited  
Directorate of Chief Executive, LCC (Ecology).

No objections subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
Director of Chief Executive (Archaeology).

At the time of writing this report no response has been received from Bagworth and Thornton Parish Council.

## **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 10: Key Rural Centres within the National Forest  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 21: National Forest

### Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities  
Policy BE1: Design and Siting of Development  
Policy BE14: Archaeological Field Evaluation of Sites  
Policy BE16: Archaeological Investigating and Recording  
Policy NE2: Pollution  
Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy RES5: Residential Proposals on Unallocated Sites

### Supplementary Planning Guidance/Documents

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

### Other Material Planning Guidance

None relevant.

## **Appraisal:-**

The site currently benefits from outline planning consent for residential development (due to expire 2 September 2013) and therefore the principle for residential development has already been established.

This application seeks the extension of time for outline planning approval originally granted under reference 10/00514/OUT. Therefore, the main consideration with regards to this development is whether the principle of development can still be supported following the introduction of the NPPF and consideration of any other significant change in policy since the granting of the outline consent. An update for the provision of affordable housing within the site and financial contributions towards off-site play and open space are also detailed within the report.

### 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.

It is considered that the principle of residential development appears to be consistent with the intentions of the NPPF and therefore the proposal should, in respect of the principle of residential development, continue to be supported.

### Core Strategy

The previous approval for outline planning consent was considered against Policies 10, 15, 16, 19 and 21 of the adopted Core Strategy and there has not been any significant change in the last 3 years since the granting of the original consent.

#### Hinckley and Bosworth Local Plan

The previous approval for outline planning consent was also considered against Policies IMP1, BE1, BE14, BE16, NE2, NE12, NE14, T5, REC3 and RES5 of the adopted Hinckley and Bosworth Local Plan and there has not been any significant change in the last 3 years since the granting of the original consent.

### 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).

The application site is within 400 metres of the Main Street Recreation Ground in Thornton which provides both formal and informal public play and open space facilities including children's play space. The Green Space Strategy Quantity/Accessibility Audit 2005 on open space within the Borough identified this facility as having a quality audit score of less than 45% and recommends improvement of the quality of provision for children and young people with a cost estimate of £100,000 and to protect and improve the quality of existing amenity green space with a cost estimate of £40,000. Some improvements have been undertaken as the Audits of Provision 2007 update identifies this facility as having a quality audit score of 55.2%. Developer contributions towards the provision and maintenance of informal public play and open space are still required to improve the facility further and to comply with policy 19 of the adopted Core Strategy, policy REC3 of the adopted Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the Green Space Strategy and Quantity/Accessibility Audit 2007. In this case the contribution required would be £1250.80 per dwelling (split between a capital sum £817.80 and a future maintenance sum £433.00).

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. 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 informal play and open space facilities at Main Street/Thornton reservoir. Accordingly the scheme would meet the requirements of Policy 19 of the adopted Core Strategy, and Policy REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

As stated earlier, in this case the total contribution required will be £10,006.40 (£1,250.80 per dwelling). This equates to a capital sum of £6,542.40 (£817.80 per dwelling). The maintenance contribution equates to £3,464.00 (£433.00 per dwelling).

It should be noted that the level of contributions sought for play and open space are identical to those included within the s106 legal agreement for the previous outline consent.

### Developer Contributions

### 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.

The affordable housing requirement for this site is set out in policy 15 of the Core Strategy. As it is classed as a site outside the urban area, the affordable housing requirement would be for 40% affordable housing. This should ideally be split between 75% social rented and 25% intermediate tenure.

The outline planning application put forward in 2010 suggests that this site would sustain development of 8 dwellings. This would result in 3 properties being made available for affordable housing; 2 for social rent and 1 for intermediate tenure.

The Housing Register at 24th July 2013 has the following number of applicants waiting to be housed in Thornton:

1 bedroom properties	208
2 bedroom properties	172
3 bedroom properties	72
4 or more bedroom properties	24

It is accepted that on a site of this size, it will not be possible to spread the affordable housing in clusters throughout the site.

It is requested that a local connections policy be included in the section 106 agreement so that rented properties in the first instance can be allocated to people with a connection to the Parish.

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 Thornton 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 draft s106 legal agreement. 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.

#### Other Matters

#### Access and Highways Issues

These matters were considered within the original outline application and, subject to the imposing of a number of conditions, was considered acceptable. It should be noted that The Director of Environment and Transport (Highways) does not object subject to the inclusion of the conditions that were attached to the original outline planning consent. Whilst most of the suggested highways conditions are to be included the condition relating to the parking of vehicles within the site during construction would appear unnecessary given the rural nature of the site. Furthermore, the condition relating to the gradient of the access site would also appear to be unnecessary given that the entrance to the site is relatively level. All other suggested highways conditions should be imposed.

## Archaeology

The Director of Chief Executive (Archaeology) does not object to the application subject to imposing of conditions relating to historic building recording, and securing a program for archaeological work by a written scheme of investigation. It would appear reasonable to attach the same conditions that were detailed on the original outline consent (10/00514/OUT).

## Conclusion

The site is within the settlement boundary of Thornton where residential development is generally considered to be acceptable in principle. The site has the benefit of outline planning permission for residential development and the application site is suitable for housing using derelict land effectively and efficiently to provide an appropriate contribution of affordable housing to the village and without undermining the wider policy objectives of Policy 10 of the Core Strategy. It is considered that the proposed access is in an acceptable location and is adequate in terms of its width and geometry to serve the development of the site. The applicant has also demonstrated that an acceptable layout can be achieved that will enhance the character and appearance of the area and will not adversely affect the amenities of neighbouring properties. A legal agreement (section 106) has been submitted to secure the provision of 40% affordable housing within the development; and contributions towards the provision and maintenance of off-site public play and open space.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards the provision of affordable housing and the provision and maintenance of off-site public play and open space facilities, the Development Control Manager be granted the powers to issue outline 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, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as: the site is within the settlement boundary of Thornton; satisfactory access can be achieved; residential development of the site would not have an adverse impact on the character or appearance of the area, neighbouring properties, archaeology or ecology and a legal agreement would provide appropriate developer contributions towards affordable housing and public play and open space.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE14, BE16, RES5, NE2, NE12, IMP1, REC3 and T5.

Hinckley and Bosworth Core Strategy (2009):- Policies 19, 15, 16 and 19.

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

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan at 1:1250 scale received by the Local Planning Authority on 8 July 2010 and the access details indicated on drawing number JB/MST/01 received by the local planning authority on 6 July 2010.
- 3 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) the layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) the scale of each building proposed in relation to its surroundings.
  - c) the appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) the landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 4 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.
- 5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 6 No development approved by this permission shall be commenced until such time a scheme for the monitoring of landfill gas has been submitted in writing to and agreed in writing by the local planning authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.
- 7 The approved landscaping scheme shall be carried out during the first planting season following the date when the proposed dwellings are first ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 8 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation, which has been submitted in writing to and approved in writing by the planning authority.

- 9 No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted in writing to and approved in writing by the local planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.
- 10 The applicant shall notify the local planning authority in writing of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.
- 11 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 12 Notwithstanding the submitted details, before first occupation of any dwelling hereby permitted, a footway having a minimum width of 2.0 metres shall be provided across the frontage of the site to the satisfaction of the local planning authority.
- 13 Before first occupation of any dwelling hereby permitted, the access drive shall be provided in accordance with the approved plan and surfaced with tarmacadam, 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 thereafter.
- 14 Before the first occupation of any dwelling hereby approved, visibility splays in accordance with the details shown on the submitted drawing shall be provided at the junction of the access with Main Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained thereafter. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4-6 To ensure the protection of future occupiers of the development hereby approved to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.

- 8 To ensure satisfactory historic building recording in line with policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in line with policy BE14 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure satisfactory archaeological investigation and recording in line with policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 11 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of pedestrian and highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 In the interests of pedestrian safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 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.

**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](http://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 This permission is subject to a section 106 Agreement to secure the provision of affordable housing and off-site public play and open space contributions.
- 6 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

- 7 In respect of Conditions 5, 6 and 7 the developer is advised that: 1) the former pond on the site should be investigated to identify, where possible, fill materials and also the presence of landfill gas; 2) general exploratory hole coverage is acceptable, but targeted sampling of areas most likely to be affected by contaminants, as identified during the survey, should also be targeted.
- 8 It is the responsibility of the developer to obtain the necessary approvals and defray the expenses of the appropriate authorities in connection with the removal of any street lamps, signs, posts, bus stops or shelters within the highway boundary which may be required.
- 9 The internal layout geometry does not comply with current adoptable standards contained in "The 6Cs Design guide- Highways, transportation and development" and will not be adoptable in this format. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3056782.
- 10 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Area Manager. For further information, including contact details: For 'major' accesses see Part 6 of the "6Cs Guide" (Htd) at [www.leics.gov.uk/Htd](http://www.leics.gov.uk/Htd); For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 11 The developer will be required to enter into a suitable legal agreement with the Highway Authority for the dedication of land to the highway and works within the highway (provision of footway). The highway boundary is the wall/hedge/fence etc fronting the premises and not the edge of the carriageway/road.
- 12 Prior to commencement of the development, the applicant shall agree with Public Transport (telephone 0116 3056673) the location of and possible re-siting of the bus stop and the bus stop that requires relocation shall be moved entirely at the expense of the applicant.

**Contact Officer:-** John Taylor Ext 5680

**Item:** 08  
**Reference:** 13/00579/HOU  
**Applicant:** Mr S Dempsey  
**Location:** 49 Stamford Drive Groby  
**Proposal:** Extensions and alterations to dwelling  
**Target Date:** 19 September 2013

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of Councillor Batty who raises concern about the visual impact of the proposal upon the character of the area and the amenity of neighbouring properties.

#### Application Proposal

The application seeks full planning permission to raise the roof of No. 49 Stamford Drive, Groby.

The proposals include raising the pitch of the roof by 0.85 metres from the ridge of the existing dwelling to provide a loft conversion. Two pitched roof dormer windows are proposed to the front roof slope with two roof lights proposed to the rear roof slope.

The proposal is to be constructed in matching materials with the existing tiles re-used and additional matching tiles used on the rear elevation. The proposal would raise the total height of the dwelling to 8.5 metres.

Amended plans have been received and a full re-consultation taken place for 10 days as there was a discrepancy identified between the height of the front/rear elevations and the side elevations shown on the plans. Any further representations received will be reported as a late item.

#### The Site and Surrounding Area

The application property is a detached two storey dwelling set on a plot approximately 452 square metres in size. The dwelling features a concrete tiled roof with white uPVC windows.

The property is located at the end of a cul-de-sac on the edge of a modern housing estate constructed in the 1980s/1990s. The style and form of properties within the estate varies and there is little in the way of a strong uniform character that prevails. Properties are predominantly constructed from red brick and buff brick with the application property rendered in white. Some properties in the area feature mock Tudor detailing with rendered inserts to the front elevation.

The property is accessed off a private drive and is bounded to the front by a tall conifer hedge. Located opposite the dwelling is a large public open space. To the front of the dwelling is sufficient parking for three vehicles.

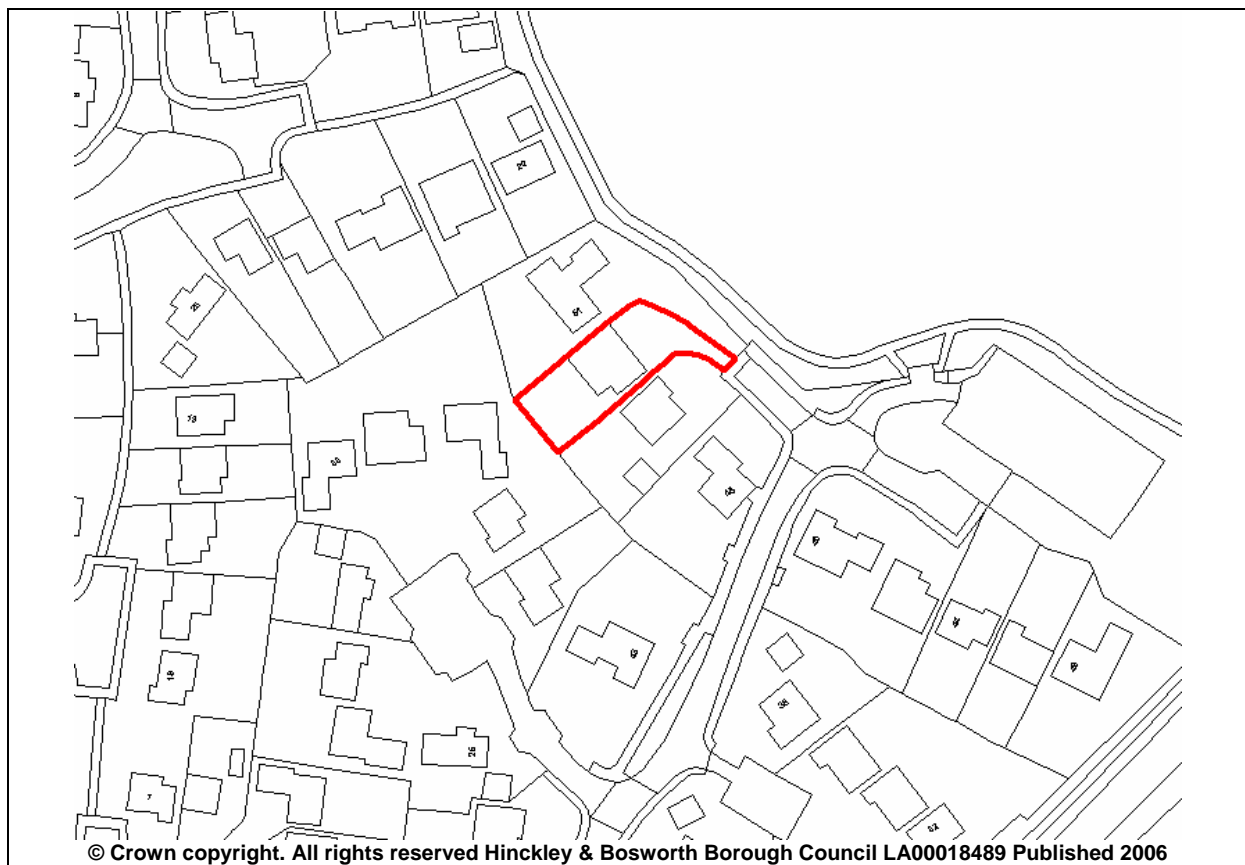


Permission was granted in 2010 for a first floor side extension and single storey rear extension to the property. A variation to the approved plans was sought and approved in 2011 to render the entire property and to erect two pitched gables to the front roofslope.

The adjacent properties No. 51 and No. 47 are both detached two storey dwellings that have steeper roof pitches that sit higher than the application property.

**Relevant Planning History:-**

10/00016/FUL	Extensions and Alterations to Dwelling	Approved	15.03.10
11/00023/CONDIT	Variation of Condition 3 of Planning Permission 10/00016/FUL	Approved	30.03.11



**Consultations:-**

A site notice was displayed and neighbours notified. No response has been received from neighbours.

Objections have been received from:-

Groby Parish Council - This is the second extension to this property and is not in keeping with other properties in the area; an increase in roof elevations and pitch to provide further space in the loft would necessitate the provision of a fire escape if the space is to be used for further accommodation.

Local ward member Councillor Batty. Summary of comments received:-

- a) property has an existing substantial extension
- b) proposal would be out of character and visually intrusive in relation to properties in surrounding area
- c) dominate street scene, overlooking a local park
- d) proposal not consistent with House Extensions SPG
- e) no other properties in surrounding area have 2.5 or 3 storeys
- f) plans lack detail
- g) property could be converted to a 7 - 8 bedroom dwelling with only minor internal alterations.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

House Extensions (SPG)

**Appraisal:-**

The main considerations with regard to this application are the principle of development, design and appearance and impact on the residential amenity of adjacent properties.

Principle of Development

The application proposes an extension and alterations to an existing dwelling within the settlement boundary of Groby. The NPPF is supportive of sustainable development, as this proposal is for an extension and alterations to an existing dwelling it is considered to be sustainable development and the proposal is therefore compliant with the NPPF.

Design and Appearance

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides design guidance.

The dwelling occupies a position at the end of a cul-de-sac, set back at an angle from the highway and therefore only limited views of the raised roof would be visible from within the street scene. The applicant has submitted a street scene elevation to show the increased height of the roof in relation to both neighbouring dwellings No. 47 and No. 51. The elevation shows that the ridge would be approximately 0.45 metres higher than No. 47 and approximately 0.35 metres higher than No. 51. As such the increase in the ridge height and the construction of the subordinate pitched roof dormer windows on the roof slope to the front

would not be visually prominent and would not have a detrimentally harmful adverse impact upon the character or the visual amenity of the area. The proposal is to be constructed in matching materials to provide a unified appearance with the dwelling. The proposal will complement the character of the existing dwelling and surrounding area in accordance with Policy BE1 (criterion a) of the adopted Local Plan and the general principles of the adopted SPG on House Extensions.

### Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

The adjacent properties No. 51 and No. 47 are both detached two storey dwellings that have steeper roof pitches that sit higher than the application property. The proposal would raise the ridge by approximately 0.85 metres. The existing two storey element of the dwelling sits back 1 metre beyond the rear elevation of No. 47 and 4 metres beyond the rear elevation of No. 51. It is not considered that the proposed increase to the ridge height would materially result in an overbearing impact or shadow either neighbouring dwelling. The proposed dormer windows to the front of the property and roof lights to the rear would not cause overlooking by virtue of their position. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions. At the time of writing the report, no objections have been received from any neighbouring properties.

### Other Matters

In respect of the comments made in regard to the lack of detail shown on the plans, the submitted information in the form of elevations, a floor plan and a street scene elevation meet validation requirements and are considered to show sufficient clarity at scale, with annotated dimensions to allow a proper assessment of the proposal to be made. Amended plans have been received to correct the discrepancy between the front/rear elevations and the side elevations on the plan.

### Conclusion

By virtue of its siting, scale, design, appearance and separation distances, the proposal will complement the character of the existing dwelling and will not result in any adverse impacts on the character of the street scene or the amenities of any neighbouring properties. The proposal is compliant with the NPPF and Policy BE1 (criteria a and i) and the general principles of the SPG on House Extensions and is 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 it is sustainable development, will complement the scale, character and appearance of the existing dwelling and will not have any adverse visual impact on the character of the street scene or residential amenity.

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

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: Site Location Plan 1:1250, Block Plan 1:500, Dwg No. 07052-08 Proposed Elevations and Floor Plans received by the Local Planning Authority 25 July 2013 and Dwg No. 07052-09 Proposed Street Scene Elevation received by the Local Planning Authority 27 July 2013.
- 3 The materials to be used on the external elevations of the extension and alterations hereby permitted shall match the corresponding materials of the existing dwelling.

**Reasons:-**

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.
- 3 To ensure that the development has a satisfactory external appearance in the interests of visual amenity and the character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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:** 09  
**Reference:** 13/00600/FUL  
**Applicant:** Urban Wind Ltd  
**Location:** Land North Merrylees Road Thornton  
**Proposal:** Installation of a wind turbine (30m hub height, 42m blade tip height)  
**Target Date:** 12 September 2013

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of Councillor Bessant who raises concerns about the visual impact of the proposal on the countryside.

#### Application Proposal

This application seeks full planning permission for the erection of a single wind turbine. The turbine would measure 30.1 metres to the hub, 41.8 metres to the blade tip with a rotor diameter of 23.6 metres. The three individual blades would measure 12 metres in length. The generating capacity of the turbine would be 100kW.

The blades would be constructed from glass fibre reinforced plastic. The hub and mast would be constructed from steel. The finish and colour of the turbine is indicated to be semi-matt and pale grey.

An area of hardstanding is proposed around the turbine to provide a stable base for the turbine components to be erected during construction.

The proposal would generate electricity for use by the agricultural business with any excess electricity produced fed back into the National Grid. Associated cabling and the connection point to the National Grid is proposed to be laid underground in an excavated cable trench which would be backfilled.

Planning permission is sought for a 25 year period.

Access to the site by HGVs during construction and for routine maintenance during operation is proposed from Heath Road via an existing field entrance. An existing track exists along the field boundary which is approximately 300 metres to the north of the proposed location of the turbine. The track would be upgraded with a new section of track proposed across the field where the turbine is to be located.

#### The Site and Surrounding Area

The site of the proposed turbine is located within the countryside approximately 210 metres to the north west of Merrylees Road. The site itself consists of an agricultural field currently set-aside as rough pasture. The turbine is proposed to be sited near the south east corner of the field approximately 20 metres from the field boundary. Heath Road is located approximately 600 metres to the north of the site.

The site itself is flat and level; however land levels vary within the wider vicinity of the site. The land gradually slopes away down to the south to Merrylees Road, rising up slightly to the north west to a small area of woodland known as Little Fox Covert, approximately 250 metres to the north west of the site. The nearest settlement at Newbold Heath is located approximately 1km to the south west of the site.

A public right of way (footpath S14) is located approximately 130 metres to the north of the site. The footpath runs along the field boundary in a north west to south east direction.

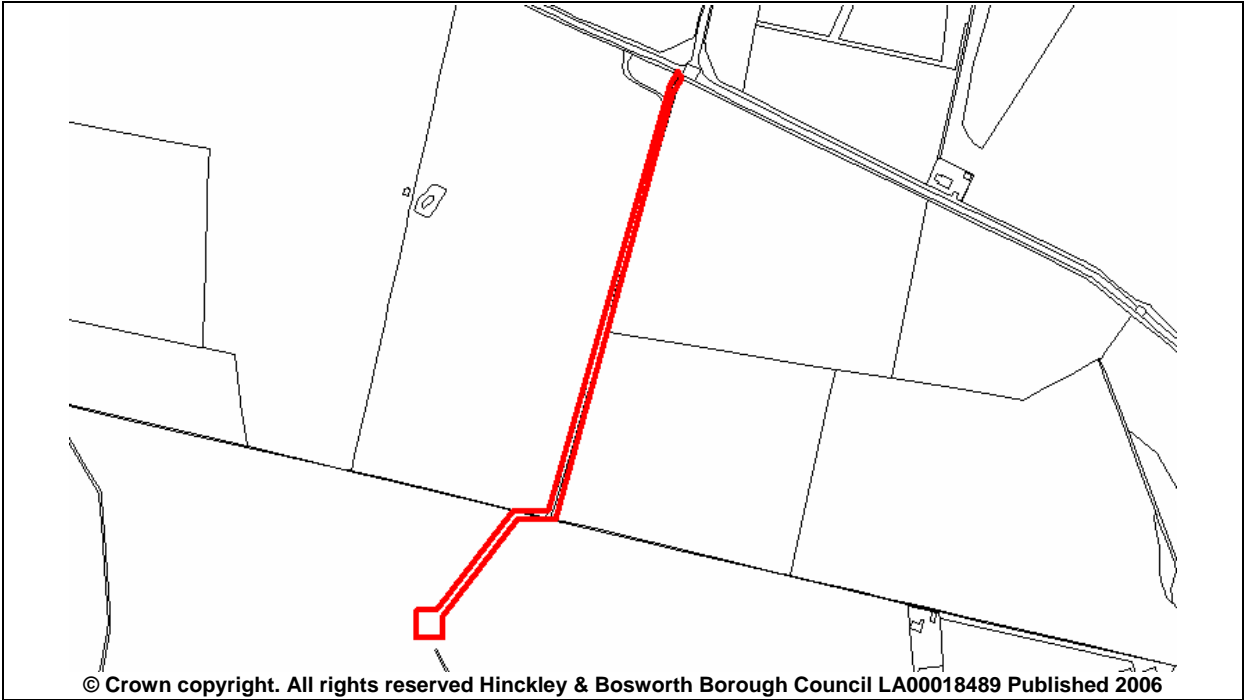
The nearest residential property to the site is known as The Lodge, Merrylees Road which is located approximately 480 metres to the east of the proposed site. The property known as Heath House, Heath Road is located approximately 650 metres to the north east of the proposed site. Woodside Farm, Heath Road is located approximately 720 metres to the north of the application site. To the north west Fox Covert Farm, Heath Road is approximately 900 metres away from the application site. To the south west is the property known as Chater House Farm, Merrylees Road approximately 675 metres from the application site and Halifax Farm, Merrylees Road is approximately 675 metres to the south of the site. Heath Lodge Farm, Bagworth Road is located approximately 1,050 metres to the west of the application site.

Technical Documents submitted with application

- Design, Access and Planning Statement
- Transport Statement
- Acoustic Noise Report
- Turbine Specification.

**Relevant Planning History:-**

13/00514/FUL	Installation of a wind turbine (30m hub height, 42m blade tip height)	Withdrawn	12.07.13
--------------	---	-----------	----------



## **Consultations:-**

No objections have been received from:-

Ministry of Defence Safeguarding  
NATS Safeguarding  
Head of Community Services (Land Drainage)  
LCC Directorate of Chief Executive (Ecology)  
Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks)  
Barlestone Parish Council  
Conservation Officer.

No objection subject to conditions have been received from:-

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

Four site notices were displayed and neighbours notified. The site notices were placed close to the proposed site entrance at the junction of Heath Road to the north of the application site, on the Bagworth Road to the west of the site, on Merrylees Road close to Newbold Heath to the south west of the site and on the highway to the north of Halifax Farm, Merrylees Road.

No representations from neighbours have been received.

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012  
DCLG Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013)

### Local Plan 2006 - 2026: Core Strategy (2009)

Spatial Objective 12: Climate Change and Resource Efficiency

### Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development  
Policy BE27: Wind Power  
Policy T5: Highway Safety

### Other Material Planning Guidance

Landscape Character Assessment (2006)  
The Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)

## **Appraisal:-**

The main considerations in respect of this application are the principle of development, the visual impact of the proposal upon the character and landscape of the area, impact upon residential amenity, highway safety and other material considerations.

## Principle of Development

One of the core planning principles of the National Planning Policy Framework (NPPF) as set out in Paragraph 17 is to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy. This is set out further in Paragraph 93 of the NPPF which states that planning has a key role in supporting the delivery of renewable and low carbon energy and associated infrastructure which is central to the economic, social and environmental dimensions of sustainable development.

Furthermore paragraph 98 states that when determining planning applications, local planning authorities should:-

- a) Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- b) Approve the application if its impacts are (or can be made) acceptable.
- c) Recent guidance issued by the government in the form of 'Planning Practice Guidance for Renewable and Low Carbon Energy' states in Paragraph 15 that: 'in considering planning applications, it is important to be clear that:
- d) The need for renewable or low carbon energy does not automatically override environmental protections.
- e) Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines in an area increases.
- f) Local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas.
- g) Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- h) Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration.
- i) Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Paragraph 29 - 45 sets out the particular planning considerations that should be assessed in relation to wind turbine proposals. These considerations are set out in the sections below as material considerations relevant to the determination of this application.

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

Policy BE27 of the Local Plan states that planning permission for wind farms and individual wind turbines will be approved where:-



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

It is considered with the exception of criterion (a) that Policy BE27 has limited conflict with the NPPF and the Planning Practice Guidance for Renewable and Low Carbon Energy and therefore should be afforded weight in the determination of this application. Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants to demonstrate the overall need for renewable and low carbon energy proposals.

The proposed wind turbine is therefore considered to be acceptable in principle in relation to the NPPF, the Planning Practice Guidance for Renewable and Low Carbon Energy and Local Plan Policy BE27.

#### Landscape and Visual Impact

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. In addition, Policy BE27 requires wind turbines to be sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints.

Paragraphs 17 and 109 of the NPPF recognise the importance of the intrinsic character and beauty of the countryside and state that the planning system should contribute to enhancing the natural and local environment by protecting and enhancing valued landscapes.

The Planning Practice Guidance for Renewable and Low Carbon Energy states that local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas. Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty.

The site is defined in the Hinckley and Bosworth Landscape Character Assessment as part of the Forest Hills Character Area. The key characteristics of this area are gently undulating landforms with small plateaus on higher ground. It is defined as a predominantly rural landscape with arable and rough set-aside, influenced by industrial/urban features such as masts, poles and pylons. The area is strongly influenced by its industrial past, and as a changing landscape, it is of lesser sensitivity and therefore more resilient to change. The Landscape Character Assessment is an evidence-based document and therefore whilst not forming part of the Development Plan, it provides a contextual background in respect of the landscape character of the area.

With regard to the cumulative impacts of wind turbines consideration has been given to Paragraph 39 and 40 of the Government's Planning Practice Guidance for Renewable and Low Carbon Energy. This states that cumulative landscape impacts and cumulative visual impacts are best considered separately.

The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequence of views) and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts.

Therefore consideration has been given to turbine proposals that have been granted consent within the area. The nearest wind turbine to be granted consent (application ref: 12/01098/FUL) is for a single turbine with a hub height of 15 metres at Oakwood Lodge, Thornton Lane, Markfield some 4.5km to the north east of the application site. A single turbine with a hub height of 20 metres at Chestnuts, Desford Lane, Kirkby Mallory was granted consent (application ref: 12/00601/FUL) approximately 4.5km to the south of the application site. Two turbines at 55 metres to the hub were granted consent (application ref: 11/00329/FUL) approximately 5km to the south east of the application site. Two turbines at 36 metres to hub height were granted consent (application ref: 12/00703/FUL) approximately 8.4km to the north east of the application site at Land North West of Anstey Lane, Groby.

Due to the number, distance and scale of the existing consented turbines from the application site it is not considered that the introduction of a single turbine at 30 metres to the hub in this location would generate a negative or harmful cumulative visual impact in relation to the existing consented turbines in the area.

In respect of landscape and visual analysis the application has been accompanied by a Zone of Theoretical Visibility (ZTV) plan supported by wire line drawings taken from various view points in the surrounding area to assess the potential visual impact of the proposed turbine and assumes a worst case scenario without trees, hedges and buildings. The proposal for a single wind turbine in an agricultural landscape means that the impacts are generally expected to be more significant in close proximity to the site and reduce rapidly with distance. Up to 5km from the site, the turbine would be visible from much of the area and in the 5 - 10km distance band; the visibility of the turbine would reduce, due to topography.

It is acknowledged that the introduction of a turbine would bring a change and a degree of impact upon the visual character of the area. The surrounding area is subject to existing industrial/urban features such as masts, poles and pylons, such as to the west of Bagworth Road where there are a number of electricity pylons. Therefore as the landscape features other tall, albeit static, structures of an industrial nature it is not considered that the introduction of a turbine of this scale would appear significantly out of character with its surroundings. It would not significantly define or alter the prevailing characteristic of the landscape as set out in the Landscape Character Assessment as an area that is resilient to change.

The proposal would not involve the erection of overhead power lines to connect it to the National Grid. All cabling would be laid underground in an excavated cable trench and then backfilled. A condition has been imposed requiring the cable trench to be installed underground to ensure that there would be no visual harm caused.

In summary, it is considered that wind turbines have to be tall structures to be effective and located away from features which could interfere with the wind speed and flow across the site, which often results in them being prominent within the landscape. As such, it is acknowledged that there would be a change and a degree of impact upon the visual appearance of the area. Up to 5km from the site, the turbine would be visible from much of the area. However, given that the site does not fall within a national landscape designation or having a sensitive landscape at a local level, it is not considered that there would be any significant harm caused by the erection of a turbine within this location. Whilst turbines have been permitted and some implemented within the wider area of the site, it is not considered that this turbine would contribute to significant cumulative impact upon the landscape. The existing topography and landscape features would ensure that the turbine is sited in a position that affords the benefit of some screening by hedgerows, trees and natural landscape features. The design and materials of the proposed turbine are considered to be acceptable for the nature of the development within this landscape. As such the proposal is considered to be in accordance with Local Plan Policies BE27 and BE1, the NPPF and the Planning Practice Guidance for Renewable and Low Carbon Energy.

### Ecology

Paragraph 109 of the NPPF recognises the wider benefits of ecosystems and that the planning system should minimise impacts on biodiversity.

Paragraph 33 of the Planning Practice Guidance for Renewable and Low Carbon Energy states that wind turbines can have ecological impacts such as a risk of collision between moving turbine blades, birds and bats. Other risks include disturbance and displacement of bird and bat habitats. Due to the drop in air pressure close to the blades there is a risk of barotrauma (lung expansion) in bats which can be fatal. These risks are generally low, however in some situations, such as in close proximity to important habitats used by birds or bats the risk can be greater.

The site does not fall within any national or local designations. The nearest Site of Special Scientific Interest (SSSI) is Botcheston Bog which is located approximately 3.2km to the south east of the application site. The next closest SSSI is Cliffe Hill Quarry located approximately 5.3km to the north east of the application site. Bagworth Heath Woods, a locally designated country park, is located approximately 1km to the north east of the application site.

The proposal has been considered by the Leicestershire County Council Directorate of Chief Executive (Ecology) who has raised no objections. The turbine would be sited at least 60 metres from an ecological feature that could be used by bats as per Natural England guidance. The immediate area around the site is not well wooded and is therefore unlikely to support significant populations of bats that could be impacted by the proposal, or of the more vulnerable species of birds. As such, due to the distance of the proposed turbine from any nationally designated sites and that the turbine would not be located within 60 metres of an ecological feature, it is not considered that the proposal would have any adverse impacts upon sites of ecological importance or protected species.

### Impact upon Heritage Assets and the Historical Landscape

The Planning Practice Guidance for Renewable and Low Carbon Energy states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. This is reinforced by Paragraph 131 of the NPPF which states that in determining planning applications local planning authorities should take account of the positive contribution the conservation of heritage assets can make to sustainable communities.

There are no statutory designated heritage assets within the immediate vicinity of the site. The nearest listed buildings are located within Newbold Verdon approximately 2.3km to the south west of the application site. The Conservation Officer has raised no objection to the proposal. As such due to the scale, height and location of the proposed turbine from the nearest heritage assets it is not considered that the turbine would result in an unacceptable impact upon the significance of these assets or the historical landscape.

### Impact on Residential Amenity

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

Paragraph 31 of the Planning Practice Guidance for Renewable and Low Carbon Energy states that safety may be an issue in certain circumstances in relation to the fall-over distance from the turbine to adjacent residential properties. This is calculated as the height of the turbine to the tip of the blade plus 10% which is seen as a minimum safe separation distance. In this instance as the height of the turbine to the blade is 41.8 metres, an additional 10% equates to 45.9 metres. The nearest residential property known as 'The Lodge' is located approximately 480 metres to the east of the application site which is well in excess of this requirement.

Paragraph 35 of the Practice Guidance for Renewable and Low Carbon Energy states that shadow flicker and reflected light can be an issue under certain combinations of geographical position and the time of day. The sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off which is known as shadow flicker. Only properties within 130 degrees either side of north, relative to the turbine can be affected as turbines do not cast long shadows on their southern side. It is generally accepted that the potential for shadow flicker to occur is seriously diminished at a distance of ten times the rotor diameter of the turbine in question. In this instance the diameter of the rotor would be 23.6 metres or 236 metres in distance when multiplied by ten. The nearest properties to the north within the 130 degree radius are Heath House, Heath Road which is located approximately 650 metres to the north east of the proposed site. Woodside Farm, Heath Road is located approximately 720 metres to the north. To the north west Fox Covert Farm, Heath Road is located approximately 900 metres away from the application site. Due to the distance of these properties from the proposed turbine it is not considered likely that they would be face an unacceptable impact from shadow flicker.

Paragraph 30 of the Planning Practice Guidance for Renewable and Low Carbon Energy states that the 'Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)' should be used by local planning authorities when assessing and rating noise from wind energy developments. Furthermore, Policy BE27 states that the proposal should not have a detrimental impact upon surrounding properties due to noise and other forms of nuisance. The application has been accompanied by a Noise Impact Assessment which has been considered by the Head of Community Services (Pollution) who has raised no objection subject to conditions requiring noise limits not to be exceeded (35dB expressed at 10m/s wind speed measured at 10 metres in height) and conditions requiring the applicant to undertake noise tests to ascertain noise levels should a complaint be received.

ETSU-R-1997 states that a simplified noise criterion is appropriate for single turbines, limiting noise at the nearest residential properties to a La90, 10min of 35dB (A) up to wind speeds of 10m/s at a height of 10 metres. A condition alone set at this limit would offer sufficient protection of amenity and background noise surveys would be unnecessary. It is considered that the conditions suggested by the Head of Community Services (Pollution) would not meet the tests of Circular 11/95 in terms of reasonableness and that the imposition of a condition

limiting noise levels at any existing dwelling to 35dB expressed at 10m/s wind speed measured at 10 metres in height would suffice to safeguard the amenity of neighbouring residential properties.

However, another issue associated with wind turbines is Amplitude Modulation or AM which is described as a 'thumping' noise or is referred to as blade swish. The causes of AM are not clear and there is no degree of certainty that this type of noise would not cause disturbance. Therefore it is considered reasonable to impose a condition that in the event of a complaint relating to the regular fluctuation of turbine noise levels including the potential for AM to be a contributory factor then it shall be investigated and a mitigation scheme shall be submitted to the local planning authority for consideration and implemented as agreed.

As such it is considered that the proposal is in accordance with Policy BE1 (criterion i), Policy BE27 and the Practice Guidance for Renewable and Low Carbon Energy and the proposal would not cause a detrimental impact upon residential amenity.

#### Impact on Highway Safety

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Furthermore, Policy BE27 states the turbine should be located a minimum distance that is equal to its own height away from any public highway. Access to the site by HGVs during construction, decommissioning and for routine maintenance during operation is proposed from Heath Road via an existing field entrance. An existing track exists along the field boundary which is approximately 300 metres to the north of the proposed location of the turbine. The track would be upgraded with a new section of track proposed across the field where the turbine would be located. The Director of Environment and Transport (Highways) has raised no objection to the proposal subject to conditions relating to providing an industrial visibility splay and no obstructions within 15 metres to allow vehicles to stand clear of the highway before entering the site. Given the existing field access has sufficient visibility and the infrequent nature of vehicles requiring access to the site once construction has taken place; it is not considered that the conditions requested are reasonable as per Circular 11/95. The turbine would be located sufficient distance from the highway to meet the requirements of Policy BE27. The proposal is considered to be in accordance with Policy T5 of the Local Plan and would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network.

#### Impact upon Public Rights of Way

Footpath S14 is located to the north of the application site. The proposal has been considered by the Director of Environment and Transport (Rights of Way) who states that the footpath is located outside of the fall over distance for the proposed turbine. No objections are raised. However, as a section of the footpath would be shared with the proposed vehicular access along the field track to the location of the turbine, a condition has been requested to ensure a suitable surface treatment is used for the section of footpath which will be shared by the vehicular access. It is considered that this condition is reasonable and will ensure access to the public right of way is not impeded upon by the proposed development. A request was made for the condition to include associated signage; however as the footpath is not being diverted in any way it is not considered reasonable to impose this as a requirement. As such the proposal is considered to meet the requirements of Policy BE27 and Policy T5 of the Local Plan and would not impact upon the satisfactory of the public right of way.

### Impacts upon Aviation

Paragraph 31 of the Planning Guidance for Renewable and Low Carbon Energy states that wind turbines may have an adverse impact upon air traffic movement and safety either through the risk of collision with low flying aircraft or through interference with the operation of radar. In accordance with the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002 the Ministry of Defence (MOD) and National Air Control Transport Services (NATS) have been consulted. No objection has been received to the proposal by either the MOD or NATS. The proposal is therefore not considered to impact upon aviation safeguarding requirements.

### Electromagnetic Interference

It is recognised in Paragraph 32 of the Planning Guidance for Renewable and Low Carbon Energy that wind turbines can potentially affect electromagnetic transmissions. The proposal has been considered by the Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks) who has raised no objection to the proposal based on known interference scenarios to radio systems operated by utility companies in support of their regulatory operational requirements. It is therefore not considered that the proposal would cause any electromagnetic interference.

### Other Matters

Following a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 the local planning authority issued a Screening Opinion on 11 June 2013. The development falls within Schedule 2 under part 3(i) Energy Industry: Installations for the harnessing of wind power for energy production (wind farms). The applicable thresholds and criteria states that:-

- (i) The development involves the installation of more than 2 turbines; or
- (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.

Whilst the development does not involve the installation of more than 2 turbines, the hub height of the proposed turbine at 30 metres, does exceed 15 metres. The thresholds within Annex A of Circular 02/99 state that an "EIA is more likely to be required for commercial development of five or more turbines, or more than 5 MW of new generating capacity". The proposed generating capacity of the proposed turbine is 100 kW, which would fall well below the identified threshold of 5 MW. It was therefore considered that the whilst the proposed development falls within Schedule 2 and meets one of the applicable thresholds, the development relates to one turbine with a generating capacity of 100 kW and as such based on the information provided it was concluded that the development does not require an Environmental Impact Assessment.

### Conclusion

The NPPF supports the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy and that local planning authorities should approve the application if its impacts are (or can be made) acceptable. The principle of development is therefore considered to be acceptable. It is not considered that the proposal would have an unacceptably harmful visual or landscape impact, or would impact upon residential amenity in relation to noise and shadow flicker. The proposal would not cause an impact to highway safety, public rights of way, aviation or cause electromagnetic interference. The turbine would not impact upon heritage assets, the historic landscape or ecology. The proposal is therefore considered to be in accordance with adopted Local Plan Policies BE1, BE27 and T5 and the overarching intentions of the NPPF. In addition, regard has been had to the Planning Practice Guidance for Renewable and Low Carbon Energy as a material consideration.

**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 acceptable. The proposal would not have a detrimental visual or landscape impact, would not impact upon ecology, historic assets, residential amenity, highway safety, public rights of way or aviation.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE27 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 accordance with the submitted applications details, as follows: Site Location Plan 1:2500, Block Plan 1:500 and Dwg No. 1013417/C Proposed Elevations NPS100-24-30 1:50 received by the local planning authority 18 July 2013.
- 3 Prior to the commencement of development a scheme for the external appearance of the turbine and associated cabinet kiosk/transformer, including materials, colour and finish shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 All cabling on the site between the turbine and the connection point to the National Grid shall be installed underground.
- 5 Written confirmation of the date of the first export of electricity to the National Grid from the wind turbine hereby approved shall be provided to the local planning authority within one month of the date of this taking place.
- 6 Should the wind turbine be identified as operating at an absolute noise level that exceeds 35 dB expressed as L A90 10min at any existing dwelling, up to on-site wind speeds of 10m/s measured at a height of 10m, the wind turbine shall be taken out of use until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbine to the satisfaction of the local planning authority.
- 7 Within 21 days of receipt of a written request from the local planning authority, following a reasonable complaint relating to regular fluctuation in the turbine noise level (amplitude modulation), the wind turbine operator shall engage at his own expense a consultant approved by the local planning authority to measure and assess the level of noise at the location of the complainant's dwelling. A report of the assessment shall be submitted in writing to the local planning authority within 56 days of a request under this condition. If the assessment confirms amplitude modulation to be a contributor to the complaint, the wind turbine will be taken out of use until such a time that a scheme to mitigate such effects is undertaken to the satisfaction of the local planning authority.

- 8 The planning permission hereby granted is temporary for a period of 25 years from the date of the first export of electricity to the National Grid from the wind turbine hereby approved. After such time the use shall cease and the turbine and associated equipment shall be removed from site in accordance with Condition 9.
- 9 Not less than one year prior to the expiry of this permission a Decommissioning Method Statement shall be submitted to and in agreed in writing by the local planning authority. This shall include details of the works for the removal of the turbine, ancillary equipment and structures, foundations, works for the restoration of the site and the proposed timetable for the works to be carried out. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.
- 10 Should the wind turbine hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then a Decommissioning Method Statement as per the requirements of Condition 9 shall be submitted to and agreed in writing by the local planning authority within 3 months of the end of the 6 months cessation period. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.
- 11 Prior to the commencement of development, a suitable surface treatment for the section of footpath S14 which will be shared by the proposed vehicular access shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

**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&4 In the interests of visual amenity in accordance with Policies BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.
- 5 To enable proper record to be kept of operational wind turbines to aid aviation safeguarding as per Paragraph 31 of the Planning Practice Guidance for Renewable and Low Carbon Energy 2013.
- 6&7 To protect the amenity of residents in accordance with Policy BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.
- 8-10 To ensure development appropriate for the area and to prevent unnecessary clutter within the landscape in accordance with Policies BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.
- 11 To ensure the satisfactory functioning and access to the public right of way in accordance with Policy T5 of the Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.



- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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 Condition 4 of this permission does not grant consent for excavation, trenching or cabling outside the confines of the red line of the application site. A separate application for planning permission may be required for these works.

**Contact Officer:-** Simon Atha Ext 5919

**Item:** 10

**Reference:** 13/00610/FUL

**Applicant:** Mr Chris Stamper

**Location:** Coton Priory Priory Lane Far Coton

**Proposal:** Change of use of land and installation of a tennis court

**Target Date:** 24 September 2013

#### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the floor space of the development proposed exceeds 500 square metres.

#### Application Proposal

This application seeks full planning permission for the construction of a tennis court and associated works at land to the east of Coton Priory.

The proposed tennis court would be approximately 36 metres in length by 18 metres in width and would be constructed from porous macadam painted in green with white line markings. The tennis court would be bounded by a 2.7 metre high chainlink fence to the north west, north east and south east elevations. A 0.9 metre high chainlink fence for spectator viewing is proposed to the south west elevation. The fence would be green in colour.

The tennis court is proposed for private use by the occupiers of Coton Priory. The site is located outside of the residential curtilage of the property and therefore the proposal involves the change of use from agricultural to a sui generis use. Entry gates to the tennis court are proposed to the north east and south west elevations with access from the dwelling obtained via a new 1.2 metre wide black macadam path.

The Site and Surrounding Area

Coton Priory is located approximately 1.5 km to the south west of Market Bosworth and approximately 0.5 km to the north east of the hamlet of Far Coton. The site is located within the countryside.

Coton Priory is a grade II listed dwelling set within the Coton Priory Estate. To the west of the site are a number of agricultural buildings used in connection with the agricultural operations of the estate. The dwelling is set back approximately 80 metres from the highway along a private gated access driveway. Mature landscaping screens the dwelling from the highway. Vehicle parking exists to the front of the dwelling and adjacent to the outbuilding at the rear of the dwelling.

The tennis court would be erected approximately 50 metres to the east of Coton Priory. The site area of the proposed tennis court is approximately 670 square metres.

The site is surrounded by mature woodland which forms a dense belt of landscape screening between the public highway and Coton Priory. The site forms part of a clearing within the centre of the woodland. Two concrete pads currently exist in the location of the proposed tennis court. Previously demolished poultry sheds used to sit on the concrete pads.

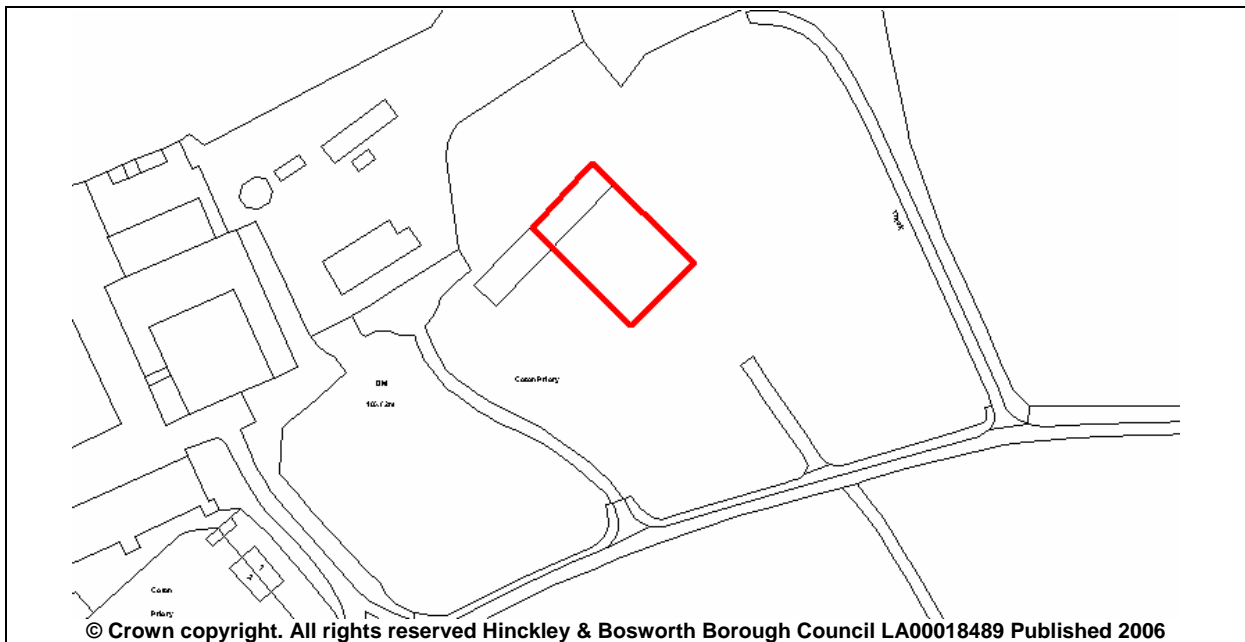
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement  
Tree Protection Method Statement.

**Relevant Planning History:-**

03/00303/FUL	Demolition of Timber Turkey Shed & Erection of new Garage Block	Approved	23.06.03
03/00305/LBC	Demolition of Timber Turkey Shed & Erection of New Garage Block	Approved	23.06.03



## **Consultations:-**

Site notice was displayed and neighbours notified.

No objections have been received from:-

Head of Community Services (Land Drainage)  
Head of Community Services (Pollution)  
Director of Environment and Transport (Highways)  
The Borough Council's Arboricultural Consultant  
Conservation Officer.

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

### Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy BE5: Setting of Listed Buildings  
Policy NE5: Development in the Countryside  
Policy T5: Highway Safety

## **Appraisal:-**

The main considerations in respect of this application are the principle of development, the siting and design of the proposal and the impact on the surrounding countryside, the setting of the listed building, residential amenity and highway safety.

### Principle of Development

The site in question is located within the countryside outside of the residential curtilage of Coton Priory. The land in question has been used for agricultural purposes and formerly housed poultry sheds. The proposal therefore involves the change of use of land to sui generis with the installation of a tennis court.

One of the overarching principles of the National Planning Policy Framework (NPPF) is to protect the countryside but to allow sustainable development where it is appropriate. Policy NE5 of the Local Plan supports sport or recreation proposals in the countryside where they do not have an adverse impact upon the appearance or character of the landscape and they are in keeping with the scale and character of existing buildings and its surroundings.

The tennis court would be erected on former previously developed agricultural land, the principle of which is supported by Policy NE5 of the Local Plan and is considered to be a sustainable development by virtue of the NPPF.

### Siting, Design, Impact on the Surrounding Countryside

As outlined above the site is located within the countryside as designated by the adopted Local Plan. Policy NE5 states that developments should not have an adverse effect on the appearance or character of the landscape, should be in keeping with the scale and character of existing buildings and its general surroundings. Where necessary it should be screened by

landscaping and should not generate traffic likely to exceed the capacity of the highway network.

Policy BE1 (criterion a) seeks a high standard of design to safeguard and enhance the existing environment. The development should complement or enhance the character of the surrounding area in terms of scale, layout, density, mass, design and materials.

The most visually prominent aspect of the proposal would be the proposed 2.7 metre high green chain link fence. However, the tennis court would be sited within an established mature woodland setting which provides effective screening of the proposal from the public highway and other vantage points within the surrounding countryside. No floodlighting is proposed that could cause light pollution or impact upon the visual amenity of the area.

The proposed tennis court is to be constructed from porous macadam as recommended by the Lawn Tennis Association. It is considered that this is a suitable material choice as the porous properties of the material have been designed to allow rapid drainage through the surface. The surface course will be coated with a green coloured polyurethane or acrylic based paint with white line markings.

It is therefore considered that the proposal would not have a detrimental impact upon the character and appearance of the surrounding countryside, the street scene or visual amenity of the area. The design and form of the proposal is considered to be acceptable in relation to its intended use and will be in scale with its surroundings in accordance with Policy NE5 (criterion ii), BE1 (criterion a) of the adopted Local Plan.

#### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential property is Coton Priory itself and as there are no other neighbours within the immediate vicinity of the site, it is not considered that the proposal would have an adverse impact on residential amenity. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i).

#### Impact on Listed Building

Policy BE5 of the Local Plan states that the setting of listed buildings will be preserved and enhanced by appropriate control through the design of new development, having regard to the scale, form, siting and design of the proposal in relation to the listed building and its setting. Where appropriate, regard should be had to the preservation of trees and landscape features.

Coton Priory is a grade II listed building. The proposed tennis court would be sited approximately 50 metres to the south east of the listed building. Due to the substantial mature landscape screening that exists around the proposed tennis court it is not considered that the proposal would have a detrimental impact upon the setting of the listed building as visually it would be well screened from the dwelling. The Conservation Officer has raised no objection to the proposal. The proposal is therefore considered to be in accordance with Policy BE5 of the Local Plan.

#### Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. As the proposed tennis court is proposed for private use ancillary to Coton Priory it is

not considered that the proposal would generate additional vehicular traffic. Access for construction will be obtained by an existing field gate from the highway which the Highway Authority has raised no objection to. Therefore the proposal is considered to be in accordance with Policy NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

### Arboriculture

A condition has been imposed requiring the construction to be carried out in accordance with the submitted Tree Protection Method Statement which has been prepared to BS5837:2012 Guide For Trees In Relation To Construction. This will ensure that the works do not damage the existing mature trees that are important to be retained to provide effective screening of the proposal.

### Other Matters

A condition has been imposed to ensure that the use of the tennis court remains ancillary to Coton Priory. It is considered that this is reasonable due to the remote countryside location of the site with poor surrounding highway network which would be unsuitable for the tennis court to be hired out on a commercial basis.

### Conclusion

The principle of development is considered to be acceptable. By virtue of its siting, scale, design and appearance the proposal will not result in any adverse impacts upon the character and appearance of the countryside, the setting of the listed building, residential amenity, arboriculture and highway safety. The proposal is therefore considered to be in accordance with adopted Local Plan Policies NE5, BE1, BE5, T5 and the overarching intentions of the NPPF.

### **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 acceptable and by virtue of the siting, scale, design and appearance there would not be any adverse impact on the character or appearance of the surrounding countryside, the setting of the listed building, residential amenity, arboriculture or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, REC4, BE1, BE5 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 accordance with the submitted applications details, as follows: Dwg No. MUK936-01 Site Location Plan, Dwg No. MUK936-09 Block Plan, Dwg No. MUK936-04 Proposed

Isometric View of Tennis Court, Dwg No. MUK936-06 Tennis Court Construction Detail, Dwg No. MUK936-07 Path Construction Detail, Dwg No. MUK936-08 Proposed Drainage Plan received by the Local Planning Authority 30 July 2013.

- 3 The tennis court hereby approved shall not be used other than for purposes ancillary to the residential use of the dwelling known as Coton Priory.
- 4 The development shall be carried out in accordance with the submitted Method Statement for Protection of Trees During Construction and Dwg No. MUK936-10 Tree Protection Plan prepared by MUGA-UK Sports Pitch Consultants and received by the Local Planning Authority 30 July 2013.

**Reasons:-**

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.
- 3 To ensure that the use of the site remains compatible with requirements of Policy NE5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that existing trees are adequately protected during construction in the interests of the visual amenity and character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://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:** 11

**Reference:** 13/00658/COU

**Applicant:** Mr G Penney

**Location:** The Oaks Stapleton Lane Kirkby Mallory

**Proposal:** Change of use of land to holiday park and siting of 4 static caravans (part retrospective)

**Target Date:** 11 October 2013

### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a development with a site area in excess of 0.5 ha. area in excess of 500 square metres.

### Application Proposal

Planning permission is sought for the change of use of residential curtilage to a holiday park along with the siting of 4 static caravans at The Oaks Lodges, Stapleton Lane, Kirkby Mallory (part retrospective).

There is an existing access leading from Stapleton Lane. This joins an internal roadway which runs part way through the site. This provides access to the existing static caravan and three existing slabs of hard surfacing (the locations of the proposed caravans). The road opens up two thirds of the way into the site, into a proposed parking area for 6 cars.

Elevations have been provided for the static caravans. They are of simplistic rectangular form, sited on typical plinths, have a range of openings on both main elevations and a bay style window at one end. They have a shallow pitched roof and are a maximum height of 3 metres from the ground. The caravans have a footprint of approximately 10.6 metres x 3.6 metres , are two bed and provide all the amenities necessary for independent living.

The site is maturely landscaped and the caravans have been sited sporadically throughout, on either side of the internal access road. Their siting has taken into consideration existing mature trees on the plot. On entrance to the site, to the south west of the internal access road, a biodisc sewage treatment plant is proposed.

### The Site and Surrounding Area

The site comprises an area of 7780 square metres and is the residential curtilage of The Oaks. This is a detached house sited to the south west, which is now within separate ownership. The site is situated on the southern side of Stapleton Lane, an un-adopted gravel road. There is a dense coppice, including large pond to the northern section, mature boundaries and individual mature trees scattered throughout the site. A 2 metre high close board fence, incorporating gates encloses the site to the front (southern boundary), and continues around the perimeter. The ground level rises in a roughly north westerly direction.

Further north and east of the site is arable farm land. To the south east is Mallory Park. There are 7 single storey holiday lets, sited in a linear form to the south west of The Oaks.

These are within the applicant's ownership. Further south west is a detached residence known as The Cottage. This occupies an extensive, maturely vegetated plot which partly bounds the application site (towards its rear).

The site is situated outside the settlement boundary of Kirkby Mallory and is therefore within the countryside, as defined within the Local Plan.

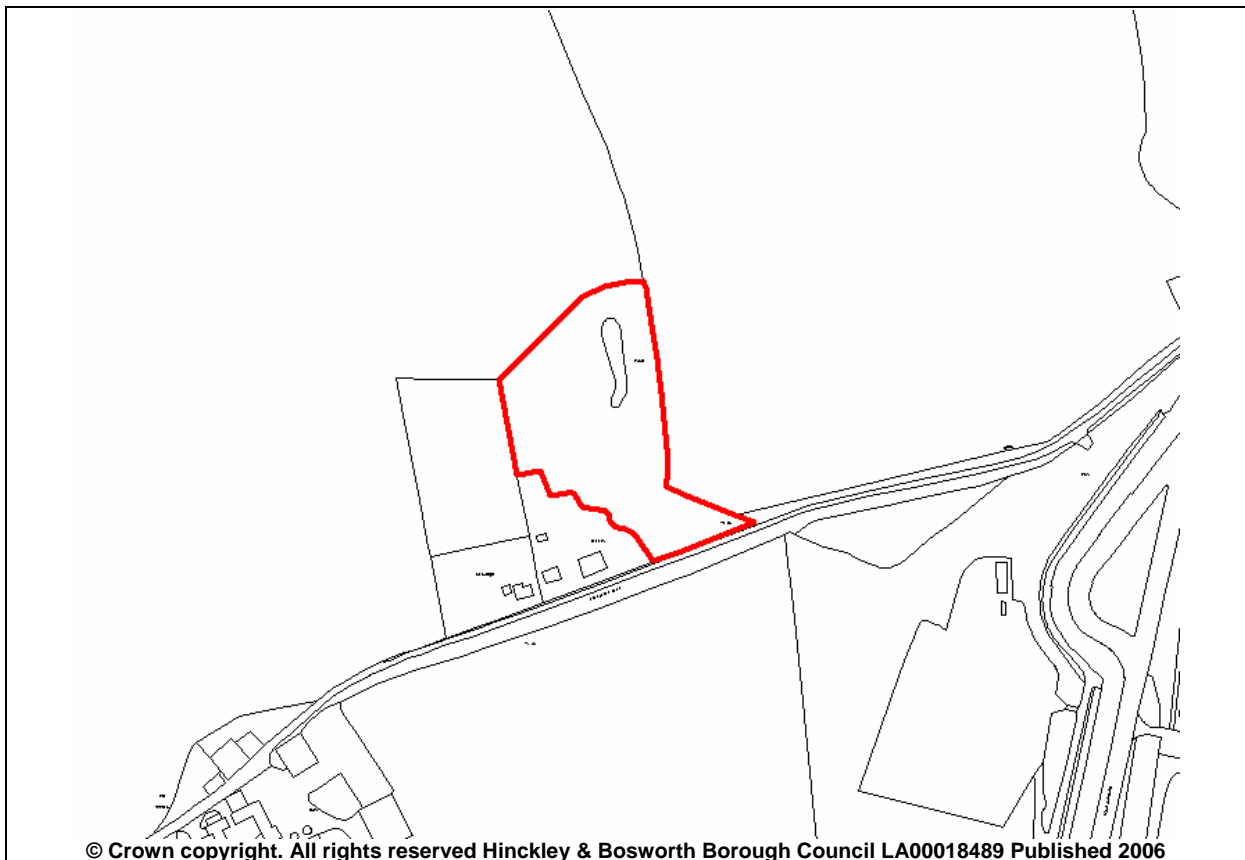
For information, the siting of the existing static caravan, number 1 on the plan has been subject of ongoing planning enforcement investigations since 2009. There is an outstanding enforcement notice at the site.

Technical Documents submitted with application

Design and Access Statement.

**Relevant Planning History:-**

13/00119/S215	Untidy Land Query	No Further Action	
12/00440/FUL	Change of use to bed and breakfast accommodation including the erection of chalet accommodation (retrospective)	Approved	17.07.12
09/00218/UNAUTH	Stationing of static caravan	Enforcement Notice	





## **Consultations:-**

No objection has been received from:-

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

At the time of writing the report, no response has been received from:-

The Borough Council's Arboricultural Consultant  
Peckleton Parish Council  
Neighbours.

## **Policy:-**

### National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

### Local Plan 2006-2026: Core Strategy 2009

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

### Supplementary Planning Guidance/Documents

None relevant.

### Other Material Planning Guidance

None Relevant.

## **Appraisal:-**

The main considerations in respect of this application are the principle of development, siting and design of the caravans and their impact on the visual amenities of the site and the surrounding countryside, residential amenity, highway safety and other issues.

### Principle of Development

The overarching principle of the NPPF is a presumption in favour of sustainable development. The delivery of this is through a number of intertwined roles. Of relevance to this application, is the building of a strong, competitive economy (paragraphs 18 - 22) and through supporting a prosperous rural economy (paragraph 28).

The government is committed to ensuring that the planning system is supportive of economic growth and states that the planning system should plan for the expansion of clusters of business type. In rural areas the system should support economic growth in order to create jobs and prosperity. Specifically in relation to tourism, the NPPF is supportive of development

that benefits business in rural areas, communities and visitors, and which respects the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.

Policy 23 of the Core Strategy supports tourism development for holiday accommodation in suitable locations within the Borough. Such development is encouraged where the proposal can help support existing local community services and facilities, is of a design and scale which is appropriate to minimise the impact on, and would assimilate well within the character of the surrounding area with acceptable landscaping, where the development adds to the Borough's local distinctiveness, complements existing tourism themes and would add to the economic wellbeing of the area.

The site is situated within the countryside and thus Policy NE5 of the adopted Local Plan applies. This said, only limited weight should be attributed to criterion a-c of this policy because of its conflict with the NPPF presumption in favour of sustainable development. Despite this, the design criterion i - iv remain relevant and will be discussed in further detail in later sections of this report.

It is considered that by virtue of the proposal being for tourism purposes, it would enhance the range of visitor accommodation available within the locality, which will in turn benefit and increase the competitiveness of the local economy and that of the Borough as a whole and would result in an expansion of, and compliment this existing tourism/leisure cluster.

Given the historic planning enforcement issues on the site, if approved, a condition is considered necessary restricting the use of the caravans to tourism development only.

The NPPF and Core Strategy support tourism accommodation and economic expansion 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.

#### Siting and Design and impacts upon the Character and Appearance of the Countryside

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development and seek to ensure that development is visually attractive as a result of good architecture and appropriate landscaping.

Policy BE1 of the Local Plan seeks to ensure a high standard of design. More specifically, criterion a is supportive of development which complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and criterion b seeks to avoid the loss of open spaces, important gaps in development, vegetation and features which contribute to the quality of the local environment. This policy is consistent to with the intensions of the NPPF and so will be applied.

The design criterion of Policy NE5 (i-iv) of the Local Plan are in conformity with the NPPF generally. These state that development in the countryside should not have an adverse impact on the character or appearance of the landscape, should be in keeping with the scale and character of existing buildings and general surroundings and be effectively screened by landscaping.

Whilst the design, appearance and form of the static caravans proposed (and that existing) is generic and utilitarian and offers little in the way of architectural detail, they are functional and suitable for their intended purpose. Given the dense and maturely landscaped boundaries of the site, there will be very limited views of the site externally and thus although

the individual caravans will have a stark appearance, they will not be visible within the wider context of the landscape and thus they will have no impacts upon it in terms of visual amenity or character.

Internally, as the site comprises former residential curtilage of The Oaks, it has already been subject to a degree of development, including the siting of sheds/greenhouses and the laying out of internal hard surfaced tracks. Although the tracks and areas of hard standing/surfacing will become more formalised as a result of this proposal, as the historical green/undeveloped character of the area has already been eroded, the ground works required to facilitate the proposal are not considered to result in any further significant impacts upon the character of the area.

The static caravans have been sited sensitively to avoid the loss of any of the existing mature trees, which will contribute significantly to the visual amenity and appeal of the site. Further, the development does not extend into the undeveloped, densely vegetated northern half of the site, with the proposed parking area providing a buffer between this area and the siting of the caravans.

By virtue of the extensive site area, the siting of 4 caravans is not considered as overdevelopment and will not result in any substantial degradation of the primarily rural character of the plot.

Further information has been requested from the agent in respect of any areas of additional hard surfacing required for the parking of vehicles associated with the caravans, and for clarification of the exact location and area of the communal car park. Any plans received will be subject to an additional 10 day re-consultation and will be reported as a late item.

In addition, as the existing mature vegetation is considered paramount to the acceptability of the proposal, in terms of both the screening it offers and its wider landscape character impacts, and its loss would be detrimental to the overall character of the surrounding landscape, it is considered necessary to require that some degree of protection is afforded to the trees on site. Of particular importance are the Oak trees along the site frontage, those along the eastern boundary and the coppice within the northern corner of the site. Following these concerns being raised, the Tree Officer has been consulted on the proposal and comments received in respect of the most suitable way to proceed will be reported as a late item.

As no additional landscaping details have been submitted, in order to establish any further areas of hard surfacing on site, general landscaping and levels, it is considered necessary to impose a landscaping condition requesting such to ensure the proposed development assimilates within this developed and attractive rural landscape.

For the avoidance of doubt, this application solely relates to the siting of the 4 caravans as identified on plan ref: B13/20/P01A no further caravans are permitted without prior approval being granted by the Local Planning Authority. This will be reinstated as a note to applicant on the decision notice should the application be approved.

Although the caravans will have a simplistic appearance and the change of use proposed will result in additional ancillary development of this site, given the screening offered by the existing mature vegetation, the development is considered acceptable in terms of its design and siting is not considered to result in any further impacts on the character of the surrounding rural landscape.

### Impact upon Residential Amenity

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

The residential dwellings most immediately impacted upon as a result of the proposal would be The Oaks and The Cottage. These dwellings are located to the south west of the site. The Oaks is approximately 20 metres, and The Cottage is approximately 55 metres from the nearest boundary of the site. Although through the proposal there will be increased activity on site, by virtue of the density of development proposed, combined with its minor scale, the proposal is not considered to give rise to any material impacts in terms of noise and disturbance from future residents or resultant of additional vehicle movements. A separation distance of 55 metres is far in excess of this 14metre standard typically applied to conventional residential development.

Further, by virtue of the separation distances and the existing boundary treatment, the proposal is not considered to result in any material impacts on the privacy of surrounding properties.

In summary, the proposal is considered to have no material impacts upon the amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

### Highway Considerations

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

Access to the site is from Stapleton Lane which is a single track part un-adopted lane. The Director of Environment and Transport (Highways) has raised no objections to the scheme on the basis that the amount of traffic generated by the proposal will be minor and it would therefore not be possible to argue that it would result in an unacceptable impact on the operation of Stapleton Lane.

Given the size of the site there is adequate space for the parking and turning of vehicles associated with the proposed use.

Based on the above, it is not considered that the proposal will result in any significant impacts upon highway safety. Accordingly the development accords with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

### Other Issues

The Head of Community Services (Drainage) has recommended that permeable paving be used and that the suitability of the ground for a soakaway should be determined. This advice will be contained within a note to applicant should the application be approved. In addition, further details of the bio disc have been requested. Private foul drainage in relation to this matter is dealt with under the provisions of building control and the Environment Agency.

### Conclusion

As the application proposes tourism development within the countryside, which will be beneficial to both the local tourism cluster and the local rural economy, in principle the

development is considered acceptable and in accordance with the NPPF and Core Strategy Policy 23. By virtue of the siting of the proposal and the existing mature boundary vegetation, despite the proposed caravans having a stark utilitarian appearance, there will be no material adverse impacts in terms of visual amenity, or on the character of the surrounding countryside or landscape. Further, resultant of the minor scale of the development proposed there will be no material impacts on the residential amenity of surrounding dwellings or in terms of highway safety.

The proposal is therefore in accordance with adopted Core Strategy Policy 23 Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a, b and i) and T5 together with the overarching principles of the NPPF. The scheme is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- That subject to no further significant material impacts being raised by the expiry of the consultation period on 20 September 2013 the Development Control Manager be granted powers to issue planning approval 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 comprises sustainable development which will result in economic growth in the locality and further development of an existing tourism cluster, would not be detrimental to visual or residential amenity, the character of the surrounding countryside or highway safety.

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

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 23.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: DRG Refs: B13/20/P01A received by the Local Planning Authority on 16 August 2013.
- 3 No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
  - a) Planting plans
  - b) Written specifications

- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - d) Maintenance schedule
  - e) Implementation programme
  - f) Treatment of hard surfaced areas
  - g) Existing and proposed ground levels
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 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 four 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.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity, to accord with Policies BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criteria a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 5 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.

**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](http://www.planningportal.gov.uk).

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 For the avoidance of doubt, this application solely relates to the siting of the 4 caravans as identified on plan ref: B13/20/P01A no further caravans are permitted without prior approval being granted by the Local Planning Authority.
- 6 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

**Contact Officer:-** Eleanor Overton      Ext 5680