

PLANNING COMMITTEE

12 November 2013

RECOMMENDATIONS OF DEVELOPMENT CONTROL MANAGER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01
Reference: 13/00117/FUL
Applicant: Mr Lee Griffin
Location: Land Adjacent Woodgate Road Burbage
Proposal: Erection of 95 dwellings with associated parking, garages and infrastructure
Target Date: 13 June 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 95 dwellings on land to the southeast of The Coppice and north east of Woodgate Road, Burbage. Permission is sought for the creation of an access road, from The Coppice, to create a new estate consisting of a mixture of detached and semi-detached houses and flats, all two storey in scale with a proposed density of 21 dwellings per ha.

The layout is influenced by the Footpath U14 that transects the site on a southwest, northeast alignment, providing a link from Woodgate Road to Burbage Common. The scheme also seeks to retain a pond and several trees within the site that are subject to Tree Preservation Orders (TPO). The layout has been amended to take account of these features. The layout therefore consists of a single access road that follows the western boundary of the site, until it crosses the footpath after which point the road turns to the east. Properties face this road, with other areas of the site accessed by cul-de-sacs and private driveways.

The properties consist of modern brick dwellings incorporating gable features, brick and timber detailing and feature plots have chimneys. All properties have private gardens or access to private amenity space and off street parking.

The Site and Surrounding Area

The site consists of approximately 4.5ha and comprises three fields, divided by the public footpath U14, which comprises of a trackway with hedgerows either side. The site is gently sloping and falls west to east away from the existing urban area. The eastern part of the site is used as paddocks for the grazing of horses, with a large area of scrub containing self set hawthorne, elder and blackthorne with brambles against the boundary to 27 Sapcote Road. To the northwest of the footpath the site consists of an overgrown paddock, with a sunken pond surrounded by trees subject to a tree preservation order. The site is surrounded by hedgerow interspersed with larger trees.

The site is covered by three Tree Preservation Orders (TPO). The first relates to trees to the front of 11 and 15 Woodgate Road and protects 2 no. individual lime trees and a group (G1) comprising 13 no. lime trees, 2 no. prunes species and 1 no. sycamore. Within G1 one tree has been removed and substantial works undertaken to another tree. An application to cover

the works was refused and a replanting order issued. This has not yet been undertaken and is being considered separately as an enforcement matter. The second order relates to trees around the pond and to the eastern boundary of the site as well as individual trees consisting of an oak, a cedar, an alder and a lime. The third order relates to trees to the east of the footpath consisting of 3 oak and 2 alder trees.

The site is located outside the settlement boundary of Burbage and within the green wedge. The site abuts residential developments to the north (The Coppice), the west (Woodgate Road), and the south (Sapcote Road). To the east the site adjoins countryside, beyond which Burbage Common and Woods are located.

The properties within The Coppice consist of large, detached two storey dwellings with private gardens to the rear. These dwellings are separated from the site by a mixture of hedgerows and post and rail fencing.

The properties in Woodgate Road (11 and 15) are two larger dormer bungalows accessed by a private driveway that abuts the western boundary of the site and is separated from the site by a post and rail fence with trees within the application site. The dwellings front onto the drive and therefore face onto the application site. To the south west the residential properties of Woodgate and Sapcote Road are all large detached properties. The majority of which are individually designed dwellings constructed on an ad hoc basis. The exception is a small development of 6 dwellings advertised as the Old Dairy Site, which abuts the southern boundary of the site. The boundary treatments to these vary between hedgerow and a post and rail fence.

Amended plans have been received through the course of the application to address the following points:-

- a) take account of the recent TPO's installed on the site
- b) minor changes to the red line of the site to reflect owner disputes
- c) to reflect the requirement for a Local Wildlife Site.

These changes have resulted in a decrease in the number of units proposed.

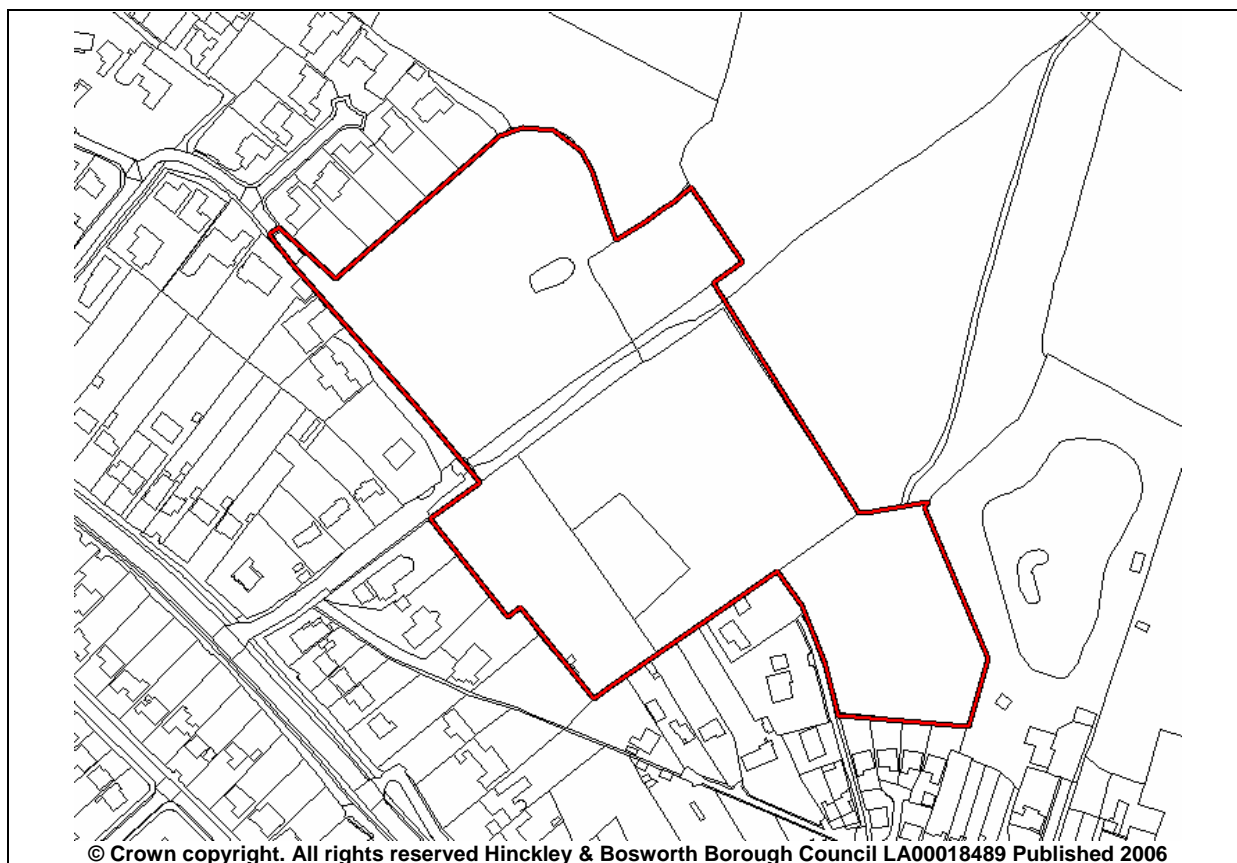
At the time of writing the report an additional 14 day re consultation has been undertaken which expires on 11 November.

Technical Documents submitted with application

Flood Risk Assessment
Transport Assessment
Arboricultural Assessment
Ecology Report
Green Wedge Review
Heritage Statement
Landscape and visual assessment
Planning Statement.

Relevant Planning History:-

None relevant.



Consultations:-

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Environment Agency
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive (Ecology)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Pollution Control)
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) Director of Children and Young Peoples Services (Education) has requested a contribution of £258,434.85 towards Burbage Church of England Infants and Junior schools (primary education) and £163,360.92 towards Hinckley John Cleveland College to provide additional spaces generated by this development. In total the contribution request totals £502,363.51
- b) Director of Environment and Transport (Civic Amenity) has requested £4,470.00 towards the Barwell Civic Amenity Site to off set the impact of the development
- c) Director of Adults and Communities (Libraries) has requested £5,750.00 towards providing additional lending stock, reference material and audio visual sources to offset the increased rate of borrowing generated by the proposed development

- d) Director of Environment and Transport (Highways) has requested a travel pack to be provided for each dwelling (cost if supplied by LCC of £52.85), two 6 monthly bus passes to be provided per dwelling (cost of £325.00 per pass), Improvements to the two nearest bus stops (£3,263.00 per stop), provision of a bus shelter at nearest Hinckley bound bus stop (£4,908.00), contribution of £1,500.00 to enable MOVA validation to be undertaken by LCC engineers at the Elm Tree Drive/ Burbage Road signalised junction.

The Primary Care Trust has requested £74,989.20 towards the Burbage Surgery Tilton Road, Burbage to help fund a new surgery to accommodate the increased number of people on the surgery lists.

The Leicestershire Constabulary Crime Reduction Officer has requested a contribution of £34,687.00 towards the cost of providing additional equipment to cover the additional demand the development will place on the local Police force.

The Leicestershire and Rutland Wildlife Trust objects to the application on the following grounds:-

- a) the development is likely to damage the habitat of protected species i.e. bats
- b) the proposal will result in areas of the site that meet or are likely to meet Local Wildlife Site (LWS) criteria. Additional surveys should be undertaken
- c) loss of a rich mosaic of valuable habitats including grasslands, rough grasslands, scrub, woodland, ditches, hedgerows, mature trees and dead wood
- d) the submitted surveys do not represent the number of species recorded by local ornithologists. Some of these are red listed.

Burbage Parish Council has objected to the proposal on the following grounds:-

- a) proposal on Greenfield land outside the settlement boundary is contrary to the Burbage Village Design Statement
- b) the proposal encroaches in to the green wedge and green fields around the village which should be maintained
- c) results in unacceptable loss of open countryside
- d) proposal would result in reduced leisure and recreational requirements for the people of Burbage
- e) proposal would have a severe and deleterious impact on the character of Burbage. Rural vistas should be protected
- f) proposal is not considered to be in accordance with sustainable development objectives as its development will result in the benefits of the land both socially and environmentally being lost
- g) proposal is contrary to Hinckley and Bosworth Borough Council's Core Strategy, especially Policy 4, which seeks to protect an open landscape, Policy 6 which seeks to encourage the use of a Green Wedge
- h) loss of this area, which contains a large population of flora and fauna will dramatically result in a loss of amenity
- i) the loss of trees of visual significance is contrary to Burbage Village Design Statement
- j) priority should be given to the development of Brownfield sites, within the settlement boundary, prior to the development of Greenfield sites
- k) Hinckley and Bosworth Borough council can demonstrate a 5 year housing land supply and developers should not give weight to their own proposals by using a different method
- l) the proposal is contrary to policy NE5 which seeks to protect the Countryside for its own sake

- m) proposal would have an adverse impact on the character of the neighbourhood as the design is not in keeping with the scale of existing properties, and shows no consideration to the local vernacular or sympathy to the design of existing surrounding residential properties
- n) the density of the development is much higher than the surrounding development
- o) the proposal would generate traffic that is likely to exceed the capacity of the local highway network and impair highway safety
- p) the submitted Transport Assessment contains a number of inaccuracies including traffic flows in Hinckley and bus information
- q) narrow access to the site and no secondary point of access results in a highway danger.
- r) disturbance from construction traffic
- s) affordable housing should be pepper-potted through the site and not clumped together on the edges of the site.

The Council's Tree Officer has raised concerns regarding how the trees around the pond have been plotted and proximity to the proposed dwellings.

David Tredinnick MP has written on behalf of his constituents to formally object to the proposal on greenfield land, as Burbage has already met and exceed the core strategy's target for new dwellings in Burbage and the site represents local overdevelopment. The local areas infrastructure is already at capacity and the proposal would place additional strain upon this. The proposal will have a huge impact on the existing road network, resulting in road safety concerns. The design, size, scale and density of the proposal is out of keeping with the existing area. The proposal would result in unsustainable development and on a greenfield site that once gone will be gone forever.

Councillor Nichols objects to the application as the proposal is not within the boundaries of any urban area and will not complement or enhance the character of the surrounding area; the proposal is contrary to Policy NE5; the proposal would encroach into the green wedge as protected by Policies 6 and 9 of the Core Strategy; the green wedge provides easy access from urban to green spaces that contribute to the health and well being of residents and the application would diminish this; the proposal is an area of particularly attractive countryside that should be protected and conserved as such. The application should therefore be refused.

Site notice and press notice were displayed and neighbours notified.

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

- a) scheme does not comply with DfT regulations 'Residential Street Design' which requires a footpath to be provided on both sides of the road
- b) additional cars and traffic on Elm Tree Drive will result in injury to residents and school children
- c) more cars, traffic and emission into the environment as a result of queuing traffic at the lights between Elm Tree Drive and Burbage Road
- d) more strain on oversubscribed local schools, in which the class sizes are already high compared to the national average
- e) loss of Green Wedge will result in decrease in wildlife population, harm to local fauna and flora of detriment to bats, newts, foxes and birds on the RSPB red list
- f) Burbage does not need any more residential development as the allocation within the Core Strategy has already been exceeded
- g) local neighbourhood will suffer as it does not have the facilities (doctors, school spaces etc) to support a large increase in families or vehicles

- h) Transport Assessment is inaccurate, for example it uses data from 2008. Residents own survey suggests traffic volumes 12% higher than those indicated by the developer
- i) roads into Hinckley over the railway cannot cope with any more traffic
- j) lots of traffic accidents and near misses on Sapcote Road and the junction of Elm Tree Drive and Burabge Road/ Brookside. This will only get worse with the increased traffic created by the development
- k) plans show a further access between plots 64 and 65 meaning future development on more Green Wedge. Elm Tree Drive is unable to cope with the current proposals let alone more. This should be designed out
- l) proposal contrary to Core Strategy Policies and objectives
- m) people will soon have to drive to enjoy the benefits from a walk in the country
- n) proposal will result in a loss of an established horse training business
- o) should be another access to the site if possible
- p) why have illegally felled trees not been replaced?
- q) concerns over contamination of part of the site as this was formally used as a landfill
- r) will Council Tax be reduced to compensate for the disturbance caused during building operations?
- s) why has application of this size been considered without first a public consultation?
- t) loss of privacy
- u) proposal should accommodate the laurel hedge at the entrance to the site
- v) there are bats in the area and a bat roosts potential survey should be undertaken
- w) design has little regard to its impact on the Greenbelt, open space and local ecology
- x) what are the plans for a Sustainable Urban Drainage System
- y) where is the foul water going? Suspect drainage system in The Coppice is inadequate to take the additional volume
- z) Flood Risk Assessment is inadequate
- aa) arboriculture Report frequently refers to it being a preliminary study and requiring further investigations
- bb) how will the safety of children be secured around the pond
- cc) who will manage the area of open space?
- dd) planning guidance indicates that development should be consistent with scale and structure of adjacent properties. How do 1 bedroom apartments fit in to this?
- ee) the design is bland with poor elevational treatment and came from standards house type portfolio
- ff) no attempt has been made to soften the impact of the development on the countryside
- gg) claim for the depreciation of property values will be made under the Land Compensation Act 1973
- hh) grass snakes, a protected species have been seen in the fields and are not mentioned within the ecology report
- ii) there are more appropriate sites in Burbage for residential development
- jj) affordable housing goes hand in hand with social problems, resulting in existing residents not being able to sell their own properties
- kk) proposal would spoil views of the common
- ll) once its gone its gone there is no bringing it back
- mm) not enough jobs in Hinckley or Burbage for the new residents
- nn) it is not possible to build the country out of a recession
- oo) 20 uninhabited houses within half a mile of the proposal demonstrates that no new houses are required
- pp) proposal will result in the loss of protected trees and important hedgerows
- qq) parts of the site are waterlogged and concerns have been expressed whether the drainage will be adequate to prevent an increase in flooding nearby
- rr) why has work been allowed to start
- ss) the Highways Officer report is concerning and inaccurate

- tt) screening around the site should be preserved where possible
- uu) in accuracies within the red boundary of the site including neighbouring land
- vv) revised plans show a footpath link on to a private road for which permission has not been granted
- ww) the site is subject to an application to the County Council Ecologist to secure designation as a Local Wildlife Site
- xx) does not accord with the Burbage Village Design Statement
- yy) the Burbage Common and Woods Management Plan raises the potential that the area has for future enhancement including possibly becoming part of the National Forest scheme. Permitting development within the buffer to the woods could undermine the enhancement opportunities
- zz) proposed road will cross the footpath resulting in a danger to pedestrians and animals who use the footpath.

Two petitions containing 143 and 41 signatures have been received objecting to the proposal on the following grounds:-

- a) is there a current need for more housing in Burbage we have already exceeded numbers in the HBBC's core Strategy
- b) are there more appropriate development sites in Burbage
- c) access constraints into the site off Sapcote Road
- d) traffic congestion
- e) impact on existing properties in relation to the affordable housing element of the development
- f) loss of green wedge land environmental impact, loss of habitat for birds, wildlife flora and fauna
- g) loss of a valuable local amenity for joggers, dog walkers, ramblers.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

- Policy 4: Development in Burbage
- Policy 6: Hinckley/Barwell/ Earl Shilton/ Burbage Green Wedge
- Policy 15: Affordable Housing
- Policy 16: Housing Density and Mix
- 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 BE13: Initial Assessment of sites of Archaeological Interest and Potential
- Policy BE14: Archaeological Field Evaluations of Sites
- Policy BE15: Preservation of Archaeological Remains in Situ
- Policy BE16: Archaeological investigation and recording
- Policy NE2: Pollution
- Policy NE7: Sites of County and Local Nature Conservation Significance

Policy NE12: Landscaping Schemes

Policy NE14: Protection of Surface Waters and Groundwater Quality

Policy NE17: Protection of the Water Environment from the development of Contaminated Land

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

Affordable Housing (SPD)

Play and Open Space (SPD)

Residential Developments (SPG)

Other Material Policy Guidance

Burbage Village Design Statement

Appraisal:-

The main considerations with regards to this application are the principle of development, including impact on the green wedge and housing supply; design, layout and scale; impact on trees; highway safety; impact on amenities of neighbouring residents; ecology 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 April 2013 the Borough Council could demonstrate a five year supply of housing land in accordance with paragraph 47 of the NPPF and therefore all policies relevant to the supply of housing are up to date.

Housing Supply

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 with regard to deliverability, are all utilised to develop a robust and transparent assessment of future housing supply that is in conformity with the NPPF.

There are two methods that can be used to determine a 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 'Sedgefield' 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 April 2013 was 5.58 including a 5% buffer.

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

It should be noted that the Shilton Road, Barwell and Ratby 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.

Policy 4 of the Core Strategy seeks to allocate land for the development of 295 new residential dwellings, to be focused primarily to the north of Burbage, adjacent to the Hinckley Settlement Boundary. Evidence to date suggests that the entire residual housing requirement for Burbage cannot be allocated on previously developed land and suitable Greenfield sites which conform to Policy 4 will need to be identified to allocate the necessary provision.

Even with a 5 year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development (para 14; NPPF). The current housing supply needs to be considered in the context of making provision for a residual housing requirement of 123 dwellings to be delivered in Burbage to meet the requirements of the Core Strategy.

The Vision presented by the Core Strategy, and reiterated within the Spatial Objective 5, stipulates that the majority of the housing to be provided in the borough "will be provided in and around the Hinckley sub regional centre" (pg 19 of the Core Strategy). This includes the settlement of Burbage.

Adjustments in housing calculations from the period of adoption, including demolitions, expired permissions, completions and commitments has resulted in a remaining residual housing minimum of 123 homes for Burbage.

The development of this site for 95 dwellings would make a significant contribution to this minimum residual housing requirement for Burbage and this should be given weight.

The Borough Council has an adequate five year housing land supply, to maintain this position the Authority should seek to maintain an annual supply of development with planning permission for 513 dwellings per annum.

Green Wedge

The site is located within the defined Green Wedge and thus Core Strategy Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge is applicable. This policy expressly stipulates in the supporting text that a review of the boundary of the green wedge will take place through the Site Allocations and Development Management Policies DPD. This review is to be based upon the findings of the Green Wedge Review (Dec 2012). Within this document the application site falls within area 'I' and is described as containing part of

Burbage Common and Woods which is identified as being important for the protection of wildlife and is a key recreational resource. The Green Wedge Review did not recommend either area I or the application site should be removed from the designation.

The Green Wedge review defines the functions of the Green Wedge as preventing the merging of settlements, guiding development form, providing a green lung to urban areas and acting as a recreational resource.

The site does not provide a strong role in protecting the merging of settlements and it guides the form of development to the rear of the linear development on Sapcote Road but not to the rear of the properties on Burbage Road where there has already been development in depth.

Whilst the existing footpath is maintained within the layout of the development, the residential proposal would result in an estate road crossing the footpath and pedestrian links to other parts of the development from it. The footpath from Burbage Road, follows the route of Woodgate Road, a private unmade road with large detached dwellings either side. At present from the end of Woodgate Road the footpath becomes rural in character, boarded by hedgerows either side. The character of the footpath therefore becomes progressively more rural in character from Burbage Road. The residential proposal whilst maintaining the footpath and link to the recreational resource of the common and woods beyond, would still alter this character as the proposed residential development would be visible either side of the hedgerows resulting in an urbanisation of the area.

In Hinckley and Bosworth and Leicestershire as a whole, green wedges are used as a means to identify where certain types of development, including residential, would not be appropriate. Together with other local policies, they facilitate the positive management of land by helping to shape the growth of towns alongside green infrastructure (the network of greenspaces, including footpaths, parks and river corridors) and in doing so maintain and improve quality of life for residents.

This policy prescribes a number of acceptable land uses within the Green Wedge, of which residential development is not one. The scheme would therefore stand contrary to policy 6 of the Core Strategy.

However this needs to be weighed against the requirement to provide residential development and Policy 4 of the Core Strategy.

Appeal decision - Groby Road, Ratby

The most recent appeal decision relating to a residential application within the green wedge is the appeal relating to land east of Groby Cemetery, Groby Road, Ratby. This consisted of a development of 91 units and was therefore a similar scale to the development now under consideration. The Inspector in consideration of the application had regard to the Council being able to demonstrate a 5 year housing supply; that the allocation of 110 new homes in Groby through the Core Strategy had not been met; and the harm of the proposal on the character and function of the green wedge. In assessing the character the Inspector considered that 'openness for its own sake is not one of the four objectives of the green wedge'. However, he did consider that the character of the land has a bearing on the contribution to these objectives. In considering the recreational contribution made by land within the green wedge the Inspector did not consider that the land had to have public access or sporting or recreational use, but considered that 'Recreation can also include walking and general enjoyment of the countryside'. The Inspector in considering the appeal therefore gave weight to the proximity of footpaths to the site and the contribution of the site to the enjoyment of the use of these footpaths.

In concluding the Inspector considered that the proposal would harm the character and appearance of the green wedge thereby conflicting with Core Strategy policy which seeks to protect it. He did not consider that having a residual housing requirement in Groby required the granting of planning permission on this site in advance of the decisions on the draft Site Allocations DPD and Green Wedge Review.

Whilst promoting economic growth the NPPF does not advocate this at any cost. NPPF paragraph 10 states that decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. One of the 12 core principles set out in paragraph 17 is that planning should be genuinely plan led, empowering local people to shape their surroundings.

The proposed site is located adjacent to the key urban area of the borough, which is identified in Core Strategy paragraph 4.5 as the main focus for growth over the plan period. There is a remaining requirement for the development of 123 residential dwellings in Burbage, however this could be met over the plan period through the development of alternative sites in sustainable locations that are not located within the local green wedge designation. It is the intention to allocate the most appropriate sites to accommodate this growth requirement through the Site Allocations and Development Management Policies DPD.

At the time of writing, there is no evidence to demonstrate that the entire residual housing requirement for Burbage can be delivered on previously developed land, in such instances consideration should be given to meeting this identified housing need on appropriate greenfield sites which conform to Core Strategy Policy 4. Having regard to the function of the green wedge in this location, it is considered that the proposed development of 95 dwellings would adversely affect the character of the footpath through the site, therefore not conforming with the recreational function of the green wedge and contrary to Policy 6 of the Core Strategy. Whilst the need for housing in Burbage as identified within policy 4 of the Core Strategy, is in favour of the application, given harm identified to the green wedge, it is considered that in allowing this decision would pre-empt the allocation of land for housing that should be properly made through the development plan process in accordance with Paragraph 17 of the NPPF. This approach was fully supported by the Inspector in the Ratby appeal decision.

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 development size threshold for the provision of affordable housing in urban areas is 15 dwellings or more. As this scheme is in the urban area, Policy 15 indicates that 20% of the dwellings should be for affordable housing. Of these properties 75% should be for social rent and 25% for intermediate tenure.

The housing register for Burbage indicates that there are 1013 applicants seeking affordable housing of which 504 were seeking 1 bedroomed dwellings; 364 two bedroomed dwellings; 115 three bedroomed dwellings and; 30 four bedroomed dwellings. There is therefore a high demand for properties within the Burbage area.

The scheme proposes 19 units out of the 99 as affordable, resulting in 20% affordable provision. There is an identified need for affordable units within Burbage 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 reasonably related in scale and kind to the development proposed. It is therefore considered that the request complies with the requirements of CIL 2010.

Highway Safety

The proposal would have a single point of access from The Coppice via Elm Tree Drive and the traffic-light-controlled junction between Elm Tree Drive, Brookside and Burbage Road, Burbage. The site access has a total width of 7.5m consisting of a width of 4.8m for vehicular traffic and footpath adjacent to the south west boundary, of 2m. Within the application site the roads are shown with a width of 5m with footpaths either side. Adequate car parking is provided within the site with the smaller one or two bed units having one designated space and the larger properties having two or more. Given the proximity of the site to the public transport network and its edge of urban location this is considered to be acceptable.

The Director of Environment and Transportation (Highways) has commented that Elm Tree Drive currently serves in the region of 35-40 dwellings and is built to modern standards with a carriageway width of 5.5m, a continuous footway on its southern side, and intermittent footway on the northern side. In accordance with the 6C's guidance, a road of this type is capable of accommodating between 50 and 400 dwellings, and therefore capable of accommodating a development of the size proposed. The proposal is also in accordance with Table DG1 of the 6C's guide which stipulates a limit of 150 dwellings off a single access point.

The Transport Statement submitted with the application has analysed the proposed traffic generation on to the network. The number of trips generated has been derived from the national TRICS database and are in accordance with rates that have been accepted on other sites within the vicinity. The Transport statement has been revised to correct the number of dwellings from the initial 110 that were considered to the 115 initially proposed as part of this application. The figures presented suggest that the development would generate a total of 615 movements over a 12 hr period, equating to just less than one movement every minute. In the AM/PM peak hours the development would generate approximately 1 movement every 54/50 seconds respectively. Data shows that there would be approximately a 50/50 split between traffic turning right into Hinckley and left, towards Leicester or straight ahead. This is consistent with the observations of the Highway Officer.

Objections have been received raising concerns about the existing signalised junction would not be able to cope with the increased traffic given the existing volume of traffic at this junction. The junction has been modelled using the industry standard computer programmes LINSIG and PICADY, and the statement concludes that the junction currently operates well within capacity and therefore can accommodate the extra traffic generated by the proposal. This conclusion has been checked by County Highway Engineers. They conclude that whilst the report uses high cycle times of 240 seconds to try and show positive results, this does not result in a significant difference in the results. The data also shows some impact in 2017 reducing capacity by 1% in the AM peak and 2% in the PM peak, due to an increase in turning traffic onto Elm Tree Drive. However this is not so significant to result in an objection.

The Director of Environment and Transportation (Highways) concludes that there is no evidence to suggest that the proposals are likely to lead to a deterioration of the highway network in terms of safety or capacity. The Director of Environment and Transportation (Highways) has survey conducted by local residents and has commented that the data omitted vehicles entering or existing Elm Tree Drive and as such is not sufficient to dispute the overall conclusions on the LINSIG modelling are unsound. There are no objections raised on highway safety grounds.

Objections have been received on the accuracy and validity of the Highway Assessment submitted by David Tucker. The Director of Environment and Transportation (Highways) has evaluated the report and tested with the County Council's own modelling criteria and after considering the report has concluded that there is nothing within the David Tucker Transport Report that would cast doubt on the conclusions reached.

Comments have brought to officers attention the number of near misses occurring at the Burbage Road/Brookside junction. Comments have stated that people ignore the red lights or are crossing without looking. The planning system cannot control the actions of individuals and given the responses from Highway Officers it is not possible to sustain an objection to the proposal on highway safety grounds.

Whilst objections regarding the layout and access within the site not conforming to government standards have been received, no objection has been received from the Director of Environment and Transportation (Highways) who has provided a detailed and comprehensive report to the officer. In light of the Director of Environment and Transportation raising no objections, it is not considered that a reason for refusal can be substantiated on highway safety grounds.

The Director of Environment and Transport (Highways) has suggested 4 conditions to ensure that adequate parking is provided on the site depending on the size of dwelling; that garages are of an adequate size and provided for off street parking; a residential travel plan be submitted and that for the period of construction the highway is kept clear of mud, stones and other debris. The application is a full application and the applicant has provided details of the drive length, number of bedrooms each property has and dimensions of the garages. Therefore the first two conditions are not considered necessary; however it is considered that a condition requiring parking and turning to be hardsurfaced before being used is considered appropriate. The travel plan and scheme for keeping the highway clean are considered valid conditions.

The Director of Environment and Transportation (Rights of Way) has raised no objection to the proposal however requested that the extent of the footpath within the application site be upgraded to a width of 2m with a 1m grassed strip either side. The site layout plan shows the footpath with a width of 2m within a 20m corridor. This is in excess of the County's requirements and therefore considered acceptable. The Director of Environment and Transportation (Rights of Way) has also requested a scheme for improvements to the footpath to include signage, waymarkers and improved gates. This is considered acceptable in the interest of maintaining access and providing a choice of transport to the countryside and Burbage Common in accordance with Policy T5 and the objectives of the NPPF.

Layout and Design

The proposal takes the form of a new residential estate comprising 2 storey detached, semi-detached and terraced dwellings with some single bedroomed units either in the form of a small block of flats or above garages. The layout has been influenced by the number of protected trees, around and within the site, the location of the existing pond and location of Footpath U14 that transects the site on a southwest, northeast alignment.

Policy 16 of the Core Strategy requires developments within the urban area to have a minimum density of 40dph. The proposal has a density of 21dph considerably below this figure. However, the density has been affected by the footpath, tree preservation orders and ecological requirements all of which have restricted where properties can be constructed and contributed to the lower density. In considering density, consideration should also be had to characteristics of the site. Whilst the proposal should make the best use of land, this should not be at the cost of the character of the area. Given the specific characteristics and

constraints of the site, it is considered that the low density is considered acceptable in this instance.

The plans show the provision of a Local Equipped Area of Play (LEAP) adjacent to the northern eastern boundary of the site. The design and access statement shows that other more central locations were considered and the final position of the LEAP has been challenged by officers. The applicant, whilst considering other locations believes that given the constraints of the site and distances that should be maintained between the play space and nearest residential dwellings this layout resulted in the best use of the site. Whilst this is not ideal, it is not considered a severe enough problem to sustain a reason for refusal.

Dwellings have been proposed facing onto the LEAP providing surveillance of the site. Other dwellings have been sited facing the highway where possible. Some dwellings are grouped at the end of small private roads. Through the majority of the site, parking has been provided to the side or in front of the dwellings, providing a close relationship to enable occupiers to provide surveillance to their vehicles. The developer has sought to reflect the character of the surrounding residential areas through the siting of the larger detached dwellings adjacent to the large detached dwellings that surround the site. The only area where this has not been possible is to the far south of the site where a terrace of properties backs onto the shared boundary with the Old Dairy development on Sapcote Road.

Core Strategy Policy 16 requires a variety of house types and tenure mix to be provided on sites of 10 dwellings or more. The proposal provides a mixture of tenure through the provision of affordable housing whilst a variety of housing types are provided by mixing the size and type of dwellings. These are distributed through the development.

The proposal is large enough to create a character of its own and therefore the designs do not have to replicate those within the vicinity of the site. The dwellings are shown to be brick and tiled properties with elevations broken with projecting gables, bay windows, feature porches and feature brick courses. Chimneys are shown on larger properties to break up the ridge line. The design and appearance of the dwellings are considered to be acceptable.

The layout retains important trees and landscape features within the site. The existing pond and trees have been retained. The design and appearance of the dwellings include features that provide a character and visual interest within the development. The footpath link between Woodgate Road and the Common is maintained. Overall it is considered that the layout and design of the proposal is acceptable.

Affordable Housing Layout

Paragraph 6.19 of the Affordable Housing SPD states that affordable housing within a scheme should be tenure blind, and should be distributed in small clusters of not more than 6 dwellings. Registered Social Landlords (RSL's) prefer affordable units to be grouped together to enable more effective management of the properties. The affordable dwellings within the site are located in predominantly three groups. In the centre of the site 2 groups of 6, served from different accesses, back onto each other whilst 2 dwellings and 6 flats are located to the south of the site, separated by 5 market properties.

The two blocks of 6 that are located back to back are accessed from different sides of the estate and therefore in practice will not be seen as being adjacent. Given this and the separation with market properties between the other two areas, the location of the affordable dwellings is considered to be acceptable and in accordance with The Affordable Housing SPD.

Impact on Neighbours

Policy BE1 requires development to not adversely affect the occupiers of neighbouring properties. The SPG on New Residential Development provides guidance as to the distances that should be achieved between habitable windows, distance between dwellings and garden size to protect privacy and ensure that an acceptable degree of amenity for future and existing occupiers is maintained. These standards apply more to existing occupiers who have got used to a certain standard of living whilst future occupiers can choose if the space and overlooking is acceptable to them personally.

Existing Occupiers

The SPG suggests that a distance of 25m is provided between habitable windows. Between the rear of 5, 7, 9, 11 and 15 the Coppice there is at least 50m between the rear of the properties and the boundary. Whilst the gardens may be closer these are not considered to be private as within a property and are often already overlooked by neighbouring dwellings. Given this distance it is not considered that the proposal would detrimentally affect the amenities of occupiers of these dwellings.

To the east the site adjoins the boundaries of 2, 11, 15, 'Woodbeach', 'Beech House' and 'Que Sera' off Woodgate Road. No's 15 and 11 have elevations facing the proposed development, however there would be a distance of 30m or over between the front elevations and the nearest elevations of the proposed dwellings (plots 1 and 20). Woodbeach has a side elevation facing the development and the nearest proposed plot (22) would be located 30m from the side elevation of this dwelling. No 2, Beech House and Que Sera all have distances in excess of 25m to the boundary of the site and therefore the distance between facing windows serving habitable rooms on these elevations will accord with the SPG.

To the south the application site adjoins the boundaries of 17, 19, 19a, 27 and 29 Sapcote Road and the new dwellings forming 'The Dairy' site. 17, 19 and 19a all have in excess of 25m between the closest elevations and the application site. The side elevation of no. 27 is a two storey property located 8m from the boundary with the application site. The side elevation contains one window at first floor serving a bathroom. Plot 78 is located 20m from this elevation, and whilst this is below the distance recommended by the SPG, it is considered the elevation doesn't directly face a habitable room window and therefore the proposed development would not detrimentally affect the amenities of these occupiers.

29 Sapcote Road is located over 25m from plots 69 and 70, and therefore is in compliance with the SPG. There is also a minimum of 25m between plots 63 to 69, and the properties forming 'The Old Dairy' development that share a boundary with the site.

Given the above it is considered that that proposal maintains a minimum a distance of 25m between the existing properties surrounding the site and the proposed properties with the exception of No 27 Sapcote Road. However for the reasons outlined above it is considered that the proposal would not detrimentally affect the amenities of occupiers of this dwelling.

Future Occupiers

The internal layout of the site generally maintains the privacy and amenities of future occupiers. There is generally sufficient private amenity space provided for each dwelling. The distances between facing windows serving habitable rooms is below that recommended by the SPG. However, the site layout is such that there are few properties which directly face each other. The density of the site is considered to be low at 21dph when compared with the target of 40 dph required by Policy 16 of the Core Strategy. This policy supersedes the SPG

and is in line with the national sustainability agenda and making the best use of land. Given this it is considered that despite not according strictly with the SPG the proposed layout would not so severely affect the amenities of future occupiers to sustain a reason for refusal.

Ecology

Section 11 of the NPPF seeks to conserve or enhance the natural environment. Paragraph 109 states that the planning system should do this by minimising impacts on biodiversity. Paragraph 113 states that local planning authorities should make distinctions between the hierarchy of international, national, and locally designated sites and that protection is commensurate with their status. Paragraph 118, states that when determining planning applications, local authorities should, only as a last resort, refuse applications where it has not been possible to adequately mitigate against or relocate the development.

Objections have been received from local residents and wildlife groups regarding the loss of habitat. The applicants submitted an Ecology Report in support of the application, which included a survey of the habitat and plant species on the site, observations of species seen within the site and specific searches for protected species such as badgers, great crested newts and bats. Following the recommendations within the report further surveys were carried out to establish if great crested newts were present in ponds surrounding the site. Consent to enter neighbouring land at appropriate times was refused and therefore the Directorate of Chief Executive (Ecology) considered that in these circumstances it is considered appropriate to impose a condition requiring amphibian fencing to be erected around the site and completion of appropriate destructive searches within the site prior to the commencement of development.

Following a number of surveys through the summer, part of the site has been identified as meeting the criteria for designation as a Leicestershire Local Wildlife Site, due to the species rich grasslands. The Directorate of Chief Executive (Ecology) has indicated that this should not be prohibitive to the site being developed, providing some of the grassland can be preserved within the development and an area of 0.25ha has been suggested as this is the minimal area required for a Local Wildlife Site. Discussions on how this should take place, and how the land could be managed have taken place. The amended plans have excluded an area adjacent to the boundary and north of the pond to enable an area of grassland to be retained. This area contains scrub that will need to be cleared, once cleared it will provide space for the grassland species that contribute to the important bio-diversity of the site. The methodology for this will be conditioned.

The site contains an abandoned badger sett, and therefore the Directorate of the Chief Executive (Ecology) has requested a condition for a badger survey prior to the commencement of development. Badgers and their setts are protected under the Protection of Badgers Act 1992. Should badgers re-inhabit the sett or move onto a different part of the site this legislation will protect them and therefore the condition is not considered necessary or reasonable and is not considered valid.

The Directorate of the Chief Executive (Ecology) has suggested other conditions including a management plan for the conservation grassland area. Subject to these conditions there is no objection to the proposal from the Directorate of the Chief Executive (Ecology). In addition a condition was requested requiring all trees, scrub and any other potential bird nesting sites to be removed outside the bird nesting season. These are protected by the Wildlife and Countryside Act and therefore it is not considered that the condition is necessary.

An objection has been received on the basis that birds listed on the RSPB red list have been sited within the application site. The RSPB red list is a list that informs the strategy of the

RSPB in determining what habitats to protect. The list is not a material consideration in the determination of a planning application. Local residents have undertaken their own surveys and gathered information relating to wildlife within the site. This has been considered but not verified by the Directorate of the Chief Executive (Ecology) and therefore cannot be a material consideration in the determination of the application.

Therefore subject to conditions there is no objection from the Directorate of the Chief Executive (Ecology) regarding the development of the greenfield site.

Trees

The site contains several trees that are subject to a Tree Preservation Order (TPO) and the layout has been amended to reflect the position of the trees and provide an adequate area around the trees to protect their health.

Of the protected trees, it is proposed to remove a further three of the limes adjacent to the boundary with 15 Woodgate Road. One tree has already been removed and one partially removed. It is also proposed to fully remove another tree as part of this application. The trees are multi-steamed and located within 5m of the side two storey elevation of 15 Woodgate Road. Limes have the potential to grow between 20 and 40m, double the current size of the trees. Given the close proximity to the dwelling and the potential of the trees to grow resulting in possible future problems for the dwelling, should the application be acceptable on other grounds the loss of these trees is considered acceptable.

The Borough Council's Tree Officer has concerns around the accuracy of the trees around the pond and the distances from these to the front elevation of plot 14. Due to how the trees have grown within the group trees within TG12 lean south and have an asymmetrical form. From measurements on site the canopy would extend to the front elevation of plot 14 and the applicants have claimed that this can be mitigated by pruning back the tree. The trees have been protected for their group value and should the application be acceptable then it is considered that careful pruning would not detrimentally affect the group amenity value.

The other trees to be removed have been categorised as either category B, C or U and not considered worthy of protection and therefore their loss is not objected to.

Given the above there are no objections on harm to trees within the site.

Pollution

The north of the footpath U14 was previously a landfill site that is still subject to an Environmental Permit. Monitoring was undertaken in 2008 in an attempt to remove the permit; however for whatever reason this was not completed. Therefore, there is still potential for contamination and land fill gas associated with the former site to impact on the development. It is considered that this can be mitigated against and can be adequately dealt with through the imposition of conditions.

The Head of Community Services (Pollution) has also stated that the site has the potential to cause disturbance to nearby occupiers through noise and dust during construction. To mitigate this condition has been requested, for a scheme to protect the amenities of occupiers from pollution during construction. There is always a degree of disturbance resulting from building operations. The site is not considered to result in significant changes in levels that would result in significant amounts of earth being moved. Noise and nuisance is covered by other legislation and therefore it is not considered necessary to impose such a condition.

Archaeology

The application was submitted with a Heritage Statement in support of the application. This confirms that the site lies 60m to the north of known archaeological remains dating from the Roman period. The Directorate of Chief Executive (Archaeology) considered that it is therefore probable that associated remains continue into the application site. Given that half of the site was previously a landfill, it is unlikely that this portion of the site would contain any significant historical finds. The submitted geo-physical survey has not highlighted any specific targets and therefore the Directorate of Chief Executive (Archaeology) recommends a condition requiring trial trenching prior to the commencement of development. Appropriately worded conditions to ensure that adequate archaeological investigations and recordings are undertaken are therefore considered appropriate.

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.

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 the 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.

Informal and informal equipped provision is proposed to be provided on site, and there is formal provision at Hinckley Road Recreation Ground located within 1km of the site. Under the terms of the SPG Play and Open Space an off-site contribution can be made towards the formal provision at Hinckley Road Recreation Ground site.

Within the Green Space Strategy Burbage had a deficiency of -1.11 ha per population of equipped play space, a sufficiency of 0.8ha per population of casual informal space and a deficiency of -3.6 ha per population of outdoor sports space. Within the Audits of Provision Hinckley Road Recreation Ground scored 44.8%.

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

Burbage Parish Council has confirmed that any contribution would go towards improving the existing facilities at Hinckley Road Recreational Ground.

In addition a contribution is sought towards the maintenance of the retained grassland. This has been calculated on the basis of just cutting the grass back and equates to a total of £750 over a 10 year period.

As such the contribution sought equates to £150,593.20 consisting of the following elements:-

£30,181.80 for provision of formal provision off site
£24,684.00 towards maintenance of the formal off-site provision
£9,792.90 for the provision of equipped play space on site
£66,104.50 for the maintenance of the equipped play space on site
£19,080.00 towards the maintenance of the informal on- site provision
£750.00 towards the maintenance of the wildlife site.

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 REC2, 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 Developer Contributions

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

- a) Director of Children and Young Peoples Services (Education) has requested £258,434.85 towards capacity improvements at Burbage Church of England Primary and Burbage Junior School to provide an additional classroom to accommodate the additional demand created by the residential development: A contribution of £163,360.92 towards John Cleveland College to provide sufficient Upper school places to mitigate the development
- b) Director of Environment and Transport (Civic Amenity) requests a contribution of £4,470.00 towards mitigating the increased use of the civic amenity site associated with the new development at Barwell Civic Amenity Site
- c) Director of Adults and Communities (Libraries) has requested a contribution of £5,750.00 towards Hinckley 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 (cost if supplied by LCC of £52.85), two 6 monthly bus passes to be provided per dwelling (cost of £325.00 per pass), Improvements to the two nearest bus stops (£3,263.00 per stop), provision of a bus shelter at nearest Hinckley bound bus stop (£4,908.00), contribution of £1,500.00 to enable MOVA validation to be undertaken by LCC engineers at the Elm Tree Drive/ Burbage Road signalised junction
- e) The Primary Care Trust has requested £74,989.20 towards the Burbage Surgery Tilton Road, Burbage to help fund a new surgery to accommodate the increased number of people on the surgery lists
- f) The Leicestershire Constabulary Crime Reduction Officer has requested a contribution of £34,687.00 towards the cost of providing additional equipment to cover the additional demand the development will place on the local Police force.

Having considered the requests in accordance with the 2010 CIL regulations it was not considered that the requests from Director of Environment and Transport (Civic Amenity) and Director of Adults and Communities (Libraries) were CIL compliant in that they could only demonstrate that the development would result in a 0.4% and 2% increase respectively in

the demand for the service. This is a minimal impact and as such it is not considered that it can be demonstrated that the requests are necessary to make the development acceptable in planning terms. Likewise the requests for improvements to bus stops that serve a wider catchment area other than the development are not necessary for the acceptability of the scheme.

With regard to the request from the Police, they have failed to explain where 70% of one additional member of staff would be accommodated and no consideration has been given to whether this could be accommodated through restructuring. Again it is considered that it has not been demonstrated that the contribution is necessary to the acceptability of the proposal. The Primary Care Trust indicated that, within the PCT `traffic light system,` the Burbage surgery is rated `red` ie in greatest need of development. There are therefore existing capacity issues. The practice is said to be focussing on a new surgery development which will address existing capacity issues and expansion to meet the perceived increased demands from this development.

The difficulty in assessing whether the request for a contribution is CIL-compliant is that there is no information as to what is being proposed and what the timetable is for the new surgery development. It is therefore not clear whether the new surgery development would be able to accommodate the perceived increase in demands from the new development and therefore the extent to which a contribution is necessary to make the development acceptable in planning terms.

It is also difficult to assess whether, in light of the above comments, the amount requested fairly and reasonably relates in scale and kind to the proposed development.

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 (20% provision across the site)
- play and Open Space (£150,593.20)
- Director of Children and Young Peoples Services (Education) (£421,795.78)
- 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).

Some of these contributions are likely to change following the revision to the number of proposed dwellings on the site. The updated figures will be reported as a late item.

Other issues

The proposal is within Burbage and Core Strategy Policy 24 requires properties granted planning permission from 2013 to be constructed to Level 4 of the Code for Sustainable Homes. It is recommended that a condition be imposed requiring the properties to meet this standard.

Objections question why Brownfield site are not being developed first. The representations refer to sites on Southfield and Hawley Road and Coventry Road. These are all outside of the boundary of Burbage, and the Local Planning Authority cannot force landowners to put forward sites, and can only consider the applications that are submitted on their individual merits.

An objection has been received on the basis that should the application be approved a claim for the depreciation of property values will be made under the Land Compensation Act 1973. The Act provides a right to compensation in circumstances where the value of an interest in land is depreciated by physical factors caused by the use of public works. Physical factors

are described as including noise vibration, smell fumes and artificial lighting and Public Works are described as any highway, any aerodrome and any works or land provided or used in the exercise of statutory powers. The Act does not apply to the grant of planning permission and there would be no grounds for action under this Act against the grant of planning permission.

Other objections have questioned why works have been allowed to start on the site. Severn Trent Water have been undertaking works in the vicinity of the site, and development for the proposal has not commenced.

Conclusion

Whilst Hinckley and Bosworth currently have a 5 year housing supply, plus the required 5% buffer required by the NPPF, the proposal still has to be considered in light of the presumption in favour of sustainable development. Indeed to maintain the 5 year supply the Council must allocate sufficient land for 513 dwellings per annum. Burbage still has an allocation of 123 dwellings to be met over the plan period and therefore the proposal would contribute to the on going housing requirement within the Borough.

Contrary to this housing need, Policy 6 seeks to maintain the green wedge as a recreational facility, and residential development is not considered to be an acceptable use that supports this objective. The proposal whilst maintaining access to the Burbage Common and Woods located 500m to the northwest of the development would change the character of the footpath and harm the recreational resource of the green wedge and therefore would be contrary to Policy 6 of the Core Strategy. Changes to the boundary of the green wedge will be adopted through the publication of the Site Allocations DPD, which will assess the sustainability of all available and deliverable sites through a proper process.

Whilst the proposals are considered to address the technical matters and the infrastructure provision in general, the principle of development is not considered acceptable due to prematurity and the need for the housing allocations and green wedge boundary review to come forward as part of the Development Plans process with the appropriate consultations. Therefore the application is recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matter of bringing the site forward in advance of the Site Allocations and Generic Development Control Policies DPD given the harm to the objectives of the green wedge remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the Local Planning Authority the proposed development is contrary to the Policy 6 of the Core Strategy by virtue of the site being outside the settlement boundary and within the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge resulting in a loss of Green Wedge. Furthermore, it would be premature to the plan making process in that it would result in a site allocation and amendment to the Green Wedge boundary ahead of full consideration and consultation of the Site Allocations

and Generic Development Control Policies DPD. Therefore the proposals are considered contrary to Policy 6 of the Core Strategy and the principles of the National Planning Policy, principally paragraph 17 with regards to plan making and consultation.

Notes to Applicant:-

1. In relation to condition 6 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
2. A public footpath/ bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
3. If the roads within the proposed development are to be adopted by the Highway Authority, the developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all surties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences.

Contact Officer:- Sarah Fryer Ext 5682

Item: 02

Reference: 13/00520/FUL

Applicant: Miss Amy Watts

Location: Land At Station Road Market Bosworth

Proposal: Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space

Target Date: 10 October 2013

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of 65 dwellings and associated works including 2 no. attenuation ponds, formal play space, public open space and a Local Equipped Area of Play (LEAP).

This application should be read in conjunction with that of application ref: 13/00778/FUL.

The scheme proposes 39 open market dwellings of -2, 3 and 4 bed configuration and 40% affordable housing provision which consist of 26 affordable, semi-detached and terraced dwellings. Of these 26 dwellings, 19 dwellings (75%) are for affordable rented housing and 7 dwellings (25%) are for intermediate tenure. The proposed 19 affordable rented dwellings would comprise of 12 two-bedroomed dwellings and 7 three-bedroomed dwellings and of the 6 intermediate tenure dwellings would comprise 4 two-bedroomed dwellings and 2 three-bedroomed dwellings.

There are two areas of informal unequipped play space, one LEAP, one area of formal play space with two attenuation zones, a swale and foul water pumping station also proposed.

The existing access serving 'Kyngs Golf and Country Club' will provide vehicular access and 170 car parking spaces interspersed within the site to provide at least two car parking spaces per dwelling.

Off-site works to Station Road include the widening of an existing footway to 2 metres (subsequently amended to 2.5 metres) to the east of the access site and to the west of the access site, up to the byway and access for Wharf Farm, in addition to a new junction layout including a ghost island right turn.

During the course of the application amended plans have been received showing:-

- addition of chimneys to plots 1, 2, 3, 4, 5, 6, 12 13 and 17
- additional streetscene elevation
- widening of footpath from proposed 2 metres to 2.5 metres
- provision of a pedestrian link to the play space from Station Road
- additional information showing location of ponds, trapping plan and newt culvert design
- amended Great Crested Newt Report and Mitigation Strategy
- additional information relating to existing downstream capacities in respect of stormwater.

Re-consultation has been undertaken with all neighbouring properties, Market Bosworth Parish Council, Market Bosworth Neighbourhood Forum, Market Bosworth Society the Director of Environment and Transport (Highways), Directorate of Chief Executive (Ecology) and the Head of Community Services (Land Drainage).

During the course of the application an updated arboricultural report and plan have been submitted and alterations to the labelling of and location of play space. Accordingly re-consultation has been undertaken with the Tree Officer, all neighbouring properties, Market Bosworth Parish Council, Market Bosworth Neighbourhood Forum, Market Bosworth Society.

Following concerns raised by officers an amended plan has been received showing:-

- provision of newt pond
- alterations to car parking spaces plots 15-16
- updated Great Crested Newt Report and Mitigation Strategy and plans.

Re-consultation has been undertaken with all statutory consultees and neighbours on this final layout plan.

The Site and Surrounding Area

The site is roughly rectangular in shape measuring approximately 2.97 hectares and bounded by mature hedgerows to the north and west. A mature hedgerow which runs

through the site is set to be retained and an existing pond utilised and enlarged for the central attenuation zone.

The site is bound to the north by the Kyngs Golf and Country Club, to the south by Station Road and to the east and west by agricultural fields.

The site is located outside the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map (2001).

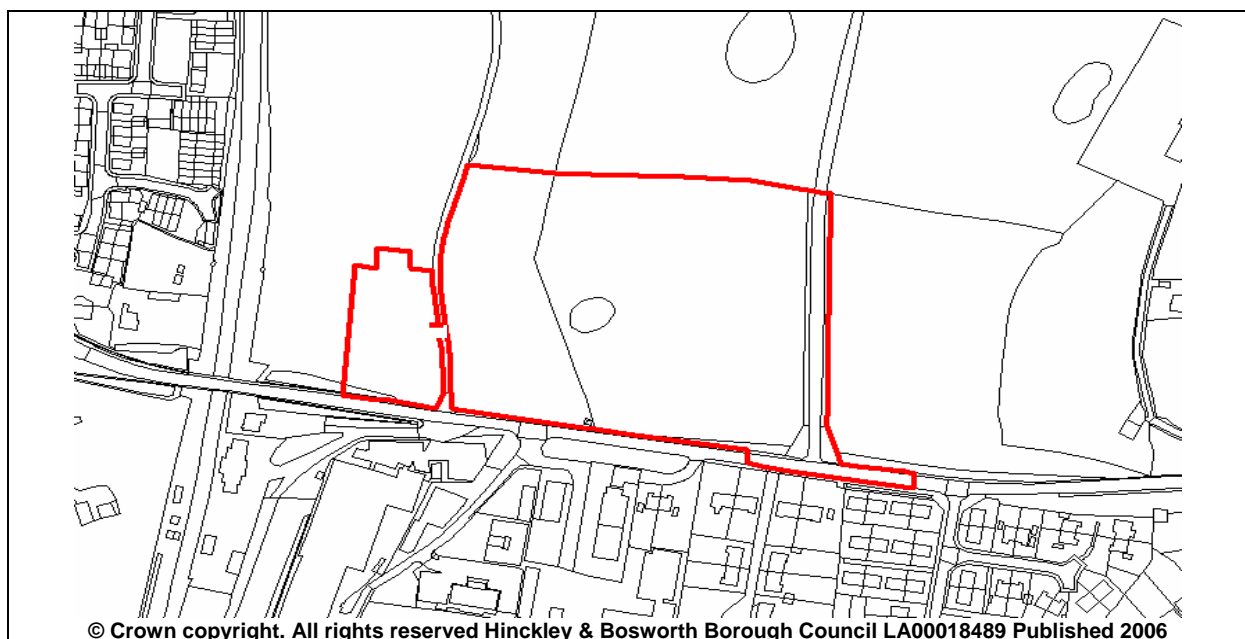
Technical Document submitted with application

The application is accompanied by:-

- Access Proposals
- Arboricultural Survey
- Archaeological Survey
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Great Crested Newt Survey
- Planning Statement
- Statement of Community Involvement
- Transport Assessment
- Travel Plan

Relevant Planning History:-

| | | |
|-----------------|---|-----------------------|
| 13/00778/FUL | Development for 664 sq ² of formal play space (linked with application 13/00520/FUL) | Pending Consideration |
| 13/00272/CONDIT | Variation of Condition 18 of planning permission 02/00685/COU to remove the right hand turn lane and propose other off site highway works | Pending Consideration |



Consultations:-

No objection has been received from Natural England.

No objection subject to conditions have been received from:-

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

Objections have been received from:-

Market Bosworth Parish Council
Market Bosworth Neighbourhood Forum
Market Bosworth Society.

Market Bosworth Parish Council raise the following observations:-

- a) inadequate drainage and risk of flooding
- b) attenuation zones will be deep bogs and adjacent to play spaces could render the areas un-usable
- c) would like confirmation the development will not affect Beulah House
- d) inconsistencies in the accompanying documentation
- e) the s106 monies would not alleviate the pressure on schools
- f) capability of the road network is insufficient
- g) the building style does not complement Market Bosworth
- h) objection to the proposed right hand turn lane as traffic will speed rather than slow down
- i) suggested conditions - routing agreement, bus stop lay by and bus shelter, pavement to the water park
- j) defer determination of the planning application until after the development plan has been adopted
- k) housing needs survey suggested 8 affordable rented and 6 affordable shared ownership homes are needed
- l) affordable homes should be allocated to local people in perpetuity rather than just for the first round
- m) not convinced about benefits of taking on the Play and Open Space in their proposed form - without play equipment and with bogs
- n) who would be responsible for the on site hedgerows and green strips of open space
- o) a further independent ecological survey should be undertaken to double check.

Market Bosworth Neighbourhood Forum raise the following observations:-

- a) the development of the site is premature
- b) considerable work undertaken to prepare a draft development plan and major questionnaire is underway
- c) outline neighbourhood development plan has been drafted and will be submitted to HHBC in May 2014
- d) applicant has not engaged with the on going activities of the NDP Forum consultation exercise, other than to provide a provision plan for a recent community engagement event
- e) the community involvement document has used selective evidence

- f) development is outside the settlement boundary
- g) premature in that the neighbourhood forum is in the process of reviewing the settlement boundary
- h) premature in that the draft Site Allocations and Development Management Policies DPD is expected to go out to its final round of consultation
- i) premature in that a choice of site allocations is being considered by Neighbourhood Forum
- j) feedback from the public consultation events and the web site poll clearly show the viability of alternative potential development opportunities
- k) report from a planning inspector into a public inquiry of plan 1996/1997 said the proposal would bring housing in depth, which is not characteristics of the area and would create new leading edge on the north side of the road and would have an unacceptable impact upon the landscape setting of Market Bosworth.

Market Bosworth Society raise the following observations:-

- a) this is a residual need for no more than 40 dwellings to meet the identified needs of Market Bosworth
- b) any more homes above the figure are unnecessary and would not be sustainable
- c) developer has not justified need for additional housing
- d) no provision for bungalows
- e) the 2-3 bed affordable housing could be upgraded and price people out and should remain as terraces
- f) footpath improvements are still inadequate; increase in pedestrian traffic on a pathway less than 2 metres wide is unfit for purpose and lead to a serious accident
- g) station Road struggles with volumes of traffic; traffic management should be introduced
- h) provision of the right hand turning lane would allow through traffic to speed; withdrawing the turning lane would cause traffic to slow down (whilst the turn is made)
- i) inadequate infrastructure; the amount of financial support through the S106 will be far short of the amount required so services will struggle with no upgraded facilities available
- j) unacceptable increase of heavy traffic and routing agreement should be in place
- k) wheel washing facilities required
- l) additional streetscene is required of the Station Road frontage
- m) who is responsible for management and maintenance of the landscaping?
- n) important views to the north
- o) seek assurances that the development is not simply Phase 1 of a more substantial development
- p) replace houses on plot 40-42 with bungalows to assist in mitigation of the loss of view
- q) existing car parking issues in the town centre and the developer fails to recognise the additional parking from the residents of this development on the town centre.

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

- a) Director of Environment and Transport (Highways) has requested 6 month bus passes at £325.00 per pass, improvements to 2 nearest bus stops at £3,263 per stop, information display cases at 2 nearest bus stops at £120 per display and bus shelters at nearest bus stops at £4,908.00 per shelter
- b) Director of Children and young Peoples Services (Education) has requested £194,135.21 towards Secondary School sector for the Market Bosworth School and Bosworth Academy
- c) Director of Environment and Transport (Civic Amenity) has requested £3,058 towards the civic amenity site at Barwell
- d) Director of Adults and Communities (Libraries) has requested £3,960 for Market Bosworth Library
- e) Directorate of Chief Executive (Ecology)-no request.

The Primary Care Trust has requested £15,030.00 towards the refurbishment of current consultation rooms to standard clinic rooms at the Market Bosworth Surgery.

The Leicestershire Constabulary Crime Reduction Officer requests in total £20,463 consisting of start up equipment (£2,351); vehicles (£1,580); additional radio call capacity (£136) PND additions (£71) additional call handling (£157); cameras (£2,055); mobile CCTV (£375); additional premises (£13,608) and Hub equipment (£130).

The Head of Corporate and Scrutiny Services (Green Spaces) requests £126.84 for initial cost to cut back an overgrown hedge to form a top and side, £7,142.40 for hedge cutting, £7,142.40 for cutting around attenuation zones, £9,036.00 for strimming and removing arisings, and £15,000.00 for maintenance of newly planted trees, totalling £32,048.24 (based on a maintenance period of 20 years).

Site notice and press notice were displayed and neighbours notified.

23 letters of objection have been received on the following grounds:-

Principle and Visual Impacts

- a) maximum number should be the stated minimum; well in excess
- b) development designed with future expansion in mind
- c) sedgemere and 150 berths at the Marina there is already too much development planned for this end of Station Road
- d) any houses above the residual is unnecessary and unsustainable
- e) Market Bosworth cannot cope with additional housing and population
- f) current open green spaces in Market Bosworth should be preserved, ruining natural beauty
- g) ruining the approach into Market Bosworth
- h) new residential development is not required - vacant properties at Pipistrelle Drive development and Sedgemere development has not commenced
- i) creating a ribbon development is exercising bad planning
- j) brownfield before Greenfield - and there is Brownfield behind the industrial estate
- k) outside the settlement boundary
- l) open aspect from the canal disappearing
- m) bringing housing a depth which is not characteristic creating a new 'leading edge'
- n) unacceptable impact upon the landscape setting
- o) The land is technically infill but is still development for development's sake
- p) report from a planning inspector into a public inquiry of plan 1996/1997 said the proposal would bring housing in depth, which is not characteristics of the area and would create new leading edge on the north side of the road and would have an unacceptable impact upon the landscape setting of Market Bosworth
- q) does not provide a high quality visual link between the Market Bosworth and Ashby Canal Conservation Area
- r) style of houses are not in keeping with Market Bosworth
- s) layout does not take adequate account of safety and security as required by the Crime and Disorder Act.

Community Involvement/Site Allocations/Prematurity

- a) the statement on public consultation is inaccurate and misleading
- b) the developer has not participated in the neighbourhood plan process and ignored requests and have not engaged with a significant proportion of the local population
- c) the formal consultation for the 2009 Site Allocations and Development Control Policies DPD resulted in clear preference for land behind the industrial estate

- d) NPD public event and website poll all show a clear preference for the land to be development south of Station Road
- e) mixed use development being brought forward to the south of Station Road through the Market Bosworth
- f) plan offers the potential to meet the needs of existing and future employers and other community benefits
- g) is the application consistent with Government policy in relation to prematurity and plan led systems set out in the NPPF?
- h) premature to consider this application, wiser to await the outcome of the neighbourhood plan.

Drainage

- a) site is liable to flooding with springs and high water table
- b) additional water will be bought through the pipe onto out land
- c) the proposed sewage pumping station needs to have adequate storage capacity.

Highways

- a) increase in traffic; difficulty in pulling on to the road
- b) access to Churchill site must not be restricted, layout does not show the Churchill entrance
- c) creating an additional 130 cars travelling up and down through the village
- d) car parking in the town centre is an issue and not likely that future occupiers will walk into town
- e) a routing restriction for vehicles over 7.5 tons should be agreed
- f) the Highway Authority should undertake a comprehensive survey and review of all developments along this road
- g) access from plots 1-14 joins the service road in a dangerous spot
- h) regrettable that the existing access drive to Wharf Farm could not be incorporated into an estate road and moved to a safer junction point
- i) poor pedestrian access between the north west part of the development to schools and local service centre
- j) no provision for bus lay by and shelter
- k) footpath too narrow and not fit for purpose
- l) lorry washing facilities should be put on site
- m) surfaced path should be provided near plot 12 to near plot 27.

Health

- a) housing too close to engineering firm could result in future complaints and impact upon their operations - a greater buffer/distance is required.

Wildlife

- b) site has a pond and wildlife which has not been considered
- c) wildlife will no longer have anywhere to live.

Housing Tenure

- a) need for bungalows
- b) does not provide the kind of dwellings needed by the community
- c) the number of shared ownership properties should be increased or the rented homes be transferred to a social housing provider.

Infrastructure

- a) health and education will not be able to cope
- b) 65 additional car parking space will need to be accommodated for
- c) no improvements to phone infrastructure to move to cable
- d) the section 106 funding will not cover the costs for expansion.

Other

- a) the good community spirit of the town will disappear with additional housing
- b) offices overlook the proposed site, with day, night and weekend working so screening will be required
- c) variation of materials are required
- d) mature native trees are required
- e) why are two separated areas of public space provided -this increases the cost of maintenance
- f) who is responsible for management and maintenance of the landscaping?
- g) detrimental to tourism.

David Tredinnick MP raises the following observations:-

- a) supports the Parish Council's objections
- b) un-acceptable intrusion into the open countryside
- c) any major development must be sympathetically undertaken and every measure taken to ensure existing problems are not exacerbated
- d) trust the Borough Council will assist the community in formulating and adopting the neighbourhood plan.

County Councillor Ould makes the following observations:-

- a) loss of ethos and ambience
- b) basic services cannot cope with this increase
- c) the neighbourhood development plan is incomplete so the application is premature
- d) delay judgement on this application until the neighbourhood development plan is complete
- e) intrusion into the countryside, conflict with Policy NE5
- f) drainage - how will you protect the houses at Pipistrelle Drive and Beulah House?
- g) endorse all points made by the Parish Council
- h) need adapted homes for the elderly and full width pavements along Station Road
- i) the Marina has a legal requirement that all construction traffic will access and egress the site from the A444 and B5185 - the Borough Council should also make such a requirement
- j) housing at depth which is uncharacteristic of the area and would create a new leading edge on the north site of the road, creating an un-acceptable impact on the landscape setting of Market Bosworth.

Following re-consultation:-

Market Bosworth Parish Council raise the following observations:-

- a) continue to support the Market Bosworth NDP Forum's request for a deferment
- b) who is expected to maintain the pond and ditches that are now included, would they be fenced off?
- c) the fact that the pond, ditches and 2 attenuation zones are included shows that the site is extremely wet and not the most appropriate for development

- d) accompanying documentation still refers to 63 dwellings when there are 65; still excessive
- e) no bungalows provided
- f) hoped that the Borough Council will continue to listen to the views of the community and DCLG's new planning guidance issued at the end of August 2013 which gives weight to emerging as well as to adopted NDP's
- g) significant changes to the plan-removal of pond, no evidence of newt runnel or amphibian fencing
- h) 10 day response time is inadequate
- i) notes and welcomes the reinstatement of a shallow pond for the benefit of newts
- j) error in respect of the northern side of Station Road on the plan.

Market Bosworth Neighbourhood Forum raise the following observations:-

- a) paragraph 216 in the NPPF
- b) local community has provided a substantial evidence base from which the draft policies are being prepared
- c) we contend that the development is so substantial or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing or new development that are central to an emergence local plan or neighbourhood plan
- d) the emerging plan is at an advance stage but has not been adopted
- e) the matter of site allocation is central to the emerging NDP and granting consent would seriously undermine the plan making process as it would remove the ability of the community to determine 'the' substantial site allocation within the NDP area
- f) the cumulative effect would also be significant as an extensive consultation exercise has indicated community support for an alternative site.

A blank copy of the questionnaire has been submitted and a subsequent pie chart provides the following content:-

Preference for this site = 27%, preference for Site B (South of Station Road) = 64%, with 2% don't mind which, 3% neither and 4% provided no answer.

Market Bosworth Society raise the following observations:-

- a) number of dwellings being proposed for the site - housing needs remains at no more than 41
- b) public consultation - no provision of bungalows
- c) public highway - remaining stretch of footway is still inadequate
- d) no acknowledgement of the amount of S106 funding which will be required to cover the expansion of services
- e) no reference to a routing restriction
- f) no mention of vehicle was facilities
- g) no mention of who will take responsibility for the management and maintenance of green spaces and boundaries
- h) dwellings will only exasperate the current parking problems with parking in the centre
- i) previous recommendations on this site was for a 40 metres set back from Station Road to preserve the green aspect of this approach t the town and horse chestnut trees and to allow the carriageway to be widening and construction of an off-road footway and cycleway-this is still viable and could be achieved if numbers were reduced to 41
- j) 70% of respondents from the public consultation did not support this development.

18 letters of objection have been received raising the following new objections:-

- a) ignores the results of the NDP questionnaire which favours the alternative site to the south; 70% of these replies were in favour of the alternative site
- b) would undermine the credibility of the Market Bosworth Neighbourhood Forum and the Localism Act
- c) changes to the current draft allocation for housing which will transfer the housing allocation to another site
- d) all efforts needs to be made by the Council to progress the Site Allocation Plan Document
- e) the only access to the play area is along our drive and not contact from the developer about this
- f) no reference to Housing Needs Survey
- g) set a precedent for un co-ordinated development
- h) it is not infilling and should not be described as such
- i) development would detract from the non urban view and feel to the village
- j) impact upon streetscene
- k) accumulative noise impact from the marina development, Sedgemere and this scheme
- l) traffic congestion
- m) Great Crested Newts
- n) infrastructure unable to cope
- o) detrimental to tourism
- p) open views destroyed
- q) concerned about positioning of the foul water pumping station running over our services and require easement
- r) the use of our drive as access to the formal play area by vehicles and blocking the drive and use as a rat run and only single track so no here to pass, park or turn
- s) access to and from the byway is very close to the railway bridge, the station and garage and Churchill's
- t) subsidence in buildings opposite the site and with more dwellings will cause more structural issues
- u) the picturesque nature of the walk from the footpath Leicestershire Round would be impacted upon
- v) welcome local development which encourages homes ownership but should provided more than 6 dwellings for shared ownership
- w) lack of pedestrian space - further increase the risk of accident or injury
- x) any proposed planning on such a large scale should be judged with other applications and not in isolation
- y) developers un-willing to use brownfield sites
- z) has a law been passed to say that every town and village has to have development?
- aa) no noise survey has been undertaken
- bb) no landscape and visual impact assessment has been undertaken which is necessary for such an important site in landscape terms, consistent with the Landscape Institute Guidance
- cc) high risk of noise complaints from future occupiers given shifts, proximity, noisy works, factory doors being open, and future expansion at adjacent JJ Churchill site
- dd) Churchill planning consent has a noise attenuation requirement which will add to building costs and is sensitive to any further regulation/operating restrictions
- ee) roadway to close to industrial estate junction
- ff) HGVs cannot gain access through the village due to a weight restriction and have to turn around
- gg) play areas it too close to the industrial estate and development too close to a busy and growing industrial estate.

David Tredinnick MP raises the following observations:-

- a) writing to re-iterate my objections
- b) settlement of special significance locally and nationally
- c) this is highly valuable in terms of natural landscape in the open countryside and the views it offers
- d) the NDP process confirmed that residents preferred the site on lane to the rear of the industrial estate on Station Road
- e) this provides a more sustainable and flexible site for housing and associated development such as a health centre and possibly a school
- f) a number of well established successful firms on the industrial estate in Market Bosworth will be forced to relocate if they are unable to expand
- g) a delay in the Borough Council in considering this application in order to allow the necessary progression with the NDP would be the most beneficial outcome for the local community.

County Councillor Ould makes the following observations:-

- a) concur with the points raised by the Parish Council and ask that the comments made in my original response of requesting a deferment stand and that the planning conditions should apply, should the committee be minded to recommend approval.

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

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development within the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE16: Archaeological Investigation and Recording
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Preferred Options Site Allocations and Generic Development Management Policies DPD (Feb 2009).

The application site is identified in the Preferred Options Site Allocations and Generic Development Management Policies DPD (Feb 2009) as preferred options for residential development and open space. The application site spans the eastern half of MKBOS01 which was identified for residential development.

Strategic Housing Land Availability Assessment (2010)

The SHLAA Review was published in October 2010 and the proposed site forms part of the site assessed under reference AS392. The site was identified as suitable, available and achievable and as a result identified as being developable with a timeframe for development between 2015-2020.

The SHLAA has been updated in September 2013 and the site is still identified as suitable, available and achievable and is also still developable. The timeframe for development is 2018-2023.

The Hinckley & Bosworth Borough Council Extended Phase 1 Habitat Survey (Feb 2012)

The Habitat Survey identified the application site as having low ecological value with a scattering of broadleaved trees and defunct species-poor intact hedgerow.

The Open Space, Sport and Recreational Facilities Study (July 2011)

This study identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

Appraisal:-

Principle of Development and Five Year Housing Land Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the 'presumption in favour of sustainable development'.

The Borough Council has a 5 year supply of housing 5.58 years (as of April 2013) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 11 which identifies a minimum of 100 dwellings to be allocated in Market Bosworth.

Even with a 5 year supply of housing decision makers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to maintain a rolling five year supply of housing planning permission should be granted if it accords with the development plan and within the context of the presumption of favour sustainable development.

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

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

The NPPF states that decision makers should grant planning permission unless the adverse impact significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Market Bosworth Housing Numbers and Demonstrating Housing Need

The Core Strategy establishes a spatial vision for Key Rural Centres which seeks to allocate development to maintain existing services whilst maintaining separate village identities. Core Strategy Policy 11 states land will be allocated for a minimum of 100 new homes. Adjustments in housing calculations from the period of adoption, including demolitions and expired permissions results in a residual housing minimum of 112 homes for Market Bosworth. However, since the adoption of the Core Strategy a number of dwellings have been permitted leaving a residual housing requirement for Market Bosworth of 42 dwellings.

The applicant is proposing to erect 65 dwellings on the site north of Station Road which is an over provision of 23 dwellings. It must be emphasised however that the figure in Core Strategy Policy 11 is a minimum figure to provide for flexibility.

As a result of this proposed overprovision the applicant must demonstrate the need for this additional housing.

The demonstration of the need for the over-provision of housing should be considered inline with the sustainability of the settlement (Social, Economic and Environmental) to accommodate the overprovision, the benefits this additional development will bring to the local community and the impact that the overprovision will have in the context of the Core Strategy spatial strategy.

During the course of the application, the applicant has produced a revised Planning Statement, strengthening their justification for the addition of 23 dwellings, over the residual for Market Bosworth.

The statement discusses the sustainability credentials of Market Bosworth and lists its amenities of Public houses, restaurants, banks, a post office, police station, vets, primary school, high school and grammar school. The statement refers to encouraging developments of this nature, enables the sustainability of the rural centre of Market Bosworth to continue, by bringing in new families, young working professionals and ensuring continue population growth within the settlement, rather than people moving from the area. The statement also confirms that the scheme meets the transport sustainability standards as the development has been designed in a manner to ensure that it is in a well connected area that is not dominated by the car.

The Core Strategy recognises that key rural centres such as Market Bosworth have a role to play in ensuring a continuous supply of deliverable housing land and delivering required new homes in the rural area.

The scheme provides a 40% affordable housing provision. This is 40% of the total number of dwellings proposed. Given that the scheme seeks permission for 23 additional dwellings over and above the residual figure for the settlement, an additional 7 affordable units are proposed.

For the reasons above and the reasons discussed within this report, it is considered that exceeding the minimum number of dwellings by this quantum would not result in any significant adverse impacts, that would sustain a reason for refusal.

Preferred Option Site Allocations and Generic Development Management Policies DPD

The Site Allocations DPD will identify which land ought to be allocated for housing in Market Bosworth.

The Borough Council have identified the proposed site for residential development in the Preferred Options version of the DPD, which is a Consultation Draft document.

The Site Allocations DPD is at a relatively early stage of preparation. It is intended to submit a draft plan to the Council for approval early in 2014. The Council will then publish the plan for public consultation under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Subject to the representations received, the plan is expected to be submitted to the Secretary of State in around July 2014. An examination in public is likely to be held in autumn/winter of 2014.

Accordingly as this is only a Consultation Draft document and subject to change it cannot be considered as an allocation. As a result the development plan is currently absent in terms of the allocation of land to meet the Market Bosworth housing requirement.

Market Bosworth Neighbourhood Forum: Weighting the Emerging Neighbourhood Development Plan

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

The Planning System: General Principles (ODPM 2005) advises that the refusal of planning permission on grounds of prematurity will not usually be justified especially where an emerging plan has no early prospect of submission for examination. This guidance does accept that there may be circumstances where a proposed development is so substantial that refusal on prematurity grounds is justifiable because it would prejudice the plan by predetermining decisions about scale, location or phasing of development.

If planning permission is to be refused on the grounds of prematurity it needs to be demonstrated clearly how the grant of permission would prejudice the outcome of the plan process. Also, when a plan is at the consultation stage with no early prospect of submission for examination, refusal on prematurity grounds will seldom be justified because of the delay which this would impose in determining the future use of the land in question.

Paragraph 216 within Annex 1: Implementation of the NPPF provides guidance on the issue of attributing weight to an emerging plan. It states:-

From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:-

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)*
- c) the degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).*

A Guidance Note published by the Secretary of State in January 2005 (which was not cancelled by the NPPF) advises that the refusal of planning permission on prematurity grounds is "seldom justified" where a local plan is still subject to consultation and has no early prospect of submission for examination. That advice has recently been repeated by the Minister for Planning, Nick Boles, who stated in Parliament:-

"I want to share with my right hon. and hon. Friends the difficulty of the position that some of them want the Government to take, which is the suggestion that an emerging plan should immediately be given substantial weight in any decision on a planning application. That could simply create the problem that every community in the country that wanted to oppose a development might start the process of working up a neighbourhood or local plan and then take their own sweet time about it. That would immediately create an opportunity for communities to block all development by simply saying that they were engaged in a plan-making process. That is why there must be a sense that a plan has reached a relatively advanced stage before it can be given substantial weight."

The Minister's statement is reflected by Draft National Planning Policy Guidance which has been published on the circumstances in which planning permission might be refused on grounds of prematurity. It advises:-

"While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:-

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan*
- b) the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

The Ministerial statement and the Draft National Planning Practice Guidance are each material considerations. The tenor of existing and emerging policy is thus clear. Local planning authorities refuse planning permission on the ground of prematurity at their peril unless a draft plan is at an advanced stage of preparation, and the proposal would predetermine a decision that is central to the plan as a whole.

The Market Bosworth Neighbourhood Forum is preparing a Neighbourhood Plan in parallel with the Site Allocations DPD. The Neighbourhood Plan is at a very early stage of preparation, with the referendum scheduled for May 2014.

Therefore the emerging plan has not been currently drafted and previous consultation events have not identified a preferred option site for the residential development required by the Core Strategy over the plan period.

In addition, there are a number of stages still to be fulfilled by the Forum, which includes:-

- a) drafting a plan
- b) consulting with the public on the draft plan
- c) ensuring compliance of the draft pan with the NPPF
- d) an independent examination
- e) a referendum.

As there is no draft plan and no public consultation on a draft plan, there can be no relevant policies to which to object. In addition, because there are no relevant policies due to the fact no draft plan has been produced or consulted upon, it is not possible to ascertain a degree of consistency with the policies in the National Planning Policy Framework. It is for these reasons that it is considered that very limited weight should to be attributed to the Market Bosworth NDP, due to its stage of production.

Accordingly, for the reasons outlined above, both the Site Allocations DPD and the Neighbourhood Plan are at a very early stage of preparation and may therefore be accorded little weight.

Appeals relating to Prematurity and Neighbourhood Development Plans

For information, below are Planning Inspectors' interpretation of the weight to be attributed to emerging Neighbourhood Development Plans.

Slaugham Parish Neighbourhood Plan

At the time of the appeal for the development of 51 dwellings the draft Slaugham NP was out to public consultation with positive comments received. The Inspector noted that the plan had not been subject to independent examination and as such the plan could undergo considerable changes- even before being put to a referendum. The Inspector concluding this evaluation as saying;

"The Neighbourhood Plan is still at a relatively early stage of its development. Given the uncertainty identified above I consider it be accorded little weight."

Earls Barton Neighbourhood Plan

The Inspector at this appeal identified that the Earls Barton Neighbourhood Plan was underway and the local community had undergone preliminary consultation through a household survey. The Inspector found however that he could only attach moderate weight to the preparation of the neighbourhood plan due to its early stage of preparation.

Malmesbury Neighbourhood Plan

The Inspector in this case identified that the Neighbourhood Plan was at an early stage of development with no draft version available, "let alone a final version ready for submission for examination"

Fosse Villages Neighbourhood Plan

The Inspector considered the weight to be given to the Fosse Villages Neighbourhood Plan, indicating that no document, draft policies or vision were presented to establish even the outline intent of the plan. And that notwithstanding the objectives of the Parishes and the District Council, however sincere that intent, it is very much in its infancy, and can only be afforded very limited weight.

Impact upon the Countryside

As discussed earlier in this report the residential part of the application site in policy terms lies outside of the defined settlement boundary for Market Bosworth and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iii within Saved Policy NE5 remain generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

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

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

The site is bound to the south by Station Road and beyond Station Road to the south of the road by residential properties. To the south west of the road is a designated employment site. Due north of the application site is the Kyngs Golf and Country Club. The land immediately adjoining the site to the west (beyond application ref: 13/00778/FUL) is not subject to this application and remains in its existing agricultural use. To the west of this lies the Battlefield Line Railway and beyond this the residential development on land known as Waterside Mede adjacent to Beulah House (ref's: 02/00845/OUT; 03/00652/REM; 04/00577/REM). The land immediately adjoining the site to the east is not subject to this application and remains in its existing agricultural use.

Accordingly whilst the site would still be bound immediately to the east and west by agricultural use, the land immediately beyond, to both sides is residential, with the land to the

south residential and industrial in use. It is therefore considered that this site does is not a traditional, 'typical' and open countryside location, as it is located in close proximity to development.

In addition, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road.

The density, layout and appearance of the proposed residential development are discussed later in this report, but it is considered that there is no identified harm upon the character and appearance of the countryside. Therefore it is considered that the residential scheme would not have a significantly detrimental impact upon the character and appearance of this countryside setting.

Overall Appearance

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

Density

The application proposes 65 dwellings on a 2.98 hectare site equating to a net density of 21.8 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Key Rural Centres. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement, and outside of the settlement boundary and therefore in an area of countryside. It is considered that schemes should assimilate in the countryside and as such density has a key role to play within this. It is therefore considered that a higher density would be to the detriment of the surrounding countryside. This lower density scheme is therefore considered more suitable in this location.

Layout

The layout proposes a main access road off Station Road, running to the eastern periphery of the site - with a road running east to west through the centre of the site and four smaller roads from this creating smaller cul-de-sac style areas.

The on site informal equipped and un-equipped play space is located within the centre of the site and formal play space to the west. Plots 9-12, 39-43 and 18-20 provide natural overlooking upon the central play space.

Plots 4-6 and 61-65 provide a strong attractive tree lined frontage to the east of the site, whilst plots 1-4, 12 and 13-17 face Station Road, creating a strong defined streetscene.

All private amenity spaces are provided to the rear of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

Whilst not all dwellings achieve the 12.5 metre depth private amenity space, the amenity spaces are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

Affordable Housing Location

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to scrutiny by the Council's Housing and Enabling Officer.

The scheme provides 5 units to the site's south frontage with Station Road, with a further two (Plots 25-26) and four (Plots 29-32) in the north western corner which are interspersed with open market dwellings. A further 6 units are proposed to the east of the hedgerow in the centre of the site, with affordable plots 44-48 and affordable plots 52-56 broken up by the road between them and other open market dwellings.

The Council's Housing and Enabling Officer is in agreement with the current siting of the affordable housing units as it reflects the preference of the Social Providers.

The scheme proposes the full 40% affordable housing provision and therefore 26 dwellings. The scheme provides affordable housing in many locations across the site ensuring a separation between the affordable units and integration within the wider open market dwellings. It is therefore considered that this layout is the preferred option and best achievable result. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

Scale and Design

The surrounding area consists of single and two-storey proportions to the South of Station Road, with the Pipistrelle Drive development consisting of 2-storey and above.

The scheme proposes a mixture of 2, 3 and 4-bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. There are 2 plots (plots 61 and 65) which are of 2 and a half storey proportions (two storey with accommodation in the roof slope) however they occupy key focal views and are located to the eastern periphery of the site - and not on the Station Road frontage and are therefore considered to be acceptable on this basis.

In terms of footprint, the proposed dwellings occupy fairly similar footprints to dwellings on Station Road. It is considered that the footprint and configuration of plots 1-4 and 12-17 facing the road frontage are acceptable in this setting, as they are reflective of the existing surrounding dwellings.

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

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

In respect of other visual elements there is a mixture of frontage, side and rear parking with single and double garages providing both natural surveillance and attractive streetscene. The subservient scale, roof design and architectural detailing on the garaging is reflective of the style of the dwellings to which they serve.

No details have been provided in respect of existing and proposed finished floor levels. Accordingly a condition to this effect is recommended.

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

Hard and Soft Landscaping

In respect of other visual elements there is a mixture of frontage parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Parking courts and roads are broken up with both hard surfaced and permeable materials-which will be secured by way of condition.

The application shows indicative landscaping details. It is considered necessary to impose a planning condition which secures comprehensive details of all landscaping on site to ensure that it is reflective of this countryside setting.

The landscaping contribution has been calculated on the basis of an additional 50 no. trees to be planted. Accordingly the submitted landscaping plan is to provide a maximum of 50 no. trees on the site. Tree species will be negotiated once a comprehensive landscaping plan has been submitted to the Local Planning Authority, which will be secured by way of a planning condition.

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

No elevational details have been provided in respect of the 1.8 metre high brick wall or timber and therefore a condition is suggested to secure these details for approval in order to ensure that the fencing is appropriate in its appearance.

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

Impact on Residential Amenity

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

The residential dwellings most immediately impacted upon as a result of the proposal would be those to the south of Station Road, given their proximity to the site, however given that they are sited on the opposite side of the road there is considered adequate distance to

ensure that there would be any significant adverse impacts upon the occupiers of the neighbouring dwellings as a result of this scheme.

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

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

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

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

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

Saved Policies T5, T9, NE5 (criteria iv) and BE1 (criteria g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent therefore carries little weight in the determination of this application.

The application is accompanied by Access Proposals, a Travel Plan and Transport Statement.

The scheme proposes at least 2 no. car parking spaces per dwelling. Open market dwellings all have detached garaging with larger dwellings having double garages. Overall the parking provision is commensurate to the number of bedrooms proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions.

The Director of Environment and Transport (Highways) considers that the application site is located within a reasonable walking distance to the town centre, proposes off-site works to provide a right-turn ghost island which is acceptable from a safety and capacity point of view.

The Director of Environment and Transport (Highways) has requested that a 2.5 metre wide footway should be provided across the blue/red line frontage of the site and that in the interests of permeability the inclusion of a pedestrian link from the play space to Station Road at the western end of the site. Accordingly the applicant has provided amended plans to show an increase from the previously proposed widening to 2 metre wide footway to 2.5 metres and the positioning of a pedestrian link to the play space from Station Road.

In response to the suggested conditions from the Director of Environment and Transport (Highways):-

Suggested Condition 2: Prior to first occupation, a pedestrian link from the play area to the western end of the site to Station Road shall be provided in accordance with details that have first been submitted and agreed in writing by the LPA.

During the course of the application the applicant has provided amended plans to reflect this. Accordingly this condition is not required to be carried forward.

Suggested Condition 3: Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

The internal dimensions of all garages have been checked and they comply with the required measurement. Accordingly this condition is not required to be carried forward.

Affordable Housing and Infrastructure Improvements

The application proposes 65 residential units which attracts infrastructure contributions.

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

Affordable Housing

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

This site is in a rural area and therefore Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing, which would give 26 units on site for affordable housing. Of these 26 units, 19 (75%) should be for affordable rented housing and 7 (25%) for intermediate tenure.

There are currently the following number of applicants on the Council's housing register for Market Bosworth (28 October 2013):-

| | |
|--------------------------------|-----|
| 1 bedroomed properties | 276 |
| 2 bedroomed properties | 206 |
| 3 bedroomed properties | 78 |
| 4 or more bedroomed properties | 30 |

The proposed 19 affordable rented dwellings would comprise 12 two bedroomed dwellings and 7 three bedroomed dwellings and of the 7 intermediate tenure dwellings would comprises of 3 two bedroomed dwellings and 4 three bedroomed dwellings.

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

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

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

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

In relation to Market Bosworth the study identifies the following:-

- a) formal Parks and Gardens have a quantity level lower than the recommended standard with all residents outside the catchment area of a formal park
- b) natural and Semi-natural open space (below 10ha) is adequately accessible but there are opportunities to improve the quality of the spaces
- c) amenity Green Space- There is an adequate level of provision with adequate accessibility but with opportunities to improve the quality of the spaces
- d) provision for children - Accessibility for residents to the east and centre of the settlement is poor. There are opportunities to improve the quality of the spaces but the quantity is at an acceptable level
- e) provision for young people - Currently all residents are outside the catchment for this typology and there is a below standard level of quantity
- f) outdoor Sports is well provided for in the settlement
- g) allotments have good accessibility for residents but are below standard in both quantity and quality.

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

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require 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.

REC2: Formal Play Provision

Saved Policy REC2 states that:-

"For developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activities. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas."

This is to be partially secured through this application and partly through application ref: 13/00778/FUL.

This site provides 1936 square metres of formal play space (with the adjacent development providing 664 square metres of formal play space).

Accumulatively the two applications provide a total of 2,600 square metres which is the exact requirement of formal play space for a development of 65 dwellings. It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Accordingly this application, in directly correlation to the adjacent site would provide an area of formal play space for users as a result of the development and the existing community.

Given that the scheme provides the full 2,600 square metres as required by Policy REC2 then there is only a maintenance contribution to be taken over a 20 year period which equates to £34,320.00.

REC3: Informal Play Provision

The scheme proposes to provide all forms of informal play space on site.

Informal Equipped Children's Play Space: - The application proposes to provide 325 square metres of equipped play space within the site (LEAP), which is the requirement for a development of this size. It is considered on implementation that there would be users as a result of the development which would add to the wear and tear of this equipment and therefore a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides the full 325 square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £45,955.00.

Informal (Un-equipped) Children's Play Space: -The scheme proposes to provide 1,064 square metres of informal children's play space which is in excess of the area required for a development of this size (which is 975 square metres). It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides (and exceeds) the square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £11,278.40.

As such, the contribution sought is £34,320.00 for the maintenance of the formal play space, £45,955.00 for the maintenance of the informal children's equipped play space (LEAP) and £11,278.40 for the maintenance of the areas of informal children's non equipped play space totalling £91,553.40.

It is considered that the play and open space contributions are necessary, are directly related to the development and fairly and reasonably relate in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

The developer contributions have been assessed against the CIL Regulations 2010.

In terms of the police requests, the police have not demonstrated that the impact of the development is sufficient to render the contributions requested necessary to make the development acceptable in planning terms and that as such test one is not met.

It is considered that the library request has not demonstrated whether the contribution is necessary and whether it is clear exactly what the contribution would be spent on-the spending proposals seem vague and unspecified.

In respect of the civic amenity request it is estimated that there will be an additional 19 tonnes of waste generated by the development or an increase of 0.2% but given that figure, it is difficult to see that a contribution is necessary as the impact from this development would be minimal.

In respect of improvements to bus stops, information boards and provision of bus shelter the request has not demonstrated that they are required to make the development acceptable in planning terms.

In relation to the education, travel packs and health requests these are all considered to meet the three tests within the CIL Regulations 2010.

Accordingly it is considered that the following requests are CIL compliant:-

- 26 no. affordable units
- £91,553.40 for play and open space maintenance on site
- £32,048.24 for landscaping maintenance on site
- £325.00 per pass for 2 passes in each Travel Pack - 1 per dwelling
- £194,135.21 towards Secondary School sector for the Market Bosworth School and Bosworth Academy
- £15,030.00 towards the refurbishment of current consultation rooms to standard clinic rooms at the Market Bosworth Surgery.

As such the affordable housing, play and open space, landscaping on site and contributions towards travel packs, Market Bosworth Surgery and Market Bosworth School and Bosworth Academy are considered to be compliant with the CIL Regulations 2010 and accordingly are to be encompassed within a Section 106 Agreement should be application be approved.

Drainage and Flood Risk

The application has been accompanied by a Flood Risk Assessment. Following concerns expressed by the Head of Community Services (Land Drainage) the applicant has provided additional information relating to anticipated stormwater and existing downstream capacities and re-consultation has been undertaken.

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) all of whom raise no objection to the scheme subject to the imposition of a planning condition.

In respect of foul sewage the scheme proposes an on site foul water pumping station. The applicant has confirmed that this would be adopted by Severn Trent Water, under a Standard 104 Agreement.

No details have been provided of the external appearance of the proposed pumping station accordingly a condition is recommended to secure these details.

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

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE13.

Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

The scheme has been considered by Directorate of Chief Executive (Archaeology) who raises no objection subject to conditions for an appropriate programme of archaeological mitigation, in the form of a Ridge and Furrow Earthwork Survey to be undertaken prior to the commencement of development. The condition is considered to meet the relevant tests and as such will be imposed.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policies BE13 and BE16 and the overarching intentions of the NPPF.

Ecology

The application has been accompanied by an Ecological Appraisal and Great Crested Newt Survey. Following an objection raised by the Directorate of Chief Executive (Ecology) a revised Great Crested Newt Report and Mitigation Strategy and additional information showing location of ponds, trapping plan and newt culvert design have been received during the course of the application and re-consultation undertaken.

The Directorate of Chief Executive (Ecology) has confirmed that the amended Great Crested Newt Survey has satisfied the original concerns and recommends that a condition be imposed ensuring the development is undertaken in accordance with the mitigation strategy set out within the revised Great Crested Newt Survey Report and Mitigation Strategy.

Following concerns raised by officers an amended layout has been received which shows the location of the newt pond, as required within the mitigation strategy and re-consultation strategy.

The Directorate of Chief Executive (Ecology) has confirmed that the revised GCN mitigation strategy and accompanying plans are satisfactory, and have no further comments to make on the application.

Noise

The scheme has been considered by the Head of Community Services (Pollution) who has requested specific conditions, for a construction environmental management plan and a Noise Impact Assessment to be provided in respect of the proposed pumping station, and the existing adjacent industrial estate and nearby road, in addition to remediation works, if necessary and an implementation programme. Accordingly conditions to this affect are suggested to be imposed.

Impact Upon Trees

The application has been accompanied by an Arboricultural Survey. During the course of the application the Head of Corporate and Scrutiny Services (Tree Officer) has requested a tree survey which complies with the Council's requirements.

Accordingly an updated arboricultural report and plan have been submitted and re-consultation undertaken with the Head of Corporate and Scrutiny Services (Tree Officer).

Following further comments from the Head of Corporate and Scrutiny Services (Tree Officer) car parking spaces to plots 15 and 16 have been amended to reduce the impact upon the horse chestnut tree.

Sustainability

Inline with Policy 24 of the adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Recycling, Waste Collection and Storage

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling collection points. Given that there are cul-de-sacs and smaller access drives it is considered necessary to impose a condition to show where the collection points would be.

Letters of Representation

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

The site does not fall within a Conservation Area.

This application is define by the 'red edge' on the submitted site layout plan. The Council does not know whether further applications will be submitted and this has no bearing upon the determination of this application.

The scheme has been considered by Head of Community Services (Pollution) who has not raised concerns on the proximity of the houses close to the existing engineering firm on the opposite side of Station Road.

There is no requirement for an additional independent evaluation of the wildlife on site, as both Directorate of Chief Executive (Ecology), Natural England and the Environment Agency have been consulted on the application.

This application is not judged with or against other applications in Market Bosworth as each application is considered on its own merits.

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

Materials would be secured by way of a planning condition (See Condition 3).

There is no requirement for a landscape and visual impact assessment to be undertaken for this application.

Offices may overlook the site, but there has been no identified harm with this.

The fact that there could be potential noise complaints is not a material planning consideration in the determination of this application.

The existing conditions are still applicable to the JJ Churchill's planning permission ref: 12/00229/FUL. There would not be any additional restrictions or conditions placed on that permission, through the planning process.

There is a road way between the site and adjacent industrial site and details of boundary treatments to the children's play spaces is suggested to be secured by way of condition (See Condition 4).

There is no reason to suggest that this application will result in restrictions to the Churchill site.

Use of Private Drive

Rights of access are not material planning considerations. The application site excludes the byway used as a private driveway to the neighbouring 'Stables' and there is no intention that vehicles are to enter the site either to access any part of the development or the play space. The Local Planning Authority is unable to control future road users and if they enter or use the private driveway.

Infrastructure

The existing parking issues within the town centre are not a material planning consideration within this application.

Those requesting financial contributions are only able to request the amount that would be relative to the impacts as a result of this application and not over and above. Accordingly the monies requested are commensurate with the scale of the development.

Maintenance of Landscaping and Play and Open Space

The Parish Council has been approached about maintaining the on site play space and landscaping, however they have expressed reservations and have requested further

information. The contributions that would be obtained from the developer through the Section 106 obligation would be released to the parish for their use for maintaining the area. Should the Parish not wish to adopt the spaces, then the Borough Council will need to negotiate and propose an alternative solution.

Breaking up the play areas will not increase the costs. The provision and maintenance costs are calculated upon the size of the spaces.

Routing of Construction Traffic

The Borough Council would not be able to impose a condition as it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a Section 106 Agreement.

Provision of Bungalows

The Council's Housing and Enabling Officer has confirmed that whilst there is evidence in the housing needs survey for bungalows, this is only one source of evidence and that there should be a balance between the need to both meet the identified local need and the wider housing needs in the borough. The Council's Housing and Enabling Officer has pursued the option of bungalows, however the applicant has confirmed that providing bungalows would reduce the overall 40% affordable housing offer. Accordingly the Council's Housing and Enabling Officer wishes to maintain the current offer of the full 40% affordable housing requirement for a mix of 2 and 3 bedroomed family homes.

The Council's Core Strategy Policy requires the mix of 75% for social rent and 25% for intermediate tenure.

The Section 106 Agreement will contain a requirement for applicants in the first instance to have a local connection to Market Bosworth.

Conclusion

In conclusion, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The Borough Council currently has a five year housing land supply however Market Bosworth has a minimum residual housing requirement which weighs in favour of the application. The adopted Core Strategy requires the allocation of land for the development of a minimum of 100 new homes and whilst the scheme would exceed the residual of 42 - by 23 dwellings, it is accepted that the requirement is a minimum and this quantum of development would not result in any adverse harm to the site or settlement.

The proposed vehicular access, pedestrian walkways and off site highway improvements are considered acceptable from a highway safety perspective and there are no ecological, drainage, flooding or archaeological concerns, subject to the imposition of planning conditions. The development will also contribute to the provision of affordable housing, public play and open space facilities, landscaping, footpath improvements and contributions towards travel packs (highways) and improvements to Market Bosworth Surgery (health) and Market Bosworth School and Bosworth Academy (education).

The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that full planning permission be granted, subject to the imposition of planning conditions.

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

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

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology or residential amenity; provides areas of formal, on site equipped and un-equipped green spaces and would contribute to the provision of affordable housing and other infrastructure and services. Furthermore, the proposal includes off-site highway improvement works to ensure that the development will not adversely impact upon highway and pedestrian safety.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 19 and 24.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, IMP1, BE1 (criteria a, i, g), BE13, BE16, REC2, REC3, NE5 (criteria i-iv) NE12 (criteria b and d), NE14, T5 and T9.

Supplementary Planning Documents (SPD): Play and Open Space, Affordable Housing, Sustainable Design and Supplementary Planning Guidance (SPG): New Residential Development, Rural Needs.

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:-

Planning Elevations and Plans Plots 1, 4, 12, 61,62,64,65 Drawing no. MB/DG;
Planning Elevations and Plans Plots 2, 3, 5,6,10,11,18,19,27,28,41,42,57,58 Drawing no. MB/DGS;
Planning Elevations & Plans Plots 6, 21, 43, 51 Drawing no. MB/978B;
Planning Elevations and Plans Plots 7, 8, 9,20,21,39,40,43,46,51,63 Drawing no. MB/SG;
Planning Elevations & Plans Plots 7, 11,20,42,58 Drawing no. MB/1274;

Planning Elevations & Plans Plots 9, 27, 46 Drawing no. MB/978B-OP; Planning Elevations and Plans Plots 15, 26, 32,38,45,54 Drawing no. MB/AF654-OP; Planning Elevations and Plans Plots 16, 29, 33,34,47,55 Drawing no. MB/AF767; Planning Elevations & Plans Plots 22, 23 Drawing no. MB/654; Planning Elevations & Plans Plot 24 Drawing no. MB/654-OP; Planning Elevations & Plans Plots 49, 59 Drawing no. MB/767; Planning Elevations & Plans Plots 50, 60 Drawing no. MB/767-OP; Planning Elevations Plot 61 Drawing no. MB/Burleigh-2; Planning Plans Plot 61 Drawing no. MB/Burleigh-1; Planning Elevations Plot 65 Drawing no. MB/Burleigh-2/OP; Planning Plans Plot 65 Drawing no. MB/Burleigh-1/OP; Planning Plans Drawing no. MB/1763-1 and Construction Details Kerbs, Channels and Footway Edgings, Drawing no. SD/11/2 received by the Local Planning Authority on 11 July 2013;

and amended details, as follows:-

Planning Plans & Plans Plots 5, 10,18,41,57 Drawing no. MB/98 received by the Local Planning Authority on 5 August 2013;

Planning Elevations & Plans Plots 1 & 62 Drawing no. MB/1585; Planning Elevations & Plans Plots 2, 8,39,40,63 Drawing no. MB/1274-OP Rev A; Planning Elevations & Plans Plots 3, 19, 28 Drawing no. MB/98-OP Rev A; Planning Elevations Plots 4, 12, 64 Drawing no. MB/1763-2; Planning Elevations and Plans Plots 13,14,25,31,36,37,44, 52, 53 Drawing no. MB/AF654 Rev A; Planning Elevations and Plans Plots 17, 30, 35, 48, 56 Drawing no. MB/AF767-OP Rev A received by the Local Planning Authority on 6 August 2013;

Frontage Footway Drawing no. 1612 - 201 Rev. B received by the Local Planning Authority on 9 August 2013;

Figure 2 Proposed Site Access, Drawing no.004 Rev A received by the Local Planning Authority on 12 August 2013.

Planning Layout Drawing no. EMS.2289_03-2 D received by the Local Planning Authority on 22 October 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, garages and pumping station 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 elevation details and materials for all boundary treatments are submitted in writing to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence unless and until a detailed scheme of the external appearance of the proposed pumping station and programme of implementation shall first be submitted in writing to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved scheme.
- 6 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

- 7 Notwithstanding the submitted plans no development shall commence until full comprehensive 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 (including the footway access from the site to Station Road)
- 8 The approved soft and hard 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.
- 9 No development shall commence until a Noise Impact Assessment for the noise from the adjacent industrial estate, nearby road and proposed pumping station, which includes remediation works where required and programme of implementation shall first be submitted in writing to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.
- 10 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted in writing to and approved in writing by the Local Planning Authority.

The scheme and mitigation measures shall subsequently be implemented in accordance with the approved details prior to the occupation of the first dwelling and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

The scheme shall include:

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

- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
 - Retention of existing on site drainage ditches, associated pipework and flood flow routes.
 - Finished floor levels are set no lower than 150mm above external finished ground levels, and above the top water level of storm water storage facilities where applicable.
- 11 No development shall commence until a scheme for foul drainage has been submitted in writing to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. The details shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the discharge quality or operation of any existing storm overflows/combined sewer overflows upstream or downstream on the network. There can be no increase in spill frequency or volume in the foul drainage system.
- 12 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation have first been submitted in writing to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the approved programme of archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 13 No development shall commence until a detailed construction environmental management plan has first been submitted in writing to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme. The details shall include:-
- a) how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination.
 - b) a plan showing how such controls will be monitored
 - c) procedure for the investigation of complaints.
- 14 Before first occupation of any dwelling hereby approved, a scheme that makes provision for waste and recycling storage points across the site shall first be submitted in writing to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.
- 15 Before first occupation of any dwelling hereby approved, the highway works as shown on approved plans Figure 2 Proposed Site Access, Drawing no.004 Rev A and Frontage Footway drawing no. 1612-201 Rev B shall be provided and available for use.
- 16 Before first occupation of any dwelling hereby approved, car parking provision shall be made within the respective curtilage of each dwelling in accordance with Planning Layout Drawing No. EMS.2289_03-2 D received by the Local Planning Authority on 22 October 2013. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for vehicular parking.

- 17 Before the start of the development, facilities shall be provided and maintained during the carrying out of the development to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent material being carried out onto the highway.
- 18 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 19 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved (revised) Great Crested Newt Survey Report and Mitigation Strategy, dated October 2013 (including the mitigation measures detailed within it) Pond Location Plan Figure 1 Drawing no. MLB/RJS; GCN Capture Proposals Figure 2, Drawing no. 5356-E-02; Newt Culvert Design Figure 3, Drawing no. RLS/SLS and Design Drawing Figure 4, Drawing no. 5356-E-02 received by the Local Planning Authority on 21 October 2013.
- 20 The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.

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.
- 3-6 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.
- 7 In the interests of visual amenity and to ensure that the proposed development contributes to the preservation and enhancement of the local to accord with Policies BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity, to accord with Policies BE1 (criterion a) and NE12 (criterion b) and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To safeguard the amenities of the future occupiers of the proposed dwellings, in the absence of submitted details to accord with Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 11 To protect the water quality and minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 12 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.

- 13 To safeguard the amenities of surrounding residential dwellings and future occupiers of the proposed dwellings to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 and T9 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.
- 20 To ensure that the development is not detrimental to the privacy and amenity of future occupiers of the residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 6 In relation to Condition 12 the Written Scheme of investigation shall include an assessment of significance and research questions and:-

- The programme and methodology of site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 7 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile browsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

The applicant should follow the guidance given in the Agency's publication 'Pollution Prevention Guideline 6' (PPG 6) 'Working at demolition and construction sites'.

- 8 There is network in the area. Any disconnections or diversions for existing supplies are to be applied for in the legal manner and all works are to comply with g56 and h59(47). If a new supply is required for the development an application must be submitted. Contact Western Power Distribution on 01455 232260.

Contact Officer:- Ebony Mattley Ext 5691

Item: 03

Reference: 13/00778/FUL

Applicant: Miss Amy Watts

Location: Land At Station Road Market Bosworth

Proposal: Development for 664 sqm of formal play space (linked with application 13/00520/FUL)

Target Date: 23 December 2013

Introduction:-

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

This application should be read in conjunction with that of application ref: 13/00520/FUL.

Application Proposal

Full planning permission is sought for an area of play space measuring 664 square metres.

This application has arisen as a result of the applicant attempting to secure the full formal play space provision, across the two developments.

The applicant has submitted an additional plan, following amendments to the plan on the adjacent site ref: 13/00520/FUL (however there were no changes to this application and therefore no formal re-consultation was undertaken).

During the course of the application revised Great Crested Newt Report and Mitigation Strategy and ecological plans have been submitted to reflect this application in context with the adjacent application. Re-consultation has been undertaken with the Directorate of Chief Executive (Ecology).

The Site and Surrounding Area

The rectangular shaped site measuring 0.10 hectares immediately adjoins the play space proposed as part of application ref: 13/00520/FUL.

The site is bound to the north by the Kyngs Golf and Country Club, to the south by Station Road and to the west by agricultural fields.

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

Technical Documents submitted with application

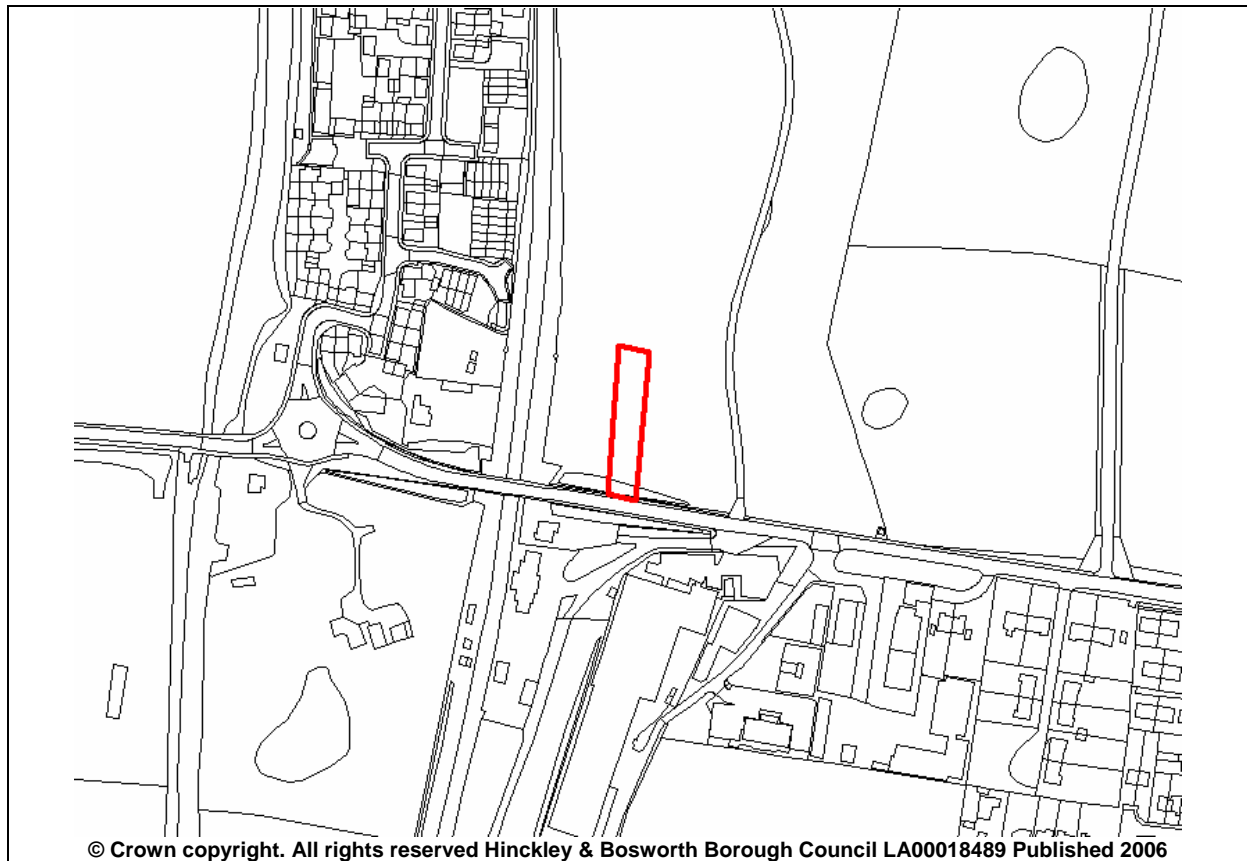
None relevant.

Relevant Planning History:-

13/00520/FUL

Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space

Pending Consideration



Consultations:-

No objection has been received from:-

Natural England
Environment Agency
Directorate of Chief Executive (Archaeology)
Head of Community Services (Pollution Control)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to condition has been received from:-

Severn Trent Water Limited
Directorate of Chief Executive (Ecology).

Market Bosworth Parish Council has no objections to the proposed development of formal play space but in connection with application ref: 13/00520/FUL raises the following concerns:-

- a) drainage, especially surface water drainage
- b) infilling of ponds and impact on endangered species

- c) doubt play area will remain dry
- d) newt tunnels and amphibian fencing should be retained
- e) inconsistent plans.

Market Bosworth Society has no objection to the inclusion of this area into the overall plan but remain concerned about:-

- a) the suitability of this ground as a play area
- b) existing pond has been removed from the plan
- c) is the scheme for 63 or 65 dwellings
- d) question the competence of this development and their ability to deliver a development that reflects the planning statement or site plan.

Site notice and press notice were displayed and neighbours notified.

Three letters of objection has been received raising the following objections:-

- a) Market Bosworth can not cope with any more property's without running it
- b) there is already no parking and difficult to go though Market Bosworth at School times
- c) subsidence in buildings opposite the site and with more dwellings will cause more structural issues
- d) rare crested newts
- e) high risk of noise complaints from future occupiers given shifts, proximity, noisy works, factory doors being open, and future expansion at adjacent JJ Churchill site
- f) Churchill planning consent has a noise attenuation requirement which will add to building costs and is sensitive to any further regulation/operating restrictions
- g) roadway to close to industrial estate junction;
- h) HGVs cannot gain access through the village due to a weight restriction and have to turn around
- i) play areas it too close to the industrial estate and development too close to a busy and growing industrial estate
- j) original objections not addressed.

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 19: Green Space and Play Provision

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance/Documents

Supplementary Planning Document: Play and Open Space.

Other Material Policy Guidance

The Open Space, Sport and Recreational Facilities Study (July 2011)

This study identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

Appraisal:-

Principle of Development

The principle of residential development is discussed within application ref: 13/00520/FUL. The residential scheme for 65 dwellings is required to provide 2,600 square metres of formal play space, however that application is only able to provide 1936 square metres within the site boundary. Accordingly this application seeks to provide the remaining 664 square metres shortfall.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 seeks to deliver open space as part of residential schemes. Policy REC2 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The Open Space, Sport and Recreational Facilities Study (July 2011) identifies and assesses all areas of open space and recreational facilities in the borough. It provides a record of existing sites, assigns quality and quantity standards, evaluates the adequacy of these facilities and provides a framework for action.

This document is the most recent and up-to-date evidence base relating to areas of open space, sports and recreational facilities in the Borough and should be utilised in the determination of planning applications.

In relation to Market Bosworth the study identifies the following:-

- a) formal Parks and Gardens have a quantity level lower than the recommended standard with all residents outside the catchment area of a formal park
- b) natural and Semi-natural open space (below 10ha) is adequately accessible but there are opportunities to improve the quality of the spaces
- c) amenity Green Space- There is an adequate level of provision with adequate accessibility but with opportunities to improve the quality of the spaces
- d) provision for children - Accessibility for residents to the east and centre of the settlement is poor. There are opportunities to improve the quality of the spaces but the quantity is at an acceptable level
- e) provision for young people - Currently all residents are outside the catchment for this typology and there is a below standard level of quantity
- f) outdoor Sports is well provided for in the settlement
- g) allotments have good accessibility for residents but are below standard in both quantity and quality.

In time it is intended that Policy REC2 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19.

Accordingly, this application is determined in accordance with the requirements of Policy, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

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

The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations provide 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.

REC2: Formal Play Provision.

Saved Policy REC2 states that:-

"For developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activities. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas."

This is to be partially secured through this application and partly through application ref: 13/00520/FUL.

This site provides 664 square metres of formal play space (with the adjacent development providing 1936 square metres of formal play space).

Accumulatively, the two applications provide a total of 2,600 square metres, which is the exact requirement of formal play space for a development of 65 dwellings. It is considered, on implementation, that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be maintained.

Accordingly, this application, in direct correlation to the adjacent site, would provide an area of formal play space for users as a result of the development, in addition to existing users from the community.

Given that the scheme provides the full 2,600 square metres as required by Policy REC2 there is only a maintenance contribution to be taken over a 20- year period which equates to £34,320.00.

This application will be tied into the Section 106 Agreement to secure the remainder of the formal play space the other equipped and un-equipped play and open space facilities, landscaping on site, provision of affordable housing units, footpath improvements and contributions towards travel packs (highways) and improvements to Market Bosworth Surgery (health) and Market Bosworth School and Bosworth Academy (education).

Other Matters

In response to the letters of objection these matters are discussed within application ref: 13/00520/FUL.

Severn Trent Water Limited have raised no objection subject to the imposition of planning condition. This scheme does not propose any foul sewage, however there are no drainage plans in respect of surface water and therefore a condition is recommended.

The Directorate of Chief Executive (Ecology) has confirmed that the submitted Great Crested Newts mitigation strategy and accompanying plans are satisfactory, and address their previous comments and that implementation of the strategy should be a condition of the development.

Should members be minded to approve the adjacent development re: 13/00520/FUL then there will be a requirement within the Section 106 Agreement relating to the provision of this site (including the necessary monies, transfer and adoption) which will be subject to specific clauses within the agreement.

Conclusion

In conclusion, It is considered that this play and open space contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably related in scale and kind to the wider proposal, and therefore a contribution is justified in this case.

Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policy REC2 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.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of open space facilities the Development Control Manger be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Hinckley and Bosworth Local Plan (2001):- REC2.

Local Plan 2006-2026: Core Strategy (2009):- Policy 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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Plan (Scale 1:1250) and drawing no. EMS.2290_03-2 D received by the Local Planning Authority on 17 October 2013.
- 3 No development shall commence until elevation details and materials for all boundary treatments are submitted in writing to 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 drainage plans for the disposal of surface water have been submitted in writing to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved (revised) Great Crested Newt Survey Report and Mitigation Strategy, dated October 2013 (including the mitigation measures detailed within it).

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 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.
- 5 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 04
Reference: 13/00559/OUT
Applicant: Mr Richard Gennard
Location: Land South Of Pinewood Drive Markfield
Proposal: Erection of 11 dwellings (outline - access only)
Target Date: 21 November 2013

Introduction:-

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

Application Proposal

This application seeks out line planning consent, with access only for approval at this stage, for the erection of 11 bungalows. The applicant has indicated that the buildings will have a maximum height of 4.7m with low profiles and simple forms and that all the proposed dwellings would have a private amenity area and off street parking.

Consent is sought for the provision of two accesses, either side of Pinewood Drive. An indicative layout shows that the proposed dwellings could be accommodated either side of these roadways, with six dwellings located to the southeast of Pinewood Drive and 5 to the northwest.

The Site and Surrounding Area

The application site consists of two pieces of land located either side of Pinewood Drive to the southwest of Markfield retirement village. Both of the sites are overgrown scrub land containing self set trees, brambles and other shrubs with the boundary defined by a post and rail fence. To the east the site abuts properties within Markfield Court. These are single storey detached bungalows with small gardens a few of which have conservatories to the rear separated from the application site by a hedgerow interspersed with trees.

To the north of the application site there are 4 properties which form a ribbon development facing Ratby Lane beyond which is countryside. The nearest property to the site is a two storey extended property, known as Prospect House, with sliding patio doors at ground and first floor facing the site. A maintained hedgerow separates this property from the application site. To the east and south of the application site is farmed countryside.

The site is generally flat however the overall topography has a gentle slope down towards the south. None of the site is within the settlement boundary of Markfield, the closest point of which is located 700m north east.

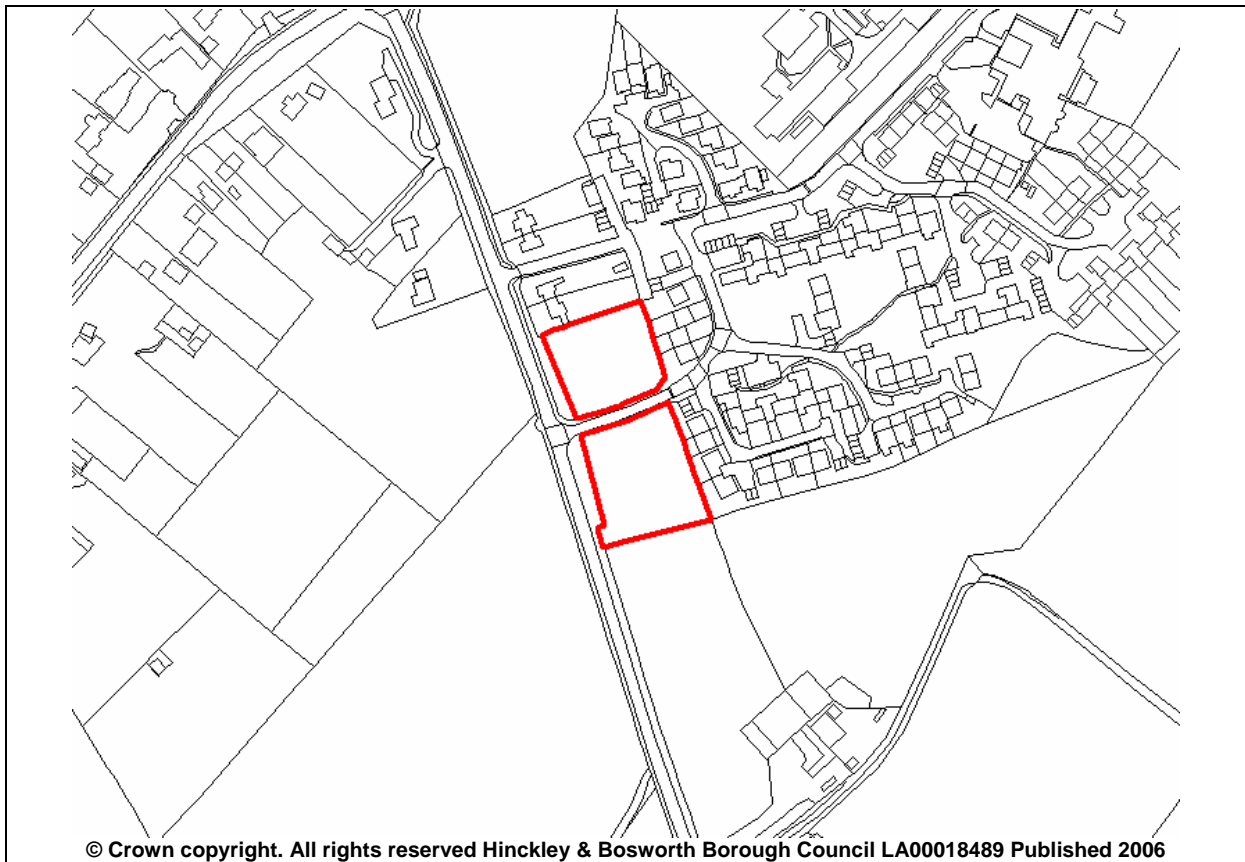
Markfield retirement village is located to the south of the village of Markfield and is on the site of the old Markfield Hospital. Planning permission was granted in 1986 for the refurbishment of the existing buildings to provide a nursing home, sheltered housing and leisure centre and erection of 26 new sheltered units. Development was restricted to within the curtilage of the hospital grounds.

Technical Documents submitted with application

Design and Access Statement
Heads of Terms

Relevant Planning History:-

| | | | |
|--------------|---|----------|----------|
| 12/00380/OUT | Erection of 13 no. Bungalows (Extension to Markfield Retirement Village) | Refused | 22.08.12 |
| 98/00216/OUT | Residential development (outline)Dismissed at Appeal | Refused | 15.12.93 |
| 88/01405/4 | Erection of 16 retirement bungalows with 11 garages | Approved | 03.04.90 |
| 86/01214/4 | Erection of 15 dwellings and garages | Approved | 09.11.87 |
| 85/00672/4 | Refurbishment of the existing buildings to provide nursing home, sheltered housing and leisure centre and erection of 26 new sheltered units | Approved | 20.02.86 |



Consultations:-

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

No objection subject to conditions have been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) - no contribution requested
- b) Director of Children and Young Peoples Services (Education)- has requested £31,941.39 towards remodelling or enhancing existing facilities at Markfield Mercenfield Primary School; £32,892.15 towards improving, remodelling or enhancing existing facilities at Markfield South Charnwood High School. A contribution of £64,833.54 in total.
- c) Director of Environment and Transport (Civic Amenity) - has requested £782.00 towards mitigating the increased need arising from the proposal at the Coalville civic amenity site.
- d) Director of Adults and Communities (Libraries) - no contribution requested.

Site notice and press notice were displayed and neighbours notified.

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

- a) re-submission of previous proposals when no local conditions have changed
- b) area originally excluded from development area as outside hospital boundary
- c) creation of 2 additional roads onto site access will create a hazard to site traffic
- d) proposal is not in keeping with original development conditions
- e) not an ideal location for elderly people as located so far from facilities
- f) loss of amenity
- g) loss of privacy
- h) proposal would have severe visual impact on rural aspect.

16 letters of support have been received raising the following concerns:-

- a) insufficient sheltered/ over 55s dwellings within area and county.
- b) on site support and facilities are good
- c) land at present is an eye sore
- d) natural extension of retirement village
- e) would not require any additional access onto council road.
- f) would support if single storey and trees and hedgerows were retained.

At the time of writing no representations have been received from:-

The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer
Markfield 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 7: Key Rural Centres
Policy 8: Key Rural Centres Relating to Leicester
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural needs
Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential proposals on unallocated sites
Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway design and vehicle parking standards
Policy IMP1: Contributions towards the provision of infrastructure and facilities
Policy REC3: New residential development - outdoor play space for children

Supplementary Planning Guidance/Documents

New Residential Development SPG
Play and Open Space SPD

Appraisal:-

The main considerations with regards to this application are the principle of development, including housing supply, the impact on the countryside, impact on neighbours, and infrastructure improvement.

Principle

The site is located within the countryside approximately 700m outside the Markfield Settlement Boundary. Policy NE5 states that the countryside will be protected for its own sake and the only development permitted is:-

- a) that which is important to the local economy
- b) for the change of use or extension to an existing building, or
- c) for sport or recreational purposes.

If development meets these criteria, then it will only be supported where:-

- a) it does not have an adverse impact on the appearance or character of the landscape
- b) it is in keeping with the scale and character of the surrounding area
- c) where necessary it is screened by landscaping
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network.

The NPPF is a material consideration when determining applications and Annex A stipulates that policies adopted since 2004 may continue to be given full weight whilst those adopted prior to this date must be assessed for their conformity with the NPPF (paragraphs 214 and 215).

Policy NE5 criteria a-c is considered to have limited conformity with the NPPF when considering proposals for residential development. The NPPF recognises the intrinsic beauty and character of the countryside, however is not as restrictive as Policy NE5. However criteria i-iv are considered to echo the objectives of the NPPF and therefore are considered to be in conformity.

The NPPF has at its heart, a presumption in favour of sustainable development where the Local Plan is out of date, development should be assessed against the policies within the NPPF. Paragraph 17 states that planning should take account of the different roles and characters of different areas recognising the intrinsic character and beauty of the countryside. Paragraph 55 of the NPPF recognises that housing should be located in rural areas where it will enhance or maintain the vitality of rural communities. It advises that isolated new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker; represent enabling development to secure the future of heritage assets; re-use of redundant or disused building; or the exceptional quality or innovative nature of the design of the dwelling.

The NPPF defines sustainability as having three strands:-

- a) An economic role that contributes to a strong economy by ensuring sufficient land of the right type is available in the right places at the right time
- b) A social role that supports strong, vibrant and healthy communities, that provides a supply of housing to meet the needs of present and future generations
- c) An environmental role, that contributes to protecting and enhancing the natural, built and historic environment, including minimising pollution and moving to a low climate economy.

The existing Markfield Court development is on the site of the existing Markfield Hospital and was re-developed following the closure of the hospital. The development was restricted to the curtilage of the grounds of the hospital and the development was originally granted in accordance with Government guidance for the redevelopment of former hospital sites.

The site is physically separated from the community facilities within Markfield and Fieldhead by an area of countryside, and the distance (approximately 1km) is greater than that considered to be easily accessible by walking. Whilst the site is adjacent to other residential development, this does not contain any public facilities like shops, doctors etc. The site contains a social centre, an on site warden and provides some social facilities, however these alone are not considered to meet the everyday needs of residents and do not make a sustainable centre. Whilst there is a bus service that goes through Markfield Court connecting it with Markfield, Leicester and Coalville due to the distances and infrequency of this service from the facilities within the centre of Markfield it is unlikely new residents will use the bus or walk to these facilities increasing the reliance on the car and reducing travel choices contrary to Paragraph 29 of the NPPF.

The proposal would involve the development of a greenfield site, located within the countryside. Due to its location, divorced from the centre of the settlement, is likely to increase reliance on the private car, contrary to the Government's low carbon objectives and therefore is considered to be an unsuitable development in an unsustainable location. The applicants have not demonstrated that there is a need for bungalows restricted to the over 55's in this location. It is considered that a condition restricting the age of occupants would not meet the tests of the Circular 11/95 as such a condition would not be considered

reasonable or enforceable and accordingly the application should be assessed as 11 market dwellings. It is therefore considered that it has not been demonstrated that there is sufficient need in this location to outweigh the impact of the development on the countryside and concerns around the unsustainable location of the site.

Housing Supply

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 Sedgefield 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 April 2013 was 5.58 including a 5% buffer.

The Liverpool method was endorsed by the Inspector at the Ratby and Shilton Road appeals which post-dates the Stanton under Bardon appeal where the Inspector concluded there was not a five year housing supply and that the Sedgefield method would be most appropriate. It should be noted that the Ratby and Shilton Road 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 that Inquiry. Using that method the authority has a 5 year housing supply.

Even with a 5 Year housing supply, decision takers should consider housing applications in the context of the presumption in favour of sustainable development (paragraph 14: NPPF).

Paragraph 47 of the NPPF requires LPA's to identify and maintain a list of specific deliverable sites to provide five years worth of housing. As of 1 March 2013 Hinckley and Bosworth had a supply of 5.58 years and are therefore considered up to date. The Core Strategy provides the strategic policy for the location of residential development and this document takes a sequential approach for development. In relation to Markfield, Policy 8 seeks an allocation of a minimum of 80 dwellings and planning permission has already been granted to meet this requirement, resulting in an oversupply of 45 dwellings. As such there is no demonstrated need that justifies additional dwellings and oversupply.

The applicant is seeking to justify the proposal on the grounds of providing accommodation to meet an increased demand from the aging population. Whilst stating that the dwellings will not be available for open market purchase, the properties will be sold as lease hold and subject to a ground rent. The applicant seeks to justify the proposal by stating that it would help meet housing demand in the area as when couples move in to the small bungalows proposed the houses that are then left will become available for families. The supplementary statements dated 7th August 2013 uses the Leicester and Leicestershire Housing Market

Assessment (LLHMA), Council's Strategic Housing Land Availability (SHLA) and Core Strategy as an evidence base for the scheme. The LLHMA states that there is a requirement for affordable accommodation for the elderly, but there is little evidence within it relating to market need. The SHLA states the site is un-developable, and does not support the development as claimed by the applicant.

It is acknowledged that there is an aging population, however the evidence base relied upon by the applicant is focused around provision for affordable housing across Leicestershire or Hinckley and Bosworth to meet that need and is not specific to Markfield nor need for market housing for the elderly. There is no residual requirement for housing development within Markfield and the proposal would be contrary to the spatial objectives of the Core Strategy.

Impact on the character of the Countryside

A previous application, for a similar scheme to that which is now under consideration, was dismissed at appeal with the main issue in the appeal being the effect of the proposal on the rural character and appearance of the area. Whilst the appeal is dated 1998 the issues discussed are still relevant.

The application site straddles Pinewood Drive, and is defined as being within the countryside. The site has not been managed and as such is now overgrown, however this is not justification for allowing development in its own right. The site is open in character with countryside to the west and south. The site provides an important separation between Ratby Lane, the countryside and the retirement village, this gives Ratby Lane a largely undeveloped open character. There is a small cluster of dwellings fronting Ratby Road that appear as an isolated linear development. The open character of the site was recognised in the 1998 appeal where the Inspector considered that the proposal would extend the built edge of development beyond the present boundary into a more prominent position fronting the road where it would have the effect of noticeably consolidating development. Whilst the applicants have reduced the number of units and indicated more landscaping along the boundary with Ratby Lane, it is not considered that this would significantly change the impact on the countryside.

This application only seeks consent for the principle of the development and access. An indicative layout has been submitted showing all properties accessed off two driveways coming off Pinewood Drive. The proposal will therefore not face onto Ratby Lane, but face into the site. Other properties on Ratby Lane have access from Ratby Lane, facing the highway and this defines the built character of this area of Ratby Lane. The proposal will not respect this character resulting in an incongruous scheme, detrimental to the character of the area.

Whilst the wording of policy has changed since the appeal decision planning should still have regard to the intrinsic character of the area. The character of the area has not changed since the time of the appeal and therefore the Inspector's assessment in 1998 is still relevant. The proposal would extend the built edge of development beyond the present boundary into a more prominent position closer to Ratby Lane and the form of the development does not respect the built character of properties located to the north of the site. Accordingly it is considered that the proposal would detrimentally harm the character of Ratby Lane, contrary to Policy BE1 (a), Policy NE5 (i) and paragraph 17 of the NPPF.

Developer Contributions

The application proposes 11 residential units which attracts infrastructure contributions. The general approach to developer contributions must be considered alongside the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions

are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

The applicant has stated within their supplementary statement dated June 2013, that they are willing to meet contributions where they are necessary, reasonable, and in scale and proportion to the development. However within the Supplementary statements dated 7th August 2013, the applicant states that the development 'is much needed housing to satisfy a specific deficiency on the local housing market. It is not reasonable to request the Applicant to make further provision for additional specialist housing to satisfy other deficiencies in the market'.

Policy 15 of the Core Strategy is considered to be consistent with the NPPF which requires developments within the rural area proposing 4 or more dwelling to provide a provision of 40% affordable dwellings. On this site this equates to 5 properties being made available, with a tenure split of 75% (4) social rented and 25% (1) intermediate tenure. The latest housing register indicates that within Markfield there are 267 residents on the list for 1 bedroom properties, 197 for two bed, 88 or three bed and 30 for four or more bed roomed properties. Of these 86 applicants are over 60 and could be considered for bungalows. It is considered that there is a need and demand for affordable two bed roomed bungalows in the area.

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 the provision and maintenance of play and open space Policy REC2 is specific to developments of over 20 dwellings as such the requirement for formal recreation provision is not triggered in this case. Policy REC3 is relevant to developments of one or more dwellings, however the site must be within 400m of a designated play space in order to trigger a requirement. As this site is more than 400m from a designated space informal recreation provision is not triggered in this case.

Other Developer Contributions

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

- a) Director of Environment and Transport (Civic Amenity) requests £782.00 towards mitigating the increased need arising from the proposal at the Coalville civic amenity site.
- b) Directorate of Chief Executive (Ecology) has not requested a contribution.
- c) Director of Children and young Peoples Services (Education) has requested £31,941.39 towards remodelling or enhancing existing facilities at Markfield Mercenfield Primary School; £32,892.15 towards improving, remodelling or enhancing existing facilities at Markfield South Charnwood High School. A contribution of £64,833.54 in total.

Director of Adults and Communities (Libraries) has made no request as Markfield library is relatively new and current stock standards and public spaces are within the standards used by the library service.

As discussed above, it is the officer's opinion that it is not possible to control the occupancy of the proposed bungalows through the planning system, and hence this application is being considered on the basis of market housing. As such, contributions were requested and deemed to be CIL complaint would be sought in full, in line with policy requirements.

The requests have been considered against the CIL regulations and the request by the Director of Environment and Transport (Civic Amenity) is not considered to be necessary as the increase in use as a result of the development is less than 1% of the current operating level of the site.

The applicant has stated within their supplementary statement dated 7th August 2013, that the development is an extension to the existing retirement village. It is not suitable for younger families that require infrastructure and facilities including children's play space and school places.

As discussed above the development due to its size and location, not its type, does not trigger a contribution towards play and open space. It does however trigger a requirement for affordable housing and education. Whilst the applicant has submitted a signed heads of terms indicating that they are willing to consider entering into a legal agreement, they have indicated that they are not willing to provide affordable housing or a contribution towards education due to the type of development the applicant is proposing, and as such the development would be contrary to Policy 15 of the Core Strategy, and Policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

Other Issues

The Director of Environment and Transport (Highways) has not objected to the proposal as the development only represents a modest increase to the existing residential complex. Conditions are recommended requiring a minimum number of parking spaces to be provided, minimal width of the access drives, surfacing of the driveway and parking areas and maintenance of vegetation on the highway boundary to ensure visibility. These conditions are considered to be valid conditions.

Objections have been received on the loss of amenity and privacy to neighbouring occupiers. The applicant only seeks consent for access with all other matters, including layout, scale and design, reserved for approval at a later date. It is therefore not possible to consider the impacts of loss of amenity and loss of privacy on adjoining residents at this point.

Conclusion

This application seeks an extension to the existing development of Markfield Village, a specific development limited to the over 55's. Hinckley and Bosworth have a 5 year supply of deliverable housing sites, and the minimum of 80 dwellings allocated to Markfield has been met and exceeded and therefore there is no need for additional residential developments in Markfield. The proposal is located 700m to the south of the defined Markfield settlement boundary and approximately 1km from the shops and facilities within the centre of Markfield. The proposed development of a Greenfield site within the countryside so divorced from the main settlement is not considered to constitute a form of sustainable development. The proposal would involve the development of a Greenfield site to the detriment of the intrinsic character of the countryside and Ratby Lane. The proposal is therefore considered to be contrary to Policy 8 of the Core Strategy, and Policies BE1, criterion a, Policy NE5, criteria i and paragraph 17 of the NPPF.

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 harm on the character and appearance of the countryside, unsustainable form of development and lack of developer contributions remains in conflict with the development plan and the application has been refused.

Reasons:-

- 1 In the opinion of the Local Planning Authority the proposed development by virtue of its location, removed from the main built form of Markfield and the services it contains would result in a unacceptable form of unsustainable development on a previously undeveloped site, decreasing the travel choices of future residents, contrary to the objectives of the NPPF particularly paragraphs 14, 15 and 30.
- 2 In the opinion of the Local Planning Authority, the proposed development by virtue of the location and layout of the proposed accesses does not maintain the appearance or character of Ratby Lane, and accordingly would affect the open character of the area, contrary to the objectives of policies BE1 criterion a, NE5 criterion i, of the adopted Hinckley and Bosworth Local Plan supported by paragraph 17 of the NPPF.
- 3 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that they are willing to provide an acceptable proportion of on site affordable housing to meet the need identified within the borough as required by Policy 15 of the Core Strategy. The proposal is therefore considered to be contrary to Policy 15 of the adopted Core Strategy.
- 4 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the schools within the local area by the proposed development would not accord with the NPPF, paragraphs 203-205 and Policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Sarah Fryer Ext 5682

Item: 05
Reference: 13/00685/OUT
Applicant: Paynes Garages Limited
Location: Land Off Paddock Way Hinckley
Proposal: Erection of 10 dwellings (outline - access only)
Target Date: 20 November 2013

Introduction:-

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

Application Proposal

This application seeks outline planning permission for the erection of 10 dwellings and associated works. The application seeks the approval of access from Paddock Way only at this stage with all other matters being reserved. Whilst the application is for access only, an indicative layout has been submitted with the application that suggests 8 x detached dwellings and 2 x semi-detached dwellings with associated garages and parking served by a shared private driveway with access off Paddock Way and a turning head towards the eastern end of the site. The indicative layout also suggests the provision of approximately 0.12 hectares of public open space at the western end of the site and the retention of five trees that are subject to a Tree Preservation Order (TPO).

The Site and Surrounding Area

The site measures approximately 0.6 hectares and is located approximately 2 kilometres to the west of Hinckley town centre to the south of Coventry Road. It is a roughly rectangular piece of land running between the rear of dwellings on Coventry Road and a more recent residential development (known as Waterside Park) to the south and east. To the west lies an extensive commercial garage premises (Paynes Garage) screened from the site by close boarded timber fencing and to the south west an area of public open space including children's play equipment. The site contains a number of trees, some of which (mainly close to the southern boundary) are subject to a Tree Preservation Order. The generally flat site is currently heavily overgrown with scrub, it has no public access and public views into the site from ground level are extremely limited. The boundaries are defined by a mix of various forms of fencing and planting.

Technical Documents submitted with Application

Planning Design and Access Statement
Ecological Appraisal
Tree Survey Report
Archaeological Desk Based Assessment
Archaeological Evaluation (Trial Trenching)
Legal Agreement template for Section 106 Contributions
Sketch Layout Drawing No. EMS.2278.02 A

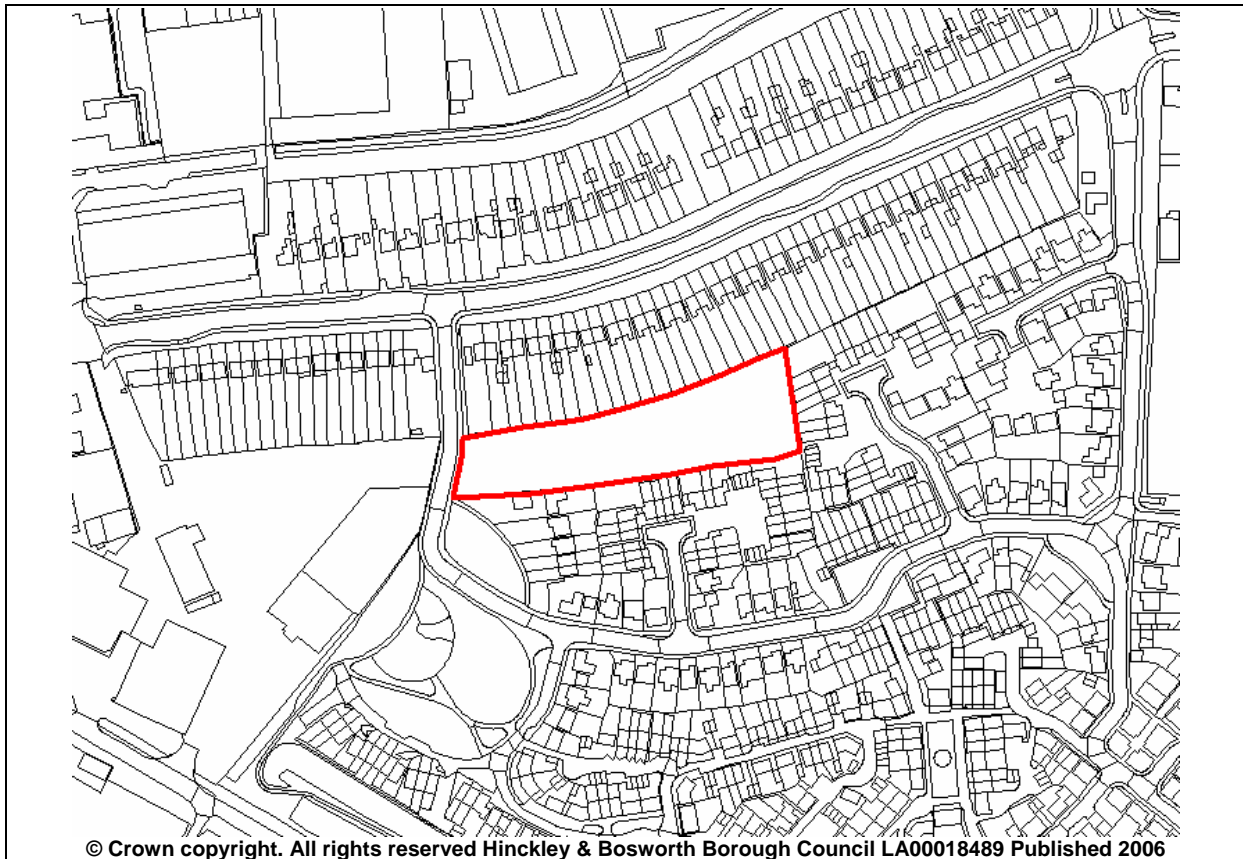
Relevant Planning History:-

04/01235/FUL

Residential Development of 19 dwellings

Refused
Appeal Dismissed

5.01.05



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Archaeology)
Environment Agency
Head of Community Services (Pollution Control)
Borough Council's Tree Officer.

No objection subject to conditions has been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) requests no contribution
- b) Director of Children and Young Peoples Services (Education) requests a total contribution of £47,392.78 to mitigate the additional demand from the development on the Primary School Sector (Hinckley Westfield Infant & Hinckley Westfield Junior Schools £29,037) and Upper School Sector (Hinckley John Cleveland College £18,355.16) to address capacity issues as a result of the proposed development

- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £471 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development
- d) Director of Adults and Communities (Libraries) requests a contribution of £630 to mitigate additional demands on the Hinckley Library as a result of the proposed development.
- e) Director of Environment and Transport (Highways) requests no contribution.

Site notice and press notice were displayed and neighbours notified. A petition containing 205 signatures from 136 addresses together with 11 letters of objection including representations from the 'Saxon Paddock Committee' and 'Saxon Paddock Residents Association' have been received (at 15/10/13) raising the following issues/concerns:-

- a) nothing has changed since the previous appeal was dismissed
- b) no need for additional housing
- c) loss of special, unique, tranquil green wedge/countryside/important gap in development
- d) loss of wildlife habitat/fails to safeguard the environment
- e) harmful to character and appearance of the area
- f) loss of protected trees and hedgerows
- g) land should be protected as an area of local green space
- h) loss of site of historic value
- i) adverse impact on archaeology
- j) drainage/increase in flood risk
- k) additional traffic generation/adverse impact on road safety
- l) access too close to bend on Paddock Way/adverse impact on highway and pedestrian safety
- m) access too close to a pedestrian island
- n) lack of infrastructure
- o) overlooking/loss of privacy
- p) overbearing impact
- q) loss of rights of way
- r) loss of security
- s) adverse impact on house prices.

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

Cyclists Touring Club
 Leicestershire Constabulary Crime Reduction Officer
 Primary Care Trust
 Ramblers Association.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design & Siting of Development
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigating and Recording
Policy T5: Highway Design & Vehicle Parking Standards
Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Other Material Policy Documents

Strategic Housing Land Availability Assessment (September 2013)
Areas of Separation Review (March 2012)
Open Space, Sport & Recreational Facilities Study (July 2011)

Appraisal:-

The main considerations with regards to this application are the principle of development, its impact on the character of the area and its surroundings, highway issues, the amenities of neighbouring properties, archaeology, ecology/protected trees, developer contributions towards local infrastructure, drainage and flood risk and other matters.

Principle of Development

National Planning Policy Framework (NPPF) March 2012

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 Land Supply and adopted Core Strategy

It is the Council's position that as of April 2013 the housing supply equates to 5.58 years, which includes a 5% buffer taken from later in the plan period. However, even with a five year supply of housing land decision takers should consider applications for housing in the context of the presumption in favour of sustainable development (paragraphs 14 and 49 of the NPPF). The current housing supply needs to be considered in the context of making provision for a significant residual housing requirement of 958 dwellings to be delivered in Hinckley to meet the requirements of Policy 1 of the Core Strategy which seeks to allocate a minimum of 1,120 dwellings in Hinckley over the plan period to 2026. Paragraph 4.5 of the Core Strategy acknowledges that to identify land to meet the Core Strategy requirements the

authority will identify brownfield/greenfield sites within settlement boundaries followed by land adjacent to settlement boundaries where there is a need to do so. There is no evidence to demonstrate that the entire residual housing requirement for Hinckley can be delivered on previously developed land or greenfield sites within the settlement boundary and therefore suitable greenfield sites adjacent to the settlement boundary will need to be identified to allocate the necessary provision.

Land is to be allocated for residential development through the Site Allocations and Development Management Policies DPD. The Strategic Housing Land Availability Assessment (SHLAA) 2013 identified this site as not being suitable, available or achievable and therefore it was assessed as being non-developable. However, the primary reason for this conclusion was that the site was not submitted by the landowner for residential purposes therefore deliverability could not be confirmed. This has now been overcome as the site is the subject of this application, confirming the intention of the landowner to deliver the site for housing. The Borough Council have identified the application site for residential development in the Preferred Options version of the DPD which is a Consultation Draft document subject to change and not programmed to be adopted until early 2015 so cannot at this time be considered as an allocation. As a result the development plan is currently absent in terms of the allocation of land to meet the Hinckley housing requirement. The NPPF in paragraph 14 states that in this case decision takers should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. Prematurity is not a reason in itself to refuse planning permission at this stage of plan preparation.

Hinckley and Bosworth Local Plan 2001

This site is identified as being within the countryside in the 2001 Local Plan therefore Policy NE5: (Development in the Countryside) should technically be applied regarding this application. However, as the proposals map is dated, it does not reflect that this site is now surrounded on all sides by built development. In a previous appeal decision in 2005 (reference APP/K2420/A/04/1170891) a Planning Inspector concluded that the site could not be regarded as forming part of the countryside and that it is now effectively part of the Hinckley urban area. For these reasons it is considered that Policy NE5 should be afforded extremely limited weight in the consideration of this planning application.

Previous Appeal Decision/Area of Separation Review 2012

It is acknowledged that in the same appeal decision referred to above the Planning Inspector ruled that the site formed an important area of separation between the older properties on Coventry Road and the newer development at Waterside Park. However, since this appeal decision was issued, the appearance of the site has degraded significantly as it has become overgrown and has been subject to the dumping of rubbish. There is no general public access to it and there are no clear public views into the site from ground level. It no longer provides an 'open' break between the two separate developments and therefore cannot be seen to serve the same function that it was considered to serve at the time of the 2005 appeal. The previous appeal decision was taken into account when undertaking the Area of Separation Review in 2012. This document assessed both the existing areas of separation contained in the 2001 Local Plan and also any areas that had been submitted to the Council for that use through consultation on the Site Allocations and Generic Development Control Policies DPD in 2009. The application site was identified during the 2009 consultation as being appropriate for this use. However, the 2012 Review defines the purpose of an area of separation designation as to retain the physical separation between settlements and/or other development areas in order to maintain the physical identity of communities and /or preserve the physical separation between incompatible uses, in particular between residential and

employment areas. The application site does not meet any of these criteria and therefore the review concluded that this site cannot be properly considered to form an area of separation.

For the above reasons, it is considered that the previous decision to dismiss an appeal for residential development on this site on the basis that it forms a break in development should therefore be afforded little weight in the determination of this application.

Open Space, Sport and Recreational Facilities Study (July 2011)

The application site is identified as natural and semi natural open space in this study and was awarded a quality score of 67% despite the fact that it was not, and still is not accessible to the public. Despite the identification of this site within the study, the Borough Council would not be able to allocate this site as open space due to the fact that it is not publicly accessible and the landowner has set out their intention through the submission of this application to develop the site for housing. If this site was to be carried forward as an open space allocation in the Site Allocations and Development Management Policies document it is highly likely that a Government Inspector would consider the allocation unsound due to the Council's inability to demonstrate delivery of the site.

Proposed West Clarendon Hinckley Neighbourhood Development Plan

A Neighbourhood Forum is in the process of being set up with the intention of producing a Neighbourhood Plan for the area in which the application site is located referred to as 'West Clarendon Hinckley'. At the time of writing, the forum is being advertised to gain interest from potential members and as yet no formal application has been submitted to the Borough Council to designate the group or relevant area.

As the production of a Neighbourhood Plan is in its infancy, there is no indication of the intention of the group or what may be contained within any future plan. In relation to prematurity, recent Government guidance states:-

"While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan and*
- b) the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

For Neighbourhood Plans, forums should be able to demonstrate that a Draft Plan has undergone the public consultation and publication stages before realistically being able to consider prematurity as a reason for refusal for a planning application. There is no timetable

for when this may take place. The Secretary of State has very recently issued a call-in decision for a development of 100 dwellings (in Tarporley, Cheshire) that gave only very limited weight to a proposed neighbourhood plan due to the lack of a final or draft plan. The intended preparation of a neighbourhood plan in this area of Hinckley should therefore be given limited weight in the determination of this application.

Conclusion on the Principle of Development

Hinckley has a significant residual housing requirement of 958 new dwellings to be delivered in the plan period to 2026 which cannot be met on brownfield sites within the settlement boundary. Although this application would deliver a small proportion of the housing required, it is considered essential to look positively upon deliverable sites within the urban area where they accord with relevant policies.

As identified in the NPPF, it is important to view applications for the delivery of housing in the context of sustainable development. This site is currently unused, publicly inaccessible land surrounded by either residential or commercial development and therefore can rightfully be considered to be a sustainable location for the delivery of residential development. For this reason, the proposals are considered to be in accordance with the intentions of the NPPF and adopted policies of the Core Strategy and Local Plan and therefore acceptable in principle subject to all other planning matters being satisfactorily addressed.

Impact upon the Character of the Area

Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area with regard to matters including scale, layout and density. This saved policy is considered to have limited conflict with the intentions of the NPPF and can therefore be given weight in the determination of this application.

The application site is currently heavily overgrown with scrub, it has no general public access and public views into the site from ground level are extremely limited due to existing hedgerows, trees and other boundary treatments. It is acknowledged that those residents whose properties back onto the site may gain some benefit from its 'tranquil' nature. However, it is surrounded by either residential or commercial development and effectively forms part of the Hinckley urban area. As a result of its enclosed nature, it is considered that the development of the site for housing with a provision for some public open space and retention of the significant trees within the site (that would complement existing public open space provided on the adjacent Waterside Park development) would not result in any significant harm to the character or appearance of the area. The proposal is therefore considered to be in accordance with Policy BE1 (criterion a) and therefore acceptable in this respect.

Policy 16 of the adopted Core Strategy states that proposals for new residential development within Hinckley should meet a minimum net density of 40 dwellings per hectare. The policy does allow for lower densities in exceptions where individual site characteristics dictate and are justified. Paragraph 47 of the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. In this case the site is located between the higher density housing development known as Waterside Park to the south and east and the relatively lower density inter-war housing to the north. In addition there are a number of significant trees within and on the boundaries of the site that the proposal seeks to retain and approximately one third of the site is proposed to be given over to public open space. As a result of the varied character of adjacent development and the constraints of the site, it is considered that the proposed density of 16.67 dwellings per hectare can be justified in this case and therefore there is not considered to be conflict with Policy 16 in this respect.

Highway Issues

Policy BE1 (criterion g) and T5 of the adopted Local Plan seeks to ensure that there is adequate highway visibility for road users and adequate parking for residents and visitors. These saved policies are considered to have limited conflict with the intentions of the NPPF and can therefore be given weight in the determination of this application.

The proposed access to the site is from Paddock Way. Objections have been received on the grounds that the additional traffic generation from the development of 10 additional houses would have an adverse impact on highway safety. Objections have also been received on the grounds that the access is too close to a sharp bend on Paddock Way and too close to a pedestrian island and that therefore the proposal would have an adverse impact on highway and pedestrian safety.

Paddock Way is the main route through the Waterside Park development and serves a large number of dwellings. The provision of an additional ten dwellings is considered to be unlikely to generate traffic on a scale that would have any material adverse impact on highway safety. There is a distance of approximately 45 metres from the centre of the proposed access to the centre of the bend in Paddock Way to the south of the proposed access and adequate visibility is achievable in both directions. There is an existing pedestrian crossing point and refuge in close proximity to the proposed access and therefore if the application were to be approved works are likely to be required to relocate the crossing a safe distance from the proposed access to protect pedestrian safety. The Director of Environment and Transport (Highways) does not object to the application in principle but recommends a number of conditions in respect of the width of the access, the formation of 2.4 metres x 43 metres visibility splays and adequate off-street parking being provided to serve the development. The conditions are considered to be relevant and necessary in the event that planning permission is approved.

The proposed access is considered to be in accordance with Policies BE1 (criterion g) and T5 and is therefore acceptable.

Impact on Neighbours

Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties. This saved policy is considered to have limited conflict with the intentions of the NPPF and can therefore be given weight in the determination of this application.

Objections have been received on the grounds that development of the site will result in a loss of amenity of neighbouring properties from overbearing impact, loss of privacy from overlooking, loss of right of way and loss of security.

This outline application seeks approval of access only at this stage with all other matters including layout, scale, and appearance and landscaping being reserved for later consideration. However, the submitted indicative layout demonstrates that, in general, adequate separation distances could be achieved between proposed and existing dwellings to avoid any adverse overbearing impact or loss of privacy from overlooking as a result of the development of the site. Concerns have been raised with the applicant in respect of the potential overbearing relationship of the dwelling on Plot 1 to 1 Paddock Way but this can be addressed in any subsequent reserved matters application.

The objection raised from a neighbouring resident to having a right of way into the site from a rear garden is a civil/legal matter rather than a material planning consideration. In addition,

subject to the provision of adequate boundary treatments, there would be no demonstrable loss of security to any neighbouring properties.

It is therefore considered that, subject to future approval of the reserved matters for layout, scale and landscaping (including boundary treatments), the development would be in accordance with saved Policy BE1 (criterion i) of the adopted Local Plan 2001.

Archaeology

Section 12 of the NPPF seeks to conserve and enhance the historic environment and paragraph 141 requires that developers record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. Policies BE13, BE14, BE15 and BE16 of the adopted Local Plan require satisfactory archaeological assessment, evaluation and recording to be undertaken by professionally qualified person(s) to establish the archaeological significance of application sites and to ensure that any archaeological remains present are dealt with appropriately. These saved policies are considered to be consistent with the NPPF and should therefore be given weight in the determination of the application.

Objections have been received that the proposed development would result in the loss of a site of historic value and significance and therefore have an adverse impact on archaeology and that archaeological work undertaken is inadequate.

An Archaeological Desk-Based Assessment carried out by University of Leicester Archaeological Services (ULAS) suggested that the application site had significant potential for buried remains due to its close proximity to known sites. However an Archaeological Evaluation, including trial trenching, also carried out by ULAS revealed only minimal evidence of possible late prehistoric activity, despite the proximity of the application site to a known Iron Age settlement a short distance to the south. The report concludes that the application site lies on the peripheries of the known site. There is therefore no conclusive evidence to suggest that the application site has any special historical significance.

As a result of the submitted archaeological reports and their conclusions the Directorate of Chief Executive (Archaeology) has no objection to the proposed development as it is considered that archaeological remains are unlikely to be affected by the proposals and no further archaeological work is required in relation to the scheme.

Ecology and Trees

Section 11 of the NPPF seeks to conserve and enhance the natural environment and paragraph 109 seeks to minimise impacts on biodiversity.

Objections have been received that the proposed development would result in the loss of wildlife habitat, protected trees and hedgerows and fails to safeguard the environment.

An Ecological Appraisal and Tree Survey Report have been submitted to support the application. The Ecological Appraisal identified areas of semi-natural woodland, species poor grassland, tall herbs, bare ground, scrub and rubbish piles within the site. It concludes that there are no notably significant habitats present within the site that would be impacted by the proposed development but recommends a number of sensitive working practices and site landscaping enhancements should development proceed. The Directorate of Chief Executive (Ecology) has no objections subject to a condition to secure the recommended working practices contained within section 6 of the appraisal.

The Tree Survey Report identifies 10 trees on the site, 5 x Ash of high quality/value, 1 x Pine of medium quality/value, 1 x Sycamore, 1 x Cherry and 2 x Willow of low quality/value and recommends root protection areas. The indicative layout submitted includes the retention of all of the six high and medium quality/value trees (five of which are subject to a Tree Preservation Order dated 7 August 2002) together with a large Willow. The layout also suggests the provision of additional landscaping, principally to boundaries and the proposed open space area to mitigate any vegetation lost as a result of the development, enhance the overall appearance of the development and provide additional screening between the proposed and existing dwellings. The Council's Tree Officer does not object to the proposal in principle as the more significant trees are indicated to be retained. However, some concerns are raised in respect of the survey and indicative layout not addressing future tree growth and suggestions are made to further enhance the appearance of the site. Layout and landscaping of the site are to be considered under a future reserved matters application and it is considered that given the relatively low density proposed the issues raised would be able to be satisfactorily resolved.

Subject to the imposition of a condition it is considered that the proposal is in accordance with the overarching intentions of the NPPF in respect of the ecology of the site.

Developer Contributions

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

Objections have been received that there is inadequate infrastructure to support additional housing.

a) Affordable Housing

Policy 15 of the adopted Core Strategy requires that in urban areas on sites of 15 or more dwellings or over 0.5 hectares in size 20% affordable dwellings should be provided on site. The site is over 0.5 hectares and therefore triggers affordable housing provision. The applicant has submitted a draft heads of terms document confirming the intention to provide 2 affordable units as part of the development to meet the requirements of Policy 15. As at 14 October 2013 there were 1,631 applicants for rented accommodation in the Hinckley area. It is considered that there is an identified need for a range of affordable units in Hinckley as such it is considered necessary to provide them within this development and therefore is directly related.

The provision of affordable housing is to be secured through a Section 106 legal agreement and has been identified by the applicant within the submitted heads of terms. As the site is in the urban area of the Borough, the Section 106 should require applicants to have a connection to Hinckley and Bosworth Borough. The provision of two affordable housing units would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

b) Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policy REC3 seek to deliver open space as part of residential schemes. Policy REC3 is 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 Policy 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 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 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Hinckley was found to have a deficiency (-1.20 hectares) compared to the National Playing Fields Association standard of equipped play space and a surplus of casual informal play space. The indicative layout submitted includes no children's equipped play space but includes an area of casual informal play space to complement the existing childrens equipped play space and informal space on the adjacent Waterside Park (LEAP) located immediately to the south west. The Waterside Park green space was given a quality score of just 75% and is therefore in need of improvement. In this case, it is not considered to be appropriate to require a childrens equipped play area to be provided within the application site given the small scale of the proposed scheme and the close proximity of the existing facility on Waterside Park. Policy allows for commuted sums to be provided to enhance and maintain existing facilities where appropriate, as in this case.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use the facilities due to their close proximity and linked relationship to the application site. The contribution being secured would help to mitigate impact from the future occupiers of the development upon the existing facilities by providing additional facilities and maintaining them.

In this case, based on the calculations within the adopted SPD on Play and Open Space, the total contribution required would be £23,509 (split between a capital sum £7,254 and a future maintenance sum £16,255). This comprises a capital contribution of £7254 for children's equipped play space and a maintenance contribution of £3535 for children's equipped play space and £12,720 for the informal children's play space that is proposed to be provided within the site.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal and is therefore compliant with the CIL Regulations. The contribution can be used to enhance and maintain informal play and open space facilities and children's play equipment at Waterside Park and is justified in this case. Subject to the contribution being secured by a completed legal agreement the scheme would meet the requirements of Policy 19 of the adopted Core Strategy, Policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

c) Education

Director of Children and Young Peoples Services (Education) requests a total contribution of £47,392.78 to mitigate the additional demand from the development on the Upper School Sector (John Cleveland College £18,355.16) and Primary School Sector (Hinckley Westfield Infants and Hinckley Westfield Junior Schools £29,037.62) to address capacity issues as a result of the proposed development. In this case the contribution is considered to be necessary and directly, fairly and reasonably related in kind to this development to make the development acceptable in planning terms and it is therefore compliant with the CIL Regulations.

d) Civic Amenity

Director of Environment and Transport (Civic Amenity) requests a contribution of £471 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development. It is estimated that the development will produce an additional 2.9 tonnes per annum approximately on an existing tonnage of 8,200 per annum at 11/12 figures at Barwell Civic Amenity site. This equates to an insignificant increase and due to the limited scale of the assessed impact it is difficult to see that test (i) of CIL Regulation 122 is met and that the contribution is necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

e) Libraries

Director of Adults and Communities (Libraries) requests a contribution of £630 to mitigate additional demands on the Hinckley Library as a result of the proposed development. It is estimated that Hinckley library has an active borrower base of 9866 people but serves a wider catchment of approximately 46,000 people. The development is estimated to generate an additional 17 users and require an additional 40 items of lending stock and support materials. This equates to an insignificant increase and due to the limited scale of the assessed impact it is difficult to see that test (i) of CIL Regulation 122 is met and that the contribution is necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

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

Affordable Housing
Play and Open Space
Education.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

Objections have been received that the proposal will have an adverse impact on drainage of the site and increase the risk of flooding.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage). The Environment Agency raises no objection to the scheme. Severn Trent Water Limited raises no objections subject to the imposition of a standard planning conditions relating to drainage plans for the disposal of surface water and foul sewage. The Head of Community Services (Land Drainage) acknowledges that there has been a history of poor garden drainage in the area and that there were issues with the disposal of surface water on the adjacent site and therefore recommends a condition for the

submission and prior approval of drainage details which incorporate sustainable drainage principles. It is considered that in the absence of full details and in the interests of drainage and flood risk that such conditions are reasonable and necessary in this case and should be imposed if the application is to be approved. It is considered that the proposed scheme will be in accordance with saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Other Issues

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that all residential developments within Hinckley will be required to comply with Code Level 4 of the Code for Sustainable Homes from 2013 - 2016 unless this would make the development unviable. The standard could be secured by the imposition of an appropriately worded condition.

Objections have been received on the grounds that the application site is the only area of local green space within this part of Hinckley and should therefore be protected. The site currently has no public access and is unused. The indicative layout suggests that approximately one third of the site would be provided for public green space and this would complement a large area of green play and open space immediately to the south west of the application site on Waterside Park. The proposed development of the site would therefore enhance the public green space available.

A note to applicant in respect of the requirement to provide for the storage and collection of waste and recycling facilities at the adopted highway boundary within any future layout is included in the recommendation.

The impact of the proposed development on house prices is not a material planning consideration.

Conclusion

Hinckley has a significant residual housing requirement of 958 new dwellings to be delivered in the plan period to 2026 which cannot be met on brownfield sites within the settlement boundary. Although this application would deliver a small proportion of the housing required, it is considered essential to look positively upon deliverable sites within the urban area where they accord with relevant policies.

As specifically stated in the NPPF, it is important to view applications for the delivery of housing in the context of sustainable development. This site is currently unused, publicly inaccessible land surrounded by either residential or commercial development and with access to public transport and the facilities and services provided by Hinckley town centre and other nearby settlements and therefore can rightfully be considered to be a sustainable location for the delivery of residential development. For this reason, the proposals are considered to be in accordance with the intentions of the NPPF and adopted policies of the Core Strategy and Local Plan and therefore acceptable in principle.

The proposed access is acceptable and would not result in any adverse impact on highway safety subject to standard conditions being imposed. Whilst the proposal is in outline form for approval of access only at this stage with all other matters reserved, the indicative layout arrangements demonstrate that the proposed number of dwellings could be suitably accommodated within the site without having a detrimental impact on the amenities of neighbouring properties. Subject to the imposition of conditions it is also considered that the proposals would not have any material adverse impact on archaeology, ecology/protected trees, drainage or flood risk. The development will contribute to the provision of affordable housing, and mitigate the impact of the development in regards to public play and open

space facilities and education facilities and incorporate sustainable design measures. It is therefore recommended that outline planning permission be granted, subject to the imposition of planning conditions and the completion of a section 106 legal agreement.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards the provision and maintenance of public play and open space facilities and education facilities, the Development Control Manager shall be granted delegated powers to issue outline planning permission for access (with all other matters reserved) subject to the conditions below. Failure to complete the said agreement by 20 November 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, 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 its sustainable location for residential development within the urban area of Hinckley. In addition the development would have no material adverse impact on the character or appearance of the surrounding area, highway safety, the amenity of neighbouring properties, archaeology, ecology, protected trees, drainage, flooding, and would contribute to affordable housing, public play and open space facilities, education and incorporate sustainable design measures.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, BE1, BE13, BE14, BE16, REC3, RES5, NE5, NE12, NE14 and T5.

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

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

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

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale and the access point only indicated on indicative layout dwg.no, EMS.2278.02A received by the local planning authority on 21 August 2013.
- 4 Before first occupation of any dwelling hereby approved, visibility splays of 2.4m by 43m shall be provided at the junction of the access with Paddock Way. These shall be in accordance with the standards contained in the current County Council design guide and once provided shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6m above ground level within the visibility splays.
- 5 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size at its junction with the adopted road carriageway in accordance with the standards contained in the current County Council design guide. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- 6 Before first occupation of any dwelling hereby permitted, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling up to three bedrooms and 3 spaces for a dwelling with 4 or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
- 7 Any garages must have minimum internal dimensions of 6m x 3m if they are to be counted as a car parking space and once provided, shall thereafter permanently remain available for car parking.
- 8 No development shall commence until drainage details for the disposal of surface water and foul sewerage, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any dwelling on site.
- 9 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 4 has been provided to the local planning authority. In addition, within three months of the first occupation of each of the dwellings hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 4 shall be provided to the local planning authority.
- 10 The development shall be implemented in accordance with the recommendations contained in Section 6 of the submitted Ecological Appraisal compiled by Ecolocation dated 13 June 2012.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 5 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 the interest of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that 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 and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy.
- 10 To minimise any impacts on biodiversity in accordance with paragraph 109 of the National Planning Policy Framework.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 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 Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows:- For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd for other minor, domestic accesses, contact the Service Centre Tel: (0116) 3050001.

You will be required to enter into a suitable legal Agreement with the Highway Authority to relocate the existing pedestrian crossing point and central refuge before development commences.

Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.

- 6 The applicant is advised that the collection point for waste and recycling materials is from the adopted highway boundary and therefore adequate provision for the storage and collection of such materials will be required to serve the development.

Contact Officer:- Richard Wright Ext 5894

Item: 06

Reference: 13/00687/CONDIT

Applicant: Paynes Garages Ltd

Location: Paynes Garages Ltd Watling Street Hinckley

Proposal: Removal of condition no. 3 of planning permission 06/00027/FUL to remove the boundary hedge

Target Date: 8 October 2013

Introduction:-

This application is to be considered at Planning Committee as objections have been received from more than 5 addresses, in accordance with the scheme of delegation.

Application Proposal

This application seeks to remove condition 3 of planning permission 06/00027/FUL. This application approved the erection of a replacement fence (amended scheme).

Condition 3 reads as follows:-

The hedge identified in green on the attached plan shall not be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the previously approved details under planning permission 05/00588/FUL, without the prior written approval of the Local Planning Authority.

The reason for this condition was to ensure the existing hedge is retained in the interests of residential and visual amenity in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Site and Surrounding Area

The application site comprises Payne's Garage. The site is sandwiched between Coventry Road to the north and Watling Street (A5) to the south west (with vehicular accesses off both). Paddock Way is to the east and smaller scale commercial, and individual residential dwellings are to the west. The use of the site is subdivided into car sales, a commercial vehicle serving and repair area and ancillary mechanical functions.

The hedge subject of this application comprises a row of leylandii trees along the northern boundary of the site.

Relevant Background and Planning History

This site has an extensive and complex planning history. This application has arisen as a result of a related, historical drainage issue which affects the site and adjacent dwellings on Coventry Road. It is believed that the hedge (subject of this application) exacerbate drainage issues in the area along the northern boundary of the site.

It is understood that a ditch which ran along the northern boundary of the site was filled in and a drainage pipe put in its place. The hedge (subject of this application) was planted by the applicant approximately 30 years ago. It is a conditional requirement (06/00027/FUL) that this hedge must be retained.

Over time it has transpired that this pipe may not be fit for purpose and that the trees have been planted on, or very close to its route. It is the opinion of the Leicestershire Flood Authority that the roots from this hedge have penetrated the land drain and rendered it ineffective (root ingress). Payne's Garage have been asked to remove the trees by the Leicestershire Flood Authority.

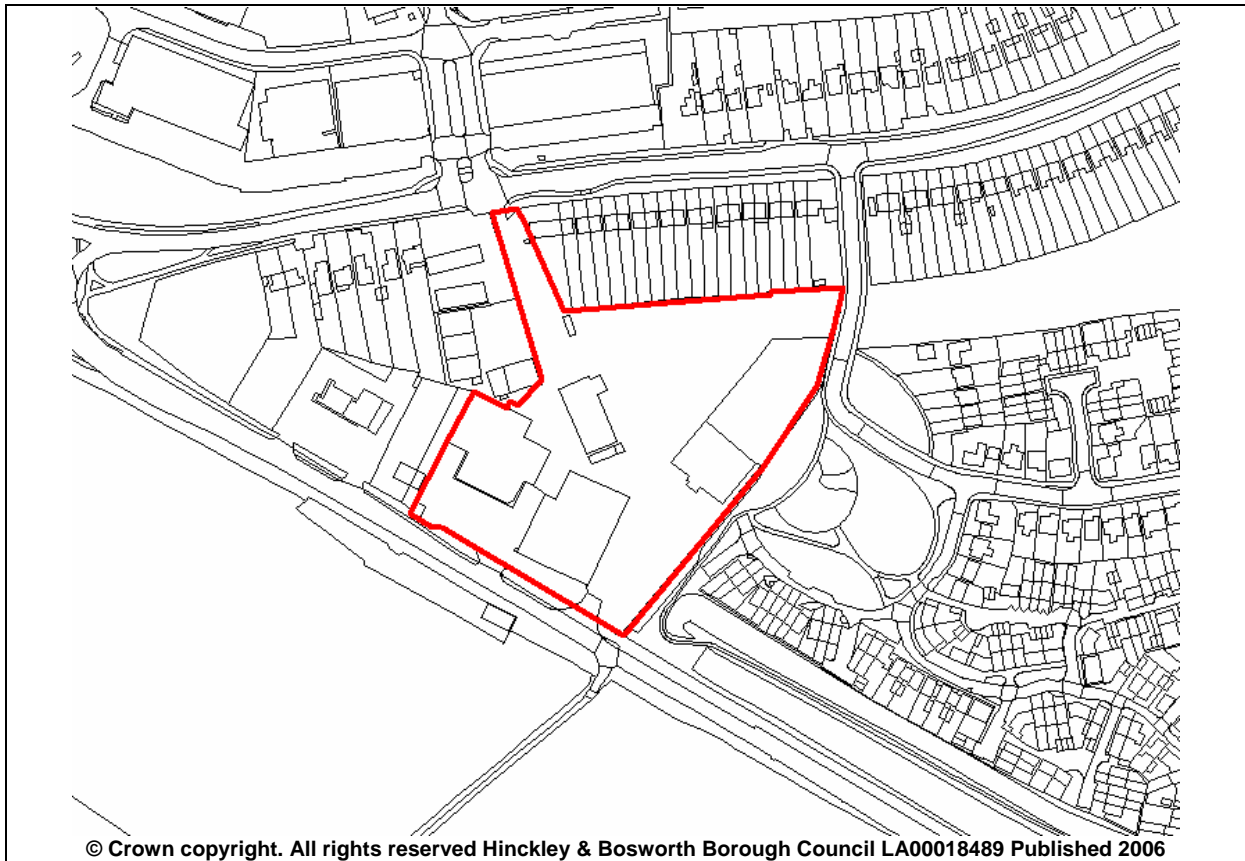
It has also been suggested by local residents that the trees may not have been planted directly over the route of the pipe and thus that they may not need to be removed to allow for the pipe to be dug out and the ditch reinstated. In response to this, at their own expense, Payne's have instructed that a number of test pits be dug along the line of trees in order to locate the exact route of the pipe.

Borough Council Officers have inspected the pits and it appears that the trees are planted along the line of the pipe for approximately two thirds of the way along the northern boundary. Further discussions have taken place with the applicant and they have stated that they will be willing, if the application is approved to accept a further condition limiting the area of tree removal to the extent of its coverage of the pipe.

For clarification, Officers including an Officer from Head of Community Services (Pollution) have met with the residents and the applicant and agent to discuss the situation and try and establish an appropriate way forward.

Relevant Planning History:-

| | | | |
|--------------|--|----------|----------|
| 06/00027/FUL | Erection of replacement fence (amended scheme) | Approved | 09.03.06 |
| 05/00588/FUL | Works to hedge and erection of boundary fence | Approved | 11.08.05 |



Consultations:-

No objection has been received from:-

Highways Agency
Directorate of Chief Executive (Archaeology)
Head of Community Services (Pollution Control)
Head of Community Services (Land Drainage).

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

- a) loss of view
- b) increased light pollution - flood/security lighting
- c) increased noise - night shift work
- d) increased disturbance
- e) trees protect residents from commercial operation
- f) trees take up a lot of water, so removing them could increase flood risk
- g) protect from fumes - paint spraying
- h) provide an acoustic barrier
- i) loss of privacy/increased overlooking
- j) flooding is a result of heavy, sustained rainfall and not as a result of the trees.

In addition to the above, many of the letters include possible solutions to the flooding issues. These have been discussed with the relevant parties and as a result the applicant has undertaken additional investigatory work.

Policy:-

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

Appraisal:-

Although there are historical flooding issues relating to the site, which may or may not be impacted upon by the trees subject of this application, as this is an application under Section 73 for the removal of condition, only the justification for imposing the condition can be considered as part of this application. The reasoning for the condition was 'in the interests of residential and visual amenity'. Flooding and drainage issues cannot therefore be taken into consideration.

Furthermore, by virtue of the application type, if approved, the Local Planning Authority will be issuing a new planning permission for the original development (amended as agreed). Accordingly, along with the consideration of the condition subject of this application, all other conditions relating to the original application must be appraised to determine whether they remain applicable.

Following research into the planning history of the site, documentation relating to application 05/00588/FUL provides a useful insight into the reasons relating to the requirement to retain the hedgerow subject of this application. Within the Committee Report (relating to the 05 scheme), it is suggested that as a result of an early planning approval on the site (in excess of 30 years ago) the conifer hedge, in addition to further landscaping, was required as a planning condition. Over time this landscaping was removed. Within the 05 application, the hedge was considered to serve as a visual and acoustic barrier between the Paynes Garage site and residential properties on Coventry Road, whilst also contributing to the visual amenities of the area.

Principle

The in-principle acceptability of the development (fence) has already been established through the earlier grant of planning permission (06/00027/FUL).

Flooding and Drainage Function

As discussed above, it is important to note that the existing flooding issue is not a material consideration in the determination of this application, it is however useful to understand the need for the removal of the hedge.

Residential Amenity

Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development ... and also recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Criterion i of 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 conifer hedgerow in question runs for a distance of 134 metres along the northern boundary of the site, and the trees are of a considerable height. The area immediately adjacent to the hedgerow comprises a large car park, which is lit by floodlights.

It is acknowledged that the hedge is well established and in parts the foliage is very thick but in some areas there are gaps.

The Head of Community Services (Pollution Control) has appraised the impact of the removal of the hedge upon the residential amenity of the nearby dwellings.

Light

During the site visit all lights with the potential to impact on nearby residential premises were identified and CCTV was viewed which showed the operation of all lights. One light is situated on the rapid fit building and four on the accident repair centre. Owing to the location, angle and direction of these, it is not considered that light from these would impact on any residential premises. There are four lights on three columns along the full length of the boundary and behind the hedge which face away from the residential premises on Coventry Road. Mitigation is provided by the distance between the lights and the premises and significant foliage within the gardens. It is unlikely that back spill light from these lights would significantly impact on any residential premises. Notwithstanding this, Payne's have indicated that they would be willing to alter the lights should the need arise. Accordingly, in order to ensure that no back spill occurs once the hedge is removed, if this application is approved, a condition will be imposed requiring a lighting scheme (for the lights positioned on the three columns discussed above) to be submitted to and approved by the local planning authority.

Noise and Disturbance

Payne's operates between the hours of 8am and 6pm Monday to Friday and between 8am and 12pm on Saturday. The only evening/night time operation is on the other side of the site away from Coventry Road. The surrounding area is of mixed residential /commercial use with 2 busy roads in the vicinity. Accordingly the general background noise is high.

Payne's use the area nearest to the houses on Coventry Road for both staff parking and vehicle storage. Such activities are not considered to result in a significant amount of noise. The noisier activities within the rapid fit and accident repair buildings have greater separation distance from the houses. The accident repair centre also has very little structural opening in the direction of the houses. A solid 2 metre fence runs adjacent to the hedge and is to remain. This fence will provide a degree of noise mitigation from sources near to it. The Head of Community Services (Pollution Control) confirms that the hedge itself is unlikely to provide significant noise mitigation. Accordingly, given the density and formation of the hedge in question it is not considered that it would provide any significant noise mitigation and thus that its removal is not considered to result in a significant impact from noise on the houses on Coventry Road.

Privacy

Concerns have been raised that the removal of the hedge will enable views into properties along Coventry Road. Owing to the height of the hedge, it does provide a degree of

screening. This said, as the dwellings are in excess of 35 metres from the closest point of the Payne's site, and given that the use of the site in question is not residential; it is not considered that the removal of the hedge will result in any significantly adverse impacts on the privacy of these dwellings.

Other Issues

Issues relating to residential amenity raised within the letters of objection (not discussed above) will be considered below.

Concerns have been raised that if the hedge is removed there will be increased impacts in terms of odour associated with paint spraying. In response to this Head of Community Services (Pollution Control) have clarified that the paint spraying operations on the site are undertaken in booths where the ventilation is filtered and vented into the atmosphere. Furthermore, Payne's hold a Permit under the Environmental Permitting Regulations 2010 which Permits subject to condition the operation of a paint spraying process within the accident repair centre. The Permit is issued subject to conditions which are designed to control impact on the environment from the process. This includes odour. Should issues occur in the future they can be investigated through this regulation regime. If the paint use on site reduced to an amount that meant the operation no longer required a permit or the odour was identified as coming from another location on the site then complaints could be considered under nuisance legislation.

Accordingly, it is not felt that the removal of the trees will lead to a significant impact from odour and thus there will be no adverse impacts on these grounds.

It has been stated that there will be a loss of view if the hedge is removed. Loss of view does not comprise a material planning consideration.

Accordingly it is not considered that the removal of the hedge will result in any significant adverse impacts on the residential amenity of nearby dwellings. Therefore the proposal is considered to be in accordance with criterion i of Policy BE1 of the Local Plan.

Visual Amenity

The hedgerow does add to the visual amenity of the area, in terms of its provision of greenery and screening of this inherently unattractive commercial operation. However as this is an inward looking development which is bounded all sides (aside from south western elevation) by built development, its prominence externally, especially when viewed from the north, is screened by this built development. Accordingly, although the hedgerow in question does screen the development from the dwellings along Coventry Road, on balance its removal would not have an adverse impact on the wider area in terms visual amenity.

Conditions

There were three conditions imposed upon application 06/00027/FUL, including that subject of this application. In accordance with the explanation above, it must be considered whether or not these conditions should be re-imposed.

Condition 1 - Time. This required the development to commence within three years of the date of the decision notice. As the development (erection of a fence) has been fully implemented there is no requirement to re-impose this condition.

Condition 2 - Materials. This stated that the materials of the fence should match the corresponding materials of the existing fence. As the development is complete, there is no requirement to re-impose this condition.

Other Issues

Concerns raised within the letters of representation, not considered elsewhere within the report will be considered below:-

It has been suggested that as the trees take up a lot of water, removing them could increase flood risk. As explained within the introductory paragraph of this appraisal, the only matters that can be taken into consideration in determination of this application are those relating to residential amenity, as this was the justification for imposing the condition.

Conclusion

The removal of condition 3 of application 06/00027/FUL is not considered to result in any materially adverse impact in terms of either visual or residential amenity. Therefore the proposal is in accordance with Saved Policy BE1 (I) of the adopted Hinckley and Bosworth Local Plan.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The removal of the hedgerow in question is not considered to give rise to any materially adverse impacts in terms of either visual or residential amenity. Therefore the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criterion i)

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

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 Prior to the removal of any trees, details of a lighting scheme to limit back spill from the lights positioned on the three columns adjacent to the affected hedge along the northern boundary shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to completion of the felling works hereby approved and shall be retained thereafter.
- 2 Prior to the removal of any trees, a tree removal method statement shall be submitted to and agreed in writing by the local planning authority. The statement shall be implemented as approved and shall include a methodology for the removal of only the trees that can be demonstrated to be affecting the drainage pipe. The statement shall include a programme pre-removal site inspections at regular and applicable intervals.

Reasons:-

- 1 In the interests of residential amenity, to ensure the floodlights do not become a source of nuisance to the residents of adjacent dwellings along Coventry Road. In accordance with Policy BE1 (I) of the Hinckley and Bosworth Local Plan.

- 2 In the interests of residential and visual amenity in accordance with Policy BE1(l) of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 07

Reference: 13/00703/FUL

Applicant: Mr Martin Roe

Location: Land Adj To Market Bosworth Tennis Club Barton Road
Market Bosworth

Proposal: Formation of synthetic turf hockey pitch with associated floodlights, fencing and additional car parking & access

Target Date: 10 December 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the formation of a full size high quality synthetic grass hockey pitch with associated floodlights, fencing and additional car parking and access drive at The Dixie Grammar School Sports Ground off Barton Road, Market Bosworth and adjacent to Market Bosworth Tennis Club.

The proposed synthetic grass hockey pitch measures 101.4 metres in length x 63 metres in width and is orientated from north to south adjacent to the existing sports pitches to the west and the tennis club courts to the south. The proposal includes the erection of rigid panelled mesh security fencing (powder coated in green) around the pitch and its eight storage

recesses at 5 metres in height on the north and south ends (goal elevations) and 3 metres high on the west and east sides.

The proposal includes the erection of 28 x 2 kilowatt metal halide flat glass sports pitch lamps mounted on 8 x 15 metres high base hinged galvanised steel columns. One column at each corner of the proposed pitch with three lamps mounted on each and two additional columns equally spaced on either side of the proposed pitch with four lamps mounted on each to provide satisfactory illumination to be in accordance with England Hockey recommendations. The modern sports light specification proposed directs light downwards to the pitch to minimise light spillage outside the fenced enclosure.

The scheme also includes the construction of 40 additional hard surfaced car parking spaces (including 5 disabled parking spaces) along the west side of the proposed pitch accessed by a new hard surfaced access drive to be constructed from the existing car parking area at the southern end of the site. The car parking and access cover an area of approximately 0.15 hectares.

The supporting documentation indicates that the facility, if approved and constructed, would be available for use not only by the school, but also to the local community during evenings and weekends and whilst the emphasis is on a hockey facility the pitch could also be used for other sports such as football, rugby, tennis, rounders and athletics. The proposed hours of use are between 09.00am and 10.00pm on Mondays to Fridays, 09.00am and 5.00pm on Saturdays, Sundays and Bank Holidays.

The Site and Surrounding Area

The application site measures approximately 0.85 hectares and comprises a part of the large remote sports playing fields used by Dixie Grammar School. It is located in the countryside approximately 0.56 miles (0.9 kilometres) to the north from the centre of Market Bosworth and on the east side of Barton Road. The application site is currently unsuitable for any sport, being an area of longer natural turf. To the immediate west are existing formal natural turf sports pitches and associated apparatus, to the east there is additional longer natural turf areas, to the south lies Market Bosworth Tennis Club pavilion and associated floodlit macadam tennis courts and to the north there is a boundary hedgerow with additional natural turf areas beyond. The wider playing fields site is enclosed by boundary hedgerows to all sides and a line of mature trees along the west boundary adjacent to Barton Road. There is an area of woodland (Old Park Spinney) approximately 80 metres to the south west of the proposed pitch.

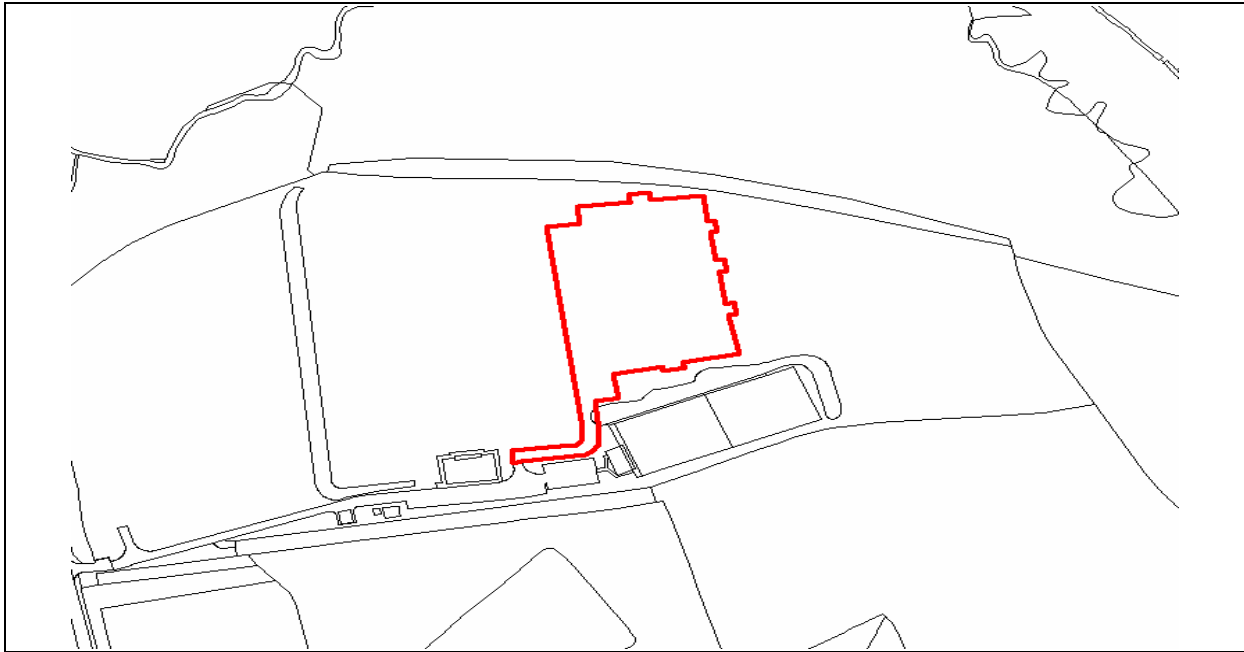
Technical Document submitted with Application

- Design and Access Statement
- Lighting Assessment
- List of Messages of Support.

Amended plans have been submitted to relocate the hockey pitch further to the south, reduce the number of lamps from 28 to 20 in total (one less on each column) and to fit the two lamps on floodlight column 'M1' with additional louvers to further reduce the amount of light spill to the hedgerow to the north boundary of the site. Full re-consultation has been undertaken.

Relevant Planning History:-

| | | | |
|--------------|--|----------|----------|
| 10/00837/FUL | Installation of Additional Floodlighting to Tennis Court | Approved | 18.01.11 |
| 08/01117/FUL | Erection of New Pavilion | Approved | 15.01.09 |

**Consultations:-**

No objection has been received from:-

Environment Agency
Severn Trent Water Limited
Directorate of Chief Executive (Ecology)
Head of Community Services (Pollution Control)
Head of Community Services (Land Drainage).

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

Market Bosworth Parish Council do not object subject to the facility being available for community use.

Carlton Parish Council do not object subject to technical conditions being imposed to ensure that the floodlight system does not give rise to light pollution in this sensitive rural location.

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

Leicestershire Constabulary Crime Reduction Officer
Market Bosworth Neighbourhood Forum
Market Bosworth Tennis Club
Site notice
Press notice.

The consultation period remains open at the time of writing this report and closes on 6 November 2013. Any further consultation responses received will be reported and appraised as a late item.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Strategic Objective 3: Strong and Vibrant Rural Communities

Strategic Objective 7: Healthier and Active Communities

Policy 7: Key Rural Centres

Policy 11: Key Rural Centres Stand Alone (Market Bosworth)

Hinckley and Bosworth Local Plan 2001

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

Policy NE5: Development in the Countryside

Policy REC4: Proposals for Recreational Facilities

Policy BE1: Siting and Design of Development

Policy BE26: Light Pollution

Policy T5: Highway Design and Vehicle Parking Standards

Other Material Evidence Base Guidance

Open Space, Sports and Recreation Facilities Study (PPG17)

Appraisal:-

The main considerations with regards to this application are the principle of development, the layout and design and impact on the character and appearance of the surrounding countryside, ecology, highway issues and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. One of the core planning principles identified in paragraph 17 of the NPPF is to support local strategies to improve health, social and cultural wellbeing for all and to deliver sufficient community facilities and services to meet local needs. Paragraph 73 of the NPPF suggests that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities and should be based on assessments of need. The Council's PPG17 evidence base study identifies a lack of synthetic turf pitches outside the urban areas of the borough, particularly in the north and west and also emphasises the importance of the increased use of school facilities by the community. Policies 7 and 11 of the adopted Core Strategy support initiatives to establish local facilities and address deficiencies on the quality, quantity and accessibility of green space and play provision in Market Bosworth. Policies NE5 (criterion c) and REC4 of the adopted Local Plan allows for the development of sport or recreation facilities in the countryside subject to a number of additional design criteria which will be discussed later in this report.

Notwithstanding the countryside location of the application site it is located within an existing sport and recreation facility owned and operated by the Dixie Grammar School. The wider facility comprises a number of formal natural turf sports pitches and associated apparatus,

enclosed macadam tennis courts and associated pavilion buildings and parking areas together with large areas of undeveloped longer natural turf. Given the existing use of the site for sport and recreation purposes, the provision of a high quality synthetic turf hockey pitch in this location that can also be used for a variety of other sports and in all weathers would significantly enhance the existing sports facility for the school and other schools in Market Bosworth maximising the benefit for children of all ages. The proposal would also reflect the needs of the wider community and provide a facility in an area of the borough where a lack of such provision has been identified by the Council's PPG17 study. The supporting information confirms that as part of the Sport England (part-funding) application for the scheme, community use to a wide range of groups, teams and clubs would be made available throughout evenings and weekends and as such the proposal would contribute to the social role of sustainable development by encouraging healthier communities. The extent of evening use would be dependant on the approval of the proposed low spill sports floodlighting scheme to enable its use in hours of darkness. There are already a number of flood lights positioned around the tennis courts located immediately to the south of the proposed pitch.

The proposed facility would comply with a range of national standards and would contribute to both national and local strategic objectives for healthier communities and meet the objectives contained within Policies 7 and 11 of the adopted Core Strategy. As a result of the existing sport and recreation uses on the site and associated buildings, sports apparatus and flood lighting within it, the provision of a high quality synthetic turf sports facility for use by local schools and the wider community together with associated floodlighting and car parking areas is considered to be acceptable in principle in this case subject to all other material planning matters being satisfactorily addressed.

Layout and Design and Impact upon the Character and Appearance of the Countryside

The proposed pitch and associated parking and access are to be located in an area comprising longer natural turf that is currently unsuitable for formal sports use. The orientation of the pitch north to south and its 'optimum' location adjacent to the existing sports pitches and tennis courts is a result of the school's need to allow sufficient space to the east to develop the remaining area into additional natural turf pitches as part of a phased plan to maximise the space within the playing fields site whilst retaining the continued use of the existing facilities. The proposed pitch is located well within the overall playing fields site in excess of 250 metres from Barton Road to the west and in close proximity to the existing pitches, courts and buildings. Whilst the proposed enclosure fencing is up to 5 metres in height, it is of a mesh design enabling views through it and coated green in colour to assimilate into the landscape. Whilst the proposed access and car parking area would introduce a significant amount of additional hard surfacing to the site (proposed interlocking plastic grid paving with gravel bedding), the level of additional parking is not considered to be excessive in relation to the overall site. As a result of boundary hedgerows and trees, other than the proposed floodlights, the pitch and associated car parking area would not be readily visible or prominent from public areas.

There are existing floodlights around the tennis courts immediately to the south of the proposed hockey pitch mounted on 6 metres high columns that have established the principle of floodlighting within the site. Due to the significantly greater footprint of the hockey pitch the proposed grey galvanised floodlight columns would be much taller at 15 metres in height in order to provide satisfactory light coverage to all areas of the pitch. As a result of their height, the floodlights are likely to be visible from distance, particularly when illuminated during the hours of darkness. No additional landscaping has been proposed as part of the scheme and as it is unlikely that it would have any material screening effect, none has been requested in this case. The modern sports floodlighting specification proposed meets the standard required by England Hockey and is designed to direct light downwards towards the

pitch to minimise vertical (no upward light) and horizontal light spill outside the fenced enclosure. The application is accompanied by a lighting assessment and light spill diagrams to demonstrate that light spill would be confined to the pitch and its immediate environs. The floodlights are a crucial and integral part of the overall scheme as without them the potential use of the facility by the wider community, which supports the justification (and Sport England part-funding) for the proposal, would be significantly reduced.

The floodlights will have some impact on the rural appearance of the landscape as they will be visible from distance although the use of grey galvanised steel will help to reduce their visual impact against the sky and there is good screening from existing trees from the south and west. The floodlights are likely to have greater impact when illuminated during hours of darkness and therefore some control over their hours of use is considered to be reasonable and necessary to make them acceptable in planning terms in this rural location. The hours of use proposed are 9.00am to 10.00pm on Mondays to Fridays and 9.00am to 5.00pm on Saturdays and Sundays and are considered to be reasonable to allow use by the local schools and other organisations. The proposed hours are principally within daylight hours although the use of the floodlights is likely to be required more during the winter months. A condition limiting the use of the floodlights to the proposed hours and requiring them to be turned off when the pitch is not in use is considered to be reasonable in this case to protect the character and appearance of the surrounding rural landscape and minimise any impact.

The proposed high quality sport/recreation facility is considered to be justified in terms of its identified need both to the local schools and to the wider community, would significantly enhance the sports provision of the site and would complement the recreational character of the site. The need for the facility is considered to outweigh any limited adverse impact that the floodlights may have during their use on the appearance of the landscape and as a result of the layout and design of the scheme and the use of sensitive materials and finishes, the proposals are therefore considered to be in general accordance with Policies NE5 (criteria i, ii and iii), REC4 (criterion c), BE1 (criterion a) and BE26 (criteria b and c) of the adopted Local Plan.

Ecology

The Directorate of Chief Executive (Ecology) initially raised objections in respect of the potential impact on wildlife habitat from light spill onto the hedgerow to the north boundary. In order to address this issue and minimise any light spill onto the hedgerow amended plans have been submitted that relocate the proposed pitch 6.5 metres further to the south away from the hedgerow on the north boundary. In addition, the amended proposal reduces the number of lamps to 20 in total, (two lamps on each of the four corner columns and three lamps on each of the four side columns) and includes the fitting of Philips OptiVisor louvers to the two lamps on the nearest column 'M1'. As a result of the submission of the amended plans, lamp details and light spill information and mitigation, the Directorate of Chief Executive (Ecology) no longer raises any objection to the scheme.

As the proposal would not give rise to any adverse impacts on any wildlife habitats it is in accordance with Policy REC4 (criterion g) of the adopted Local Plan.

Accessibility and Highway Issues

The application site is approximately 0.56 miles from the centre of Market Bosworth and therefore somewhat remote in terms of accessibility. Whilst it is within walking and cycling distance of the village, Barton Road is an unlit rural road and therefore the generation of additional vehicular trips is likely. However, the Director of Environment and Transport (Highways) acknowledges that the proposal is unlikely to give rise to a significant increase in vehicular trips and any additional trips generated are likely to be outside peak hours. The

access junction with Barton Road has satisfactory geometry and visibility in both directions and satisfactory parking and turning provision will be provided within the site. The proposal would not therefore give rise to any adverse impact on highway safety and is in accordance with Policies NE5 (criterion iv), REC4 (criterion d), BE1 (criterion g), BE26 (criterion a) and T5 of the adopted Local Plan.

The Director of Environment and Transport (Highways) does not object to the application but recommends a number of conditions relating to the provision and surfacing of the proposed car parking prior to use of the proposed pitch, light sources being shielded from road users, the provision of 10 covered cycle parking spaces and the use of the facility being limited to local schools and groups. The provision and surfacing of the parking area is considered to be reasonable and necessary. However, the floodlights are approximately 250 metres from Barton Road and the submitted information demonstrates that there would be very limited light spill other than in the environs of the pitch, the provision of covered cycle parking spaces (whilst desirable) is not necessary to make the development acceptable in planning terms and a condition that limits the use of the facility to 'local' schools and 'local' groups is imprecise and could not be enforced. These conditions do not meet the tests of conditions in Circular 11/95 and have therefore been omitted.

Other Issues

The site is not within an area identified as having a significant risk of flooding. The proposed facility would connect to an existing system of lateral land drains within the site. In addition, the sub surface construction of unbound stone aggregate within the pitch footprint would create additional attenuation to mitigate any storm water runoff.

The nearest residential dwelling is approximately 400 metres from the proposed floodlights and noise dampening measures are to be incorporated into the design of the pitch enclosure to minimise noise generated by its use. As a result of the separation distances and the use of directional light fittings there would not be any adverse impact on any residential amenity from the use of the facility or from light spill. The scheme is therefore in accordance with Policies REC4 (criterion b), BE1 (criterion i) and BE26 (criterion a) of the adopted Local Plan.

The Design and Access Statement includes reference to messages of support for the project from the Member of Parliament, Local County and borough councillors, local and regional sport officers, local schools and various hockey, football, rugby and netball teams and clubs.

Conclusion

The provision of an additional facility within this established sport and recreation site is acceptable in principle. The main consideration in respect of this application is balancing the need for the proposed facility including the floodlighting and additional parking provision against any impact that the proposals would have on the character and appearance of the surrounding rural landscape. The proposed development would significantly enhance an existing recreational use within the countryside and it is considered that it has been demonstrated that there is sufficient need and community benefit to justify the proposal. There are existing floodlights (albeit of less height) within the site associated with the use of the adjacent tennis courts. Without the proposed floodlights, the facility would not meet the standard that the school requires and the use of the facility would be restricted to daylight hours and therefore there would only be restricted availability to the local community during out-of-school daylight hours. Whilst the use of downward directional floodlights mounted on 15 metres high columns during the hours of darkness would have some impact on the character and appearance of the rural landscape at the times that they are in use, in view of the existing uses and floodlighting on the site any additional impact would be limited and would therefore not detract from the character or appearance of the surrounding rural

landscape to an unacceptable degree. In addition, the layout and design of the scheme is acceptable and the proposals would have no adverse impact on ecology, highway safety, land drainage or residential amenity. The proposals are therefore considered to be in accordance with Policies 7 and 11 and Strategic Objectives 3 and 7 of the adopted Core Strategy, Policies NE5 (criteria i, ii, iii and iv), REC4 (criteria b, c, d and g), BE1 (criteria a, b, c, g and i), BE26 (criteria a, b and c) and T5 of the adopted Local Plan together with overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 6 November 2013 and to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the existing sport and recreation uses on the site and the layout and design of the scheme, the proposals would not have any adverse impact on the character or appearance of the surrounding landscape, ecology, highway safety, land drainage or the amenities of neighbouring properties.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i, ii, iii and iv), REC4 (criteria b, c, d and g), BE1 (criteria a, b, c, g and i), BE26 (criteria a, b and c) and T5.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7 and 11, Strategic Objectives 3 and 7.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan drawing no. NSDGS009d; Block Plan drawing no. NSDGS0011b; Location Plan, Pitch Cross Profile, Front and Side Fencing & Floodlighting Elevations drawing no. NSDGS001e; Drainage Plan drawing no. NSDGS002e; Site Layout Plan drawing no. NSDGS005d; Location Plan, Parking Cross Profile, Parking Space Layout and Parking Space Detail drawing no. NSDGS006d; Lighting Plan drawing no. NSDGS007e; Halliday Lighting Drawing No. E01 and Philips OptiVisor Louver detail received by the local planning authority on 4 October 2013 and Lighting Assessment and Luminaire details received by the local planning authority on 10 September 2013.
- 3 The floodlights hereby permitted shall not be illuminated other than between the hours of 9.00am to 10.00pm on Mondays to Fridays and 9.00am to 5.00pm on Saturdays and Sundays and shall be turned off at all times that the pitch hereby permitted is not in use.
- 4 The two lamps hereby permitted on floodlight column 'M1' shall be fitted with Philips OptiVisor louvers as detailed on the approved Lighting Plan Drawing No. E01 received by the local planning authority on 4 October 2013 and once fitted shall be maintained as such at all times thereafter.

- 5 The access and parking and manoeuvring area hereby permitted shall be provided, marked out and surfaced in accordance with the approved details prior to first use of the development hereby permitted and once provided shall be maintained as such 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 protect the character and appearance of the surrounding landscape to accord with Policies NE5 (criterion i), Policy REC4 (criterion c) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To minimise light spill towards the hedgerow to the north and protect wildlife habitat in accordance with paragraph 109 of the National Planning Policy Framework
- 5 To ensure that there is adequate access, parking and manoeuvring facilities to serve the development in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894

Item: 08
Reference: 13/00794/FUL
Applicant: Mr T Clarke
Location: 26 Main Road Sheepy Magna Atherstone
Proposal: Erection of two dwellings
Target Date: 26 November 2013

Introduction:-

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

Application Proposal

Full planning permission is sought for the subdivision of plot and erection of two dwellings to the rear of Vine Cottage, 26 Main Road, Sheepy Magna.

The proposed dwellings would be two storey detached three bedroom properties linked through a car port.

The dwellings would front towards the west with access to the two dwellings proposed from Brookside Place. The existing boundary fence would be removed and access would be obtained from the existing turning head.

Two parking spaces are proposed for each dwelling.

The Site and Surrounding Area

The site is located to the rear of the property known as Vine Cottage, 26 Main Road, Sheepy Magna and is approximately 0.17 acres in size. The site is located close to the centre of Sheepy Magna and is surrounded by predominantly residential development constructed in the 1960s/1970s. To the south west of the site are a number of garages and a parking area for surrounding dwellings.

The site currently consists of a domestic vegetable patch and whilst the land forms part of the rear garden of Vine Cottage it is separated from the property by a 2.7 metre high close boarded fence. Mature trees and planting surrounds the boundary of the site from the rear of neighbouring residential properties along Highfield Close, Brookside Place and Main Road.

Along the western boundary of the site is a 2.7 metre high close boarded fence which bounds the property from Brookside Place.

The site itself is flat and level; however it is set down from Brookside Place which sits higher than the application site.

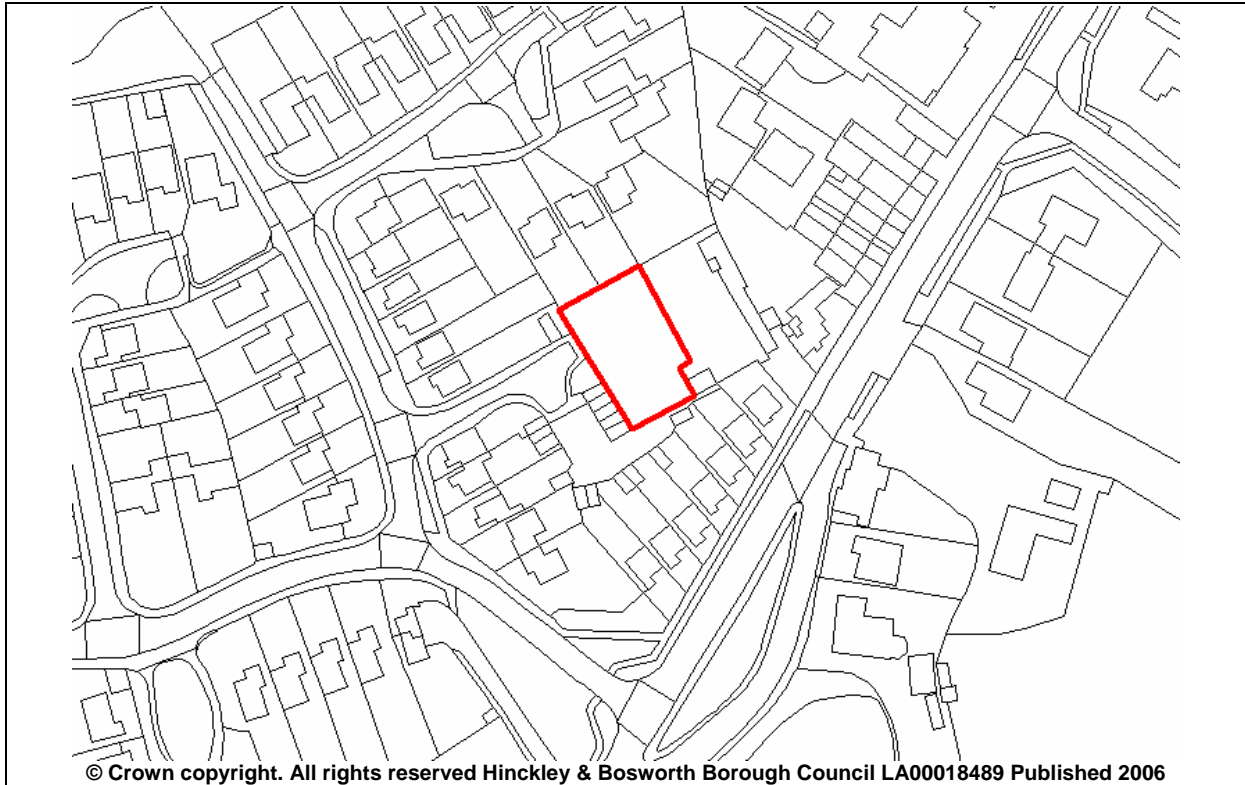
The site is located within the settlement boundary for Sheepy Magna, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

Design and Access Statement
Planning Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection received from:-

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

Fourteen letters of objection have been received from neighbouring residents. Summary of comments received:-

- a) loss of light and overshadowing
- b) overdevelopment and impact to character and appearance of the area
- c) loss of privacy through overlooking
- d) noise and disturbance
- e) flooding and drainage issues
- f) existing parking and access problems
- g) properties will be unaffordable to local people
- h) impact on wildlife
- i) other more suitable brownfield sites in village
- j) local bus service does not run on an hourly basis
- k) proposal is garden grabbing

l) overlooking.

A letter of objection has been received from David Tredinnick MP. Summary of comments:-

- a) unsustainable overdevelopment of garden
- b) loss of biodiversity
- c) impact to amenity
- d) drainage and flooding issues.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages

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)

Appraisal:-

The main considerations in respect of this application are the principle of development, the siting and design of the proposed dwellings and their impact on the character and appearance the area, highway safety and residential amenity.

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Paragraph 53 of the NPPF 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.

Policy 12 of the Core Strategy states that within the defined settlement boundary for rural villages such as Sheepy Magna housing development will be supported. The two dwellings proposed would contribute towards the twenty dwellings identified as a minimum to be

provided on allocated sites within the current plan period. As of 1 April 2013 Sheepy Magna has a residual of 16 dwellings to be provided.

Policy RES5 of the Local Plan 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.

As the site is located within the settlement boundary for Sheepy Magna it is considered that development is acceptable in principle and as such the proposal is supported by Policy 12 of the Core Strategy and Policy RES5 of the Local Plan subject to all other planning matters being appropriately addressed. As the land currently forms part of the garden of Vine Cottage the NPPF considers that development would be inappropriate where it would cause harm to the local area. The suitability of the site for development and an assessment of the impact of the proposal upon the character and appearance of the local area will be considered in the further sections of the report below.

Siting, Design and Impact on the Character and Appearance of the Area

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. Furthermore, Paragraph 53 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.

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to scale, layout, design and materials with landscaping incorporated to a high standard where it would add to the quality of the design and siting of the development.

The proposed dwellings would be set behind and to the rear of Vine Cottage. The dwellings would create a new frontage to Brookside Place by way of them facing into this cul-de-sac.

The scale of the proposed dwellings would be appropriate in relation to the existing surrounding built form which mostly comprises two storey detached dwellings. The introduction of two new dwellings fronting Brookside Place would create a new element and frontage within the streetscene. Given the position of the dwellings set back within the plot it is not considered that they would dominate or appear overly prominent within the streetscene. The dwellings are proposed to be laid out with gardens to the rear backing onto the remaining rear garden of Vine Cottage. The dwelling proposed to the south of the site has been configured with an L-shape footprint joined to the dwelling positioned to the north of the site by an adjoining double car port. It is considered that the dwellings have been positioned and laid out acceptably within the site to provide an active frontage to Brookside Place and to create a useable amount of parking and turning to the front of each dwelling.

The design of the proposed dwellings would be sympathetic to the character of the surrounding area which is mostly comprised of 1960s/1970s style dwellings. The proposed dwellings would be simple and traditional in terms of form and appearance with chimneys, arched windows and cills. The dwellings would be constructed from brick with a plain tile roof. A condition has been imposed requiring material samples prior to the commencement of development to ensure the final details will relate appropriately to the surrounding context. It is therefore considered that the design of the proposal has been considered to reflect and blend in with the character of the surrounding area.

The SPG on New Residential Development states that three bedroom dwellings should be designed to have adequate external private amenity space. The overall size of the garden should be in proportion with the type of garden and general character of the area. The applicant has demonstrated that each dwelling would achieve in excess of the minimum required standard as set out in the SPG. The external amenity space proposed is in general accordance with the size and proportion of other dwellings within the surrounding area.

Overall it is not considered that the siting, design, form and layout of the proposal would visually conflict or harm the character of the surrounding area. The proposal is therefore considered to be in accordance with Policy BE1 (criterion a) of the Local Plan and Paragraphs 53, 56 and 58 of the NPPF.

Impact on Residential Amenity

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

The SPG on New Residential Development states that where a window of a habitable room faces the blank wall of an adjacent dwelling the normal distance between each dwelling should be 14 metres. In this instance the blank side elevation of Plot 1 would face the rear elevation of dwellings along Highfield Close; however the distance between the proposed dwelling and these properties would be 16 metres which would be in excess of the guidance.

Plot 2 sits in an L-shaped configuration and at the first floor level windows are proposed which serve habitable rooms including a bedroom. Windows serving non-habitable rooms such as a bathroom and landing are also proposed to the first floor. Directly to the south are the rear elevations of properties No. 30, 32, 34, 36 and 38 Main Road. The SPG states that where a principal window of a habitable room faces a similar window of a neighbouring dwelling, the distance between them should be a minimum of 25 metres. In this instance the distance between the windows serving non-habitable rooms (bathroom and landing) and thus this standard does not apply. This said, the separation distance would be from the rear elevation of No. 32 would be 21 metres. The distance of the proposed window serving the habitable room (bedroom) from the rear elevation of No. 32 would be 25 metres and 27 metres from No. 34 which would meet the guidance as set out in the SPG and therefore it is not considered that a significantly harmful impact would occur from overlooking.

The rear elevation of both the proposed dwellings would back onto the rear elevation of Vine Cottage. The rear elevations of both dwellings at the first floor level contain windows serving habitable rooms such as bedrooms. As such the standard as set out in the SPG is relevant. The distance between the rear elevation of Plot 1 would be 25 metres however the rear elevation of Plot 2 would be 23 metres from the rear elevation of Vine Cottage which would fall short by 2 metres the recommended distance as set out in the guidance. Whilst a minimum of 25 metres would be the ideal minimum amount in this instance a deficiency of 2 metres is not considered to be significantly detrimental and nor would it cause a significantly harmful impact to the amenity of either property.

Concern has been raised by neighbouring residents in terms of the potential for overshadowing and loss of light to gardens that adjoin the site both along Highfield Close and Main Road. Whilst it is accepted that the introduction of two storey dwellings in this location would result in the loss of some light to the rear gardens of properties, especially those that sit north of the site along Highfield Close, it is not considered that light would be lost at all times of the day during the summer months that would lead to the proposal causing a harmful impact that would render the proposal unacceptable to such a degree where it would cause significant harm to the amenity of those residential properties.

For the reasons set out above it is not considered that the proposal would have an adverse impact on residential amenity and as is considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. The Highway Authority has raised no objection to the proposal. An existing street lamp will need to be relocated to access the proposed development. Both dwellings are proposed to have two parking spaces which is considered to be acceptable in relation to the adopted parking standards. There is sufficient turning and manoeuvring space within the site to enable vehicles to enter and leave the site in a forward gear.

Concern has been raised by neighbouring residents in relation to parking issues along Brookside Place and access to the existing garages. Due to sufficient parking (two spaces per dwelling) being proposed within the site to serve the dwellings it is therefore considered that the proposal would not impact upon highway safety or the satisfactory functioning of the local highway network and is in accordance with Policy T5 of the 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 Brookside Place 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, Sheepy Magna was found to have sufficient areas of equipped open space (-0.04 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 Brookside Place a quality score of only 38.9%. 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 £2,501.60 and would be used towards the provision of new play equipment to improve the overall 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. The applicant is in the process of completing a Unilateral Undertaking to enable contributions to be secured.

Other Matters

Concern has been raised by local residents and the MP in terms of flood and drainage issues on the site and within the surrounding area. No objection has been raised to the proposal by the Head of Community Services (Land Drainage) and therefore it is not considered that the proposal would exacerbate any existing problems in respect of drainage or flooding.

Conclusion

In conclusion, the principle of development has been demonstrated to be in compliance with the adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework. As a result of the siting, scale and design of the dwellings it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site or the surrounding area. The proposal would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network. The proposal would be sufficient distance from neighbouring residential properties to not have a detrimental impact upon residential amenity and an obligation is in the process of being secured for open space. The proposals are therefore in accordance with adopted Core Strategy Policy 12 and Local Plan Policies RES5 BE1 (criterion a and i) and T5 together with the overarching principles of the NPPF and therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Local Plan 2006 - 2026: Core Strategy (2009):- Policy 12.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, BE1 (criteria a and i), T5 and REC3.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the submitted applications details, as follows: Site Location Plan (1:1250), Dwg No. VCOT.BLK.008 Block Plan (1:200), Dwg No. VCOT.PRE.005 Rev B and Dwg No. VCOT.PRE.006 Rev A Proposed Elevations (1:100), Dwg No. VCOT.GFP.002 Rev A and Dwg No. VCOT.FFP.003 Rev A Proposed Floor Plans (1:100) and Dwg No. VCOT.SEC.007 Proposed Sections (1:100) received by the Local Planning Authority received 1 October 2013.
- 3 Prior to the commencement of development, details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 4 Prior to the commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details should include:-

- Means of enclosure and boundary treatments
- Hard surfacing materials
- Schedules of plants, species, sizes, planting plans and densities; and
- An implementation programme.

- 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 Prior to the first occupation of any dwelling hereby permitted the access shall be provided and surfaced with tarmacadam, concrete or other similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.
- 7 Prior to the first occupation of any dwelling hereby permitted the car parking and turning facilities shall be provided and shall thereafter be permanently retained available for this purpose.

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.
- 4&5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that adequate off-street parking provision is made available in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Simon Atha Ext 5919

Item: 09
Reference: 13/00804/OUT
Applicant: Mr John Spencer
Location: Land Rear Of 141 To 151 Station Road Ratby
Proposal: Erection of three dwellings (outline - access only)
Target Date: 3 December 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of local ward member Councillor O'Shea.

Application Proposal

Outline planning permission is sought for the erection of three dwellings on land to the rear of Nos.141-151 Station Road, Ratby. The application seeks approval of access only at this stage with all other matters reserved.

The indicative plans submitted show two semi-detached dwellings and one detached dwelling facing south with rear gardens to the north.

Vehicle access is proposed via an existing driveway from Station Road adjacent to No.151 and No.153 and pedestrian and cycle access is proposed between No.139 and No.141 Station Road.

Two parking spaces are proposed for each dwelling.

The Site and Surrounding Area

The site is located to the rear of Nos.141-151 Station Road and is approximately 0.13 hectares in size. The site is currently overgrown and vacant.

The site is bounded to the north by residential development at Centurion Court, to the east is the rear garden of No. 153 Station Road, to the south are the rear gardens of Nos.141-151 Station Road and to the west is the rear garden of No.139 Station Road.

The site is flat and level.

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

Technical Documents submitted with application

Design and Access Statement
Planning Statement.

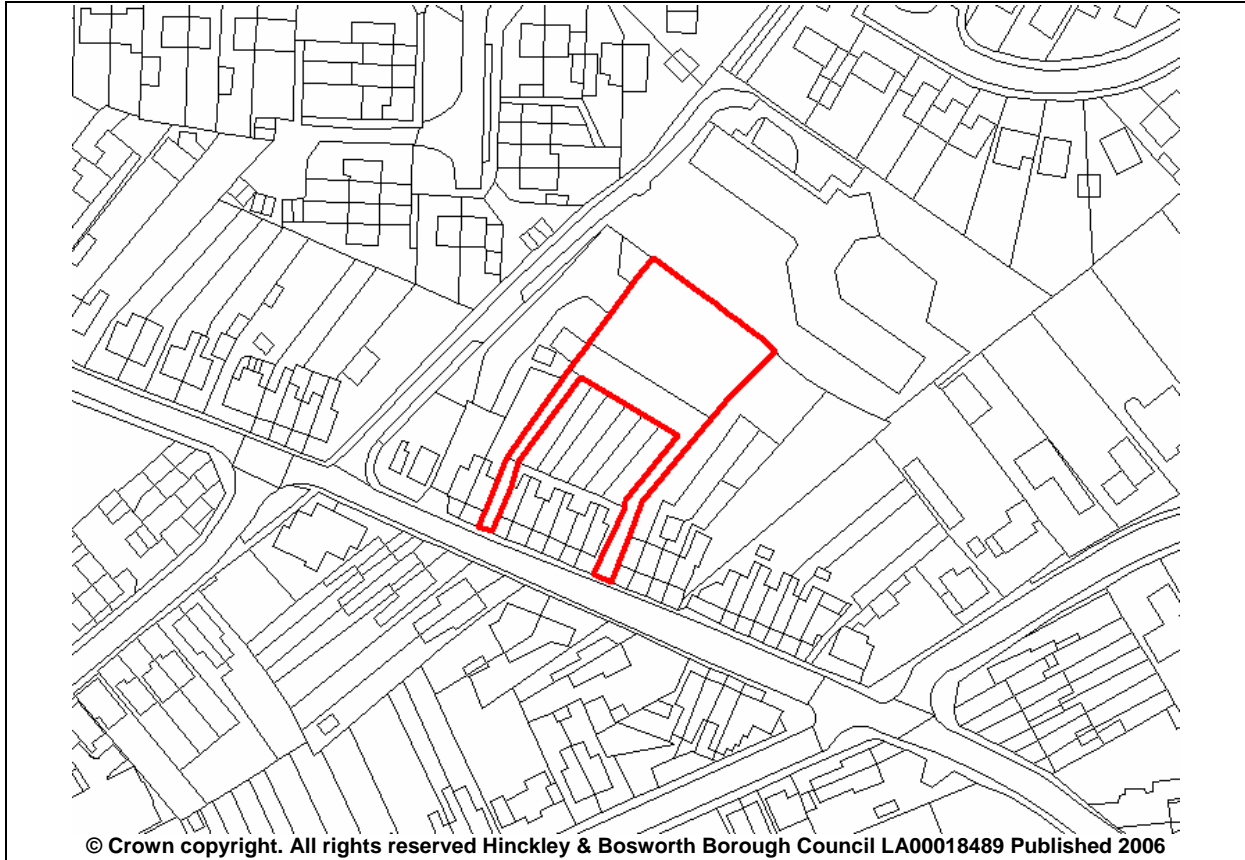
Relevant Planning History:-

03/00996/COU

Change of Use of Garden Land
to Private Car Park and Creation
of Vehicular Access.

Refused

13.10.13



Consultations:-

No objection received from:-

Head of Community Services (Land Drainage)

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

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

No comments received from Severn Trent Water and the Director of Environment and Transport (Highways). Any additional comments received will be reported as a late item.

Ratby Parish Council object to the proposal as it considers it to be garden grabbing and would mean at least 5 cars leaving the site entrance. In addition, it considers that Ratby has already over achieved its housing target.

Three letters of objection has been received from neighbouring residents on the following grounds:-

- a) Problems for existing residents being able to park at the rear of properties
- b) Portion of garden would be lost.

The application has been called into Planning Committee by ward member Cllr O'shea on grounds that the dwellings are proposed in the rear gardens of No.141 -151 Station Road which constitutes garden grabbing and that Ratby has exceeded its housing allocation and as such no further housing is required.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres

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)

Appraisal:-

This outline application seeks approval of access only at this stage with all other matters being reserved, however an indicative plan illustrating siting and scale parameters has been submitted. The main considerations with regards to this application are therefore the principle of development, access and impact on highway safety and impact on the amenities of neighbouring properties. However impacts on the character of the surrounding area, and the proposed design will also be discussed, along with other issues.

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Paragraph 53 of the NPPF 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. Development of residential gardens would therefore only be unacceptable where it would harm the character and appearance of the area. This is considered further in the section below.

Policy 8 of the Core Strategy states that within the defined settlement boundary for key rural centres such as Ratby housing development will be supported. Whilst the residual requirement of 75 dwellings has now been met for Ratby this figure is a minimum and it is

considered that this windfall site for the three dwellings proposed would contribute towards ensuring this figure is achieved and delivered over the plan period.

Policy RES5 of the Local Plan 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.

As the site is located within the settlement boundary for Ratby it is considered that development is acceptable in principle and supported by the NPPF, Policy 8 of the Core Strategy and Policy RES5 of the Local Plan subject to all other planning matters being appropriately addressed.

Siting, Design and Impact on the Character and Appearance of the Area

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. Furthermore, Paragraph 53 of the NPPF 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.

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to scale, layout, design and materials with landscaping incorporated to a high standard where it would add to the quality of the design and siting of the development.

In addition the Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents, protects the amenity of existing occupiers and is locally distinctive in its appearance.

The immediate area is characterised predominantly by two storey dwellings, which occupy linear front and rear building lines, with plots of a similar size, with similar footprints. The properties directly fronting Station Road are terraced interspersed with some semi-detached properties. The exception to this pattern is the application site, which is set behind the existing dwellings fronting Station Road. The site is large enough to accommodate three dwellings with an appropriate amount of external amenity space to the rear of the dwellings for the size of the properties.

The site is currently overgrown and is separated from the rear gardens of properties along Station Road by a close boarded fence. It does currently form part of the domestic gardens of these properties. Historically however the land may have formed part of the rear gardens of these properties but appears to have been subsequently sold off as a separate parcel of land. Therefore the proposal would constitute a back land form of development. In this instance however it is not considered that the proposal would cause harm to the character and appearance of the surrounding area given the mixed form and pattern of development that exists within the immediate and wider area. Such developments often can form part of the usual pattern and form of development that exists within built up areas. As such as the land is not considered to be a domestic garden it is not considered that the proposal represents 'garden grabbing' or an inappropriate form of development that would cause harm to the local area and as such it is not considered to be contrary to Paragraph 53 of the NPPF.

The scale of the dwellings as indicated by the submitted plans would be two storey. The detached dwelling is indicated to be a three bedroom dwelling and the two semi-detached properties are indicated to be two bedroom properties. Further consideration of the design, scale, form and layout of the dwellings will be considered at the reserved matters stage.

From the indicative plans submitted it is not considered that the siting, design, form and layout of the proposal would visually conflict or harm the character of the surrounding area. The proposal is therefore considered to be in accordance with Policy BE1 (criterion a) of the Local Plan and Paragraphs 56 and 58 of the NPPF.

Impact on Residential Amenity

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

The SPG states that where a principal window of a habitable room faces a similar window of a neighbouring dwelling, the distance between them should be a minimum of 25 metres. In this instance the distance between the windows serving indicated habitable rooms on the front elevation of the dwellings shown on the submitted indicative plans from windows on the rear elevations of properties along Station Road would be approximately 40 metres and would therefore exceed the guidance as set out in the SPG.

It is considered that with appropriate siting and design the dwellings as shown on the indicative plans would not cause overlooking or overshadowing of the neighbouring properties.

The proposed access for pedestrians and cycles adjacent to No. 141 Station would be situated through the rear garden of this property. As a result there may be a loss of privacy. As the proposed vehicular access adjacent to No. 151 is capable of taking all traffic including pedestrians and cyclists it is not considered that an additional access is necessary. Therefore the applicant has amended the site plan to remove this access from the proposal.

It is not considered that the proposal would have an adverse impact on residential amenity from the details as shown on the indicative plan however full consideration of any impact will be assessed at the reserved matters stage. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. The applicant has submitted a plan to demonstrate that the required visibility splay from the proposed vehicle access can be obtained. The indicative layout suggests that the dwellings would have a minimum of two parking spaces each which is considered to be acceptable in relation to the adopted parking standards. There is sufficient turning and manoeuvring space within the site to enable vehicles to enter and leave the site in a forward gear. The Highway Authority has raised no objection to the proposed and therefore it is not considered to have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network and is in accordance with Policy T5 of the Local Plan.

Open Space

Policy REC3 of the adopted Local Plan and the Play and Open Space SPD requires 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 Ferndale Park

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, Ratby was found to have sufficient areas of equipped open space (-0.22 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 Ferndale Park a quality score of only 55.6%. 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 £3,752.40 and would be used towards the provision of new play equipment to improve the overall quality of the site and to mitigate the impact of the additional dwellings 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. The applicant is in the process of completing a Unilateral Undertaking to enable contributions to be secured.

Other Matters

The Head of Community Services (Pollution Control) has stated that a former landfill site is located adjacent to the site and therefore has recommended conditions in respect of the requirement for a land contamination survey to be carried out prior to the commencement of development and if any contaminants are found during development that a scheme for the remediation of such contamination shall take place. It is considered that these conditions are reasonable and appropriate to safeguard future residents from possible harm arising out of contaminated land.

Conclusion

In conclusion, the proposed dwellings would be located within the settlement boundary of Ratby, where there is a presumption in favour of development subject to other material considerations. The development would not give rise to any significant material impacts in terms of highway safety and the indicative plans in principle illustrate that a dwelling could be accommodated on the plot without having any significant material impacts on residential amenity or the character of the street scene. Therefore the proposal is considered to comply with the overarching intentions of the NPPF, Policy 8 of the Core Strategy and Policies BE1 (criterion a and i), RES5 and T5 of the adopted Local Plan.

The application is recommended for approval, subject to the imposition of planning conditions and the completed Unilateral Undertaking to secure the Play and Open Space contribution.

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 Manager shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 3 December 2013 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Local Plan 2006 - 2026: Core Strategy (2009):- Policy 8.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, BE1 (criteria a and i), T5 and REC3.

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

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

The development shall be implemented in accordance with the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg No. R-01 Site Location Plan 1:1250 received 8 October 2013.
- 4 Prior to the commencement of development, details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 5 A minimum of two car parking spaces and appropriate turning facilities shall be provided within the curtilage of the dwelling prior to first occupation and shall thereafter permanently remain available for such use unless otherwise agreed 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 access.

- 7 Prior to the commencement of development a scheme for the investigation of any potential land contamination on the site should be 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.
- 8 If during the course of 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 contamination shall be dealt with. Remediation works should be carried out prior to first occupation of any dwelling.
- 9 No development shall commence until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works approved shall be carried out prior to the first occupation of any dwelling.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway in 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.
- 7-9 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the Local Plan.

Notes to Applicant:-

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

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

Contact Officer:- Simon Atha Ext 5919

Item: 10

Reference: 13/00813/FUL

Applicant: Mr D Tallis

Location: Land South Of Hinckley Lane Higham On The Hill

Proposal: Erection of an agricultural building

Target Date: 26 November 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 erection of an agricultural building located to the south of Hinckley Lane, Higham on the Hill. The building is required for the storage of hay bales.

The proposed building would have a gross floor space of approximately 595 square metres and would be approximately 24.4 metres in length by 24.4 metres in width. The height of the building would be approximately 10.9 metres in height with a dual pitched roof. The building would be constructed from box profile steel and clad in sheeting to the upper sides and roof. The building would be open at the front and rear.

The proposed building would be erected on an existing area of hardstanding.

The Site and Surrounding Area

The site is located to the south of Hinckley Lane, approximately 1.1 km to the east of the village of Higham on the Hill. The site is located within the countryside.

The site consists of an area of hardstanding with a hardcore track linking it to the existing gated field access from Hinckley Lane.

The site is bounded to the north a belt of mature landscaping in the form of trees and a hedgerow. To the east, south and west are open fields bounded by mature hedgerows.

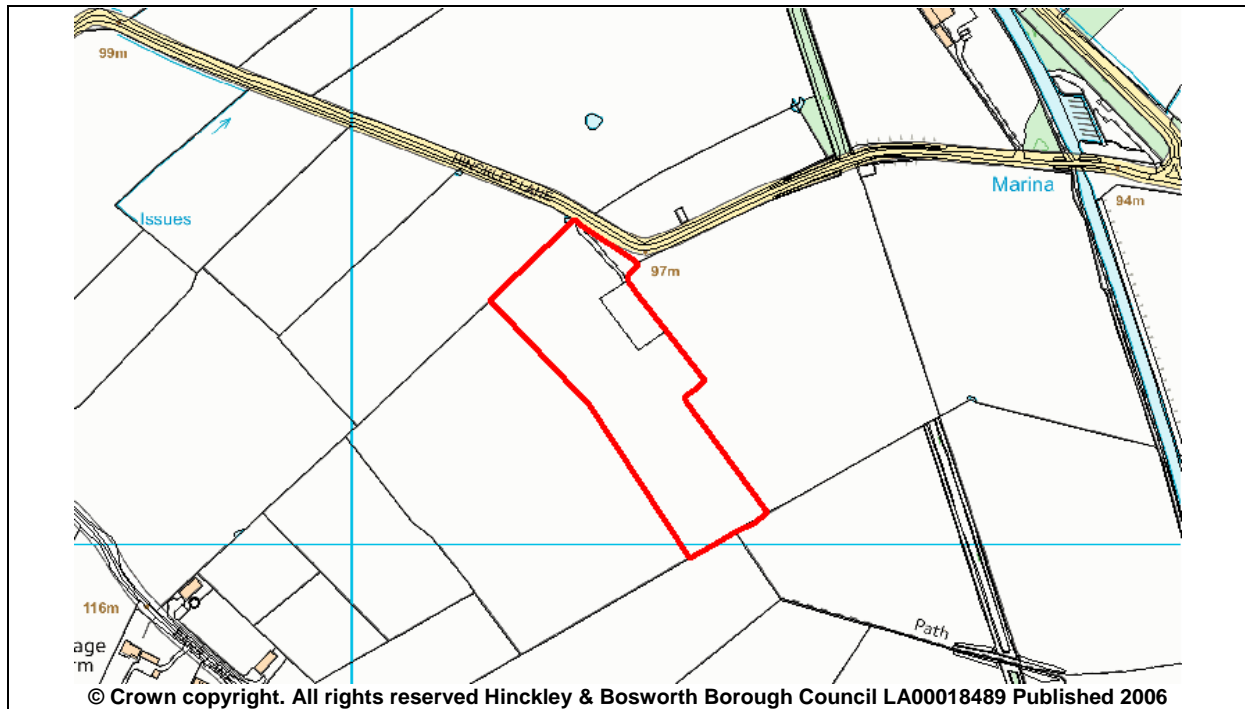
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement.

Relevant Planning History:-

None relevant.



Consultations:-

A site notice was displayed and no representations have been received.

No objections have been received from:-

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

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 Supplementary Planning Guidance (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 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 building is to provide general purpose agricultural storage for the storage of hay bales which is an appropriate and justifiable agricultural use 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 would be located within the countryside but close to existing landscape features such as the existing mature hedgerow and trees to the north of the site which would soften the impact of the building within its landscape setting. The building would be of an appropriate design in relation to its agricultural purpose and is typical of the form and design of modern agricultural buildings. It is therefore considered that the proposal would be appropriate and unlikely to have a significant detrimental impact upon 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. There are no neighbouring properties within the immediate vicinity of the site which could be impacted by the proposed 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. The Highway Authority has raised no objection to the proposal and therefore it is not considered that the building would not have a detrimental impact upon highway safety or the

satisfactory functioning of the local highway network and is in accordance with Policy NE5 (criterion iv) and T5 of the adopted Local Plan.

Other Matters

The site is located within the consultation zone of a National Grid transmission gas pipeline which runs to the east of the site. National Grid has raised no objection to the proposal.

Conclusion

The NPPF supports the development of agricultural businesses and as such a functional agricultural building 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 to be acceptable 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 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. 7059-01a Site Location Plan 1:5000, Block Plan 1:1250, Proposed Elevations 1:200 and Floor Plan 1:200 received by the Local Planning Authority on 1 October 2013.
- 3 The development shall be constructed in accordance with the material details shown on section 9 of the application form.

Reasons:-

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

- 3 To ensure 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.
- 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: 13/00835/HOU

Applicant: Mr S Dempsey

Location: 49 Stamford Drive Groby Leicester

Proposal: Extensions and alterations to dwelling

Target Date: 28 November 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.

The previous application (13/00579/HOU) was withdrawn due to inconsistencies with the plans. This has now been addressed through this submission and a full consultation has taken place again via letters and a site notice to neighbouring properties.

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.

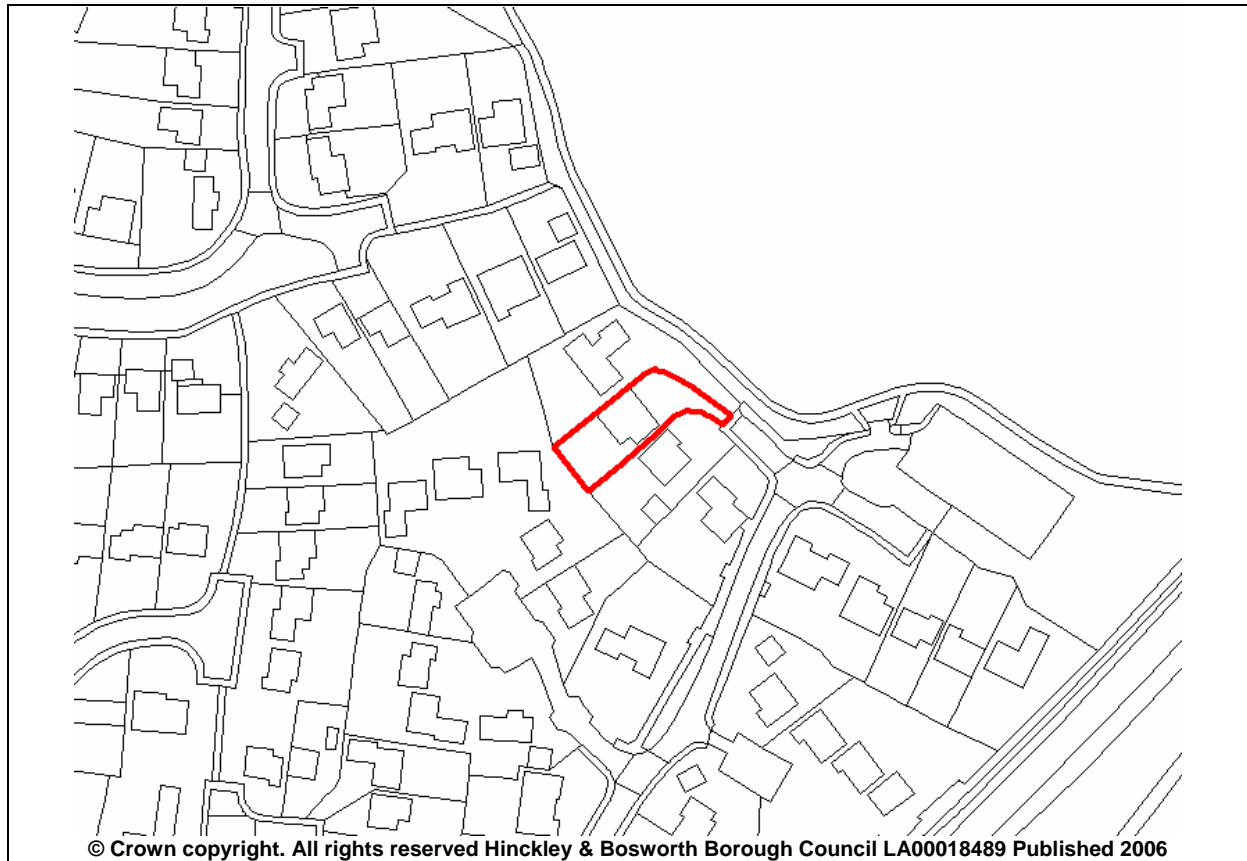
The property is accessed off a private drive and is bounded to the front by a tall conifer hedge. Located opposite the dwelling is a large public open space. To the front of the dwelling is sufficient parking for three vehicles.

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 roof slope.

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 |
| 13/00579/HOU | Extensions and Alterations to Dwelling. | Withdrawn | 11.09.13 |



Consultations:-

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

A site notice was displayed and neighbours notified.

One letter of objection has been received from a neighbouring property. Summary of comments received:-

- a) proposal will impact upon character and appearance of the property and area
- b) a new roof will be required that would be at a higher angle to provide useable headroom
- c) proposal will have a dominating effect on neighbouring houses
- d) loss of signal to satellite dish
- e) noise and parking of contractors vehicles during works.

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 applicant has indicated on the elevations and submitted street scene elevation that the existing chimney stack to the front roof slope of the dwelling will need to be raised by 0.6 metre to comply with Building Regulations. This is not considered to be visually harmful to the overall appearance of the property. 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.

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. 07052-08C Proposed Elevations and Floor Plans received by the Local Planning Authority 25 July 2013 and Dwg No. 07052-09C Proposed Street Scene Elevation received by the Local Planning Authority 3 October 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.
- 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: 12

Reference: 13/00862/C

Applicant: Leicestershire County Council

Location: 42 Ashby Road Hinckley

Proposal: Outline application (access only) for residential development, including the importation of material and in - fill engineering works to former clay pit to enable residential development - Land rear of 42, Ashby Road (County Council Identity Number: 2013/CM/0299/LCC)

Target Date: 25 October 2013

Introduction:-

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

Application Proposal

This is an application submitted to Leicestershire County Council on which the Borough Council is a consultee.

Outline planning permission is sought, with means of access, for importation of material and in-fill engineering works to the former clay pit to enable residential development. With the exception of access all other matters are reserved.

The applicant has presented an indicative scheme of up to 60 dwellings, with open space and a swale indicated to the east of the site.

Vehicular access is proposed from a 5.5 metre wide adoptable highway through No. 42 Ashby Road with a pedestrian and cycle access link adjacent to 78 Ashby Road.

The Site and Surrounding Area

The application consists of the former No. 42 Ashby Road (dwelling now demolished) and land to the rear comprising of the former clay pit known locally as 'The Big Pit'.

The total area of the site is 2.2 hectares.

The site is bounded to the north by the ASDA supermarket. To the west are the rear gardens of properties along Ashby Road. To the east the site is bounded by a public footpath. To the south is the Ashby Road Cemetery.

The site features mature landscaping/scrub within the site and around the boundaries of the site to the north, east, south and west.

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

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Air Quality Assessment not dated
Noise Impact Assessment dated May 2010
Engineering Methodology dated July 2013
Flood Risk Assessment dated January 2010
Transport Statement dated 24 August 2009
Tier 1 Contamination Assessment
Tree Survey dated 9 September 2009

Process

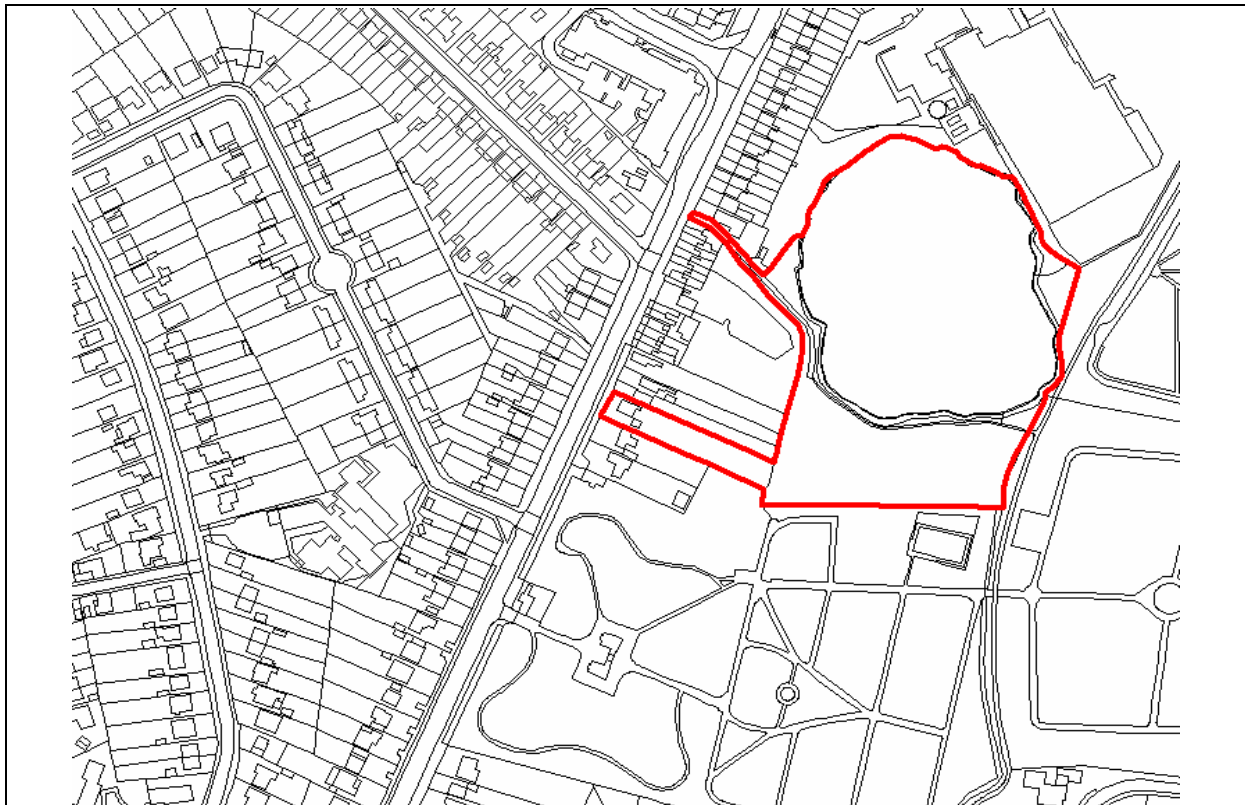
By necessity, the proposal would require significant infilling operations to facilitate future residential and associated development, involving the importation of large quantities of materials to the site. As such the proposed operations constitute a waste disposal operation, for which consent is required from the relevant waste planning authority (Leicestershire County Council).

This position is set out in The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 and PPS10: Planning for Sustainable Waste Management which state that the use of land, the carrying out of building, engineering or other operations, or the erection of plant and machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste are county matters.

This has been reinforced by case law specifically through R v Berkshire C.C., ex-parte Wokingham D.C. 2/7/96 where the Court of Appeal held that where the scheme contained a substantial element that was a county matter, this determined the overall nature of the application. As the most substantial element of the proposal is the filling of the former clay pit the application is therefore a county matter whereby Leicestershire County Council are the determining planning authority. The Borough Council is a consultee and the County Council requests the observations of the Borough Council on the application.

Relevant Planning History:-

| | | | |
|---------------|---|-------------------|----------|
| 05/00684/OUT | Residential development | Allowed on Appeal | 30.01.07 |
| 09/00778/EXT | Extension of time to 05/00684/OUT | Approved | 11.01.10 |
| 12/00950/EXT | Extension of time to 09/00778/EXT | Approved | 17.07.13 |
| 12/00885/GDOD | Demolition of detached dwelling and garage. | Approved | 09.11.12 |



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Consultations:-

Leicestershire County Council as the determining planning authority have consulted statutory consultees who will be responding directly to the County Council.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
Planning Policy Statement 10: Planning for Sustainable Waste Management 2011.

Leicestershire & Leicester Waste Development Framework: Core Strategy & Development Control Policies 2009

Policy WCS1: Waste Management Capacity
Policy WCS3: Non-Strategic Waste Sites
Policy WCS4: Strategy for Location of Waste Sites
Policy WCS8: Strategy for Inert Waste Landfill
Policy WCS10: Environmental Protection
Policy WCS14: Transportation of Waste
Policy WDC8: Health and Amenity
Policy WDC9: Cumulative Impact
Policy WDC10: Transportation of Waste
Policy WDC12: The Water Environment
Policy WDC18: Planning Obligations

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
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
Policy NE12: Landscaping Schemes
Policy NE13: The Effects of Development on Natural Watercourses
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy NE17: The Protection of the Water Environment from the Development of Contaminated Land

Supplementary Planning Guidance/Documents

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

Appraisal:-

On the basis of the hybrid nature of this application the Borough Council are responding on the principle of residential development, the siting and design of the proposed dwellings and their impact on the character and appearance the area, highway safety concerns and residential amenity.

Principle of residential development

The applicant's Design, Access and Planning Statement makes reference to the previous appeal decision issued in July 2007 and states that the principle of development has been established on the site. The appeal decision makes references to the 'pit' as being separate from the appeal site itself, albeit adjacent and assessed for the purposes of referring to the context of its existence. The site that was subject to the appeal which was allowed and subsequently granted an extension of time in 2010 (12/00950/EXT) and 2013 (12/00950/EXT) pertained to development of the southern part of the site and excluded the pit itself. Therefore consideration to filling in the pit and the principle of residential development of the whole site has yet to be established.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Policy 1 of the Hinckley & Bosworth Core Strategy states that within Hinckley land will be allocated for the development of a minimum of 1120 dwellings. As of April 2013 Hinckley has

a residual housing requirement of 958 dwellings to be delivered over the current plan period. Policy RES5 of the Local Plan 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.

Furthermore Paragraph 17 of the NPPF states that one of the core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield) providing that it is not of high environmental value.

As the site is located within the settlement boundary for Hinckley on it is considered that residential development is acceptable in principle and is supported by the NPPF, Policy 1 of the Core Strategy and Policy RES5 of the Local Plan subject to all other planning matters being appropriately addressed.

Layout, Siting and Design

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

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to scale, layout, design and materials with landscaping incorporated to a high standard where it would add to the quality of the design and siting of the development.

Policy 16 of the Hinckley & Bosworth Core Strategy states that on sites of ten or more dwellings a mix of housing types and tenures is required. Furthermore proposals for new residential development will be required to achieve a minimum net density of 40 dwellings per hectare within Hinckley unless individual site characteristics justify that a lower density may be acceptable. Whilst the number of dwellings proposed is only indicative at this stage, the applicant has suggested that this could be a maximum of 60. This would be below 40 dwellings per hectare and as no justification has been provided as to why this could not be achieved on this site the proposal would therefore be contrary to Policy 16 of the Core Strategy as it would not represent the best use of available land. The mix of housing types and tenures has not been indicated at this stage and it is expected that this would be considered and assessed should a subsequent reserved matters application be forthcoming.

Policy 24 of the Hinckley & Bosworth Core Strategy states that within Hinckley all development should meet Code for Sustainable Homes Level 4, unless it would make the development unviable. On the basis that no viability statement has been submitted a condition requiring dwellings to achieve the required code level should be applied.

An indicative plan has been submitted to show the areas of the site proposed for residential development, open space, circulation spaces and focal points. As this is an outline application layout will be considered at the reserved matters stage.

The applicant's supporting Design, Access and Planning Statement suggests that the height and scale of proposed dwellings would be two storey dwellings with two and a half storey dwellings at key focal points and three storey apartment blocks if the demand exists. This would be assessed further at the reserved matters stage but the scale of development proposed would generally be in accordance with the scale of dwellings and buildings within the immediate surrounding area.

Impact on Residential Amenity

Policy BE1 (criterion i) of the Local Plan states that development should not adversely affect the occupiers of neighbouring properties. This has been considered below in the context of the supporting documentation in terms of impacts from pollution, noise, air quality and disturbance to the living conditions of the occupiers of neighbouring residential properties from the filling in of the pit.

The Head of Community Services (Pollution) has assessed the submitted supporting documentation in the form of a Noise Impact Assessment, Air Quality Impact Assessment and Tier 1 Contamination Assessment and is preparing a formal response to Leicestershire County Council. On the whole the response identifies that several reports have been prepared over a long period of time and appear to contain some conflicting information. The Noise Impact Assessment in particular requires some revision to reflect the updated information provided in the later documents.

The length of time to complete the development is given as approximately four years with the initial filling operation lasting for one year. The Addendum to the Transport Statement states that 'the source of the fill is not yet known'. Research should be performed into the availability of the fill materials in the current economic climate. This directly influences the timescale of the development and the impact of the proposed use upon surrounding residential properties. Specific details are not given regarding the nature of the proposed fill material(s). The nature of the material used to fill the pit will have implications for the types of plant, machinery and operations on the site.

A summary of the inadequacies identified is outlined below.

Noise

The submitted Noise Impact Assessment (May 2010) and Engineering Method Statement (July 2013) contain conflicting information. The Noise Impact Assessment should be updated to reflect the updated plant and equipment, working times that are set out in the Engineering Method Statement.

For the construction/fill phase the Best Practicable Means to minimise noise and vibration in accordance with S72 of the Control of Pollution Act 1974 should be used at all times.

For the construction phase of the development the recommendations for the control of noise and vibration on construction and open sites in the approved code of practice BS 5228 should be adopted.

There are no specific details of noise or vibration control. The following should be covered within the Noise Impact Assessment:-

- a) operations and proposed mitigation e.g. deliveries within working hours, any screening, low noise plant, reversing alarms etc
- b) monitoring proposals and methodology
- c) details of proposals for public liaison/information, copies of letters to residents including contact numbers to be called in the event of complaints
- d) a detailed complaints procedure.

At section 4.4 a more detailed explanation of the calculations carried out to model noise impacts outside the nearest dwellings should be provided including any inputs, results and any assumptions made, including the location of haul roads.

At section 4.7 a 55dB LAeq,1hr should be applied to the site as set out in BS 5228:2009 which states that where construction activities involving large scale and long-term earth moving activities are likely to occur for a period in excess of six months this level should be used. The Engineering Method Statement states that a 55dB limit will be achieved however, the Noise Impact Assessment should be updated to reflect the additional plant and equipment stated in that report and to justify the prediction. The report also states preferable working times which should be adopted for the site.

At section 5.0 the suitability of the monitoring sites requires further investigation. In particular the automated data logging noise measurements that were carried out at location 4 do not adequately investigate the impact of the adjacent ASDA supermarket on the end users of the proposed residential development.

At section 5.4 to 5.8 the additional noise measurements carried out at location 1 adjacent to ASDA on 19 August were off too limited a time period and so can not be considered as representative of the activity of the supermarket. Consideration should be given to seasonal changes in operations at the supermarket. Furthermore it is stated that service yard activities are restricted by condition to between 07:00 and 20:00. Following planning application 12/00878/CONDIT allowed on appeal, which sought to vary the opening hours to 22:00, the statement that there are no service yard activities in the late evening or at night is incorrect. Some of the building services at the supermarket are located at a high level. A barrier height calculation should be considered to assess the feasibility and effectiveness of such a barrier in relation to the possible height of the proposed dwellings.

At section 5.10 any acoustic fencing proposed should have a minimum density of 10Kg/M2.

At section 5.11 World Health Organisation guidelines for community noise provide that at night time, outside sound levels about 1 metre from facades of living spaces should not exceed 45dB LAeq so that people may sleep with bedroom windows open. As section 5.6 of the Noise Impact Assessment states that the noise levels in the nearest gardens at night will be around 50dB. Therefore mechanical-acoustic ventilators should be fitted.

Sections 5.14 to 5.21 discusses the noise impact of the proposed access road on existing dwellings. No information is provided as to how many residential properties this assessment is made on. Section 5.19 does not provide information as to whether this calculation is based at ground floor or first floor level.

Section 5.22 to 5.23 describes the proposed acoustic fencing to the access road. The design should be agreed to ensure its suitability for that purpose.

At section 5.24 full noise impacts should be considered and addressed at the application stage. It is not appropriate to condition noise mitigation measures.

Air Quality

The submitted Air Quality Impact Assessment provides little site specific information for the assessment of the development on air quality.

At section 3.0 mitigation measures for medium risk sites this section should provide site specific information including:-

- a) details of the site layout to ensure that machinery and dust causing activities are located away from sensitive receptors
- b) details of dust generating activities and how they will be minimised
- c) details of the arrangements for the provision of water on site to be used as a suppressant etc
- d) the proposed locations of stockpiles etc. and the specific measures to control dust.

At section 4.0 the method statement should be provided and approved at the application stage.

At section 5.0 dust emissions and control measures should be addressed at the application stage. The measures should be site specific, for example details on the location and design of controls such as barriers, roads, stockpiles etc. should be provided.

Provision for the covering of earthworks including materials to be used and proposed times locations and areas to be uncovered at any one time should be considered.

The Air Quality Impact Assessment states that monitoring would be carried out on a monthly basis. The turnaround time for lab results from this monitoring is expected to be 3-4 days.

Deposited dust is likely to be the determinant of greatest concern. The Frisbee gauge method, at the proposed monitoring frequency, shows long term deposition over the month. Further delay for the analysis of the samples would mean that feedback from the monitoring would be too late if problems are arising. Owing to the likely timescale of the operation and likelihood of complaints, real time, or more frequent, monitoring should be considered for deposited dust. The Frisbee Gauge is a recommended monitoring method in Environment Agency Technical Guidance note M17 for such an operation; however, the sampling frequency is typically 1 week.

Disturbance

No. 42 Ashby Road has been demolished to facilitate the proposed highway and access to and from the site. This access was approved by virtue of the appeal under planning permission 05/00684/OUT and subsequently granted extensions of time under 09/00778/EXT and 12/00950/EXT for up to 37 dwellings. The Inspector as part of the appeal considered impact to residential amenity specifically in relation to disturbance from vehicle movements specifically to No. 40 Ashby Road as he considered that No. 44 was included as part of that scheme by virtue that part of the garden of that property was included within the proposal. No. 44 does not appear to now be included in the current proposal. The Inspector considered the construction traffic and subsequent vehicle movements associated with occupiers of those proposed residential properties and found that there would not be an unacceptable impact to the amenity of No. 40 in particular. The noise disturbance and impact of vehicle movements from the filling of the pit and subsequent residential development (up to 60 dwellings) in close proximity to No. 40 and No. 44 Ashby Road has not yet been considered.

The supporting information suggests that 90,000m³ of material would be required to fill the pit. The Engineering Method Statement suggests that a maximum of 50 delivery movements per day equating to 2,250m³ of material per week could be delivered to the site. To reach the 90,000m³ this would equate to 40 weeks worth of movements to and from the site at the projected maximum. With 50 movements to and 50 movements from the site this would potentially equate to 100 movements a day. Based on a five day working week this would total 500 vehicle movements. Over the 40 weeks estimated in the Engineering Method Statement this would total 20,000 HGV vehicle movements to and from the site for the filling of the pit alone without consideration of the subsequent construction traffic for the proposed residential development of up to 60 dwellings indicated.

Given the lack of detail surrounding transport movements to and from the site, which will inevitably be based upon the availability of the proposed material required to fill the pit, and the subsequent assessment of noise impact that would be required once this information is known, an accurate and complete assessment of the impact to the amenity of neighbouring properties cannot be made. However, based on the information submitted at this stage it

would appear that without sufficient and adequate mitigation there would be a significant and potential harmful impact to the amenity of residential properties either side of the proposed access, specifically Nos. 40 and 44 Ashby Road arising from large numbers of HGV vehicle movements associated with the filling of the pit and subsequent residential development. Further details of the sources and types of fill material should be provided along with the timescales, hours of working and proposed phasing of the development to enable a full consideration to be made.

On the basis of the lack of clarity, absence of information and inconsistencies within the supporting documentation the proposal fails to demonstrate that it would not result in an adverse impact on residential amenity contrary to Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. The access to the site has already been established for previously approved residential development. However, it has not yet been established for the vehicle movements in relation to the filling of the pit. It is noted that the Highway Authority has raised no objection to the proposal subject to conditions based on the proposed lorry loads stated in the Design & Access Statement of up to 7,500 at a rate of 50 deliveries a day over a period of up to 30 weeks.

Affordable Housing

This is an outline application only, indicating up to a maximum 60 dwellings with no property types identified.. Affordable housing policy, as set out in policy 15 of the Core Strategy requires 20% provision to be for affordable housing; consisting of 75% for social rented and 25% for intermediate tenure.

To comply with the Core Strategy, based on 60 dwellings, a total of 12 properties should be affordable units, 8 for social rent and 4 for intermediate tenure.

There is demand for all dwelling types for social rented housing in the Hinckley area. However, the highest demand on the waiting list is for 1 bedroomed flats and two bedroomed properties, both houses and bungalows. The housing register for Hinckley at 14.10.13 is as follows:

| | |
|--------------------------|------|
| 1 bed properties | 846 |
| 2 bed properties | 566 |
| 3 bed properties | 178 |
| 4 or more bed properties | 41 |
| Total | 1631 |

Of this number, 211 applicants are over 60 and would qualify for bungalows, and a small supply of 2 bedroomed bungalows would assist in the turnover of larger properties for family accommodation.

The affordable housing should be provided in small clusters and evenly spread across the site.

A Section 106 Agreement is required to secure affordable housing to comply with policy 15 of the Core Strategy and require a connection to the Borough of Hinckley and Bosworth.

Play and Open Space

In accordance with the requirements of Policy REC2 and REC3 of the Local Plan contributions towards play and open space are required. The indicative layout plan suggests some on site open space provision will be provided. However, the exact amount of on site open space and its functional use as play and open space will not be known until the reserved matter for layout is considered. It is the Borough Council's preferred option to seek on site open space, equipped children's space and informal children's play space at a rate of:

- 5 square metres per dwelling for children's equipped play space
- 15 square metres per dwelling for informal children's play space.

In accordance with the SPD for Play and Open Space maintenance should be secured at the following rates:-

- £353.50 per dwelling for children's equipped with maintenance for 20 years
- £79.50 per dwelling for informal children's play with maintenance for 20 years.

Due to the amount of space required for formal sports provision it is unlikely to be provided on site. Therefore in accordance with the SPD this can be provided for use at Richmond Park which is within 1km of the site. The level of contribution will be in accordance with SPD at the following rates:-

- £322.50 per dwelling
- £264.00 per dwelling for maintenance for 10 years.

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, Hinckley was found to have a deficiency of 12.5ha of outdoor sports space when compared to the national average. The contribution in this case would be used towards addressing the deficiency of outdoor sports space in Hinckley and enhance the provision at Richmond Park, improving outdoor sports provision within the locality in accordance with REC2 of the Local Plan. 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.

Other Matters

A Flood Risk Assessment has been submitted with the application. The County Council has consulted the Environment Agency who would provide appropriate comments, advice and recommendations based on a review of the submitted Flood Risk Assessment.

In terms of arboriculture, the Tree Officer has commented that the submitted tree survey is inadequate and does not provide the necessary information to assess the impact of the proposal in accordance with BS 5937:2012. An appropriate tree survey and tree protection plan is required to determine appropriate tree protection areas, indicative tree shadow and impact on social areas. The majority of important trees worthy of retention are located around the site boundaries and therefore with careful layout design, detrimental impact could be avoided. Mature trees along the southern boundary of the site are of great importance,

particularly in relation to the setting of Ashby Road Cemetery. A wide strip along the southern boundary of the site should therefore be retained as public open space to protect the trees.

Conclusion

In conclusion, the principle of development in terms of the proposed residential development of the site has been demonstrated to be in compliance with the adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework. However, On the basis of the lack of clarity, absence of information and inconsistencies within the supporting documentation the proposal fails to demonstrate that it would not result in an adverse impact on residential amenity contrary to Policy BE1 (criterion i) of the Local Plan.

RECOMMENDATION:- That the Leicestershire County Council be advised that Hinckley & Bosworth Borough Council has the following comments to make:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 Object due to the lack of detail supplied and inconsistencies with the supporting documentation. The proposal fails to demonstrate that it would not have a detrimental impact upon the amenity of neighbouring residential properties and would therefore be contrary to Policy BE1 (criterion i) of the Local Plan. Should the applicant be able to address the inconsistencies within the supporting documentation to enable a full assessment of the impact of the proposed development to be made the Borough Council requests a re-consultation to enable further comment to be made.

Notes to Applicant:-

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

Contact Officer:- Simon Atha Ext 5919