

PLANNING COMMITTEE

10 December 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: 13/00719/FUL
Applicant: Mr Mike Watts
Location: Holywell Farm Desford Lane Ratby
Proposal: Subdivision of existing dwelling into two dwellings
Target Date: 2 December 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor O'Shea due to concerns regarding the existing access onto Desford Lane for two dwellings.

Application Proposal

This application seeks full planning permission for the subdivision of a dwelling known as Holywell Farm, Desford Lane, Ratby into two dwellings including alterations and the formation of a new access drive. The existing five bedroom house would be sub-divided into 2 x three bedroom houses. The proposal involves subdivision of the existing building footprint and does not include any extension of the existing structure.

The Site and Surrounding Area

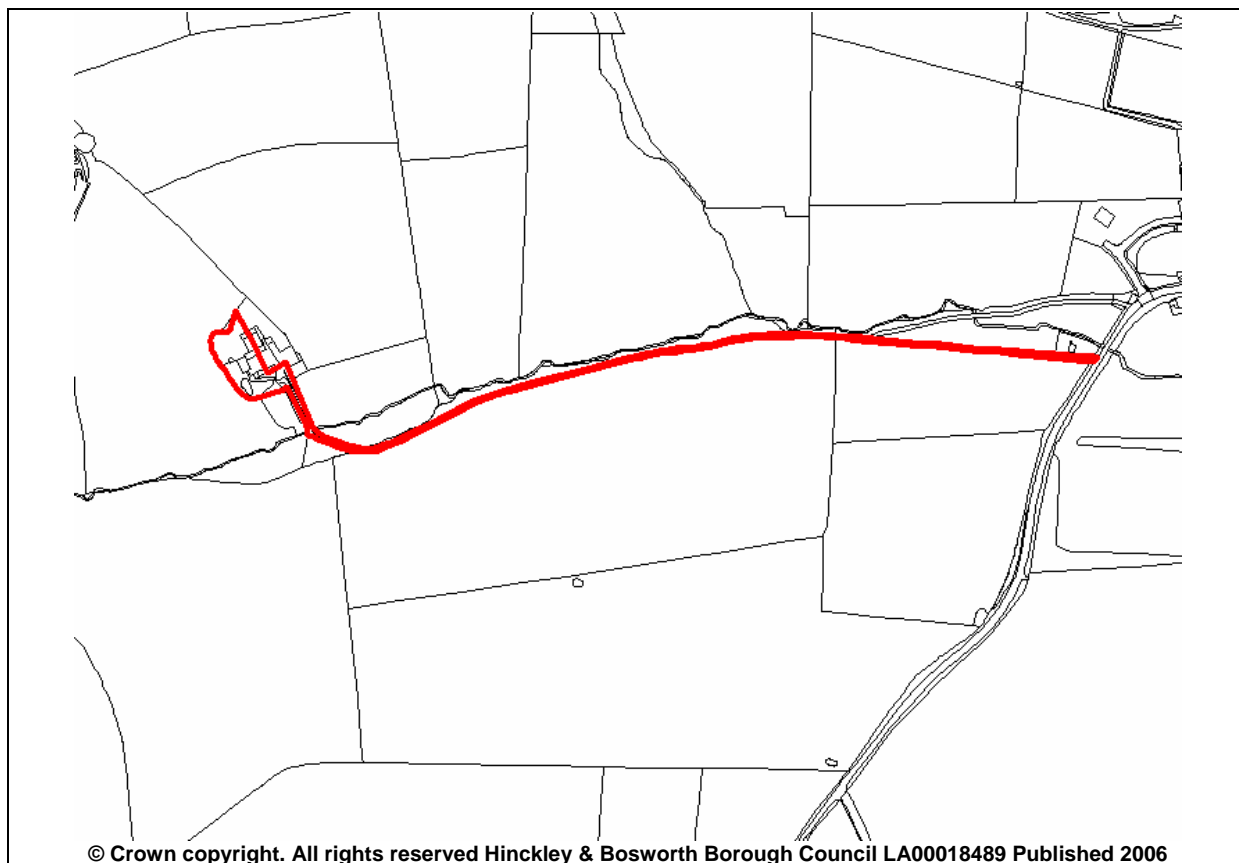
The site is to the west of the village of Ratby off Desford Lane in an isolated location in the countryside and accessed by a long narrow unmade farm track with shared agricultural use. The former farmhouse and associated complex occupies a small valley and originally comprised of a two-storey farmhouse and a courtyard of two and single storey brick built outbuildings and barns. The original farmhouse has been substantially rebuilt and extended including accommodation in the roof space following earlier planning permissions but has retained the original front elevation stone facade and bay windows. The barns framing the courtyard have not been adequately maintained and are in generally poor condition.

Technical Documents submitted with Application

Design and Access Statement

Relevant Planning History:-

13/00365/FUL	Sub-division of Existing Dwelling into Two Dwellings including Extensions and Re-Building of Outbuildings	Withdrawn	06.08.13
09/00102/FUL	Extensions and Alterations to Dwelling	Approved	14.04.09
07/00868/FUL	Rebuilding Rear Elevation, Partial Rebuilding of South Elevation, North Elevation and New Roof with Alterations (Re-submitted Scheme)	Approved	03.09.07



Consultations:-

No objections have been received from:-

Ratby Parish Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from:-

Director of Community Services (Archaeology)
Head of Street Scene Services (Waste Minimisation).

Director of Environment and Transport (Highways) initially recommended refusal of the application on the grounds that the applicant had failed to demonstrate that the proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. However, following further consideration, the most recent consultation response recommends approval subject to conditions.

No response has been received at the time of writing this report from site notice or neighbours.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

The site lies outside any settlement boundary and is located in the countryside as defined on the Proposals Map in the Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development

Policy BE14: Archaeological Field Evaluation of Sites

Policy BE16: Archaeological Investigation and Recording

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and design and impact on the character and appearance of the existing dwelling, the site and the surrounding landscape, highway safety and archaeology.

Principle of Development/Sustainability

The site is located outside any settlement boundary and is in the countryside as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map. The National Planning Policy Framework (NPPF) in paragraph 14 provides a presumption in favour of sustainable development but in paragraph 55 seeks to avoid isolated new homes in the countryside unless there are special circumstances. Whilst the site is not in a sustainable location being remote from services and public transport, paragraph 12 of the NPPF makes it clear that the development plan is the starting point for decision making and development that accords with an up-to-date Local Plan should be approved, unless other material considerations indicate otherwise.

Saved Policy NE5 of the adopted Local Plan provides a presumption in favour of the change of use, reuse or extension of existing buildings in the countryside subject to a number of design criteria being satisfied. For the reasons discussed later in this report, the proposals are considered to be in accordance with Policy NE5 of the adopted Local Plan. Policy BE1 (criterion a) requires development to complement the character of the surrounding area. The site is previously developed land and the building is already used for residential purposes therefore the scheme is considered to complement the character of the area and be acceptable in principle, subject to compliance with the Policy NE5 design criteria (i, ii, iii and iv) and all other planning matters being appropriately addressed.

The Director of Environment and Transport (Highways) initially recommended refusal of the application on the grounds that the applicant has failed to demonstrate that the proposal is in a location where services are readily and safely accessible by walking, cycling and public transport. However, both national guidance in the NPPF and adopted Local Plan Policy NE5 support the re-use or conversion of existing rural buildings, which by implication will often be in isolated rural locations. It is therefore considered that the isolated location of the site does not provide a robust reason to refuse the application.

Layout/Design and Impact on Character and Appearance

The design criteria of Policy NE5 require that development in the countryside does not have an adverse impact on the appearance or character of the landscape, is in keeping with the

scale and character of existing buildings and the general surroundings, is effectively screened by landscaping or other methods and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The proposal relates to the conversion of the existing floor space of the dwelling and no extensions are proposed. The proposed internal layout and alterations demonstrate that the dwelling can be subdivided successfully into two dwellings to provide adequate residential amenity for both dwellings, including private amenity areas. The proposed external alterations include the formation of two additional doors to provide suitable access to both proposed dwellings, one on the front elevation to replace a window and one on the rear elevation. These alterations are relatively minor in nature and the proposed doors, detailing and materials to be used would be sympathetic to the existing dwelling. Therefore, the proposed alterations would not result in any material adverse impact on the character or appearance of the dwelling or surrounding area. Subject to appropriate and sympathetic surfacing materials being used in its construction, the formation of the new driveway to the south of the complex (to be defined by a new 1.5 metres high post and rail fence) would not have any material adverse impact on the rural character or appearance of the site or surrounding landscape. The proposals are therefore in accordance with Policy NE5 design criteria i and ii.

The building complex is located in a small valley and as a result of ground levels and existing mature trees located to the north west and south of the site the complex is not prominent within the landscape. The proposals are therefore considered to be in accordance with Policy NE5 design criterion iii.

Highway Safety

Access to the site is from Desford Lane with the junction being located on the outside of a bend and therefore there is good forward visibility in both directions. The width of the access is 5 metres for a distance of approximately 12 metres from the highway and the existing gate set back of 12 metres is such that vehicles can pull clear of the road carriageway and pass each other. Within the gate the unmade track narrows and is shared with farm traffic (but without defined boundaries which allows vehicles to pass) up to the dwelling which is located approximately 890 metres from Desford Lane. The proposed subdivision of the existing five bedroom dwelling to 2 x three bedroom dwellings would not therefore result in any adverse impact on highway safety or generate traffic movements on a scale that would exceed the capacity of the highway network. The proposals are therefore in accordance with Policy NE5 design criterion iv.

The amended consultation response from the Director of Environment and Transport (Highways) recommends approval of the application subject to conditions in respect of access width, gate set back and access surfacing. The existing access already exceeds the width and set back recommended therefore these conditions are unnecessary. The access is already hard surfaced although in need of some repair. Whilst it may be desirable for the Highway Authority to seek an improvement to the surfacing of the access, given the scale of the proposed development the re-surfacing of the access is not considered to be necessary to make the development acceptable in planning terms.

Archaeology

Policies BE14 and BE16 of the adopted Local Plan require appropriate archaeological evaluation, investigation and recording to be carried out where archaeological remains may exist. The Directorate of Chief Executive (Archaeology) does not object to the proposals but considers that there is the potential for significant archaeological remains extending into the area of groundworks and therefore the groundworks proposed (i.e. the creation of the

proposed driveway) will require archaeological mitigation to be secured by planning conditions.

Conclusion

The site is in a relatively remote and unsustainable location, however the proposal is for the subdivision of an existing dwelling and adopted Local Plan Policy NE5 allows for the re-use and conversion of existing buildings in the countryside therefore the proposals are considered to be acceptable in principle. By virtue of the proposed layout, design and external materials, the proposal demonstrates that the dwelling can be converted to provide satisfactory amenity to the future occupiers without the need for any extensions and the external alterations would not give rise to any material adverse impacts on the character or appearance of the dwelling, site or surrounding landscape. The proposals will not have any adverse impact on the amenity of any neighbouring dwellings, highway safety or archaeology. The proposals are considered to be in accordance with Saved Policies NE5 (criteria i, ii and iv), BE1 (criteria a and i) and T5 of the adopted Local Plan and the overarching principles of the NPPF. There are no other material considerations that indicate that the development does not accord with the adopted Local Plan and the proposals are 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 relates to the subdivision of an existing dwelling, would not have any adverse impact on the character or appearance of the dwelling, wider site or the surrounding landscape, residential amenity, highway safety or archaeology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE14, BE16, NE5 (criteria i, ii, iii and iv) and T5.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan; Block Plan; Existing Site Plan, Floor Plans and Elevations Drawing No. 13.81.01 and Proposed Site Plan, Floor Plans and Elevations Drawing No. 13.81.06 received by the local planning authority on 7 October 2013.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2: Part 1, Classes A - E inclusive, G and H and Part 2 shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

- 4 The materials to be used on the external elevations of the proposed alterations shall match the corresponding materials of the existing dwelling.
- 5 No ground works shall commence until a programme of archaeological work (archaeological attendance during ground works) including a Written Scheme of Investigation has been submitted in writing to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:-
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No ground works shall take place other than strictly in accordance with the approved Written Scheme of Investigation.

- 6 Within six months of the completion of the archaeological field works the site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of preserving the original design, rural character and appearance of the buildings and to protect residential amenity to accord with Policy BE1 (criteria a and i) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5&6 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and Section 12 of the National Planning Policy Framework 2012.

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: 02

Reference: 13/00735/FUL

Applicant: Alexander Bruce Estates Ltd.

Location: Land Off Spinney Drive And South Of Brookside Brookside Barlestone

Proposal: Erection of 49 dwellings with landscaped open space

Target Date: 13 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.

Application Proposal

This application seeks full planning permission for the erection of 49 new dwellings, landscaped public open space, alterations to/new ditch/watercourse and new and altered public footpaths on land off Spinney Drive and Brookside to the southern edge of Barlestone. The proposed development includes a mix of detached, semi-detached and terraced dwellings comprising 2 x one bedroom maisonettes, 6 x two bedroom houses, 25 x three bedroom houses, 2 x four bedroom houses and 6 x five bedroom houses, all two storeys in height and 8 x two bedroom bungalows. A total of 34 open market units (69.4%) and 15 affordable units (30.6%) are proposed with the affordable units split into 11 x social rented (73.3%) and 4 x intermediate housing (26.6%). The proposed dwellings are to be split into two areas measuring approximately 1.71 hectares, the western part (0.76 hectares) accessed off Spinney Drive incorporates 16 open market units and 9 affordable units and the eastern part (0.95 hectares) accessed off Brookside incorporates 18 open market units and 6 affordable units. The dwellings are arranged off extended existing estate roads and shared surface private driveways. Off street car parking is proposed in garages, on private driveways and within parking courts.

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

This application is a resubmission with amendments following refusal by Planning Committee in June 2013. The refused scheme is subject to an appeal to be heard by the informal hearing procedure on 5 February 2013. The main amendments to the scheme are the provision of an additional three affordable housing units in lieu of an enhanced wetland habitat scheme to increase the proportion to 30% of the total and the relocation of the diverted footpath to improve surveillance and reduce fear of crime and anti-social behaviour. There are also some amendments to the design and mix of some of the house types and the mix and location of the affordable housing units within the scheme.

The Site and Surrounding Area

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

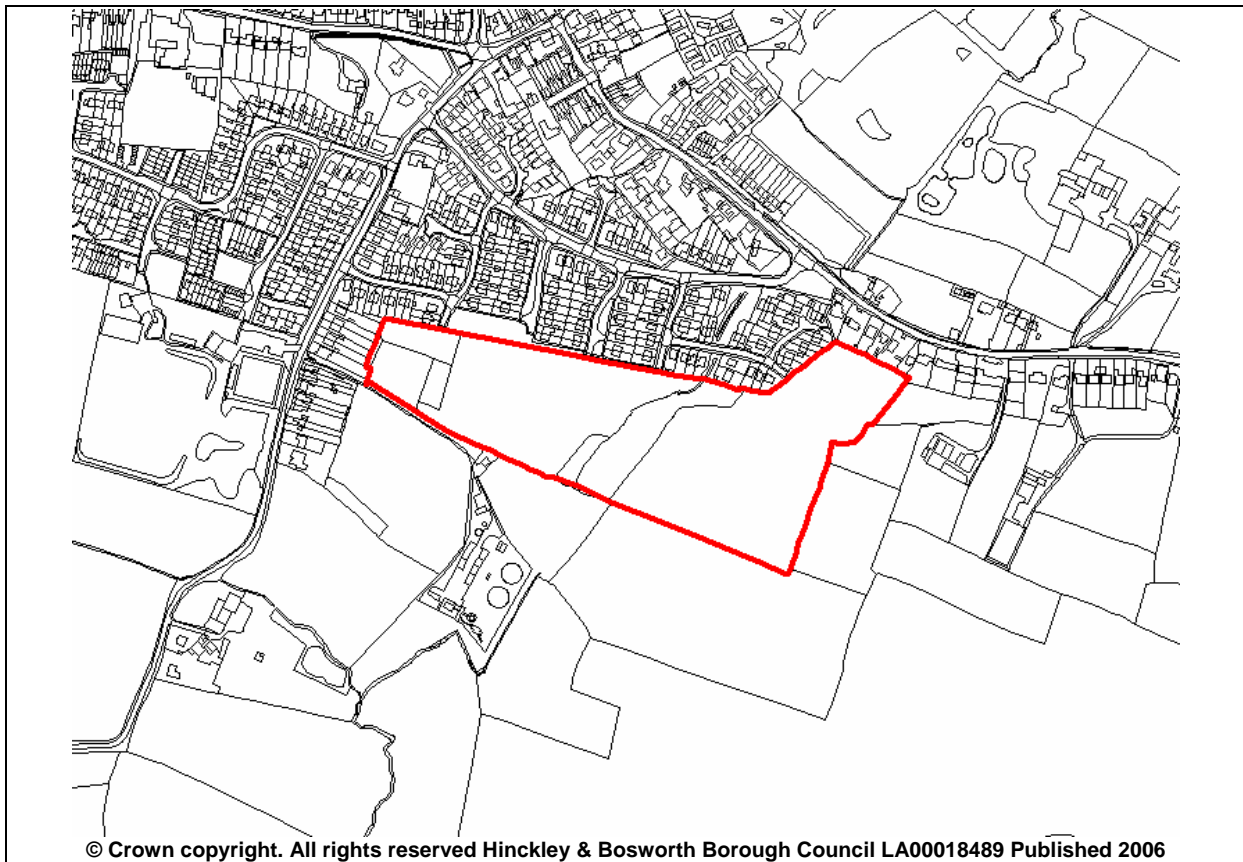
During the course of the application amended plans have been submitted including amendments to the layout, road design, the mix and design of a number of the proposed house types, the numbers, mix and distribution of the affordable housing units and the provision of additional parking spaces. Re-consultation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

Technical Documents submitted with application

Planning Statement
 Design and Access Statement
 Statement of Community Involvement
 Transport Statement
 Flood Risk Assessment
 Letter from Severn Trent Water Limited
 Preliminary Ground Investigation Report
 Landscape and Visual Appraisal
 Archaeological Desk Based Assessment, Geophysical Survey & Trial Trenching Reports
 Ecological Assessment
 Arboricultural Assessment
 Viability Assessment
 Draft Heads of Terms

Relevant Planning History:-

12/01029/FUL	Erection of 49 new dwellings, landscaped public open space & creation of a formal wetland habitat with access	Refused	28.06.13
99/00735/FUL	Erection of 25 Dwellings	Withdrawn	04.12.00

**Consultations:-**

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

No objection subject to conditions has been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) requests no contribution.
- b) Director of Children and Young Peoples Services (Education) requests a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth Academy £86,269.25) to address capacity issues as a result of the proposed development.

- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £2305 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development.
- d) Director of Adults and Communities (Libraries) requests no contribution.

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

Barlestone Parish Council neither support nor object to the proposal following a split vote but request that consideration is given to the following issues/concerns:-

- a) the capacity of Barlestone Primary School to take on further children without expanding the existing facilities
- b) the capacity of the doctors surgery in Westfields to take on more patients
- c) given recent flooding in Ferrers Croft and the surrounding area would the storm drains and sewers (being combined) have sufficient capacity to cope with discharge from additional dwellings
- d) the capacity of local infrastructure to cope with a large increase in traffic in and out of the village.

Site notice and press notice were displayed and neighbours notified. Letters from 46 different addresses have been received (together with an additional 5 without specific addresses) 1 with neutral comments, 1 in support of the application and the others raising the following objections and/or concerns:-

- a) greenfield site outside settlement boundary of Barlestone contrary to the Development Plan
- b) Localism Act requires that resident's views are taken into account, site is not a preferred option and there are other, more suitable, sites around the village for future development
- c) no need for additional housing as 5 year housing land supply has been achieved
- d) no demand for additional housing in Barlestone as many existing properties are currently on the market and remain unsold
- e) there is enough residential development occurring within neighbouring villages
- f) similar applications have been refused in the past
- g) inadequate infrastructure/services to support additional housing (employment, schools, doctors, shops etc.)
- h) inadequate surface water drainage, flooding problems on and within the vicinity of the site due to high water table, proposed right angle in watercourse will become blocked and increase flood risk
- i) contamination of surface water
- j) inadequate sewerage infrastructure leading to capacity issues, back ups within the system and pollution of homes and gardens of neighbouring properties and increased sewer smells
- k) encroachment into cordon sanitaire around sewerage works
- l) detrimental to Conservation Area
- m) detrimental to highway safety (pedestrians and children) due to increase in traffic, on-street parking and additional congestion on access roads and within the village centre
- n) lack of access for emergency vehicles as a result of on-street parking congestion
- o) detrimental impact on existing footpath and its users through diversion onto estate road
- p) loss of productive farmland
- q) detrimental to site of special ecological interest, watercourse and existing wildlife
- r) loss or damage to trees and hedgerows
- s) lack of affordable housing to meet policy requirement

- t) construction on unsuitable soils
- u) potential damage to existing houses from ground vibrations and traffic movement during construction
- v) detrimental to the amenities of neighbouring properties due to overbearing/overshadowing impact, loss of privacy, loss of light, loss of open aspect
- w) detrimental to the amenities of neighbouring occupiers due to noise disturbance
- x) increase in antisocial behaviour and theft during construction.

The letter of support makes the following comments:-

- a) the site is in the ideal location to provide more homes
- b) the extension to the estate will enhance the surrounding area and provide additional homes, (including affordable housing) and recreation facilities
- c) the increase in population could have a beneficial effect on village facilities which can support additional use
- d) concerns regarding traffic and parking are unfounded
- e) development may offer local employment opportunities
- f) nobody has a right to a view across open fields.

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

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

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy

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

Hinckley and Bosworth Local Plan 2001

The site lies outside the settlement boundary of Barlestone as defined in the Proposals map of the adopted Local Plan.

Policy BE1: Design & Siting of Development
 Policy BE14: Archaeological Field Evaluation of Sites
 Policy BE16: Archaeological Investigation and Recording
 Policy NE2: Pollution
 Policy NE5: Development in the Countryside
 Policy NE12: Landscaping Schemes

Policy NE13: The Effects of Development on Natural Watercourses
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design & Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development: Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Appraisal:-

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

Principle of Development and Impact on Character of the Area

Policy RES5 of the adopted Local Plan requires new residential development to be within settlement boundaries as defined on the adopted Local Plan Proposals Map, however, since the publication of the National Planning Policy Framework (NPPF) in March 2012 which in paragraph 14 provides a presumption in favour of sustainable development, Policy RES5 can be given only very limited weight in the determination of this application. The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The proposed scheme would contribute to the social role by providing additional high quality homes including affordable housing units together with contributions towards play and open space facilities. The scheme would contribute to the environmental role by retaining identified habitats, including wetland areas, trees and hedgerows, within the scheme and making provision for additional landscaping. The scheme would also contribute to the economic role by providing additional support to existing services and facilities within the village including the primary school, the doctor's surgery, the dentist, a number of churches/chapels, the public house, restaurants and takeaways and a Co-operative store containing a trial post office counter. Whilst the bus service to the village has been subject to reduction it is still operational. In addition, the proposal has the potential to provide local employment opportunities during the construction phase.

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

The application site is within the countryside and therefore outside of, although adjacent to the settlement boundary of Barlestone. Policy 11 of the Core Strategy sets a requirement for a minimum of 40 new dwellings to be delivered in Barlestone over the plan period to 2026. Since the adoption of the Core Strategy in 2009, the outstanding housing requirement for the village has fluctuated, rising to 49 new dwellings in January 2012 (when pre-application discussions were held in respect of this site) and has since fallen again to 46 (at April 2013).

The proposed scheme would therefore meet the housing requirement for the village and an additional 3 dwellings would not have a significant impact on the spatial vision for the village. The level of proposed provision is therefore considered to be in accordance with Policy 11 of the adopted Core Strategy.

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

Layout, Design and Mix

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

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

This revised scheme is considered to address reason for refusal 3 of the previous application by relocating the diverted footpath S38 (subject to obtaining a diversion order) to follow a short stretch of one of the new shared surface roads within the development to improve natural surveillance and alleviate fears in respect of the safety of users. The amended scheme also addresses concerns raised by residents in respect of overbearing impact and loss of privacy and light by relocating and increasing the number of bungalows within the development.

Overall, the proposed housing layout provides a number of shared surface roads leading off from the main access roads creating a character in keeping with the vernacular style of the proposed house types. Visual interest will be provided throughout the development by virtue of the varied house types and building lines and the position of the dwellings in relation to the streets and vistas. A good mix and variety of house types is proposed along with adequate private amenity areas and the varied approach to parking, providing a majority to the side and rear of the dwellings and in a parking court will ensure that the development will not be car dominated. The affordable housing provision has been increased to 15 units (30%) and is split into three clusters between the two sites and given the small number of units being provided, the distribution is considered to be acceptable. Adequate separation distances are provided between the proposed and existing properties. The amended layout is considered to complement the character of the adjacent built form in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

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

Policy 16 of the adopted Core Strategy requires developments of 10 or more dwellings to provide a mix of housing types and tenures. The amended proposals include the provision of a good mix of 1, 2, 3, 4 and 5 bedroom properties with a split of 67.3% medium and larger family units and 32.7% small units. The demand for affordable housing in Barlestone taken from the housing register as at 26 September 2013 is as follows: 254 applicants for 1 bedroom properties, 184 applicants for 2 bedroom properties, 82 applicants for 3 bedroom properties and 29 applicants for 4 or more bedroom properties. The proposals include 2 x 1 bed affordable maisonettes, 4 x two bedroom affordable bungalows, 6 x affordable two bedroom houses and 3 x affordable three bedroom house and will contribute towards identified shortfalls in such accommodation within Barlestone.

The existing public footpaths running through the site will be incorporated into the overall layout and new footpaths created within the application site will promote permeability and links to the surrounding countryside and local sports facilities. The Director of Environment and Transport (Rights of Way) raises no objections subject to a formal diversion order being obtained, satisfactory surfacing of the paths and satisfactory treatment of the public rights of way during the construction phase and beyond.

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

Access and Highway Safety

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

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

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

The proposals include the extension of two existing adopted estate roads, Brookside and Spinney Drive together with their pedestrian footways to access the sites. Thereafter private shared surface roads run through the developments leading to private driveways, garages and parking courts providing adequate off-street parking for the dwellings that they serve. The applicant cannot be held responsible for any inconsiderate car parking that may occur within the existing estate. The roads are adopted public highway and capable of serving the proposed development of an additional 25 dwellings (Spinney Drive) and 24 dwellings (Brookside). The revised layout plans provide a minimum of two parking spaces for each dwelling except for one bungalow (Plot 35) and one bedroom maisonettes on (Plots 24 and 25) which have only one space.

This level of provision is adequate to serve the development and would not therefore result in any additional on-street car parking within the public highway. Accordingly the proposals are considered to be in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan

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

Impact on Neighbours

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

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

The amended proposed layout generally provides adequate separation distances of 25 metres or above between the main elevations of existing and proposed dwellings in accordance with the Council's adopted SPG on New Residential Development. In a small number of cases where the separation distance is slightly less (Plots 4, 5, 33 and 34 at between 22 and 24 metres) these are bungalows therefore a reduced distance is acceptable, and in the case of Plot 28 which is approximately 20 and 22 metres from existing dwellings on Brookside the proposed house is offset such that it does not face directly onto the existing properties. Consequently, it is considered that the development will not result in any adverse overbearing/overshadowing impacts or loss of privacy to the occupiers of neighbouring

properties. The loss of an open aspect is not a material planning consideration and any potential adverse noise disturbance that may result from development would be limited to the construction phase of the development. Overall, the proposals are considered to be in general accordance with Policy BE1 (criterion i) of the adopted Local Plan and SPG on New Residential Development.

Developer Contributions

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

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

a) Affordable Housing

Policy 15 of the adopted Core Strategy requires that in rural areas on sites of 4 or more dwellings the starting point for affordable housing is a target of 40% affordable dwellings on site with a tenure split of 75% social rented and 25% intermediate housing. The policy further states that figures may be negotiated on a site by site basis taking into account local need, existing provision, characteristics of the site and viability. In this case, the policy requirement would equate to 20 affordable units comprising 15 social rented and 5 intermediate housing. In response to reason for refusal 2 of the previous application, this revised proposed scheme has increased the number of affordable units proposed from 12 to 15 affordable units (30.6%) comprising 11 social rented units and 4 intermediate housing units but this is still less than the target of 40% provision sought by Policy 15. In this case, however, the applicant has submitted a viability assessment which has been considered independently on behalf of the Council to determine the level of contributions that the proposed development could sustain. The additional 3 affordable units have been included by removing the previously proposed wetland habitat improvements from the scheme. Viability and the level of proposed contributions are discussed later in this report.

b) Play and Open Space

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

Within the Green Spaces Quantity/Accessibility Audit 2007 Barlestone was found to have an adequate provision of equipped play areas and informal amenity green space, however, the quality of the facilities provided was found to be poor and reducing its capacity to meet the

needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £175,000 for equipped children's play areas and £60,000 for amenity green space within Barlestone. In the Audits of Provision 2007, Bosworth Road was given a quality score of just 61.7% and May Meadow just 38%.

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

In this case, based on the calculations within the adopted SPD on Play and Open Space, the total contribution required would be £98,806.45 (split between a capital sum £50,837.70 and a future maintenance sum £47,968.75).

c) Education

Director of Children and Young Peoples Services (Education) requests a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth Academy £86,269.25) to address capacity issues as a result of the proposed development. In this case due to the scale of the assessed impact, the contribution is considered to be necessary and directly, fairly and reasonably related in kind to this development to make the development acceptable in planning terms and it is therefore compliant with the CIL Regulations.

d) Civic Amenity

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

e) Police

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

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

Affordable Housing
Play and Open Space
Education

Viability Assessment

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

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

The proposals include the provision of 15 affordable housing units (30.6% affordable, a shortfall of 5 units) and a lump sum contribution of £367,500 (£7,500 per unit) towards other infrastructure and facilities. The other infrastructure contributions for education and play and open space amount to £269,094) leaving a residual amount of £98,406 which will be discussed further with the applicant and reported as a late item.

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

Based upon the evidence provided and in view of the conclusions of the independent review, and having regard to paragraph 173 of the NPPF which requires decision makers to have regard to the need to provide competitive returns to developers and landowners it is considered that there is a case for a reduction in the level of contributions being requested in this case in order to enable delivery of the development to meet the housing requirement for Barlestone identified in the adopted Core Strategy. On this basis only it is considered that a 30.6% affordable housing provision is acceptable in this case. The agent has confirmed that the developer considers that the scheme is deliverable at the level of contributions being offered. However, should Members be minded to approve the application, as viability can change rapidly as a result of changes in the economy, it is considered to be reasonable to include a clause in any section 106 agreement making provision for reassessment of the viability of the scheme if it has not been commenced within one year of the issue of planning permission. This approach has been taken on a previous application where the viability assessment has reduced the value of contributions.

Drainage/Flooding

Policy NE13 of the adopted Local Plan requires that adequate protection, alleviation or mitigation works are undertaken to ensure that the drainage functions of the natural watercourse system is not inhibited. Policy NE14 of the adopted Local Plan requires that satisfactory arrangements are made for the disposal of foul sewage and surface water to reduce the risk of pollution of the water environment and flood risk.

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

A Flood Risk Assessment has been submitted to support the application. In respect of surface/storm water drainage of the site, the use of infiltration techniques along with underground storage tanks to provide attenuation (where infiltration is not viable) together with controlled flow into the existing natural watercourse system is proposed in order to alleviate the potential and risk of flooding as a result of the development. In respect of foul water disposal, it is proposed that the development will connect to the existing Severn Trent sewer network in Spinney Drive, Brookside and or the public sewer crossing the site. Notwithstanding the objections received in respect of capacity issues and alterations to the watercourse, neither the Environment Agency nor Severn Trent Water Limited raise any objections to the development subject to a number of conditions requiring the implementation of flood risk mitigation measures, the submission of additional details in respect of the proposed diversion and opening up of the (currently culverted) watercourse and a surface water drainage scheme for prior approval. The applicant has also submitted a letter from Severn Trent Water Limited confirming that the existing public foul sewerage network will be able to accommodate the 'foul water only' discharge from the proposed 49 dwellings based on the assumed calculations/occupancy rates. The conditions are considered to be reasonable and necessary to accord with Policies NE13 and NE14 of the adopted Local Plan and to make the development acceptable in planning terms.

Ground Investigation/Contamination

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

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

In view of the proximity of the waste water treatment plant to the south of the site the Head of Community Services has requested that an odour impact assessment be carried out. The applicant has commissioned an assessment but it has not yet been received at the time of writing this report. The outcome will be reported and appraised as a late item to the agenda.

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

from the historical use of pesticides and any potential migration to the site from the sewage works to the south).

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

Biodiversity

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

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

An Ecological Assessment and Arboricultural Assessment have been submitted to support the application. The Ecological Assessment states that there are no statutory or non-statutory sites of nature conservation interest within the proposed developments potential zone of influence, but it identifies opportunities for mitigation, a management strategy and enhancement of existing habitats within the site that would provide a net gain for biodiversity. The Directorate of Chief Executive (Ecology) considers that the report is satisfactory and raises no objection to the development. Whilst it is acknowledged that restoration of the wetland area would be desirable, and a condition requiring the submission of a long term management plan has been previously recommended, in order to provide additional affordable housing within the development the previously proposed enhancements and long term management of the wetland habitat has been removed from the scheme. The existing wetland area is to be retained.

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

Archaeology

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

The Historic Environment Record for Leicestershire shows that it is within an area of archaeological and historical significance and there is a potential for remains to be preserved. An Archaeological Assessment, Geophysical Survey Report and Trial Trenching Reports have been submitted to support the application. As a result of the archaeological information provided to date the Directorate of Chief Executive (Archaeology) does not object to the application but requires standard conditions to be attached to any planning permission

to require additional archaeological investigation and recording works to be carried out in the western part of the site where access was unavailable.

Sustainable Design

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

Other Issues

The loss of farmland is a material planning consideration but as a result of the scale of the development the loss is outweighed by the benefits to the village in respect of additional affordable housing and other contributions towards services and infrastructure.

The application site is not within a Conservation Area.

Conclusion

The previous application for a similar development on the site was refused by Planning Committee in June 2013 with three reasons for refusal.

Members considered that the previous proposal by virtue of its nature and location constituted new residential development outside the settlement boundary of Barlestone, where there is a lack of infrastructure thereby resulting in unsustainable development. The two sites proposed for housing development do lie outside of the settlement boundary but are adjacent to it and within easy walking distance of the centre of the village which benefits from a number of services and facilities. Notwithstanding Members views in respect of the previous application, the village does benefit from a number of services and facilities to support the additional 49 dwellings proposed. In addition, the sites are considered to represent good locations for the current outstanding housing requirement of 46 dwellings for Barlestone which would meet the minimum requirements of Policy 11 of the adopted Core Strategy, particularly given the lack of deliverable sites within the settlement boundary. The applicants consider that the approval of this development would be consistent with the approval of residential schemes outside of, but adjacent to, the settlement boundaries of other larger well served villages at Dragon Lane, Newbold Verdon (reference 11/00889/FUL) and Manor Road, Desford (11/00489/FUL). The development is therefore considered to be sustainable and acceptable in principle, particularly taking into account the outcome of a more recent appeal decision in respect of the sustainability of a site on the edge of the settlement boundary of Burbage and the reward of costs against the local planning authority.

Whilst the scheme still falls short of providing the full level of affordable housing required by Policy 15 of the adopted Core Strategy, the current scheme now provides an additional 3 affordable housing units and the current viability of the scheme has been independently assessed and confirms that the scheme would not be deliverable without some reduction in overall contributions. Viability is however subject to fluctuation and therefore it would not be unreasonable to include a clause within any section 106 agreement requiring viability to be reassessed in the future if the scheme does not commence within a reasonable time period. The developer has indicated that such a clause would be acceptable.

The proposed scheme provides a good layout and mix of well designed house types constructed with sustainable design measures in excess of Policy 24 requirements to Code Level 3 of the Code for Sustainable Homes and would result in a high quality development with interesting street scenes that would complement adjacent residential development and enhance the built form of the area. The previous reason for refusal in respect of the safety of users of the public footpath S38 has been addressed by relocating it where there is greater natural surveillance. Adequate access and parking provision would be provided to serve the development therefore the scheme would not result in any adverse impact on highway safety. Adequate separation distances would be provided to ensure that the development would not result in any material adverse impact on the amenities of the occupiers of neighbouring properties.

Subject to the approval of additional details to be secured by conditions, satisfactory measures can be implemented to ensure that there would be no adverse impact on archaeology, surface or foul water drainage, ground pollution or biodiversity.

The scheme is considered to meet the requirements of relevant national planning guidance, adopted Core Strategy and adopted Local Plan policies and guidance and is therefore recommended for approval subject to conditions and the completion of a section 106 agreement to secure the proposed level of developer contributions towards affordable housing, education and play and open space infrastructure and facilities.

RECOMMENDATION:- Permit subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and public open space together with financial contributions towards public play and open space and education, and subject to the conditions below. Failure to complete the Agreement by 13 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, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the location of the site and the outstanding housing requirements for Barlestone the proposals are acceptable in principle. By virtue of the layout, scale, design and appearance of the scheme the proposals will not have any adverse impact on the character or appearance of the area, highway safety, residential amenity, drainage of the site, biodiversity or archaeology. In addition the development will incorporate sustainable design measures and contribute to local infrastructure and facilities.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan DWG No. LLC918_100, Spinney Drive Layout Plan Dwg. No. LLC918_102

Revision K, House Type Floor Plans and Elevations Dwg Nos. LLC918_158A, 147B, 168C, 141B, 160B, 174C, 162D, 175B, 180A, 163D, 132C, 164F, 148C, 156, 144B, 183, 166A, 169A, 201A, 135A, 182A, 140B, 137B, 138B, 170A, 139C and Garage & Car Port Type Floor Plans and Elevations Dwg Nos. LLC918_152A, 154B, 172A, 185A and 186 received by the local planning authority on 13 September 2013; and Brookside Layout Plan Dwg. No. LLC918_103 Revision M; Masterplan Dwg. No. LLC918_95 Rev H, House Type Floor Plans and Elevations Dwg Nos. LLC918_157C, 159E, 142C, 200B, 184B, 151F and 202 received by the local planning authority on 16 October 2013.

- 3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 4 No development shall commence unless and until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 has been provided in writing to the local planning authority. In addition, within 3 months of the first occupation of each dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the local planning authority.
- 6 No development shall commence until details of the means of construction of the access road and its surfacing material(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7 No development shall commence until details of the boundary treatment design and materials and a timetable for their erection, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8 No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) hard surfacing materials
 - c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - g) implementation programme.

- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this five year period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 10 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, dated April 2013, Ref R-FRA-Q6253PP-01-A, undertaken by JPP consulting and the following mitigation measures detailed within the FRA:
- a) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - Section 5.0, and as shown on the plan in Appendix C.
 - b) Confirmation of the diversion and opening up of any culverted watercourse (East drainage ditch) crossing the site - Section 6.0, and as shown on the plan Drawing No. FRA04 in Appendix H, and RDC Drawing No. LLC9018_103.

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

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
 - d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 12 No development shall commence until a scheme for the detailed design of the diversion and opening up of the existing culverted watercourse (East drainage ditch), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the commencement of the Eastern Plots (Brookside area) development.

The scheme shall include:

- a) Diversion and opening up of the existing watercourse (East drainage ditch) where it currently runs in culvert underneath the area proposed for plots 42, 43, 48 and 49 (the inlet being identified by the word sink on the OS Map), and where it runs in a 300mm diameter culvert under the field on the western side of the eastern development area, as shown on the plan Drawing No. FRA04 in Appendix H of the FRA, and RDC Drawing No. LLC9018_103.
 - b) Watercourse crossings required for the provision of access eg roads, should in preference be clear spanning bank top to bank top structures, or where culverting is necessary, these will need to be designed in accordance with CIRIA C689, the culvert design manual.
 - c) Provision of the proposed diverted watercourse within a minimum 5m wide watercourse corridor/easement (2m wide either side of the watercourse channel (assuming a channel width of 1m).
 - d) A minimum 2m buffer/maintenance strip shall be provided between any building or other fixed above ground equipment/fence/retaining structure, and the top of the bank of the existing and proposed watercourse (East drainage ditch).
 - e) Details of how the proposed watercourse (East drainage ditch) shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 13 No development shall commence until a working method statement to cover all channel/bank works to the watercourse (East drainage ditch) has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme.

The working method statement to cover the following requirements:-

- a) timing of works
 - b) methods used for all channel, bankside water margin works
 - c) machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
 - d) protection of areas ecological sensitivity and importance
 - e) site supervision.
- 14 The access, turning and car parking facilities indicated on the Site Layout Plans Dwg Nos. LLC918_102 Revision J and LLC918_103 Revision J shall be provided before the associated dwelling(s) is/are first occupied and once provided shall remain available for such use at all times thereafter.
- 15 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 16 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

- 17 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.
- 18 No development shall take place/commence until a programme of archaeological work, comprising an initial phase of trial trenching within the paddock at the western extent of the application site and any appropriate subsequent mitigation measures identified by this trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:-
 - a) the programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - b) the programme for post-investigation assessment
 - c) provision to be made for analysis of the site investigation and recording
 - d) provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) provision to be made for archive deposition of the analysis and records of the site investigation
 - f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 19 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 18.
- 20 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development does not have an adverse impact on the residential amenity or character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To secure the environmentally sustainable credentials of the development in accordance with the intentions of the National Planning Policy Framework to deliver sustainable development.
- 6 To ensure a satisfactory form of development in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 7 To ensure that the development has a satisfactory appearance in the interests of visual amenity, to protect the privacy and amenity of future occupiers of the site and to ensure that the work is carried out within a reasonable period to accord with Policy BE1 (criterion a and i) of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with Policies BE1 (criterion e), NE5 (criterion iii) and NE12 (criteria a, b, c and d) of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 10 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and by diverting and opening up the existing culverted watercourse (East drainage ditch) and to reduce the risk of flooding from blockages to the existing/proposed access culverts and to the proposed development and future occupants in accordance with Policy 13 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 11 To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 12 To ensure the structural integrity of the existing and proposed watercourse bank slopes, to ensure future maintenance of the watercourse, fluvial drainage system, to prevent the increased risk of flooding to the proposed development and future occupants and to improve and protect water quality, improve habitat and amenity, of the watercourse to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 13 To ensure that the construction phase of the development hereby permitted does not adversely affect the bank or channel of a watercourse or pose a significant risk of silt pollution to accord with the National Planning Policy Framework.
- 14 To ensure that satisfactory access, turning and off-street car parking facilities are available to serve the dwellings hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15&16 To ensure the protection of controlled waters and the safety and amenities of the future occupiers of the site to accord with Policies NE14 and BE1 (criteria b and i) of the Hinckley and Bosworth Local Plan.
- 17 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 18-20 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and 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 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed structure forming part of the ordinary watercourse drainage system. This includes diversions of the watercourse and/or alterations to existing and/or proposed crossings of the watercourse to provide vehicular or pedestrian access, e.g. culverts or bridges. To discuss this position with the Environment Agency, please contact Sarah Mallett, Flood Risk Management - Partnerships and Strategic Overview Officer (Tel: 01543 405029).
- 6 In relation to Conditions 15 and 16, advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 7 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

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

- 9 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 bowsers, 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.

Contact Officer:- Richard Wright Ext 5894

Item: 03

Reference: 13/00798/FUL

Applicant: Ms Beverley Greenwood

Location: Quarry Park Forest Rise Groby

Proposal: Construction of new multi use games area with floodlights and additional car park

Target Date: 4 December 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the construction of a Multi-Use Games Area (MUGA) together with associated floodlighting designed to meet Sport England specifications and a replacement parking area within the recreation area known as Quarry Park, off Forest View, Groby. The proposed MUGA is to be located on what is currently a gravel area used for informal parking adjacent to existing play equipment. The MUGA measures approximately 38 metres in length x 17.5 metres in width with six goal areas (one at each end and two on each side projecting out a further metre. The playing surface will be black tarmac with coloured line markings to show recreational sports and will be enclosed by 3 metres high dark green steel mesh fencing. It is to be illuminated by 4 x 400 watt asymmetric floodlights mounted on each of 4 x 8 metres high (11.4 centimetre diameter) hollow grey metal columns, two columns located on each side of the games area. The MUGA is intended to serve the community and also local schools to promote physical well being and is proposed to be available for use every day between the hours of 9.00am to 10.30pm.

The proposed parking area will measure approximately 50 metres in length and between 12 metres and 22 metres in width and be located adjacent to the existing tarmac surfaced access road leading from Forest View. It will provide 32 spaces in total including 2 disability spaces and 2 light goods vehicle spaces. The parking area is to be constructed with a hardcore base and cambered tarmac surface with slot drainage gullies and pipes leading to a soakaway. The parking area will replace the informal gravel area lost to the

MUGA and provide parking for the new facility, the recently refurbished play equipment area, other sporting activities on the recreation field and also the neighbouring school.

The Site and Surrounding Area

The site is located outside of, but adjacent to, the settlement boundary of Groby to the north west of the village centre. It is part of a larger area measuring approximately 5.28 hectares used for recreation known as Quarry Park. The wider site contains areas of play equipment, outdoor gym equipment together with open grassed areas (including a football pitch) and informal gravel surfaced parking. The recreation area is enclosed by mature tree belts and hedgerow planting to the north, west and south with more occasional planting to the east. To the north of the site is a scout building and associated parking and residential development beyond on a lower ground level. To the west there is a landscaped woodland planting area with grassed paddocks beyond. To the east there is a car park and large employment estate. To the south is Martinshaw Primary School and residential development on Forest View. Access to the site is from Forest View to the south.

Technical Documents submitted with Application

Design and Access Statement
Games Area and Ground Works Specifications
Lighting Report

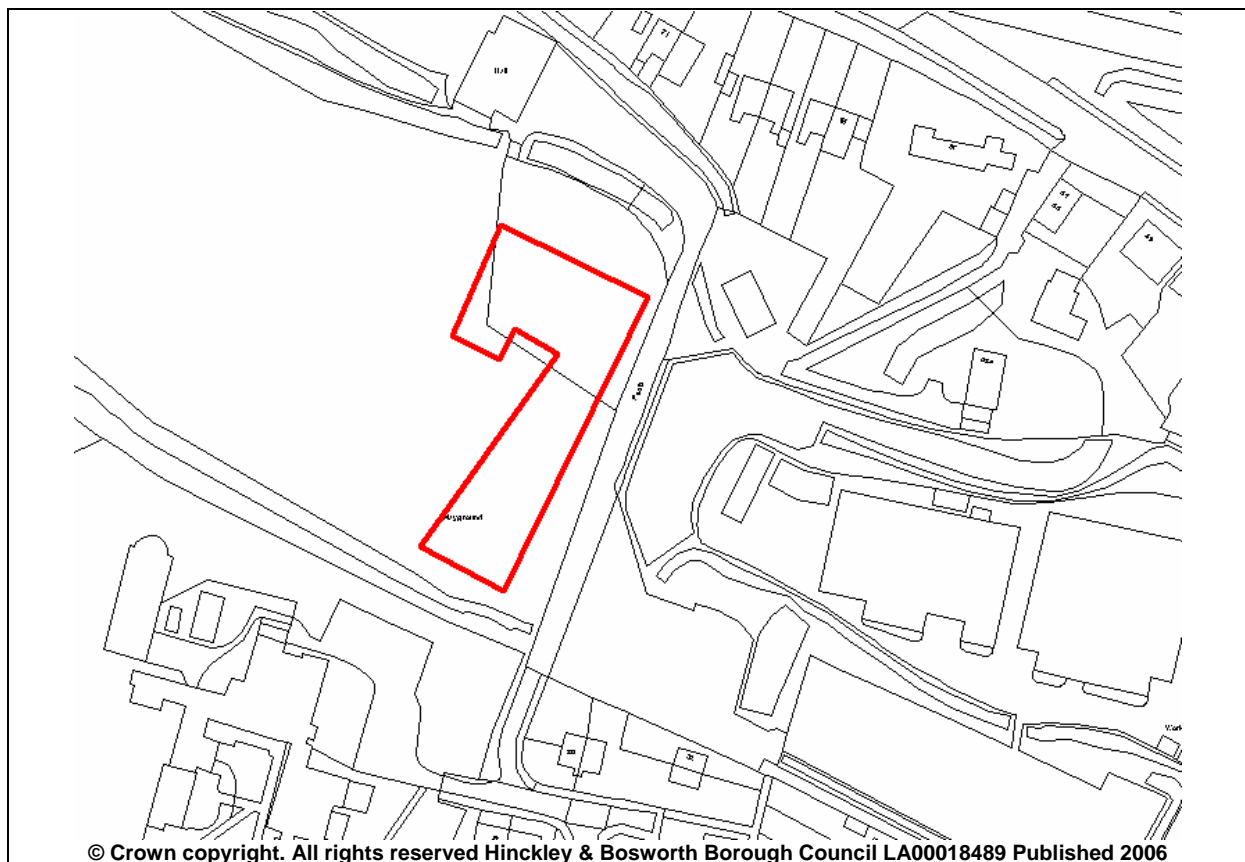
Relevant Planning History:-

92/00963/4

Erection of Play Equipment

Approved

25.11.92



Consultations:-

No objection has been received from:-

Groby Parish Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

Cyclist Touring Club does not object but suggest the provision of cycle racks to serve the development and wider recreation area.

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

Site notice displayed and neighbours notified. Five letters of objection and two neutral letters have been received raising the following concerns:-

- a) former landfill site, contents make it unsafe/unacceptable as a recreation site
- b) access roads to site are not wide enough and are unsuitable for the amount of traffic that would be generated
- c) sewers under road close to surface will collapse under extra weight of traffic
- d) predominantly elderly population/occupants in the area will suffer from increased traffic movements
- e) on-street parking is already a problem on the approach roads and prevents emergency access
- f) alternative more suitable site available elsewhere in Groby
- g) height and brightness of floodlighting and hours of use will adversely affect residential amenity due to light pollution and noise nuisance
- h) security concerns, inadequate boundary fencing and no gates to site, antisocial behaviour, vandalism and theft reported to Police.

At the time of writing the report comments have not been received from Directorate of Chief Executive (Ecology).

The consultation period remains open at the time of writing and closes on 10 December 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy

Strategic Objective 3: Strong and Vibrant Rural Communities
Strategic Objective 7: Healthier and Active Communities
Policy 8: Key Rural Centres Relating to Leicester

Hinckley and Bosworth Local Plan 2001

The site is outside the settlement boundary of Groby as defined on the Proposals Map of the adopted Local Plan. The site is not identified as a recreation site in the adopted Local Plan (2001). However, it is identified as a recreation/play space in the Green Space Strategy

(2005-2010) and Audits of Provision (2007) and Open Space, Sport and Recreational Facilities Study (2011) which is the evidence base to support future allocation of the site.

Policy BE1: Design and Siting of Development

Policy BE26: Light Pollution

Policy REC4: Proposals for Recreational Facilities

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Policy T10: Secure Cycle Parking Facilities

Other Material Policy Guidance

Green Space Strategy (2005-2010) and Audits of Provision (2007)

Open Space, Sport and Recreational Facilities Study (2011)

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and impact on the character and appearance of the site and surrounding area, residential amenity, highway safety and other issues.

Principle of Development

The site is outside the settlement boundary of Groby as defined on the Proposals Map of the adopted Local Plan and is not identified as a recreation site in the adopted Local Plan (2001). However, it is identified as a local equipped area of play (LEAP) in the Green Space Strategy (2005-2010) and Audits of Provision (2007) and Open Space, Sport and Recreational Facilities Study (2011) which is the evidence base to support future site allocations. The Audits of Provision 2007 gave Quarry Park a quality score of just 29.6% although the play and outdoor gym equipment have more been recently improved.

Policy 8 and Strategic Objectives 3 and 7 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green play space and leisure facilities in Groby and develop healthier communities. Policy NE5 (criterion c) of the adopted Local Plan provides a presumption in favour of development in the countryside for sport and recreation purposes subject to a number of design criteria.

Whilst the site has not yet been formally allocated as a play and open space area, it is identified as a preferred option in the Consultation Draft Site Allocations and Development Management Policies Development Plan Document (DPD) 2009 and has been in such use for a number of years. The principle of play and recreation on the site has been established with previous planning permission being granted for play equipment on the site. The provision of a MUGA on the site constructed to Sport England specifications will significantly enhance the quality of the recreation facilities on the site and contribute to the social role of sustainable development by promoting health in the local community and accessible play facilities that reflect the community's needs and support its well being. In addition, the site is in a sustainable location close to the centre of the village. The proposed development is considered to be sustainable and in accordance with Policy 8 and Strategic Objectives 3 and 7 of the adopted Core Strategy and Policy NE5 (criterion c) of the adopted Local Plan and therefore acceptable in principle subject to all other planning matters being satisfactorily addressed.

Layout/Design and Impact upon the Character of the Area

Policy NE5 (criteria i, ii and iii) require that development does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the general surroundings and is effectively screened by landscaping. Policy REC4 (criterion c) requires that the form, scale and design of new recreational facilities are in keeping with the area and do not detract from the character of the landscape. Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area. These policies are considered to be in general conformity with the NPPF and can therefore be given weight in the determination of the application. Policy BE26 (criterion c) requires that lighting schemes do not affect the character or appearance of the area.

The site is used for recreation purposes and contains play equipment for community use. The proposed MUGA is to be located adjacent to the existing play equipment and its scale, design and appearance and the materials to be used in its construction are typical of this type of development. A sympathetic colour scheme is proposed (dark green mesh fencing and grey metal lighting columns) to assimilate the facility in to the surroundings and minimise its visual impact. The provision of a MUGA will complement the recreational character of the area and as a result of its siting, design and appearance the proposal will not have any adverse impact on the appearance or character of the site. The proposed floodlighting scheme will introduce light to the area during evening hours in order to maximise the community's use of the facility. The 8 metres high columns are necessary to provide satisfactory light coverage of the facility to Sport England specifications. The lighting scheme is designed to direct light downwards towards the facility and to minimise light spill outside the fenced enclosure. The application is accompanied by a lighting assessment, however, a light spill diagram has been requested to demonstrate that light spill would be confined to the pitch and its immediate environs and this will be reported as a late item. The floodlights are an integral part of the overall scheme as without them the potential use of the facility by the community during evening hours would be limited. Notwithstanding the floodlighting scheme, as a result of the existing mature tree planting around a majority of the site boundary the proposals will not have any material adverse impact on the appearance or character of the surrounding landscape. Whilst the proposed parking area would introduce additional hard surfacing to the site the scale of the parking area is not considered to be excessive in relation to the overall use of the site or to adversely affect the green character of the site. The proposals are therefore in accordance with Policies NE5 (criteria c, i, ii and iii), REC4 (criterion c), BE1 (criterion a) and BE26 (criterion c) of the adopted Local Plan.

Impact on Residential Amenity

Policy REC4 (criterion b) and Policy BE1 (criterion i) of the adopted Local Plan require that development of new recreational facilities does not have any adverse impact on the amenities of the occupiers of neighbouring properties and Policy BE26 (criterion a) requires that lighting schemes do not create nuisance to nearby residents in terms of glare.

As a result of the consultation process objections have been received from residents on the grounds that the height and brightness of the proposed floodlighting and the hours of use of the MUGA, particularly in the evenings, will have an adverse effect on residential amenity as a result of light pollution, noise and disturbance and the potential for anti-social behaviour.

The proposed MUGA is located within a well enclosed site where recreational activities already take place and where there is potential for a certain amount of noise generation. The nature of the site is such that it is not securely enclosed and public access from various points is available at all times. The proposed hours of use of the MUGA are between the hours of 9.00am and 10.30pm daily. There are mature trees and a Scout building and

associated parking area to the north of the MUGA with the nearest dwellings located beyond at a distance of approximately 45 metres and on a lower ground level. To the south the nearest dwellings are located at a distance of approximately 87 metres from the MUGA. As a result of the siting of the MUGA it will exceed the minimum separation distance of 30 metres from all neighbouring residential properties as recommended for such facilities in the Borough Council's adopted Play and Open Space SPD and therefore is considered to be acceptable in respect of any impact from noise generation as a result of the use of the facility. As a result of the siting and separation distances to neighbouring dwellings and the scale of the floodlighting scheme together with the existing mature tree planting around the site the floodlighting scheme will not have any material adverse impact on the amenities of neighbouring residents from light pollution. However, a condition limiting the use of the floodlights to the proposed hours of use and requiring them to be turned off when the MUGA is not in use is considered to be reasonable in this case to further minimise any impact. The Head of Community Services (Pollution) has no objection to the proposed scheme.

There is no evidence to suggest that the proposal will lead to any adverse impacts from antisocial behaviour, vandalism or theft and it is possible that such activities in the village could be reduced by the provision of a high quality additional recreation facility of this nature.

Objections have also been received that the occupiers of neighbouring properties on the approach roads to the site (Forest View/Forest Rise etc.) will be adversely affected by additional traffic generation as a result of the provision of the facility. However, the site is already used for both formal and informal recreation purposes, the proposed MUGA will be easily accessible to the community by walking and cycling and there is no evidence to suggest that there will be any adverse impact on the amenities of neighbouring residents as a result of additional traffic generation to and from the site.

The proposals are therefore considered to be in accordance with Policies REC4 (criterion b), BE1 (criterion i) and BE26 (criterion b) of the adopted Local Plan.

Impact on Highway Safety

Policies NE5 (criterion iv), REC4 (criterion d), BE1 (criterion g) and T5 require that development provides adequate access, parking and manoeuvring facilities to serve the development and will not generate traffic on a scale likely to exceed the capacity of the highway network or impair road safety.

As a result of the consultation process objections have been received on the grounds that the access roads to site are not wide enough, are unsuitable for the amount of traffic that would be generated and that on-street parking is already a problem and sometimes prevents emergency access.

The vehicular access to the site is through a residential estate (Forest Rise and Forest View). These roads are adopted highway and wide enough to enable vehicles to pass each other. The provision of an improved properly surfaced parking area to serve the activities on the site and the adjacent school will enhance the existing parking facilities and discourage on-street parking in the vicinity. The Director of Environment and Transport (Highways) has no objection to the proposals in principle but recommends a condition requiring the provision of secure cycle parking within the site. The agent has confirmed agreement to the provision of cycle racks within the site which will accord with Policy T10 of the adopted Local Plan.

The proposals are considered to be in accordance with Policies NE5 (criterion iv), REC4 (criterion d), BE1 (criterion g), T5 and T10 of the adopted Local Plan.

Other Issues

An objection has been received on the grounds that the site is located on a former landfill site and that the contents make it unsafe/unacceptable as a recreation site. The Head of Community Services (Pollution) does not envisage that the development proposed will be adversely affected by the historic use of the site and recommends that the applicant is advised to adhere to certain working practices as a precautionary measure during the construction of the development as a note to applicant.

An objection has been received on the grounds that the sewers under the access road are close to the surface and will collapse under the extra weight of traffic going to and from the site. However, there is no evidence to support this view and as previously discussed there is no evidence to suggest that the proposal will result in significant additional traffic movements as a result of the proposal.

Objections have been received on the grounds that there are alternative more suitable sites available elsewhere in Groby for this type of facility. However, the proposal must be considered on its own planning merits.

Objections have been received on the grounds that the wider site has inadequate boundary fencing and therefore the proposal could result in vandalism to and theft from neighbouring properties. There is no evidence to suggest that the provision of a MUGA and parking area will lead to an increase in such activities. It could be argued that if additional use of the site is generated by the facility, particularly during evening hours and with the use of lighting, then greater surveillance of the site will result which may have the potential to reduce such activities.

Conclusion

The provision of a high quality MUGA within this established play and recreation site is acceptable in principle and will significantly enhance the quality of the existing facilities on the site. By virtue of the siting, scale, design and appearance of the development together with the existing mature tree landscaping around the boundaries of the wider site and separation distances to neighbouring properties the proposal will not result in any adverse impact on the character or appearance of the area or the surrounding landscape, the amenities of neighbouring residential properties or highway safety. The proposals are therefore considered to be in accordance with Policy 8 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, g and i), BE26 (criteria a, b and c), T5 and T10 of the adopted Local Plan together with overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 10 December 2013. Permit subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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 siting, scale, design and appearance of the development it will complement the character and appearance of the recreation site and would not have any adverse impact on the character or

appearance of the surrounding landscape, the amenities of neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i, ii, iii and iv), REC4 (criteria b, c, d and g), BE1 (criteria a, g and i), BE26 (criteria a, b and c), T5 and T10.

Local Plan 2006-2026: Core Strategy (2009): - Policy 8.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Dwg. No. 010 Rev A; Block Plan Dwg. No. 011 Rev A; Proposed MUGA Floor Plan and Elevations Dwg No. 100 Rev A; Proposed Lighting Column Detail Dwg, No. 110; Specification Dwgs:GPCP01-01, GPCP-03 to GPCP-09 inclusive and Light Specification detail Dwg. GPCP-Lighting Report-01 received by the local planning authority on 9 October 2013.
- 3 Before any development commences full details of a scheme to provide secure cycle parking facilities within the site shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be completed in accordance with the approved details prior to first use of the Multi-Use Games Area hereby permitted.
- 4 The Multi Use Games Area and floodlights hereby permitted shall not be used or illuminated other than between the hours of 9.00am to 10.30pm and the floodlights shall be turned off at all times that the Multi Use Games Area hereby permitted is not in use.
- 5 The parking and manoeuvring area hereby permitted shall be provided, marked out and surfaced in accordance with the approved details prior to the construction of the Multi Use Games Area hereby permitted and once provided shall be maintained for parking 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 In the interests of the sustainability of the development and to encourage more sustainable modes of travel in accordance with Policies T5 and T10 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 4 To protect the character and appearance of the surrounding landscape and residential amenity to accord with Policies NE5 (criterion i), Policy REC4 (criteria b and c) and BE1 (criteria a and i) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that there is adequate parking and manoeuvring facilities to serve the development and wider recreation site in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In view of the former use of the site for the tipping of waste materials and the potential for the presence of landfill gas the applicant is recommended by the Head of Community Services (Pollution) to adhere to the following precautionary working practices when development of the site commences: (i) no burning should be undertaken on site; (ii) digging on site should be undertaken carefully in case fill materials are disturbed; (iii) depth of digging should be kept to a minimum and if fill materials are encountered the Borough Council's Pollution Team should be contacted for further advice before development continues.

In addition, the Borough Council's Pollution Team should be notified when ground works are to commence in order to enable a visit to the site to assess the nature of the ground disturbed.

Contact Officer:- Richard Wright Ext 5894

Item: **04**

Reference: **13/00800/FUL**

Applicant: **Mr Anthony Sheward**

Location: **The Gate Inn Ashby Road Osbaston**

Proposal: **Provision of a cellar cooling system (retrospective)**

Target Date: **10 December 2013**

Introduction:-

This application is to be considered at Planning Committee at the request of the local ward Councillor on the grounds of impact upon residential amenity and noise.

Application Proposal

Retrospective planning permission is sought for the provision of a cellar cooling system.

The cellar cooling system consists of a unit measuring approximately 1.05 metres in length by 0.6 metres in height. It is a temperature control system which is ground level mounted.

The cellar cooling unit is sited to the west of the public house within the yard area.

Following concerns raised by officers, additional plans have been received which have updated the site location and floor plans to show the existing shed, freezer and chiller units and re-consultation was undertaken with all neighbours and statutory consultees.

During the course of the application additional information relating to specifications and noise technical information have been received and re-consultation undertaken with neighbours and the Head of Community Services (Pollution).

The Site and Surrounding Area

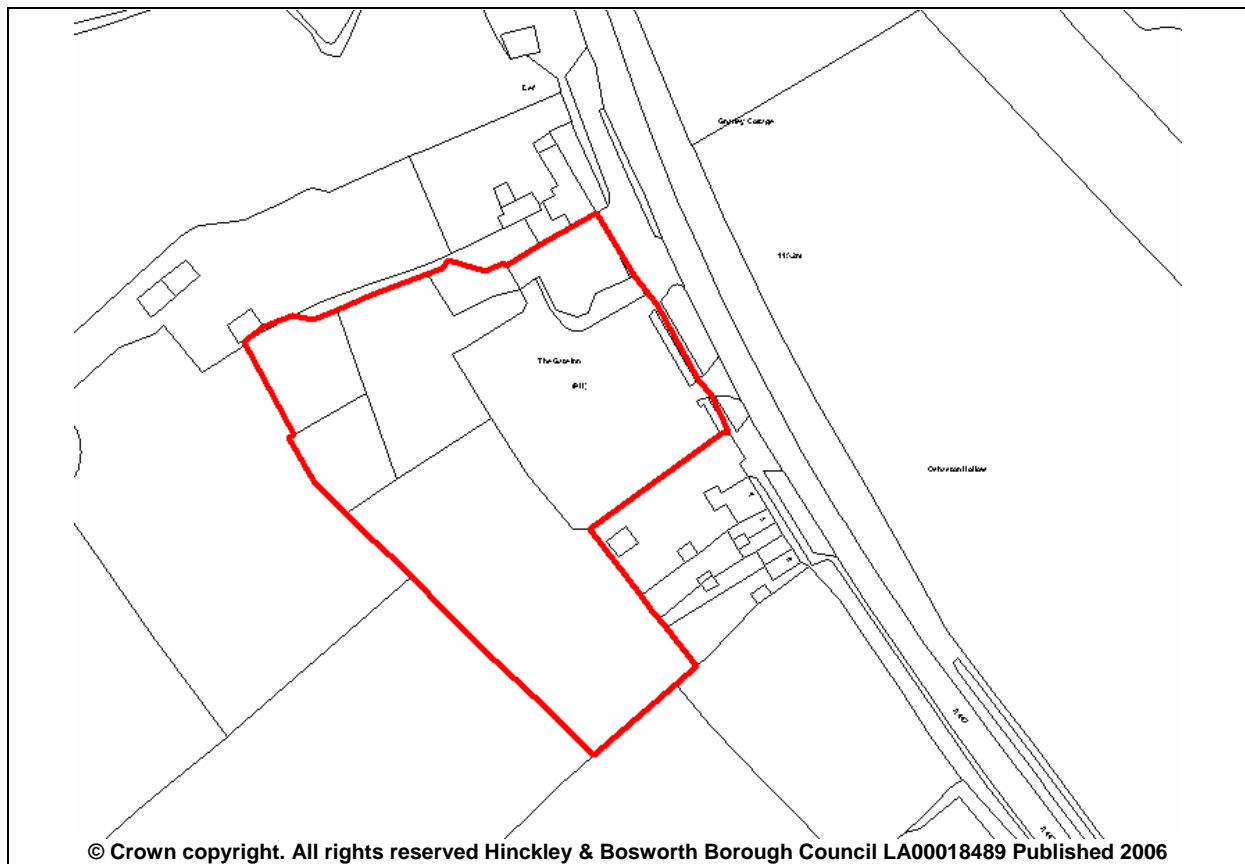
The Gate Inn is a public house that is sited within the undefined settlement known locally as Osbaston Toll Gate or Osbaston Hollow. The pub site is bound on both sides by residential properties. The pub has a large car park and children's play area.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

13/00166/BOCS	Breach of Condition	Pending this decision	
10/01007/FUL	Alterations and Refurbishment of Premises and Installation of Prefabricated External Cold Rooms to Enclosed Yard Area	Approved	30.03.11
10/00527/FUL	Extensions and Alterations to Public House including Alterations to Access	Approved	17.09.10
09/00899/FUL	Extensions and Alterations to Public House	Refused	05.03.10
87/00304/4	Proposed Alterations to the Gate Inn Public House	Approved	24.11.87



Consultations:-

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

Site notice displayed and neighbours notified.

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

- a) continued noise problem
- b) noisy in both our garden area during the day and internal rooms at night
- c) particularly un-acceptable in the garden area
- d) noise has been particularly intrusive over the summer when the equipment was running at peak load
- e) even now on lower loads the noise is still audible within the house at night, more so with the windows open
- f) this plant should have been detailed at the time of the 2010 application, as it is clearly within the scope of "replacing any existing external plant and extraction systems" so the applicant is in breach of the earlier condition and should be made to comply retrospectively
- g) the pdf document entitled distances to boundary is misleading and wrong
- h) the boundary between the Gate Inn and our property is the brick wall immediately behind the new freezer units
- i) whilst the opening hours are 10 am to 11 pm the plant item in question runs 24 hours a day, 7 days a week, dependent upon outside temperatures and does not switch off at 11 pm as the document implies
- j) this application should be assessed against the specific requirements for new developments, clause 4.31.1 of the World Health Organisation (WHO) guidelines for community noise

- k) the indoor guidelines for sleep at 30 dB LAeq for continuous noise and 45 dB LA max for single sound events should be used in the assessment of the likely effects of the development
- l) during the daytime, the outdoor sound pressure level should not exceed 40 dB LAeq
- m) the noise assessment should be based on the noisiest running conditions which are likely to be during hot weather when this and other plant is at full operational loads and its most noisy
- n) the assessment should consider the overall noise effects of other plant operating next door as well as the single contribution of plant covered by this application
- o) deficiencies regarding additional equipment not currently specified in this application should be investigated as part of consideration of any future application or amendments to this application
- p) a suitably qualified noise consultant is preparing a report on noise issues which will be submitted in due course.

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

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon the character and appearance of the countryside and impact upon residential amenity.

No weight can be given to the retrospective nature of this application.

Principle of Development

There is no defined settlement boundary for the settlement of Osbaston and therefore the site is wholly located within the countryside.

Previous planning history has confirmed that the Gate Inn is a significant employer in the area and a well used facility by both local residents and those travelling on the A447.

The site is not designated as an employment site within the adopted Hinckley and Bosworth Local Plan or the Employment Land and Premises Study.

There are three dimensions to sustainable development: economic, social and environmental as discussed within Paragraph 7 of the NPPF.

Within the economic role there is the aspiration to contribute to building a strong, responsible and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation and by identifying and co-ordinating development requirements, including the provision of infrastructure.

Paragraphs 18-20 of the NPPF also place significant weight on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Given that there is both a requirement to strengthen economic development in rural areas and to protect the intrinsic character and beauty of the countryside there is a need for any issues of harm to be carefully balanced against the economic benefits.

In summary, the NPPF makes clear that a development that is sustainable should be approved without delay and states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The principle of the cellar cooling system to be used in conjunction with the operations of the public house is considered to be in accordance with the overarching intentions of the NPPF.

As such there is no in-principle objection to the proposal subject to all other planning matters being adequately addressed.

Impact upon the Countryside

As previously discussed there is no defined settlement boundary for the settlement of Osbaston and therefore the site is within an area designated as countryside.

Within the environmental role of the NPPF there is the aspiration to contribute to protecting and enhancing the natural, built and historic environment, and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. Paragraph 17 within the NPPF states that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

In addition, at a local level the design criteria i-iii within Saved Policy NE5 remain generally relevant to development within the countryside. It states that development will have to meet the following criteria:-

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

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

In addition, Saved Policy BE1 (criterion a) of the Local Plan is also considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

The cellar cooling unit is sited to the west of the public house within the yard area. The yard area is to the rear of the property and is enclosed by a 2 metre brick wall to the north and a 2 metre high close boarded fence with framed, ledged and braced timber gates to the south and west. Accordingly resultant of the boundary treatments the cellar cooling unit would not be visible from outside of the area in which it is located.

In summary, it is considered that the cellar cooling unit does not have an unduly detrimental impact on the character and appearance of the countryside resultant of its siting and screening. It is therefore considered the scheme is in accordance with Saved Policies NE5 (criterion i-iii) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

Impact upon Residential Amenity

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

The residential dwelling most immediately impacted upon as a result of the proposal would be Gnarley Cottage.

Gnarley Cottage was previously attached to the public house; however some years ago it was detached from it following a history of problems with noise. It is considered that whether the proposals would have an adverse impact upon the amenities of the occupiers of the adjacent dwelling is a significant consideration in the determination of this application.

The Head of Community Services (Pollution) has visited the site and undertaken noise readings within the curtilage of the Gate Inn and within the garden area of the nearest neighbouring property Gnarley Cottage.

The Head of Community Services (Pollution) has the following observations to make:-

"The unit was operated in order to carry out the monitoring. The World Health Organisation (WHO) Guidelines for Community Noise have been used to assess the unit. The relevant levels within the WHO guidelines can be summarised as follows:

<i>Day External LAeq, 16hr =</i>	<i>50-55 dB</i>
<i>Night External LAeq, 8hr =</i>	<i>45 dB</i>
<i>Internal LAeq, 8hr =</i>	<i>30 dB</i>

On reviewing the monitoring results from within the neighbouring garden the noise from the unit was barely distinguishable from the prevailing background noise of the Ashby Road. Between 13:22 and 13:37 the unit was operating continuously. The Laeq for this time was 47.5 dB(A) within the garden area of the nearest property.

It was decided that due to the colder weather it would not be possible to measure the noise of the unit within the nearest property. Therefore distance calculations have been used based upon the measured levels of the plant running within the curtilage of the Gate Inn. Average levels for the operating plant were 61dB LAeq. Using distance correction to the nearest bedroom window of the neighbouring property gives 44.6 Laeq. This prediction does not take into account the attenuating effects of the separating wall between the source and receiver which would lower this level.

Please note that the WHO levels refer to acoustic energy that is averaged over time (8hrs over the night time period). Although the above figure of 44.6dB(A) looks close to that level due to the plant not being operated constantly the true level would be a lower value as it is averaged over time.

In conclusion even if the unit was operated constantly it would be unlikely to exceed the WHO guideline levels.

I have no reason to object to the proposal"

Accordingly the Head of Community Services (Pollution) is satisfied with the noise levels produced and raises no objection to the proposal.

There are residential properties located to the south side of the car park however resultant of the noise readings and the distance it is not considered there will be any impact upon the occupier's amenities by this proposal.

Accordingly, it is considered that the unit does not result in unacceptable disturbances to the neighbouring dwelling Gnarley Cottage and that the proposal will have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan.

Other Matters

In response to the comments raised about the previous application, the potential breach of condition 7 attached to application ref: 10/01007/FUL has been under investigation by the Council's enforcement team and this application is a product of their investigations, seeking to regularise this development.

The other potential deficiencies in specification of the plant within the rest of the site is under investigation by the Council's enforcement team ref: 13/00166/BOCS.

Conclusion

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

The principle of the cellar cooling system to be used in conjunction with the operations of the public house is considered to be in accordance with the overarching intentions of the NPPF.

The scheme does not give rise to any significant materials impacts upon the occupiers of neighbouring dwellings, or the character and appearance of the countryside and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

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

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the unit does not result in any significant adverse impact upon the surrounding countryside or residential amenity.

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

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

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Ordnance Survey Map (Scale 1:2500) received by the Local Planning Authority on 15 October 2013 and amended details, as follows: Existing Site Plan Drawing No. E0709/90322/04 and Cellar Cooling System Drawing No. E1013/90322/6.0 received by the Local Planning Authority on 21 October 2013.

Reasons:-

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

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 05
Reference: 13/00834/COU
Applicant: Mr R Sokhi
Location: Adjacent Bubble Boyz Car Wash Watling Street
Proposal: Change of use of former service station (sui generis) to cafe (A3)
Target Date: 2 January 2014

Introduction:-

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

Application Proposal

This application seeks change of use of part of the former petrol filling station/service centre, adjacent to Bubble Boyz, Watling Street, to a café (use class A3). The proposal consists of an area of 40sqm located between the office used by Bubble Boyz and Enterprise Vehicle Hire with access from the A5. Parking is included. Information submitted by the applicant indicates that there will be a maximum of 10 chairs within the premises and the business will sell hot and cold drinks, paninis, pasties, cold food and cakes. It is predicted that the majority of the food will be consumed on the premises whilst customers are waiting for services on other parts of the site.

No external changes are proposed as part of the application.

The applicant has amended the application to propose that the café has 24 hour opening 7 days a week. Re-consultation has been undertaken.

The Site and Surrounding Area

The application site is located to the north of the A5 Watling Street, to the east of the Dodwells Island and west of Paynes Garage. The site consists of a large forecourt with a single storey flat roofed building centrally located. There is parking and servicing space to the rear.

To the north the rear gardens of 552, 554, 556, 558 and 560 adjoin the larger site, with the rear garden of 562 to the west of the site. To the east and before Paynes Garage are 2 semi-detached dwellings.

The site is occupied by the following uses:-

- Bengal Chef is a restaurant and occupies the western portion of the building.
- Bubble Boyz, a hand vehicle wash operates from the forecourt of the old petrol filling station with an office located in the middle of the south elevation.
- The eastern side of the building is occupied by Enterprise Vehicle Hire.

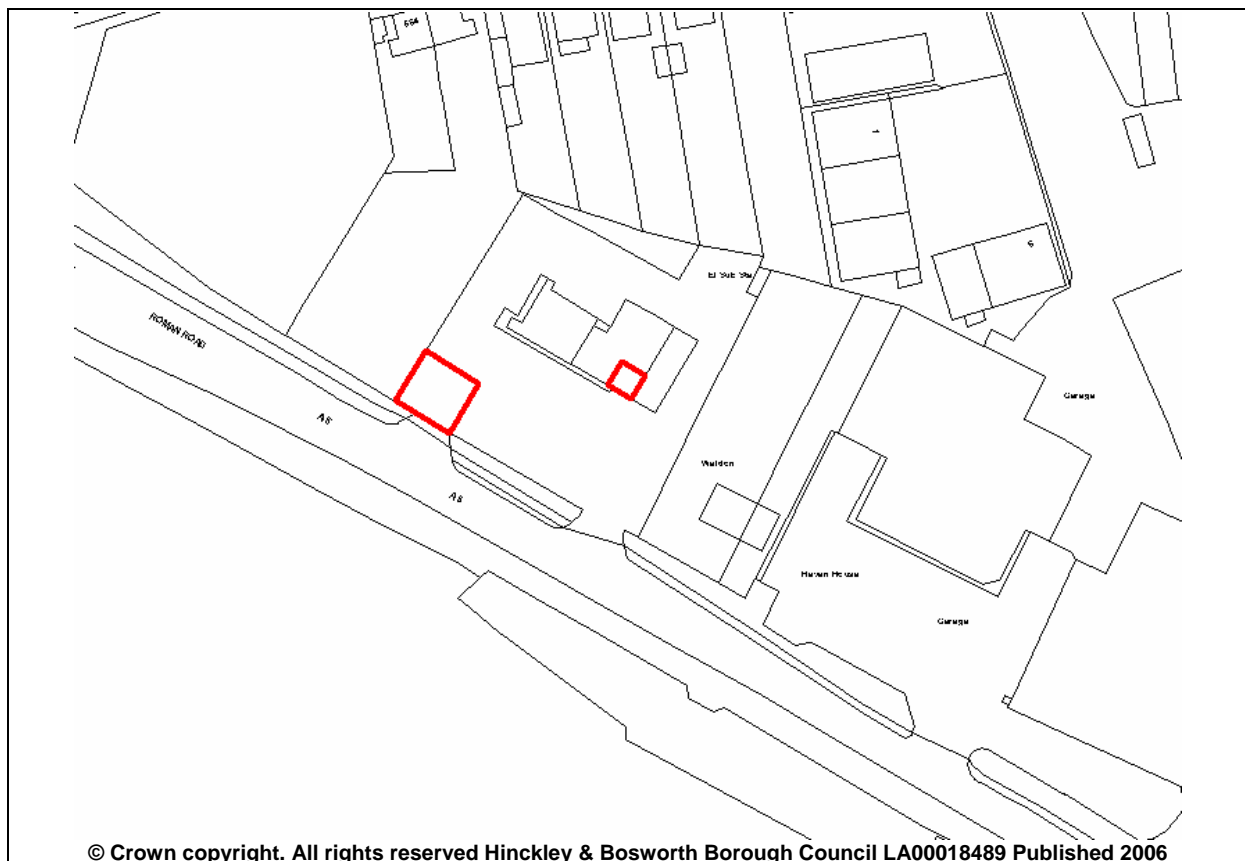
The site is a designated Employment site within the Hinckley and Bosworth Local Plan 2001 and located within the defined settlement boundary of Hinckley.

Technical Documents submitted with application

Design and access statement

Relevant Planning History:-

12/00338/COU	Change of use to hand vehicle wash (retrospective)	Refused Appeal Allowed	01.10.12 30.04.13
12/00168/S	Use of land for car sales	Open enforcement case	
11/00312/S	Unauthorised change of use (Snack van)	Open enforcement case	
01/00174/TEMP	Temporary use of site for retail furnishing/showroom	Refused	28.03.01
00/01242/TEMP	Temporary use of site for retail furnishings/showroom	Refused Appeal Allowed	01.02.01 13.07.01



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from Head of Community Services (Pollution).

Site notice and press notice were displayed and neighbours notified.

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

- a) the opening hours should be the same as the car wash if the proposal is to provide amenities to the users of these facilities
- b) late opening hours would encourage 'boy racers' and cause a nuisance
- c) concerns over toddlers and children using the café as vehicles using the car wash enter the site at speed
- d) spray from the car wash regularly blows across the footpath and interferes with pedestrians. This may also blow into the proposed café contaminating produce
- e) the submitted design and access statement is misleading
- f) the application should be approved by Environmental Health and any Food Standards and appropriate Safety Standards
- g) proposal does not take account of the pinch point improvement works to Dodwells island
- h) will result in an increased risk of road traffic accidents on or close to the site
- i) inconsistency between extent of previous approvals and this application
- j) proposal will require provision of a toilet and kitchen that are not shown on the plans
- k) other uses by the applicant are operating without consent or complying with conditions
- l) will the drains cope with the additional waste water generated by the use
- m) insufficient parking on the site
- n) description should be change of use from furniture shop
- o) uses have resulted in traffic accidents outside the site.

A petition containing 19 signatures has been received objecting to the proposal which do not state any specific grounds of objection.

At the time of writing the report comments have not been received from Nuneaton and Bedworth Borough Council.

At the time of writing the report the consultation period remains open.

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

Policy EMP1: Existing Employment Sites

Policy T5: Highway Design and Vehicle Parking Standards

Policy Retail 1: General Retail Strategy

Other Material Policy Guidance

The Employment Land and Premises Study

Appraisal:-

The main considerations with regards to this application are the principle of development, the effect of the proposal on the amenities of neighbouring residents, and highway safety.

Principle of Development

The NPPF has a presumption in favour of sustainable development, which it defines as having three strands; a social, environmental and economic. The applicant intends to provide hot and cold beverages and snacks to customers who are waiting on the site for other services. It is also intended to attract passing trade when the vehicle wash is closed, and the neighbouring restaurant is open. The applicant has indicated that if approved this unit will replace the hot food wagon located in the north western corner of the site.

The site is designated as an employment site under Policy EMP1 of the adopted Hinckley and Bosworth Local Plan as part of the Payne's Garage site. This classifies the site as 'B' where proposals for other employment uses will be considered on their merits and in accordance with the design policies in this plan. Employment uses are generally considered to be acceptable in these locations. The recent Employment Land and Premises Study review (2013) recommends that this be upgraded to A, as 100% retention for employment use stating that the site is well located and accessible.

The proposal seeks consent to change a small portion of the designated employment site that is currently vacant into a cafe, principally to provide an amenity facility to customers whilst waiting for other services offered within the site. The NPPF seeks to build a strong competitive economy, and the planning system should operate to encourage growth and not act as an impediment to sustainable growth. Policy EMP1 (b) supports alternative uses of the site providing they comply with other policies within the Local Plan. Whilst the updated Employment Land and Premises Study seeks to retain 100% employment on the site, this area of the site already contains non-employment uses such as the restaurant and the site now for consideration is designed to be used by customers whose principal purpose in visiting the site is to use the existing services available and would therefore complement the existing uses on the site and would not detrimentally change the fundamental employment use. Given this it is considered that in principle the proposal is considered to comply with the objectives of the NPPF and Policy EMP1 (b) of the adopted Hinckley and Bosworth Local Plan.

Amenities

The Head of Community Services (Pollution) requested further information regarding the proposed extraction equipment and what cooking appliances will be used. The applicant has provided information that the food will be limited to hot and cold drinks and snacks (including paninis, sandwiches and other ready made food that will be warmed on site). Given this information the Head of Community Services (Pollution) has no objection to the proposal,

however has requested conditions restricting the cooking and frying of food and requesting full details of cooking equipment.

Given that the applicant has confirmed that they are not intending to serve hot food, details of cooking equipment is not considered necessary and therefore would not be a valid condition.

Imposing a condition restricting the cooking of hot food on the premises is not considered to be enforceable. It would be difficult to prove items being warmed on the premises compared with those being cooked. In addition, given the existence of the Indian restaurant located 8m to the east of the application site, it is not considered that any conditions restricting hot food are reasonable given the unrestricted neighbouring restaurant use. Should the intentions of the applicant change and odours from cooking on the premises cause a nuisance, Environmental Health legislation can be used to address the issues.

The applicant has requested 24 hour opening 7 days a week. The proposal is located 8m to the east of an Indian restaurant that is open in the evenings and has no restrictions on its opening hours. A condition restricting opening hours is therefore not considered reasonable.

Given the above it is not considered that the proposed change of use would detrimentally affect the amenities of neighbouring residents in terms of odours or noise and the proposal is considered to comply with Policy BE1 criterion i.

Highway Safety

The proposal would utilise the existing accesses onto the site with spaces available for parking. Due to the access being off the A5, a trunk road Leicestershire County Council Director of Environment and Transport (Highways) has declined to comment as the Highways Agency has been consulted.

The NPPF states that 'Development should only be prevented or refused on transportation grounds where the residual cumulative impacts of development are severe'. The Highways Agency have raised no objection to the proposal commenting that the 'proposed development is not expected to have a material impact on the closest strategic route, the A5'. It is not considered that the proposal would result in a significant increase in additional visitors to the site, and therefore it is not anticipated that the proposal would detrimentally affect Highway safety. The proposal is therefore considered to comply with Policy T5 and paragraph 32 of the NPPF.

Objections have been received questioning the availability of parking. The applicant has indicated within the red line of the site an area that can accommodate two parking spaces, which is outside the red line submitted for the Bubble Boyz car wash application. This parking allocation is considered appropriate for the size and scale of the proposed unit.

Concerns have also been received regarding the safety of pedestrians, especially toddlers and children, crossing the site to access the café. The site contains a number of different uses resulting in potential conflict between users. The matter of safety of children cannot be controlled through the planning process, the uses on this employment site are not significantly different to any other employment site.

Residents have referred to accidents along this portion of the A5 being caused by vehicles exiting the site. The traffic accident detailed report has been seen by officers, it confirms that the accident referred to did not involve a vehicle using or about to use the application site.

Other Issues

There are no external changes proposed and therefore given the uses already on the site, it is not considered that the proposal would detrimentally affect the character or appearance of the area.

Objections have been received referring to the applicant obtaining consent under other legalisation, i.e. Food safety and spray from the car wash affecting pedestrians or the café itself. These are not material planning matters that can be considered in the determination of this application.

Objections have also been received stating that the design and access statement is misleading. The appeal decision referred to within the design and access statement relates to application 00/01242/TEMP for the temporary use of the site for a retail furnishings and showroom which was allowed at appeal. In reaching his decision the Inspector concluded that the proposed business would not detrimentally impact on the vitality and viability of Hinckley town centre.

It has been highlighted that the description should seek consent for change of use from furniture shop to café. Consent for the furniture showroom was limited for a specified time limit, after which the use ceased and the legal use reverts back to the previous use of the site, in this case the service station, which in planning terms is a 'sui generis' use, or a use that does not fall within a use class or is 'of its own kind'.

Internal works to separate the areas into food preparation areas and provision of toilet facilities do not require planning permission and therefore not a consideration under this application.

Other uses within the site that are an alleged breach of planning control are subject to separate enforcement investigations and cannot be considered in the determination of this application.

The application seeks change of use of a building which should benefit from existing services, including drains. Any additional drains or changes to the layout will be subject to consent under Building Regulations where required and drains will be checked as part of this process.

Conclusion

The application seeks consent for change of use of part of part of the former service station located on Watling Street, to the east of Dodwells Island as a café (use class A3). The site has a variety of uses including an Indian restaurant (use Class A3) that has no restrictive conditions. The proposal would utilise the existing access and no objection on highway safety grounds has been received from either The Highways Agency or Director of Environment and Transport (Highways). The applicant has indicated that he only wants to sell snacks, hot and cold drinks and will have 10 chairs within the premises. The Head of Community Services (Pollution), have raised no objection and it is not considered that the proposal would result in a detriment to the amenities of neighbouring residents. The proposal is therefore considered to comply with Policy BE1 criterion I and T5 of the Hinckley and Bosworth Local Plan supported by the NPPF.

RECOMMENDATION:- That the Development Control Manager shall be granted delegated powers to grant planning permission subject to the conditions below providing no significant material objections are received prior to the expiry of the consultation period on 9 December 2013:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the existing uses on the site, the proposal is considered not to result in a highway safety issue or result in a detriment to neighbouring occupiers. The proposal is considered to be acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies T5 and BE1 (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 complete accordance with the submitted application details, as follows: Site Location Plan (scale 1:1250), Block Plan (scale 1:500) drawings 1217(1), 1217 (2) received 7 November 2013.

Reasons:-

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

Notes to Applicant:-

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

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 13/00883/REM

Applicant: Mr David Ward

Location: Bus Station Lancaster Road Hinckley

Proposal: Reserved matters application pursuant to planning permission 10/00743/OUT for appearance and landscaping for the erection of a mixed-use development comprising retail (A1-A3 uses), leisure (D2 Uses) and offices (B1A Uses), together with all associated infrastructure and plant, public realm, landscaping and servicing. Works to include the provision of a part undercroft/part surface public car parking area and a new bus station.

Target Date: 14 January 2014

Introduction:-

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

Application Proposal

This is the reserved matters application following outline planning permission granted in January 2011. The outline consent gave approval for access, layout and scale and therefore the application currently under consideration is only for appearance and landscaping. Since the outline approval in 2011 a non material amendment was made to the application which altered the scheme in the south-eastern corner to take account of the retention of the Territorial Army building that cannot be compulsory purchased as it is Crown Land. The non-material amendment is to be read in conjunction with the outline consent and therefore this reserved matters application takes into account this change in footprint.

The outline application included minimum and maximum scale parameters for both the footprint and the height of the units. It made provision for a bowling alley above the retail units should it be viable to do so. The detailed plans now submitted have not included the bowling alley but as the scale parameter allowed for this the reserved matters application is still in conformity with the outline approval.

The scheme comprises a mixed use development including retail (A1, A2 and A3 uses); leisure (D2 uses); offices (B1a uses); associated infrastructure and plant; public realm; servicing, a new public car park and a new bus station.

The proposals are presented as a comprehensive development scheme for the site identified as the 'Bus Station site' in the Council's Development Brief 2007, the Core Strategy 2009 and the submitted Hinckley Town Centre Area Action Plan 2010. The proposals include the following:-

- The demolition of the town's existing Bus Station, and clearance of the whole site
- The stopping up of Brunel Road
- A supermarket with service yard

- An undercroft car park featuring 'park mark standard' security and lighting
- A 5 screen cinema
- Family cafés and restaurants
- Retail units
- Office space
- A new 5 stop Bus Station on Waterloo Road (plus one lay over bay)
- Highway improvements
- Improved site access points for pedestrians, cycles, customers, public transport vehicles and delivery vehicles
- Public Realm improvements
- Opportunity to improve links with the town centre.

The scheme, known as The Crescent, is anchored by the new foodstore and undercroft parking to the west and the cinema over the retail units to the east. The route between the anchors is formed with retail units to the south and café/restaurant uses to the north in a crescent shape. A break in the crescent provides a link through to the new bus station. Servicing for the business uses on site is provided to the south accessed off Rugby Road; to the east off Station Road and to the north off Lancaster Road and Waterloo Road. Parking is provided for the public and staff, with 10 additional spaces allocated for residents parking associated with Clarendon Road to replace the garages to the rear of properties on Clarendon Road.

The scheme is comprehensive development essentially provided in 5 inter related blocks. Block A, D and E are linked and located along the southern boundary of the site to the rear of properties along Clarendon Road. It accommodates the foodstore to the west (Block E); 9 retail units (Block A); and an office unit to the east (Block D). Block B forms a crescent shape and comprises 5 units for café/restaurant use. This block sits to the north of the site wrapping round the Bus Station on Waterloo Road and provides the built form on the north side of the scheme. Block C is located in the north-east corner of the development and comprises 9 retail units at ground floor facing into the crescent, Lancaster Road and Station Road, the Cinema entrance and atrium is located on the south of this block at ground floor level leading up to the cinema above. Undercroft car parking is provided under the foodstore and extends under 3 of the retail units in Block A and part of the A3 units in Block B, this car park makes use of the change in levels across the site so the retail units are all at the same level within the scheme.

Due to the level difference across the site the scheme provides steps and ramps at both the east and west of the development. The new Bus Station will have wheelchair access to both the development and the town centre and new shelters for each bus stand, details of which are subject to a condition attached to the outline planning permission. Waterloo Road will be reconfigured to provide 'saw tooth' design bus lay-bys and buses will be re-routed in a clockwise direction to enable passenger pick up and drop off from the retail side of the development. The cinema is provided at first floor level, accessible from street level from within the scheme.

The plans provide details of proposed materials, however these are subject to a condition and are still under discussion and there these are not for approval under this reserved matters application.

The Site and Surrounding Area

The site is located to the south and immediately adjacent to the existing retail area linked to Castle Street via Station Road with the commercial area to the north, predominantly

residential to the south and west and a mixed area to the east. It forms a gateway entrance to the town centre from both Rugby Road and Station Road.

The application site is approximately 4 hectares and currently comprises a mix of uses including the Bus Station, a car dealership, employment, retail, community, leisure and surface car parking. The buildings on site are varied in both design and scale; of prominence is a projecting chimney from a 20th century building fronting Station Road and a chimney on the old Benco Works building on the west of the site. The levels across the site vary considerably with the highest point being to the east on Station Road at 114.75m and the lowest point being to the west on Rugby Road at 107.35m. There are also 2m level changes from north to south. The site currently comprises little landscaping and a mix of surface areas. Built form exists mainly fronting Station Road, Lancaster Road, Brunel Road and Rugby Road, with large areas of surface car parking to the south of Brunel Road and centrally within the site.

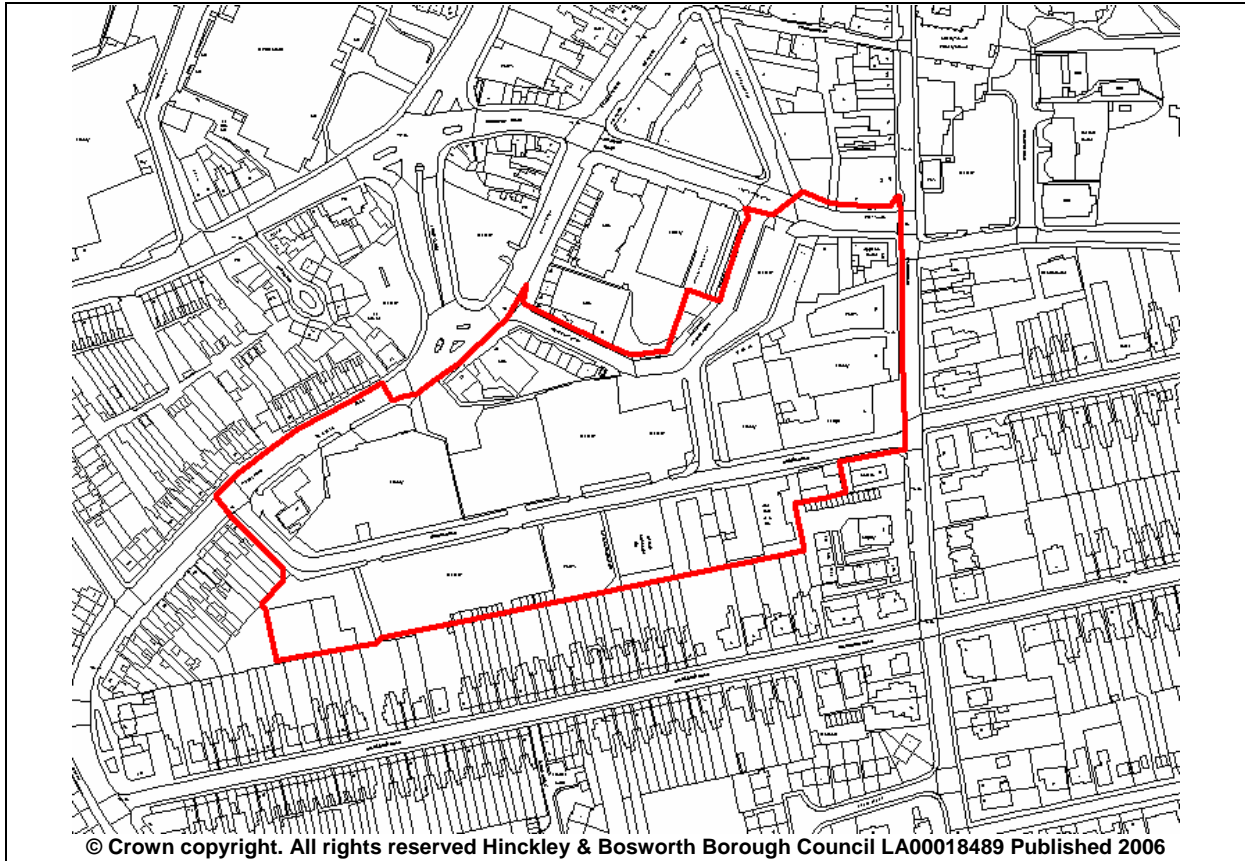
The surrounding area comprises a wide variety of architectural styles. The character of the residential streets either side of the site vary with properties along Rugby Road being Victorian style terraces with horizontal proportions whilst properties along Station Road comprise 2/3 storey semi-detached Edwardian houses with bay fronts. Properties in Clarendon Road are a mix of both these styles with larger town houses at either end. The commercial area to the north comprises some original old buildings often set between modern buildings. The market square located to the north along Station Road boasts 7 listed buildings. There are examples of 19th century architecture, early 20th century architecture with Art Deco influences, and more recent 20th century architecture in the surrounding area.

Technical Documents submitted with Application

None relevant.

Relevant Planning History:-

10/00743 OUT	Outline application including access, layout and scale, for the erection of a mixed use development comprising retail, leisure, and offices together with all associated infrastructure and plant, public realm, landscaping and servicing. Works to include the provision of a part undercroft / part surface public car parking area and a new bus station	Approved	18.01.11
13/00673/NOMAT	Non material amendment of planning application 10/00743/OUT for the retention of the Cadet Centre with private access road and servicing, reduction in size of retail and office units adjacent the cadet centre, and alterations to rear servicing area.	Approved	22.08.13



Consultations:-

No objection received from:-

The Director of Environment and Transport (Highways)
Developer Contributions, Leicestershire County Council.

No comment received from:-

Highways Agency
Environment Agency.

The following consultees have repeated the advice provided at outline stage which resulted in the imposition of conditions or notes to applicant on the outline approval:-

Directorate of Chief Executive (Ecology)
Directorate of Chief Executive (Archaeology)
National Grid
Head of Community Services (Land Drainage).

The Head of Community Services (Pollution) comments on noise related issues which are under consideration currently through the discharge of planning conditions on the outline planning permission.

The following consultees have not responded to the consultation:-

Leicestershire Fire and Rescue Service
Western Power Distribution

Nuneaton and Bedworth Borough Council
Severn Trent Water Ltd
Police Architectural Liaison Officer
CTC.

At the time of writing the report the consultation period remains open; this expires on 12 December 2013 following consultation on revised plans resulting from minor changes to landscaping drawing and minor elevational changes.

Site notice displayed, press notice advertised and 340 neighbours consulted.

Comments received from two neighbours raising the following issues:-

- a) query with the CPO and access to property
- b) visual amenity and impact on residents along Clarendon Road
- c) boundary treatment between Clarendon Road properties and site was an earth bank and trees - now it is an acoustic fence
- d) 24/7 operation will impact on neighbours from noise pollution
- e) parking problems in the area will worsen
- f) congestion in local area will worsen impacting upon junctions in locality particularly Clarendon Road and Rugby Road which is already dangerous
- g) internet shopping is increasing therefore no need for another supermarket or retail units - there are already empty units in town
- h) impact on existing town centre shops
- i) where will the users of the 'Brunel Road car park' park? Local roads
- j) not viable, hence input of money from the Council.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Policy 1: Development in Hinckley

Local Plan 2006-2026: Hinckley Area Action Plan (2010)

Spatial Objective 4: Enhancement of the Town Centres image

Spatial Objective 7: Improve public realm

Policy 9: Bus Station

Policy 11: Public Realm Improvements

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE12: Landscaping Schemes

Appraisal:-

The main considerations with regards to this application are the appearance of the development and the hard and soft landscaping of the site. All other issues were considered at the outline stage and are not for consideration now.

Appearance of the Development

The proposed development is divided into 5 blocks, however 3 of these (A, D and E) are linked to form one larger block. Overall the scheme is modern, contemporary in expression but one that will blend in with the surroundings by use of a limited pallet of traditional materials and textures. The scheme also incorporates a branding feature in the form of a coloured stripe feature, details of the actual colours are subject to the condition imposed on the outline planning permission. Whilst the plans submitted with the application indicate proposed materials these are subject to the outline planning condition and are currently under consideration.

The large block (A, D and E) sits to the south of the site and incorporates the foodstore, 9 retail units and the 2 storey office. It has frontages to Rugby Road, Station Road, the proposed shopping crescent and backs onto the rear of properties along Clarendon Road. The pallet of materials proposed for the Rugby Road elevation (Block E) combine traditional brick (red and buff), with smooth light grey cladding and glazing. The elevation immediately adjacent the car park entrance and extending along Rugby Road comprises open frontage to the carpark and glazing at ground level with red brick above, interest is added through glazing and the branding feature. The elevation opposite the Trinity Lane junction steps in and is completely glazed to provide a feature when approaching the site from Trinity Lane. This breaks up the elevation and adds interest through the use of more modern materials. The corner element of the foodstore, prominent when approaching the site from the north comprises buff bricks at ground floor with feature glazing and cladding above, this corner feature makes the transition from the Rugby Road frontage into the heart of the scheme.

Block A (9 retail units) within the Crescent take on the appearance of a modern retail development, designed in a uniformed manner. Each shop frontage comprises a 3 window shop front with the door set centrally within each. Each unit is separated from the next with a brick surround. Units A1-A4 and A7-A8 are set within a red brick surround, whilst units A5, A6 and A9 are set within a buff brick surround. Each unit has a signage area, with louvers and glazing above. It is proposed that the shop front will be installed by the tenant and as such in order to ensure a uniformed approach and one that doesn't result in a myriad of clashing colours it is proposed that a condition be imposed requiring the submission of a shop front design code that all tenants will have to adhere to. Such a code can include guidance on fascia and projecting signage to ensure the quality expected is met. It should be noted that individual advertisements will require separate advertisement consent.

Block D (office), located on the far east of the larger block has 3 active frontages, the northern elevation, facing towards the Crescent comprises a mix red and buff bricks with glazed windows overlooking the passage into the Crescent. The eastern elevation fronting Station Road carries the red and buff brick theme and introduces a dark grey brick as a feature block around the entrance. The elevation is set back from the Station Road frontage behind a public square. The southern elevation facing the access road to the TA again continues the red and buff theme. It is considered this block sits comfortably between the new retail development and the existing built form along Station Road, the selection of materials aids the transition in order that the new development harmonises with the existing development.

The rear elevation of this larger block faces towards the rear gardens of properties in Clarendon Road. Whilst an important elevation in terms of the visual impact on residents of Clarendon Road, the elevation does sit a considerable distance from the rear of their properties. This rear elevation takes on a functional appearance with a mix of light grey cladding panels proposed. Rear service doors are proposed to be grey in colour.

Block B comprises 5 units and takes the form of a crescent shape. It has frontage onto Waterloo Road (the Bus Station) and into The Crescent retail area. The front elevation, facing the retail area has a lightweight appearance, with the majority of the elevation being glazed, dark grey brick panels are incorporated into the elevation to break up the glazing and assist with U values. Each unit has a shop frontage with a signage zone and louvers above. The branding feature is also incorporated into this elevation above the signage zone. This elevation takes on a contemporary appearance; the glazing allows views into the units which add interest within the streetscene. The elevation facing Waterloo Road, due to land levels is significantly higher. Due to this elevation forming the bus station enclosure it is considered necessary to ensure the design and materials are pleasant to the eye but also functional and hardwearing. As such it is proposed to provide brick at the street level with a composite cladding panel above. Windows are also provided into the units providing a functional operation but also adding interest. The Block is broken up centrally to provide a pedestrian link from the Crescent to the Bus Station; this link is covered and allows the glazing and feature branding from the frontage to wrap around into the Bus Station providing an aspect of natural surveillance and architectural interest. The roof on Block B has an overhang, adding further interest to the elevations.

Block C which comprises retail units at ground floor with the cinema above sits in the north east corner of the site and is viewed very much in the context of the existing street scene. The elevation facing into The Crescent at ground floor takes on a similar design as the retail units in Block A. Shop fronts vary in width but are essentially the same proportion and separated by a red brick surround. They each have a signage zone with louvers and grey framing above. They differ from Block A in that they do not have glazing above ground floor level. The shop front elevation projects forward of the cinema entrance and mass, which not only steps back but is also broken up by set backs and different materials. The 2 storey entrance feature on the south western corner incorporates glazing with buff brick surround. The cinema 'box' is set back from the ground floor frontage and entrance and comprises light grey ribbed and smooth composite cladding panels, with feature fins interspersed to alleviate the expanse and add interest. The southern elevation of this block continues the buff brick theme and introduces red brick to aid assimilation into the existing fabric. The south eastern corner incorporates the feature branding, providing subtle continuity with the rest of the scheme. The Station Road elevation comprises 3 small shop units, each having a double shop frontage set within a red brick elevation. There are also 2 service entrance areas along this elevation. The cinema block above ground floor level comprises the light grey composite cladding with the feature fins; it is considered that the use of light coloured materials will aid assimilation as it will blend with the skyline. Whilst functional in appearance it is considered that the appearance of what can only take the form of a 'box' due to the use will not adversely impact on the character of the area, its set back and change of materials will make the ground floor element of the scheme more prominent. Finally the northern elevation of Block C which faces into the existing retail town centre and Lancaster Road has been provided with a double height glazed retail frontage with buff brick surround at the corner, with a corner glazed signage feature incorporating the branding featured throughout the scheme. The frontage drops in height from the corner element and changes materials to red brick around retail frontages to make the transition back into The Crescent.

Overall, it is considered that the site, located in an area of mixed styles has been well designed to ensure it harmonises with the existing character whilst introducing a modern landmark development as required by Policy 9 of the Hinckley Town Centre AAP.

Landscaping

The landscaping proposals include both soft and hard surfacing. It is considered that a landmark retail scheme requires a cohesive, hardwearing public realm that provides accessibility for all. Public realm is integral to the overall appearance and urban design of a

scheme and is therefore of paramount importance. There are 2 elements to the public realm, the public areas to be accessed by all users namely The Crescent and Bus Station; and the functional areas for the servicing of the units.

The functional areas need to be fit for purpose and durable and take the form of macadam and concrete brushed finish. These areas are to the south of the scheme and comprise the service areas, car parking and vehicle access. To break up the large macadam and concrete areas planting is proposed in the form of hedging and shrubs, in locations at the car park entrance, along the Rugby Road frontage and along the rear boundary.

The public area to the front of the food store and along the retail area within The Crescent has been designed to incorporate, light coloured materials with feature banding. In addition the branding stripe has been incorporated into the public realm scheme following the curve of Block B, this material comprises a coloured composite to match the branding incorporated into the elevations. This gives a comprehensive and cohesive appearance tying the built form and public space together. The materials continue through into the Bus Station to ensure it reads as part of the overall scheme. Soft landscaping is also proposed at the entrance to the site opposite Trinity Lane, at the entrance to the site off Lancaster Road, and in the public square off Station Road in front of the office block. Soft landscaping in these locations will soften the hard surfaced areas and add to the streetscene. Landscaping includes box headed trees; Plane, Lime and Birch trees; Beech hedging; Ivy or Virginia wall creepers and shrubs: Hazel, Amelanchier and Holly in containers.

The actual materials to be used are subject to the condition imposed on the outline planning permission, but overall the concept for the public realm areas is considered to result in comprehensive well thought out scheme that will contribute to the 'landmark' development status that is required.

Within the public realm it is proposed there will be street furniture incorporating seating, bins, signage etc however it is considered that the provision of such furniture should be considered alongside the crime and terrorism measures as often such features can integrate counter terrorism properties thereby avoiding a cluttered streetscene. As such it is considered that street furniture, and lighting should be further controlled by a condition notwithstanding the details shown on the landscaping plan.

It should be noted that monies have also been secured to improve the public realm along Station Road into the town centre. It is considered that the integration of materials from The Crescent will aid with the integration of this new landmark scheme into the existing town centre core.

Other Issues

The outline planning permission required the submission of details of screen walls and fences; landscaping implementation programme; and the final siting and layout of each unit. Whilst not strictly reserved matters details the application has included these matters.

The only screening to be provided within the development is the boundary fence to the south of the development. This will comprise an acoustic fence which in visual terms will look like any close boarded fence. The acoustic properties of the proposed fence are subject to a planning condition attached to the outline planning permission. However, the visual appearance of the fence which extends around the recycling area to the west of the service yard, along the entire southern boundary and up to the TA building is for consideration. Due to the change in levels across the site the fence steps up to account for the rise from west to east but essentially the height of the fence is on average 3 metres in height with it being slightly higher to the west and slightly lower to the east.

The landscaping implementation programme submitted with the application proposes the landscaping to be implemented during the closest planting season immediately prior to completion of the scheme works which based on the current programme it is anticipated that planting will be carried out during February/March 2015. It is also proposed that the soft landscaping will be maintained for a period of 5 years post completion, beyond which time the maintenance will pass to the Centre Management Company who will employ a contractor to continue with the maintenance.

The submitted plans provide a fix on the layout and siting of each unit and are in accordance with the horizontal deviation plan approved at outline stage.

Response to Consultation

Comments provided by consultees relating to archaeology, ecology, noise, land drainage etc are not relevant to the application being considered. These matters were all addressed at outline stage, and conditions attached to the outline planning permission where relevant.

Of the issues raised by neighbours only two matters fall under the remit of the reserved matters application: visual amenity and boundary treatment. All other issues were either addressed at the outline application stage or are not material planning considerations.

Visual Amenity

The concern raised is the impact the development will have on residents of Clarendon Road, the distance of the built form and mass of it were matters considered at the outline application stage. It is considered that the visual appearance of the development, which is now being considered, due to its distance from the residents property will not harm their visual amenity. Design is subjective; the rear elevation of the larger block is functional in appearance. Materials have been used that will aid assimilation with the skyline and whilst the development will be seen it is not considered that its appearance is such that it will adversely impact upon residents visual amenity. The proposals are certainly an improvement on the current visual appearance of the site which is one of dereliction and poorly designed ad hoc buildings that do not contribute to the character of the area or have any architectural integrity.

Boundary Treatment

This matter is discussed above, however it should be noted that the boundary treatment along the rear of the site was not proposed as an earth bank and trees. The details of the boundary treatment were always a matter for consideration at the detailed stage and were always going to incorporate some form of acoustic fence.

Conclusion

The application being considered is reserved matters only and therefore only matters of appearance and landscaping are submitted for approval. All other matters were approved at outline planning application stage.

The scheme is a landmark development and through careful design it is considered that it will harmonise with the existing built form through the integration of traditional materials whilst introducing a modern and contemporary twist through architectural design and form with modern materials to complement the overall appearance. The public realm scheme continues with the modern theme whilst not harming the character of the existing area. The use of materials similar in nature to those proposed within the scheme along Station Road will improve the wider public realm of the town centre and aid integration of new with old.

The incorporation of a stripe branding feature gives the development identity and ensures a cohesive theme through each of the blocks and public realm.

RECOMMENDATION:- That the Deputy Chief Executive (Community Direction) shall be granted delegated powers to approve reserved matters subject to the conditions below providing no significant material objections are received prior to the expiry of the consultation period on 12 December 2013:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a well designed development contributing to the character of the area; contributing to the Council's vision for a landmark development at a key entrance to the town with high quality public realm including improved pedestrian connectivity within the site and to the rest of the town.

Hinckley and Bosworth Local Plan (2001):- Policies BE1; and NE12.

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

Local Plan 2006-2026: Hinckley Area Action Plan (2010):- Spatial Objectives 4 and 7; Policies 9 and 11.

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

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

Received 15 October 2013:

G0001 Rev P1 - Application Boundary Plan
G0003 Rev P1 - Proposed Building Block Plan
G0101 Rev P1 - Masterplan: First Floor
G0103 Rev P1 - Masterplan: Roof Plan
G4100 Rev P2 - Block D: Ground Floor Plan
G4101 Rev P2 - Block D: First Floor Plan
G4103 Rev P1 - Block D: Roof
G5100 Rev P3 - Block E: Ground Floor
G5103 Rev P3 - Block E: Roof
PW02 Rev P1 - Party Wall Details: Southern Boundary

Received 22 October 2013:

Landscape implementation programme

Received 25 October 2013:

G1100 Rev P3 - Block A: Ground Floor
G1101 Rev P2 - Block A: Mezzanine Level
G1103 Rev P3 - Block A: Roof Plan
G2100 Rev P4 - Block B: Ground Floor
G2103 Rev P4 - Block B: Roof Plan
G3100 Rev P4 - Block C: Ground Floor

G3101 Rev P4 - Block C: First Floor
G3102 Rev P4 - Block C: Second Floor
G3103 Rev P4 - Block C: Roof Plan
G3104 Rev P2 - Block C: Plant Level

Received 15 November 2013:

G0099 Rev P2 - Masterplan: Undercroft Plan
G0100 Rev P4 - Masterplan: Ground Floor
G0151 Rev P3 - Acoustic Fence: Elevations and Plans: Garden Side
D0152 Rev P1 - Acoustic Fence: Elevations and Plans: Service Road Side
G5099 Rev P5 - Block E: Undercroft

Received 6 November 2013 - notwithstanding the material details listed on the plans:

G1151 Rev P3 - Block A: North, South, East and West Elevations
D1300 Rev P1 - Block A: Detailed Plans, Section and Elevation: Service Yard
D1301 Rev P1 - Block A: Detailed Plans, Section and Elevation: Retail Facade
G2151 Rev P4 - Block B: North, South, East and West Elevations
D2300 Rev P1 - Block B: Detailed Plans, Section and Elevation: North
D2301 Rev P1 - Block B: Detailed Plans, Section and Elevation: South
G3151 Rev P5 - Block C: North and East Elevations
G3152 Rev P5 - Block C: South and West Elevations
D3300 Rev P1 - Block C: Detailed Plans, Section and Elevation: Entrance
D3301 Rev P1 - Block C: Detailed Plans, Section and Elevation: Retail
G4151 Rev P3 - Block D: North, South and East Elevations
D4300 Rev P1 - Block D: Detailed Plans, Section and Elevation: Station Road
G5151 Rev P5 - Block E: Elevations
D5300 Rev P1 - Block E: Detailed Plans, Section and Elevation: Sainsbury's Travelator
D5301 Rev P1 - Block E: Detailed Plans, Section and Elevation: Sainsbury's Corner of Rugby Road
D5302 Rev P1 - Block E: Detailed Plans, Section and Elevation: Sainsbury's Crescent Entrance
D5303 Rev P1 - Block E: Detailed Plans, Section and Elevation: Sainsbury's Car Park
D5304 Rev P1 - Block E: Detailed Plans, Section and Elevation: Sainsbury's MOE South

Received 20 November 2013 - notwithstanding the material details listed on the plan:

G0110 Rev P7 - Landscape Plan: Ground/Undercroft Level.

- 2 No part of the development shall be occupied until such time as a shop front design code has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of shop front colours, fascia and projecting sign styles, and details of canopy styles. All shopfronts shall thereafter be implemented in accordance with the approved design code and thereafter maintained.
- 3 Notwithstanding the details of street furniture (seating, litter bins, signage, bollards, cycle stands, bus shelters, street lighting) shown on drawing number G0110 Rev P7 received 20 November 2013 full details of the location and design of proposed street furniture shall be submitted to and approved in writing by the Local Planning Authority. The location and design of the street furniture should complement the counter terrorism requirements. The scheme shall thereafter be implemented in accordance with the approved details and thereafter maintained.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory and cohesive external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan and Policy 9 of the Hinckley Town Centre Area Action Plan.
- 3 To ensure that the development has a satisfactory external appearance with high quality uncluttered public realm to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan and Policy 9 of the Hinckley Town Centre Area Action Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 It should be noted that the materials listed on the plans received on 6 and 20 November are not approved by this permission and are subject to planning condition 5 on outline planning permission 10/0743/OUT.
- 6 Please note that reference to sign styles within condition 2 does not grant advertisement consent for any advertisement. Separate advertisement consent will be required for all signage within the scheme.

Contact Officer:- Tracy Miller Ext 5809

Item: 07

Reference: 13/00886/FUL

Applicant: Mr John Earp

Location: Osbaston House Farm Lount Road Osbaston

Proposal: Temporary permission to site one mobile home to house agricultural workers

Target Date: 16 December 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the retention of a temporary agricultural workers dwelling in association with a goat farming enterprise at Osbaston House Farm, Lount Road, Osbaston. This application follows a previous application which approved the temporary siting of two agricultural workers dwellings (caravans). This application proposes a two bed static caravan. This will have a footprint of 11 metres x 5 metres and a shallow pitched roof with a maximum height of 3 metres. This will be located to the rear of a conifer hedge which runs along the southern (front) boundary of this section of the farm yard and will be sited on existing hardstanding. The static caravan will be accessed via the double width farming access which is off Lount Road.

Justification has been submitted with the application stating that the agricultural workers accommodation is required in association with the farm whose main activities involve the milking and breeding of 1500 goats, split into 900 for milking and 600 followers. The farm also grows wheat and maize for the animals as part of its cropping system. There are three full time workers on the farm.

During the application process, the agent has confirmed that it is intended that this proposal should be temporary, possibly for a three year period and following the expiry of this, a permanent solution will be considered.

Site and Surrounding Area

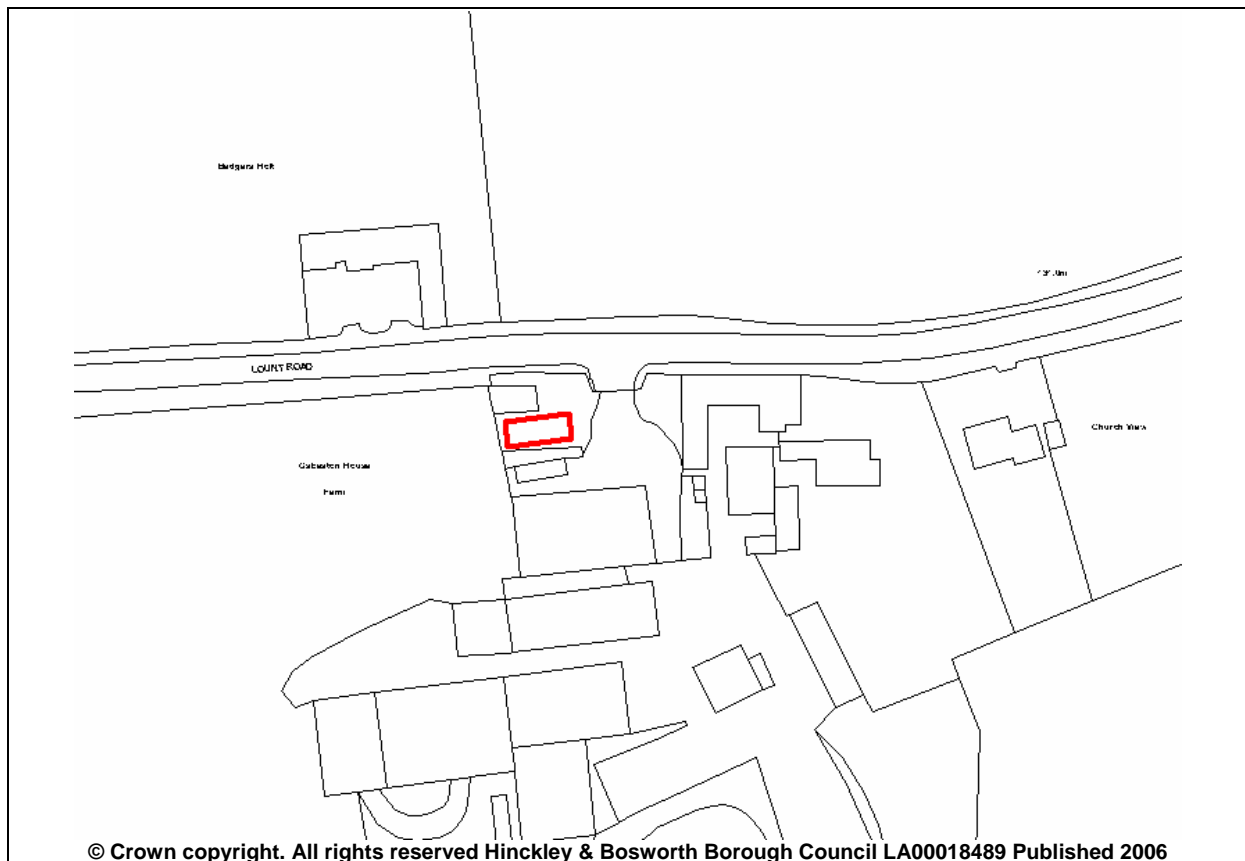
The agricultural land holding associated with Osbaston House Farm comprises of approximately 240 acres, which has been farmed by the family for in excess of 100 years. The land extends to the south of Lount Road. The principle farmhouse is to the east of the farm access and comprises a substantial brick built period property. This has a separate access and occupies a prominent position, set just back from the highway. The traditional brick and tiled agricultural buildings and original farmyard extend to the south and west of the farmhouse with more modern portal framed buildings to their periphery. The closest dwellings are Church View, a bungalow to the east of the farmhouse and Badgers Holt, an extensive barn conversion on the opposite side of Lount Road to the north west of the farm. Further east of the site are a handful of individual dwellings, which lead towards Ashby Road.

Technical Documents submitted with the Application

Agricultural Appraisal
Detailed Accounts

Relevant Planning History:-

07/01073/FUL	Siting of Two Agricultural Workers Caravans	Approved	19.12.07
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Consultations:-

No objection has been received from:-

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

The Borough Council's Independent Agricultural Appraisal Consultant has undertaken a desk-based assessment of the proposal including the financial information and raises no objection.

No objection subject to conditions has been received from Head of Business Development and Street Scene Services (Waste Minimisation).

Site notice displayed and neighbours consulted, no comments received.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development

Policy RES12: New Agricultural Dwellings

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG).

Appraisal:-

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

Principle of Development

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

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

Whilst the policy framework provides for the accommodation for agricultural workers in the countryside in principle, it is clear that this is an exception to the general restraint on new residential development in the countryside that has remained a strong and consistent element of national planning policy and should be subject to special justification being

demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the sustainability of the development.

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

The Borough Council's Agricultural Appraisal Consultant has assessed the current proposal against national policy guidance and local plan policies and has had regard to recent appeal decisions.

Functional Test:- Is the agricultural holding of a nature that requires a person to live on the site, having regard to the security and efficient operation of the holding?

The agricultural consultant has stated that the labour requirements for a goat dairying enterprise are 1 full time person per 150 - 200 goats. Accordingly in regard to the management and supervision of the welfare and biosecurity of these livestock, it is considered that the business requires the need for the ready availability of more than one full time worker to be resident on site.

Financial Test:- Is the holding sufficiently viable to sustain any additional full time worker in full time employment?

Having reviewed the business accounts over the past three year period, the consultant concludes that the business is viable. However he continues that as a sustained financial viability has been proven, it is incongruous that a planning application has not been made for a permanent dwelling.

In this respect, the reasoning for the original temporary permission was that " the temporary period is sufficient is to ascertain if the holding is can comply with paragraph 13 of Annex A to PPS7 and to accord with Policy RES 12 of the adopted Local Plan". Note to applicant 3 on the decision notice further reinforced this stating " if the holding was viable to sustain the cost of a permanent dwelling by the 19th December 2010 the static caravans shall be permanently removed from the site."

The caravan in question has been unlawfully sited on the land since the above referenced date (as confirmed on the application forms). This application now seeks to regularise its siting for a further temporary period. Although it would be better, in terms of design to look at well designed more permanent solution to cater for the need to house an agricultural worker on site, the Local Planning Application have to consider the detail of the application before them, which in this case is that of a temporary caravan for agricultural workers accommodation. As the functional and financial tests have been met, it is not possible to condition the temporary siting of the caravan in association with such justification (as was the case in the former). Accordingly, if recommended for approval, the temporary siting of the caravan will be subject to a condition whose justification will be related to the poor design and maintenance issues associated with such structures and the consequential impacts that the permanent siting of such would have on the character of the countryside and surrounding landscape.

Availability of Alternative Accommodation:- What is the availability of alternative accommodation in the local housing market?

A search of the local housing market has identified 48 properties for sale within a one mile radius of the application site, of which there were a number of two bed-roomed properties advertised for between £75,000 and £125,000. The consultant has confirmed that the business in question could afford the loan repayments on such a sum. Notwithstanding this, the consultant continues that despite the availability of other accommodation, it has been proven that due to the functional requirements of the enterprise that the workers need to be resident on site, as oppose to within the locality.

The agricultural consultant concludes that the farm is well established and is a financially sound family run farm. The labour profile suggested is commensurate with a business of this scale and nature, and as such there is a functional need for more than one full time worker to be readily available at most times and resident on site to provide essential care and supervision for animal welfare and husbandry requirements. Furthermore with the accounts illustrating yearly profits and a strong balance sheet it is considered that the financing of a permanent dwelling would not be inappropriate or unachievable for the applicant.

Accordingly based on the above, the proposal is considered to be in accordance with the principles of Saved Policy RES12 (criteria a, b and c) of the adopted Local Plan and the overarching principles of the NPPF with particular reference to paragraphs 17 and 55. Therefore in principle the development is considered acceptable.

Siting, Design and Impact on Landscape

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

The proposed static caravan in this case will have a stark utilitarian appearance and will offer little in the way of architectural merit. However, by virtue of its siting to the rear of an established conifer hedge and which runs along the adjacent section of the southern boundary of the site, and by virtue of the position of the existing farm buildings, it will be largely screened from the north, east and south. There will be slight views of the mobile home when approaching the site from the west, however as it will be viewed against the backdrop of existing buildings, its appearance on the character of the area is not considered materially detrimental and would not warrant refusal of the application.

Further, as this type of accommodation is susceptible to deterioration over time, and will offer little to the character of the area, it is considered reasonable to impose a temporary condition (as discussed above) on its siting to ensure that it will only be sited for 3 years (or less) at which point a more permanent, well designed solution should be submitted for consideration (subject to the holdings continued viability).

Accordingly, although not an ideal solution, subject to the imposition of the suggested conditions (discussed above) the temporary siting of the caravan is not considered to result in any materially adverse impacts in terms of the character of the surrounding countryside or landscape and is therefore in accordance with Saved Policies NE5 (criteria i, ii and iii) and BE1 (criteria a and c) of the adopted Local Plan together with the overarching principles of the NPPF.

Residential Amenity

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

The nearest neighbouring residential properties are Church view and Badgers Holt. As both these dwelling would be a substantial distance from the proposal, there are not considered to be any adverse impacts in terms of residential amenity. The proposal is therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

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

The caravan will be accessed via the existing agricultural access (to the east of the proposal). This comprises a double width access and has good visibility. In addition the caravan would be surrounded by hardstanding which would provide the required parking and turning space.

Furthermore as the proposed dwelling will house existing farm workers, there will be no additional vehicle trips associated with its siting. Accordingly in terms of sustainability and highway safety, the proposal is not considered to result in any further adverse impacts on highway grounds. The proposal is therefore in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Other Issues

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site at the adopted highway boundary. As the scheme is for a single temporary dwelling which is within close proximity of the adopted highway boundary, this suggested condition is not considered necessary and will not be recommended.

Conclusion

It has been demonstrated by the applicant that the farm is well established and is financially sound. The labour profile suggested is commensurate with a business of this scale and nature, and as such there is a functional need for more than one full time worker to be readily available at most times and resident on site to provide essential care and supervision for animal welfare and husbandry requirements. Although the siting of a static caravan does not constitute the ideal solution for the accommodation provision, given the screening of the site, it will not be overly prominent within the landscape. Furthermore, to ensure the caravan does not become a permanent solution, which would impact adversely upon the character of the area, a temporary condition will be imposed. Finally, by virtue of the separation distances there will be no adverse impacts in terms of residential amenity and there will be no material increase in traffic resultant of the proposal.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it comprises sustainable development within the countryside and will have no adverse impacts on the character or visual amenity of the countryside or surrounding landscape nor on the residential amenity of nearby dwellings.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (a, g and i) RES12, NE5 (I - iv) and T5.

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 This permission is limited to the period expiring three years from the date on this decision notice. Immediately on the expiry of that period the static caravans hereby permitted shall be removed.
- 2 The occupation of the caravan shall be limited to a person, wholly or mainly employed, or last employed locally in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a dependant of such a person residing with him, or a widow or widower of such a person.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 'Floor Plan', 'Site Location Plan 1:500' 'Site Location Plan 12500' received by the Local Planning Authority on the 21 October 2013.

Reasons:-

- 1 Whilst adequate agricultural justification is provided in this instance, due to fabric and overall appearance of the static caravan, the Local Planning Authority would not be supportive of its permanent siting within this area of countryside. In accordance with Policy NE5 (i and ii) of the adopted Local Plan.
- 2 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development and to accord with policy RES12 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Overton Ext 5680

Item: 08

Reference: 13/00908/FUL

Applicant: Mrs Helen Dodd

Location: Land Adjacent To 20 Church Lane Fenny Drayton

Proposal: Erection of two detached houses

Target Date: 7 January 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as local ward member Councillor Morrell has concerns in respect of overdevelopment of the plot and highway safety. In addition objections have been received from more than five addresses.

Application Proposal

This application seeks full planning permission for the erection of two detached dwellings on garden land to the side of 20 Church Lane, Fenny Drayton. The scheme comprises of 2 x two storey houses with integral single garages. The proposed dwellings are of identical design, with traditional gable end roof form and subordinate two storey and single storey projecting elements. There are external chimney stacks to the side elevations and ground floor bay windows. Parking and turning space is provided to the front of each dwelling and private enclosed rear amenity areas are proposed to the rear. There is an existing driveway which serves the plot situated towards the northern boundary.

This is a revised proposal of a previously withdrawn application 13/00517/FUL in order to address concerns raised by the Highway Authority.

The Site and Surrounding Area

The plot comprises the former side garden of 20 Church Lane, Fenny Drayton and the site is located within the settlement boundary. The site has an area of 0.27 acres. The site frontage comprises dense, mature vegetation. The remaining boundaries are enclosed by a combination of vegetation, 1.8 m high close boarded fencing and a picket fence. The site has

Consultations:-

No objection has been received from:-

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

No objection, subject to conditions from:-

Director of Community Services (Archaeology)
Director of Environment and Transport (Highways).

Site notice posted and neighbours notified, five letters of objection have been received.
Summary of comments:-

- a) overdevelopment of the site
- b) design proposed detrimental to rural nature of Lane and street scene and not in keeping with that of surrounding properties
- c) development will result in increased on street parking
- d) development would spoil charm of Lane
- e) Lane too narrow would increase highway safety dangers
- f) lack of on site parking proposed
- g) too many houses in village to be served by existing services including, sewage, water, electric etc
- h) permission granted for one bungalow, how has this turned to 2 detached dwellings?
- i) concerns over hedgerow being removed
- j) oppressive form of development
- k) increased volume of traffic using the lane
- l) no shops or medical facilities in Fenny Drayton.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 13: Rural Hamlets
Policy 19: Green Space and Play Provision

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards
Policy NE12: Landscaping Schemes
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities
Policy REC3: New Residential Development Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations in regard to this application are the principle of development, the siting, layout and design of the proposed dwellings, impact upon the character of the area, the impact upon the amenities of neighbouring properties and highway safety.

Principle of Development

The site is located within the settlement boundary of Fenny Drayton as defined within the adopted Local Plan where there is a presumption in favour of residential development subject to all other planning matters being appropriately addressed. Core Strategy Policy 13 reiterates this, stating that housing development on infill plots within the settlement boundary will be supported.

Policy RES5 of the adopted 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 does not conflict with the relevant plan policies. The site is considered to be in a sustainable location close to local amenities and services. However, the NPPF at Paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would cause harm or impact to the local area.

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

Policy BE1 of the adopted Local Plan relates to the design and siting of development and seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. 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 and protects the amenity of existing occupiers. In addition, Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The character of existing residential development within the immediate surrounding area is varied. Dwellings are set back from the street scene by maturely vegetated frontages. Where they are visible (towards the southern end of Church Lane) they differ in design and style and comprise both detached bungalows and houses. However, properties on the western side of Church Lane follow a staggered building line and accommodate similar size plots with both bungalows and two storey dwellings.

Whilst the proposal would result in the development of the former side garden of 20 Church Lane which is separated by a 2.7 metre high close boarded fence, this property currently accommodates a significant sized plot, which is not characteristic of the area. The density of the development proposed would be higher than that of surrounding dwellings. However, as the area is characterised by dwellings accommodating narrower plots on a staggered building line and as the plot under consideration comprises the next sequential parcel of land fronting Church Lane, the development proposed is not considered to compromise the existing character of the street scene.

Both dwellings have been sited to follow the established staggered building line. The dwellings would be set back sufficient distance from the highway to follow the pattern of other dwellings along Church Lane. Further, views of the dwellings from the street scene would be limited due to the maturely vegetated front boundary.

In terms of design, the elevations proposed are well proportioned and would have a balanced appearance. Detail and interest to the front of the dwellings has been added through the incorporation of subordinate two storey and single storey projecting elements, including a ground floor bay window, garage and porch. In addition, elevations benefit from a variety of architectural features including external chimney stacks and brick soldier headers to windows. The use of timber fenestration and doors will further enhance the appearance of the development. By virtue of the shallow pitched roof, there is an expanse of brick work to the gable ends, however this massing has been broken through the introduction of ground and first floor openings.

Despite having a relatively shallow pitched roof, the scale of the development is considerable, having a ridge height of 9.2 metres. Although there are bungalows further south of the site, the adjacent dwelling, No. 20 comprises a substantial, extended dormer bungalow and No.14, to the north of the site comprises a two storey dwelling. Thus the proposed development is considered in keeping with the increasing scale of the properties towards the northern end of Church Lane and is therefore considered acceptable.

The SPG on New Residential Development requires that new developments have adequate private amenity space and expects developers to achieve 80 square metres of private amenity space, the requirements of which are adhered to in this scheme.

As Church Lane is characterised by its maturely vegetated verges and green appearance, it is considered both reasonable and necessary to ensure that the mature vegetation along the front boundary of the plot in question is retained. Accordingly, a condition has been imposed to this effect.

On balance, as a result of the siting, layout, scale and design, the proposal is considered to result in an development that would not appear out of character with the existing street scene and is therefore considered to be in accordance with Policy BE1 (criterion a), the Council's SPG on New Residential Development and the overarching principles of the NPPF.

Impact on the Amenities of Neighbouring Properties

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the amenity of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The dwellings most immediately impacted upon as a result of the proposal would be numbers 20 and 14 Church Lane.

In terms of overlooking and impacts on privacy, there are no windows serving habitable rooms proposed on the side elevations of the proposed dwellings. The windows proposed within the side elevations of the dwellings under consideration and are proposed to serve bathrooms and stair ways, which are considered to be non-habitable rooms. Accordingly there are considered to be no material impacts on residential amenity in this respect.

The rear elevation of plot 2 is in line with the front elevation of No. 20 Church Lane. Accordingly the massing of the gable end will be adjacent to the front garden and driveway of this dwelling. However, as the siting of plot 2 has been angled off the common boundary and

as the area to the front of No. 20 is not considered to be primary amenity space, there will be no issues with overlooking and nor would the proposal have an overbearing impact. There are windows serving habitable rooms to the front of No. 20 however as the adjacent proposed dwelling is set approximately 4 metres from the side elevation of No. 20 and is set off at an angle it is not considered that this would cause a significantly detrimental impact in terms of loss of light or overshadowing. The proposal would be sited off the boundary and in-line with the adjacent property to the north 14 Church Lane. Due to the positioning of the proposed dwelling it is not considered that it would overshadow or have an overbearing impact upon this property.

On balance, it is considered that as a result of the layout, scale and design, separation distances and subject to screening by appropriate boundary treatments, the proposed development will not have any adverse impacts on the residential amenity of neighbouring properties. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

The scheme proposes an integral single garage for each plot, parking and turning area. The scheme has been considered by the Director of Environment and Transport (Highways) who has no objections in terms of highway safety; however they have raised concerns on sustainability grounds. The reason for this is that Fenny Drayton is a rural settlement which lacks basic services and this will result in future occupants of the dwelling being completely reliant on car based travel. However, as stated above as the site is located within the settlement boundary the principle of residential development is considered to be sustainable and acceptable. This is supported by Policy 13 of the Core Strategy which encourages infill development and as such the principle of development within the settlement boundary of Fenny Drayton is considered to be sustainable.

Despite the recommendation for refusal, the Director of Environment and Transport (Highways) has suggested conditions to control the erection of gates etc, the provision of turning facilities and surfacing. These are considered to be reasonable and necessary and have been imposed.

In addition, a condition to increase the width of the carriageway fronting No. 20 Church Lane and the application site to 4.25 metres has been recommended to facilitate two-way flow down Church Road, which is currently single track. This land is within the highway and therefore this condition is considered to be reasonable to mitigate the impact of the additional traffic generated by the two dwellings and to improve the substandard nature of the existing carriageway.

Concerns have been raised that there is inadequate off road parking provision for the development. Each dwelling has an integral garage; however this can not be classed as a parking space as the internal dimensions are inadequate. However, sufficient space exists to the front of each dwelling to allow between 2 and 3 cars to park to the front of each dwelling. Sufficient parking remains to the front of No. 20 Church Lane. No objections have been received on these grounds from the Director of Environment and Transport (Highways) therefore the arrangement proposed is considered acceptable.

Based on the above, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

Play and Open Space Contributions

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

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development will result in a net gain of 2 residential units and is within 400 metres of Drayton Close (Neighbourhood Equipped Area for Play) the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded a low quality score of 46.3%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain children's play facilities within this open space. The required contribution in this case would be £1250.80 per dwelling, a total of £2501.60 (made up of £1635.60 provision element and £866 maintenance element). The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking is currently being completed to secure off-site play and open space financial contributions.

Other Issues

Director of Community Services (Archaeology) has stated that very recent work has revealed extensive medieval remains on Old Forge Road, which is in close proximity to the application site and that given the high potential for significant archaeological remains to be present within the application site, dating to the Roman and Medieval periods, conditions to secure a programme of archaeological work to be conducted prior to construction groundworks commencing are necessary. In addition, all services and other groundworks likely to impact upon archaeological remains should be appropriately investigated and recorded. As the suggested conditions are required to ensure satisfactory archaeological investigation and recording they will be imposed on the application.

Issues raised within the letters of representation, not addressed elsewhere within the report are appraised below:-

It is stated that service provision within the village is inadequate. The services referred to are private services including sewage, water and electricity and therefore it is the service provider's responsibility to upgrade such services within the area. This private issue has no implications on the determination of this application.

Concern has been raised that there are no services or medical facilities within Fenny Drayton. Whilst there are no facilities within the existing village as the site is within the

settlement boundary limited small scale infilling such as the development proposed would contribute to the vitality of the village and is encouraged under Policy 13 of the Core Strategy.

Conclusion

The proposed dwelling would be located within the settlement boundary of Fenny Drayton where there is a presumption in favour of sustainable development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the visual amenity of the area, occupiers of the neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions. As a result the proposals are considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies BE1 (criteria a, c, e, g and i), RES5, NE12 (criteria a, b, c and d), T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Councils adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and are therefore recommended for approval subject to conditions.

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 7 January 2014 may result in the application being refused:-

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 within the settlement boundary of Fenny Drayton and by virtue of the siting, design, layout, mass and appearance would not have any adverse impact on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety, would incorporate appropriate landscaping and would contribute to public play and open space facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, c, e, g and i), RES5, NE12 (criteria a, b, c and d), T5, IMP1 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policy 13.

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

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:1250, Dwg No. 1308/4/01 Proposed Site Plan 1:500, Dwg No. P934/101 Proposed Site Layout, Parking, Visibility and Manoeuvring 1:500, Dwg No 1308/2.03 Rev B 1:100 and 1308/2.02 1:00 received by the Local Planning Authority on 12 November 2013.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) existing trees and hedgerows to be retained and details of their protection
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. 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.
- 6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 7 Before first occupation of the development hereby permitted the access drive shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 8 Before first occupation of the development hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
- 9 Before first use of the development hereby permitted, the carriageway of Church Lane fronting the application site and no. 20 shall be widened to a minimum of 4.25 metres in accordance with details that shall first be submitted to and agreed in writing by the local planning authority.
- 10 No demolition/development shall take place/commence until a complete set of development details (including existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground

works) and a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-

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

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

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

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To enhance the appearance of the development and to protect the privacy and amenity of neighbouring properties to accord with Policies NE12 (criteria a - d) and BE1 (criteria e and i) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion e and i) of the adopted Hinckley & Bosworth Local Plan.
- 6 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of highway safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 9 The highway fronting the site is narrow and cannot facilitate two-way flow and the proposed development will result in a material increase in traffic using the northern section of Church Lane and therefore to mitigate the impact of development, the carriageway should be improved to a standard commensurate with its use in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 10&11 To ensure satisfactory archaeological investigation and recording in accordance with paragraphs 128 and 129 of the NPPF.

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: 13/00940/FUL

Applicant: Ms Louise Smith

Location: Chestnuts Desford Lane Kirkby Mallory

Proposal: Change of use of land to equestrian and the erection of a horse walker

Target Date: 19 December 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a horse walker and the change of use of 3.23ha of land to equestrian at 'Chestnuts', Desford Lane, Kirkby Mallory.

In more detail the proposal comprises a circular horsewalker, with a central column at a maximum height of 2.64 metres. Projecting from this will be sectional bars of galvanised steel. The horse walker will be surrounded by wooden post and green tape fencing. The base will be red rubber pavers sited upon a concrete substructure. No roof is proposed.

The change of use of the land to equestrian is retrospective; from historical records it appears that the land in question has been used for equestrian for more than 10 years, however this change of use has never been formalised. The land comprises a number of subdivided grazing paddocks to the north and west of the dwelling. The perimeter of the landholding is enclosed by native hedgerow.

The Site and Surrounding Area

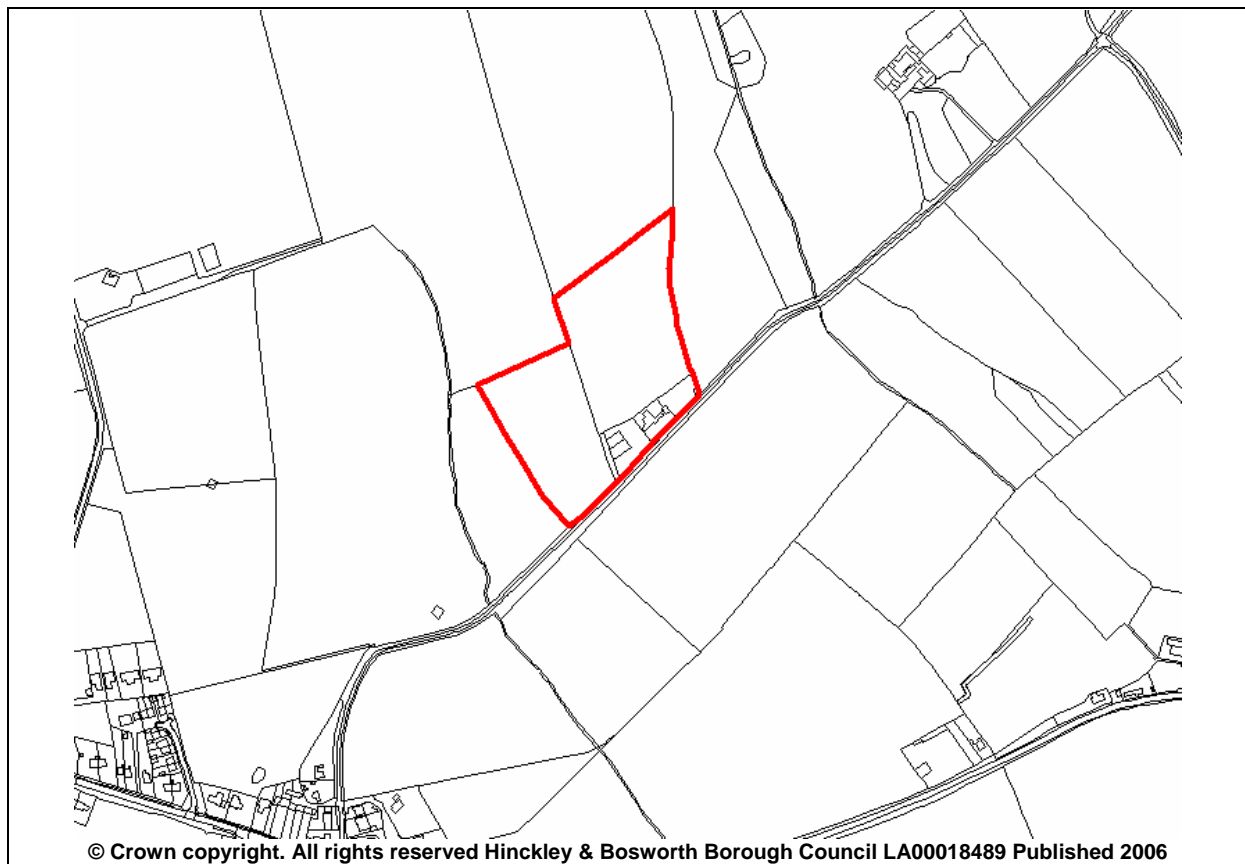
The site is situated in the countryside and comprises an area of 3.23 ha. The applicant also owns a small coppice to the south west of the site, this comprises a Site of Ecological Interests and does not form part of the application site. The buildings comprise of a large extended bungalow, ancillary storage buildings, a stable block and a ménage. The land, which is sub-divided into grazing paddocks extends to the north and west of the buildings. The horse-walker is proposed within a paddock adjacent to the stable building and to the north west of the ménage. Agricultural land surrounds the application site. Desford Lane, a single track road runs to the front of the site.

Technical Documents submitted with application

Design and Access Statement
Planning Statement

Relevant Planning History:-

13/00828/FUL	Erection of a horse walker	Withdrawn	25.10.13
13/00615/CLUP	Certificate of lawful proposed development for a horse walker	Withdrawn	24.09.13
10/00425/FUL	Demolition of chicken shed, erection of stable block building and formation of manège and new access	Approved	14.10.10



Consultations:-

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

At the time of writing the report Peckleton Parish Council have not responded to the consultation.

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

Policy NE5: Development in the Countryside

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None Relevant.

Appraisal:-

The main considerations in respect of this application are the principle of development, siting and design of the horse walker and its impact on the visual amenity of the site and the character of the surrounding countryside, the impacts of the change of use of land on the character of the surrounding countryside and other issues.

Principle of Development

The overarching principle of the NPPF is a presumption in favour of sustainable development. The delivery of this is through a number of intertwined roles. Of relevance to this application is through supporting a prosperous rural economy (paragraph 28) and promoting healthy communities (specifically paragraph 73).

In rural areas the NPPF promotes the diversification of agricultural land and supports rural leisure developments which benefit communities and which respect the character of the countryside, furthermore in paragraph 73 it is acknowledged that opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

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

In respect of the change of use, this constitutes diversification of land within the countryside for an accepted rural land-based activity. Therefore the change of use is considered acceptable in principle.

Within the Planning, and Design and Access Statements, justification for the horse walker has been provided. It is stated that the equipment is required for the rehabilitation of and to aid the fitness of the applicant's four horses. It is further stated that the walker will be solely for the personal use of the applicant's animals.

Although this application proposes further development within the countryside, as it will be sited on an existing equestrian holding and will provide a required ancillary facility, it will enable the expansion and continued use of an existing rural land based leisure activity. This in turn will be beneficial to the health and well-being of the end users and to the local economy due to the associated need for equestrian supplies and services. Accordingly the development is considered to comprise sustainable rural development and therefore is considered acceptable in principle.

Siting and Design and Impacts upon the Character and Appearance of the Countryside

Paragraphs 56 of the NPPF identifies good design as a key aspect of sustainable development and should contribute positively to making places better for people.

Policy BE1 of the Local Plan seeks to ensure a high standard of design, more specifically, criterion a is supportive of development which complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and criterion b seeks to avoid the loss of open spaces, important gaps

in development, vegetation and features which contribute to the quality of the local environment. This policy is consistent to with the intensions of the NPPF and so will be applied.

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

Change of Use

Whilst the change of use of the land would not be required solely for the grazing of horses; through the more intensive way in which land is used in association with domestic horses, the nature and character of land is considered to change. This is as a result of subdividing large fields into smaller paddocks for grazing purposes and in some cases (although not on the land subject of this application) for exercise purposes as mentioned above, the application site has been used for equestrian purposes for a considerable amount of time and thus this application seeks to regularise the change of use. The land has been subdivided into smaller paddocks through the use of green tape and post fencing. This is the least obtrusive type of fencing and visually assimilates into its setting. Furthermore, due to the dense native hedgerow along the south eastern (road) boundary of the site, the fencing will not be visible from outside the site. The associated paraphernalia, (manège, stables and timber outbuildings) which are ordinarily associated with such a use and could have an adverse impact on the character of the countryside has already (aside from the horse-walker subject of this application) been deemed acceptable and has been approved. Therefore the change of use in this case is not considered to have an adverse impact on the character of the landscape or surrounding countryside and is therefore considered acceptable.

Horse Walker

Due to Officer concern in respect of the relatively isolated siting of the horse walker, the applicant has been questioned as to whether the facility could be re-sited closer to existing built development. Due to the required spatial requirements, the applicant has confirmed that there is not adequate space to re-site the facility elsewhere on site. The applicant has confirmed that the siting of the horse walker has been carefully considered and that it has been located as close as possible to the existing stable block and that it would not be in the applicants interest to locate the walker any further into the paddock as this would reduce grazing land.

The design and appearance of the horse walker will be generic and functional and will offer little in terms of architectural detail. However due to its design, and the materials used its visual impact on the character of the surrounding countryside will be negligible. The applicant has stated that they have opted for the most simplistic model available for these reasons and thus no roof or solid enclosure is proposed. The proposed means of enclosure is to comprise of a timber post and green tape fencing. This type of fencing is common place in the countryside and would not in its self require planning permission. Further it will aid assimilation of the proposal within its rural setting. Due to the siting of the proposal and the native hedgerow which runs along the south eastern boundary of the site, there will be limited, if any views of the horse walker from Desford Lane. When viewed from other standpoints, the proposal will be seen against the backdrop of existing development and will not be visible within the wider context of the landscape. Although the development will encroach further into the undeveloped countryside, it will not be too distant from the stable building or manège, and thus will read as part of the existing facilities. Accordingly by virtue of its design, siting, material proposed and existing landscaping, the horse walker is not

considered to result in any further significant impacts upon the character of the surrounding countryside or landscape.

Other Issues

As the horse walker is for the personal use of the applicant, there will be no further impacts in terms of highway safety.

There are no nearby residential properties which would be impacted upon adversely by the proposal.

Conclusion

By virtue of the proposals connection with a rural land based activity, both the change of use and the erection of the horse walker are considered acceptable, sustainable uses within the countryside and are acceptable in principle. The siting and design of the horse walker and the change of use is sympathetic to the landscape and will have no adverse impacts on either the visual amenity or character of the surrounding countryside. Therefore the proposal is considered acceptable. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it comprises sustainable development within the countryside and will have no adverse impacts on the character or visual amenity of the countryside or surrounding landscape.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: DRG Refs: 'Site Location Plan' NEW300713-HWI, NEW300713-HWI (horse walker) received by the Local Planning Authority on 25 October 2013.

Reasons:-

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

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 10

Reference: 13/01004/FUL

Applicant: Mr Martin Roe

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

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

Target Date: 13 February 2014

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 is a re-submitted scheme that 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 main amendment from the previous application which was withdrawn is that the proposed pitch and parking area have been repositioned and re-orientated within the wider site. The amended scheme has been included on the agenda for the December Planning Committee in order to meet the school's deadlines in respect of the Sport England funding application procedure.

The proposed synthetic grass hockey pitch measures 101.4 metres in length x 63 metres in width and is orientated from north east to south west 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 east and west ends (goal elevations) and 3 metres high on the north and south sides.

The proposal includes the erection of 20 x 2 kilowatt metal halide flat glass sports pitch lamps mounted on 8 x 15 metres high base hinged galvanised steel columns. Four columns are to be located on either side of the pitch with three lamps mounted on each of the four columns closest to the middle of the pitch and two lamps mounted on the four columns closest to the ends of the pitch to provide satisfactory illumination 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 two lamps on the column closest to the northern hedgerow boundary are to be fitted with Phillips Optivisor louvers to further reduce any light spill on the hedgerow.

The scheme also includes the construction of 41 additional hard surfaced parking spaces (including 5 disabled parking spaces) along the south 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 parking and access will 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 9.30pm on Mondays to Fridays, 09.00am and 5.00pm on Saturdays and Sundays and Bank Holidays.

The Site and Surrounding Area

The application site measures approximately 0.86 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 are 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.

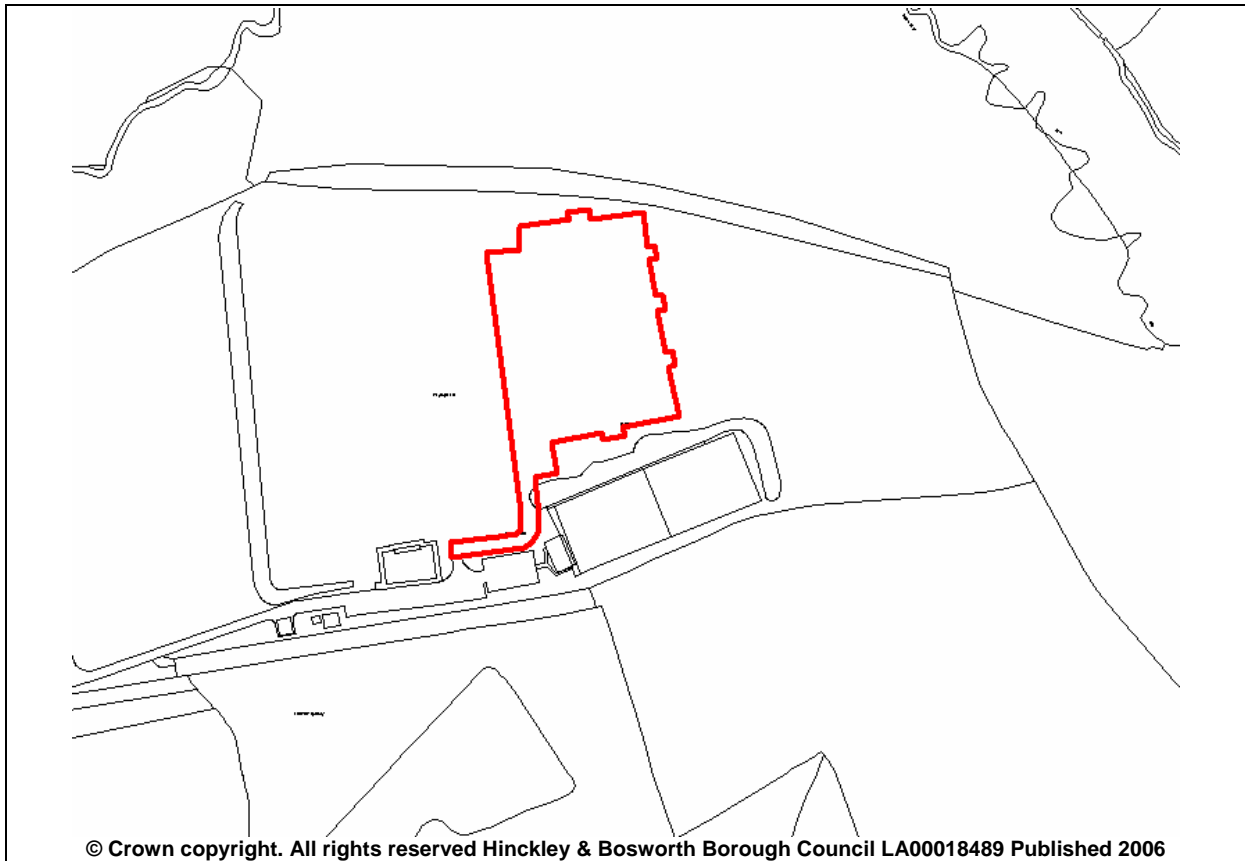
Technical Documents submitted with Application

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

Relevant Planning History:-

13/00703/FUL	Formation of Synthetic Turf Hockey Pitch & Associated Floodlights, Fencing and Additional Car Parking & Access	Withdrawn	12.11.13
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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
07/00328/FUL	Erection of Sports Pavilion and External Groundsman's Store	Approved	11.05.07



Consultations:-

No objection has been received from:-

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

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:-

Spots England
 Severn Trent Water Limited
 Director of Environment and Transport (Highways)
 Directorate of Chief Executive (Ecology)
 Leicestershire Constabulary Crime Reduction Officer
 Market Bosworth Parish Council

Market Bosworth Neighbourhood Forum
Market Bosworth Tennis Club
Site notice
Press notice
Neighbours.

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
Policy T10: Secure Cycle Parking Facilities.

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 secured through a formal agreement and 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 much smaller tennis courts located immediately to the south of the proposed pitch, albeit much lower than those now proposed.

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 amended orientation of the pitch north east to south west seeks to address objections raised to the previously withdrawn scheme in respect of its close proximity to and impact on the adjacent Tennis Club courts located to the south.

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. The proposed access and parking area would introduce a significant amount of additional hard surfacing to the site (proposed interlocking plastic grid paving with gravel bedding). However, the level of additional parking is not considered to be excessive in relation to the overall site and it is to be located between the proposed pitch and the existing landscaping to the north of the tennis courts where it will be not be prominent. As a result of boundary hedgerows and trees, other than the proposed floodlights, the pitch and associated car parking area would not be 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 than the existing planting around the site, 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, particularly from the north where ground levels rise, 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 to 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 9.30pm (reduced from 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 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) did not object to the previous scheme subject to additional light spill measures being fitted on the lamps on the nearest column to the hedgerow to the north. This amended scheme has resulted in the proposed pitch being further from the hedgerow on the northern boundary of the site and therefore together with the additional light spill mitigation measures proposed for the lamps on the nearest column 'M2' it is not envisaged that there will be any objection raised by the Directorate of Chief Executive (Ecology). However, the formal consultation response has not yet been received and will be reported as a late item.

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, 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. The recommendation for a condition requiring the provision of covered cycle parking spaces will encourage more sustainable travel choice in line with the objectives of the NPPF and Policy T10 of the adopted Local Plan and is therefore considered to be reasonable.

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), T5 and T10 of the adopted Local Plan together with overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 13 December 2013, permit subject to the following conditions:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, 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), T5 and T10.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7 and 11 and 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. NSDGS005; Location Plan, Pitch Cross Profile, Front and Side Fencing & Floodlighting Elevations drawing no. NSDGS001; Location Plan, Parking Cross Profile, Parking Space Layout and Parking Space Detail drawing no. NSDGS002; Site Layout drawing no. NSDGS004; Floodlight Column Location Plan drawing no. NSDGS006; Drainage Plan drawing no. NSDGS003; Halliday Lighting

Drawing No. E01C; Lighting Assessment, Luminaire details and Philips OptiVisor Louver detail received by the local planning authority on 14 November 2013.

- 3 The floodlights hereby permitted shall not be illuminated other than between the hours of 9.00am to 9.30pm on Mondays to Fridays and 9.00am to 5.00pm on Saturdays, Sundays and Bank Holidays 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 'M2' shall be fitted with Philips OptiVisor louvers as detailed on the approved Lighting Plan Drawing No. E01C received by the local planning authority on 14 November 2013 and once fitted shall be maintained as such at all times thereafter.
- 5 The access, 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.
- 6 Before any development commences full details of a scheme to provide secure cycle parking facilities within the site shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be completed in accordance with the approved details prior to first use of the Hockey Pitch hereby permitted.

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.
- 6 In the interests of the sustainability of the development and to encourage more sustainable modes of travel in accordance with Policies T5 and T10 of the adopted Hinckley and Bosworth Local Plan and 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:- Richard Wright Ext 5894