

PLANNING COMMITTEE

29 April 2014

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

PLANNING COMMITTEE AGENDA - 29 April 2014 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
13/01053/FUL	Helen Bareford - Planner	Land Off Hilary Bevins Close Higham On The Hill	01	02
14/00097/FUL	Miss Helen Bareford	Land Hilary Bevins Close Higham On The Hill	02	31
13/01064/FUL	Mr & Mrs Coulthurst	Tooley Building 49 Church Street Earl Shilton	03	39
13/01082/FUL	Larch Nursing Homes Ltd	Markfield Court Ratby Lane Markfield	04	59
14/00084/REM	Mr Mark Hutchinson	Land Adjacent Hinckley Golf Club Leicester Road Hinckley	05	69
14/00117/REM	Goodman Real Estate (UK) Ltd	Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Factory Burbage Hinckley	06	79
14/00122/FUL	Sutton Cheney Farms Partnership	Fields Farm Ambion Lane Sutton Cheney	07	88
14/00127/HOU	Mr. Nino And Mrs Carmela Puglisi	Killahurk 6 Shakespeare Drive Hinckley	08	94
14/00133/FUL	Mr & Mrs Leedham	Lindridge Farm Lindridge Lane Desford	09	99

Item: 01

Reference: 13/01053/FUL

Applicant: Helen Bareford

Location: Land Off Hilary Bevins Close Higham On The Hill

Proposal: Erection of 43 dwellings with associated access (linked to application ref: 14/00097/FUL)

Target Date: 3 April 2014

Introduction:-

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

This report should be read in conjunction with that of application ref: 14/00097/FUL.

Application Proposal

Full planning permission is sought for the erection of 43 dwellings and associated access.

The scheme proposes 25 open market dwellings and, at present, 18 affordable dwellings. During the course of the application a viability appraisal and subsequent affordable housing statement has been submitted which proposes 32 open market dwellings and 11 affordable dwellings which will be considered within the report.

Irrespective of the number of open market and affordable dwellings, the scheme proposes a mixture of 2, 3, 4 and 5 bed detached, semi detached and terraced dwellings.

Vehicular access is proposed from Hilary Bevins Close to the west of the site.

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

- removal of 5 units and parcel of land to the rear of Main Street;
- overall reduction in number of units from 46 to 43;
- layout changes;
- alterations to house types;
- addition of chimneys and
- additional streetscene elevation

Re-consultation has been undertaken with all neighbouring properties, Higham on the Hill Parish Council and all statutory consultees for a period of 21 days.

Following concerns raised by the Directorate of Chief Executive (Ecology) the applicant has submitted an additional statement containing consideration in respect of Great Crested Newt.

Following concerns raised by officers, the applicant has also submitted a statement of justification and housing need and an alternative layout plan showing the reduction in number of affordable housing units, should the viability offer be accepted. No formal re-

consultation has been undertaken, as the layout of the plots does not differ in any way from that previously re-consulted upon, only the potential number of open market dwellings and affordable dwellings.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered by trees and hedgerows. Land levels drop from the south of the site towards the north. The site is bordered to the north and east by agricultural land. The site is immediately bordered to the west by Hilary Bevins Close a 1970`s cul-de-sac housing development. The King George's Field, a recreation ground, is sited to the south west. Public footpath T49 runs north to south through the eastern part of the site.

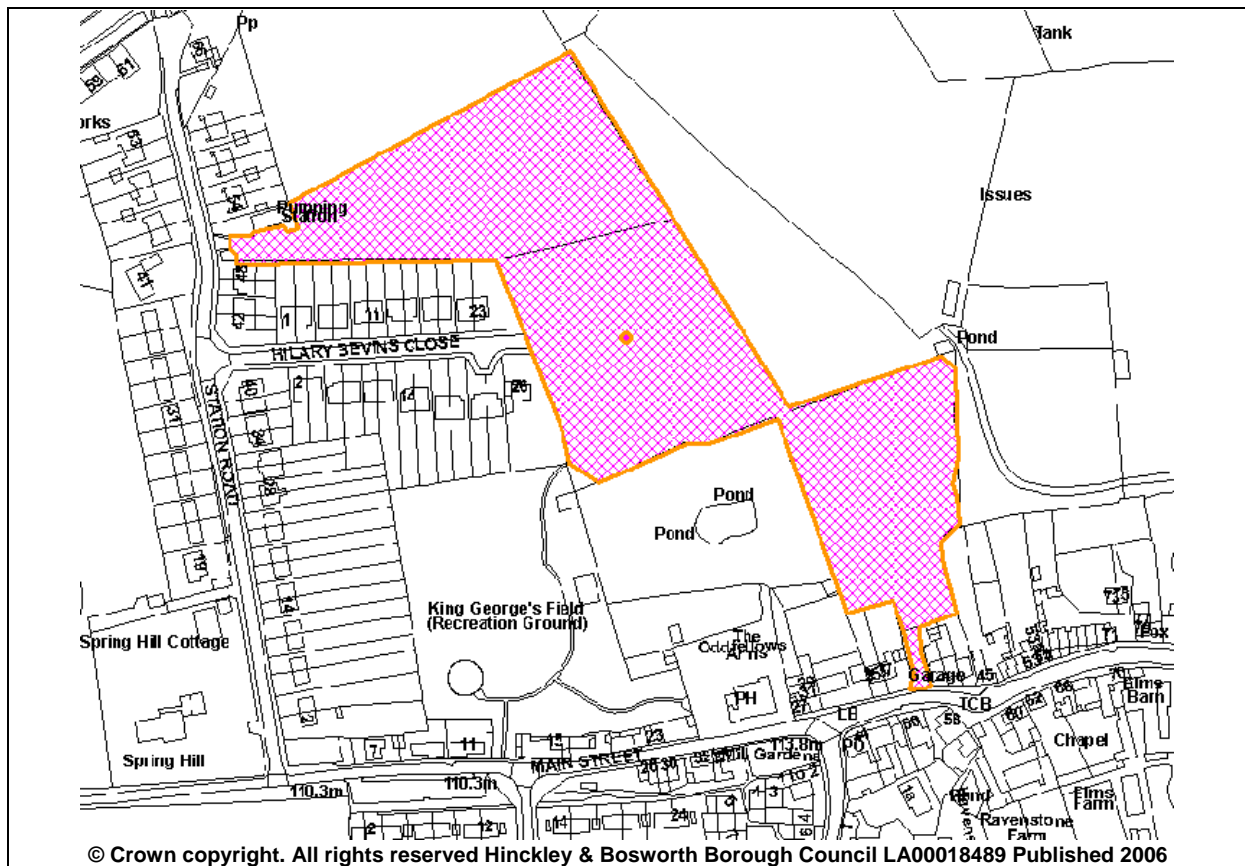
The site fall outside of, but in close proximity to, the settlement boundary of Higham on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). Hilary Bevin's residential estate and King George's Field recreation ground are located within the settlement boundary.

Technical Documents submitted with application

Design and Access Statement
 Ecology Report
 Flood Risk Assessment
 Building for Life Assessment
 Planning Statement
 Geophysical Survey Report
 Statement of Community Involvement
 Phase I Site Appraisal
 Viability Assessment

Relevant Planning History:-

14/00097/FUL	Formation of surface water balancing pond linked to application ref:13/01053/FUL)	Pending Consideration	
12/00482/OUT	Erection of 21 dwellings (Outline - Access Only)	Pending S106	
94/00565/OUT	Residential development	Withdrawn	29.07.94
87/00028/4	Residential development for sale to elderly persons 55 plus age group	Refused	24.02.87



Consultations:-

No objection has been received from Director of Environment and Transport (Rights of Way).

No objection subject to conditions have been received from:-

- Environment Agency
- Severn Trent Water
- Director of Environment and Transport (Highways)
- Directorate of Chief Executive (Ecology)
- Directorate of Chief Executive (Archaeology)
- Head of Community Services (Pollution)
- Head of Corporate and Scrutiny Services (Tree Officer)
- Head of Community Services (Land Drainage)
- Head of Business Development and Street Scene Services (Waste Minimisation).

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

- a) Director of Children and young Peoples Services (Education) requests £76,465.74 for the primary school sector, £76,867.53 for the high school sector and £78,927.19 for the upper school sector
- b) Director of Environment and Transport (Civic Amenity) requests £2,023
- c) Director of Adults and Communities (Libraries) requests £2,640

- d) Director of Environment and Transport (Highways) requested travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) 6 month bus passes (which can be supplied through Leicestershire County Council at £325 per pass) new or improvements to the 2 nearest bus stops at £3,263.00 per bus stop, information display cases at the two closest bus stops costing £120.00 per display and a total of £3000 towards equipping the nearest suitable bus stop(s) with Real Time Information systems.

The Directorate of Chief Executive (Ecology) has not made a request.

Site notice and press notice were displayed and neighbours notified.

Councillor Reg Ward has requested that the application be called in as it is a major development.

Councillor Michael Mullaney objects to the application stating that local residents have raised concerns in relation to the scale of the development as 46 houses is too many for the size of the village and originally there was outline permission for 21 dwellings in Higham.

Higham on the Hill Parish Council has submitted a covering letter detailing the concerns of residents and a petition containing 95 signatures.

- a) traffic generation and the dangerous junction at the top of Station Road have not been addressed
- b) unfair to expect just one side of the village to have to take the burden of the extra traffic
- c) survey should be undertaken on the present traffic movements to give an accurate insight into the traffic issues
- d) habitats of great crested newts could be affected and further investigation should be undertaken
- e) effect of the development on the flora and fauna
- f) loss of countryside views.

One letter of support has been received stating the following:-

- a) the development will help support the local amenities such as the shop school and pub and bring new life into the village.

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

Location and Scale

- a) size of the development; too many houses
- b) siting of the 5 houses is inappropriate
- c) change the character of the village
- d) outside of the settlement boundary and in the open countryside
- e) spoil the view
- f) increase the population of the village by up to 50%
- g) visual impact and harm on the countryside
- h) contrary to Policy NE4 and NE8
- i) not sustainable
- j) development is partly outside of the plan area
- k) huge amounts of brownfield land elsewhere; must be other suitable places to develop
- l) allocation of 40 houses is over Higham on the Hill's allocation
- m) 12 years left of the scheme so more dwellings could come forward.

Highway Safety

- a) danger to life
- b) unsafe access; access is not suitable for pedestrians, wheelchair users and vehicles
- c) a path is not proposed
- d) additional problems for existing parking arrangements
- e) increased vehicular, pedestrian, cyclists and service vehicles traffic
- f) traffic flow
- g) 80 more vehicles
- h) village already used as a rat run
- i) increased traffic through the village
- j) school and peak times will be exacerbated
- k) impact on Station Road and Hilary Bevins
- l) exit from Station Road on to Main Street
- m) work carried out at MIRA will cause more problems on the A5
- n) highway Agency should conduct a count/census.

Residential Amenity

- a) the siting of the houses has no sensitivity to existing residents
- b) loss of privacy and overlooking
- c) contrary to Policy BE1 and SPG on New Residential Development
- d) reduce visual amenity
- e) noise pollution
- f) MIRA has received noise complaints from residents in Higham regarding noise from the circuit
- g) proximity of the proving ground track and the new dwellings could lead to detrimental impact on residential, amenity and could lead to complaints.

Conservation Area

- a) adjacent to the village Conservation Area
- b) development would alter the character of the Conservation Area
- c) contrary to Policies BE5, BE7
- d) protected view and 5 dwellings would affect the view
- e) has the Conservation Area Appraisal been re-adopted?
- f) is there a margin around the Conservation Area which is also protected?

Amenities

- a) village with limited infrastructure and local services
- b) school will not be able to cope with the influx this development will bring
- c) not likely to be any funds for the infrastructure investment to support the extra families.

Ecology

- a) landscape and wildlife
- b) ecology is not taken seriously
- c) great crested newt found
- d) toads, frogs and common lizard affected
- e) trees and hedgerows are around 400 years old
- f) likely future removal of trees.

Archaeology

- a) the field is of English Heritage interest
- b) medieval ridge and furrow.

Footpath

- a) formalising of old footpaths would be out of character
- b) the plans do not show the route of the footpath T49f
- c) footpaths should be protected.

Flooding and Sewage

- a) drainage and flood risk
- b) inadequate system at present
- c) the smell from the pumping station
- d) sewerage comes into the garden along Main Street.

Other

- a) crime from path at the rear of the garden
- b) previous reasons for refusal are still relevant from 1987
- c) prevent us maintaining our fencing
- d) noise from trucks
- e) quality of life
- f) safety
- g) no informed choice before purchasing our house
- h) what has been the consultation process?
- i) no mobile phone signal and broadband facilities.

Following re-consultation 20 letters of objection have been received raising the following additional concerns:-

- a) given development and commitments leaves a minimum of 28 dwellings and this development proposes almost 50% more than required
- b) density of development
- c) revisions has increased the density of housing on the remaining plot
- d) overlooked from a diagonal perspective
- e) lowering number of properties has not addressed issues in terms of visibility splay for traffic existing Station Road
- f) more vehicles are not using Station Road
- g) pleased to see the 5 houses have been removed from the plan
- h) de valuation of property price and will hold the Council responsible and request compensation
- i) 92 out of 93 objected at a recent local meeting 99.9%
- j) numbers are still excessive
- k) emergency vehicles would find it difficult/impossible to access
- l) will encourage further obscene applications to spring up in the future
- m) Robert Jones owns land across both side of Nuneaton Lane
- n) the land at the back of the Oddfellows Pub has also been offered for building on which could be utilised of this one
- o) amended plans are putting more problems on to Hilary Bevins
- p) on the 2009 plan it shows a preferred site HIG10 and the settlement boundary running around, however the 2014 this has been omitted and the boundary changed - this has happened quickly and with limited time for consultation, why has it changed?

- q) registered the application with the Bat Conservation Trust has no evidence that this has been done
- r) all bats and their roosts are protected by law and the development will cause great distress and disruption to this population.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural Needs
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
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
Policy NE2: Pollution
Policy NE5: Development within the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission)

The Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) was approved for consultation at Full Council on 21 January 2014. The consultation phase has been completed and the responses are now being considered.

The part of the site which already has outline planning permission (subject to the signing of the S106 Agreement) is allocated within the emerging DPD. However, the additional parcel of land to the north, within this current application, has not been selected for allocation.

Strategic Housing Land Availability Assessment (SHLAA)

The SHLAA identifies the site as developable. The additional parcel of land submitted as part of this planning application to the north has not been submitted to the Local Authority to be considered through the SHLAA.

Appraisal:-

The main considerations in the determination of this application are the principle of development, impact upon the character and appearance of the countryside, overall appearance, impact on residential amenity, highway considerations, drainage and flood risk, archaeology, ecology, contamination, affordable housing and infrastructure improvements, viability and other matters.

Principle of Development

National Planning Policy Framework and Five Year Housing Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - Specific policies in the NPPF indicate development should be restricted.

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for

the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

As at October 2013, the Borough Council had a housing land supply of 5.58 years. However, this supply figure needs to be examined against recent events, namely:

- 1) Progress on the delivery of the Barwell and Earl Shilton Sustainable Urban Extensions.
- 2) The Bloor Homes High Court judgement dated 19 March 2014 relating to the Secretary of State's decision to dismiss the appeal for residential development on land adjacent to the village of Groby;
- 3) Appeal decision dated 3 January 2014 relating to land East of Wolvey Road, Three Pots, Burbage (for 34 dwellings);
- 4) Appeal decision dated 31 March 2014 relating to Land adjacent to Stanton Under Bardon Primary School, main Street, Stanton Under Bardon (for 25 dwellings);

1. Delivery of Sustainable Urban Extensions (SUEs)

The council's housing supply projections (October 2013) are predicated, in part, on the delivery of houses within the Barwell and Earl Shilton SUEs. This is because approximately half of the 9,000 houses that are required over the 20-year period to 2026 would be provided within the two SUEs. The council's position is that the two SUEs are likely to come forward later in the plan period because of the complex nature of assembling these sites and securing planning permissions. However, the shortfall of housing supply in the early years of the Plan period would 'catch up' later in the Plan period as the SUEs are brought forward. This method of calculating housing land supply is known as the Liverpool method and different Inspectors have reached different conclusions on the appropriateness of using this method in recent appeals. The alternative 'Sedgefield' method is where the shortfall in housing is brought forward earlier in the plan period.

The planning committee resolved in April 2013 to grant outline permission for the development of the Barwell SUE and discussions are ongoing to agree the terms of the section 106 agreement. When this is signed, this will enable the outline planning permission to be granted and for the developer to progress with submitting detailed (reserved matters) applications for each phase. There is an element of uncertainty about when the Barwell SUE S106 agreement will be signed as the developer is in the process of reviewing the viability of the scheme.

The developers of the Earl Shilton SUE are in pre-application discussions with the council and an outline planning application on that site is expected to be submitted summer 2014.

Securing planning permissions on the two SUEs is very important as it demonstrates that these sites are ready to be developed. In the meantime, the council's position in relation to housing land supply will continue to be challenged by developers.

2. Bloor Homes Judgement

This was a High Court challenge against the Secretary of State's decision to uphold the council's decision to refuse planning permission for residential development at Groby. In that decision, the Judge agreed with the Secretary of State's analysis that the council's application of the Liverpool method to making up the shortfall in housing supply is appropriate. This is on the basis of the council delivering housing in line with Core Strategy projections. The Judge also agreed with the Secretary of State that the council is not a persistent under-deliverer of housing. However, the decision to dismiss the appeal was quashed because the Judge considered that the Planning Inspector had not properly considered merits of applying a discount to the delivery of large housing sites. The Judge

concluded that the Secretary of State could have reached a different decision if the discounting issue had been properly considered because this could have resulted in the council not having a 5-year housing supply.

3. Three Pots Appeal Decision

This was an appeal made by David Wilson Homes and Andrew Grainer & Co against the council's refusal of planning permission for 34 homes. The appeal was allowed and planning permission granted. In that case, the Inspector preferred the Sedgfield method for delivering the shortfall in housing supply as he took the view that this is more closely aligned to the NPPF. The council's view is that this decision did not have proper regard to two previous appeal decisions where Inspectors concluded that the Liverpool method was appropriate for this local authority. The decision concluded that the council does not have a five year housing supply and granted permission. The council has recently lodged a challenge to the High Court against the Inspector's decision.

4. Stanton Under Bardon Appeal Decision

This appeal relates to a planning application for up to 25 houses on land adjacent to Stanton Under Bardon Primary School. The Secretary of State made a decision to allow the appeal on 31 March 2014. In this case, the Inspector addressed the issue of housing land supply at some length. He expressed concern that, although the council had resolved to grant outline planning permission for the Barwell SUE, subject to a section 106 agreement, the Core Strategy noted that the housing trajectory projected the first development in the SUEs in 2012/2013. He also noted that the Earl Shilton SUE was still at discussion stage.

The Inspector concluded that the Council did not have a five year supply of housing land and concluded that the Sedgfield method was the more appropriate.

The recent appeal decisions, and the delays to the delivery of the SUEs indicate that the council's 5-year housing land supply position is uncertain and can be interpreted differently by different Inspectors at appeal.

It is also clear that the situation is changing regularly as new appeal decisions are made and as there continues to be delays delivering the Sustainable Urban Extensions. It is therefore essential that the authority approves planning applications for additional sites for housing development in sustainable locations to demonstrate a more robust housing supply position. It is therefore necessary to have regard to paragraphs 14 and 49 of the NPPF and support proposals for sustainable residential development to significantly boosting housing.

The site lies outside of the current settlement boundary of Higham on the Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. As such, Saved Local Plan Policies NE5 and RES55 would apply to the determination of this application. Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. However, for the reasons discussed within this report Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies affords only limited weight in consideration of the application.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. Providing a development is consistent with these criteria, the development should be considered sustainable and acceptable in principle.

Economic - It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

Social - The scheme provides the provision of affordable housing, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a rural housing shortfall which will enhance the quality, vibrancy and health of the local community.

Environmental - The dwellings proposed will be built to the latest environmental standards for this area, and the scheme will be designed to retain hedgerows. Full landscaping will be considered as part of the reserved matters application.

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, these policies are considered to have limited weight and national planning guidance states that housing applications should be considered in the context of the presumption in favour of sustainable development. For the reasons discussed above, the scheme is considered to satisfy the three core strands of sustainable development.

Objections have been raised regarding the level of existing amenities and pressure of services.

Paragraph 4.4 of the Core Strategy states that "These Rural Villages will be the focus of limited development with the aim of ensuring existing services, particularly primary schools, are supported. Because these villages have limited services, they are less sustainable than the Key Rural Centres as car travel will be required in most cases to access employment and services. However, some level of development is considered necessary to ensure existing services and community cohesion is maintained" Paragraph 4.29 also explains that the additional housing required in rural settlements is to ensure that they remain vibrant, mixed communities.

It is therefore acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car and, whilst there are some services, it is considered that development within the village will increase the viability and sustainability of the immediate area. Policy 12 of the adopted Core Strategy has specifically allocated land for the development of a minimum of 40 homes and in addition, states that some level of development is considered necessary to ensure existing services and community cohesion is maintained. Paragraph 55 of the NPPF states that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. As such it is considered that the policy support and potential benefits that could arise as a result of the development are sufficient to outweigh this objection.

Higham on the Hill Housing Numbers and Demonstrating Housing Need

Policy 12 of the adopted Core Strategy provides the specific policy direction for Higham on the Hill. This policy requires the allocation of land for the development of a minimum of 40 dwellings with the right number, type and mix of housing to meet the needs of Higham on the Hill.

Part of the application site has received planning permission under reference 12/00482/OUT for 21 dwellings and has been deducted from the overall housing requirement for Higham on the Hill as dwellings committed.

This recent planning application forms part of a larger scheme for 43 dwellings which provides 22 dwellings above the original outline planning permission (of 21 dwellings).

The residual housing requirement for Higham on the Hill is 13 dwellings and this planning application provides 9 dwellings above the residual.

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

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

The application has been accompanied with a Planning Statement and during the course of the application a justification of housing need.

The statement discusses the sustainability credentials of Higham on the Hill and lists its amenities of a primary school, public house, corner shop, Methodist Church, formal and informal recreational land (public open space) and a Church of England. It confirms that the village has an hourly bus service that runs along Main Street with services to Hinckley and Nuneaton with bus stops located within 400m of the site. The statement concludes that the proposed development would make an important contribution to the strategic housing supply and deliver a sustainable development which will respect the character and appearance of the locality and create a high quality and attractive residential environment.

The justification of housing need similarly states that the requirement for new housing in Higham on the Hill is aimed at supporting services and facilities within the local community and this application will ensure the deliverability of much needed homes in Higham on the Hill. The justification concludes that an additional 9 dwellings over the minimum figure is not unreasonable and will benefit existing services and facilities, helping to ensure their existence and therefore the additional 9 units in Higham on the Hill is considered sustainable and therefore justified.

It is considered that the strategy for housing in rural areas is to maintain services so that they continue to act as sustainable hubs for their own populations and surrounding villages. This is to be achieved by maintaining 2004 population levels unless monitoring and review under paragraph 4.12 of the Core Strategy indicates that the maintenance of services requires a higher level of population growth and development.

It is therefore considered that this scheme would bring in new families, young working professionals and ensuring continued population growth within the settlement, rather than people moving out from the area. The additional 9 dwellings is not in this instance considered to have a negative impact upon the settlement and would not undermine or impact upon the aspirations of the spatial provision contained within the Core Strategy.

The proposed development would result in the minimum number of houses specified in the Core Strategy policy being exceeded within Higham on the Hill; however the applicant has provided evidence to show that this level of additional development is necessary to sustain and improve the level of services.

For the reasons above and the reasons discussed within this report, it is considered that the development would not result in any significant adverse impacts that would sustain a reason for refusal.

Pre-submission Site Allocations and Development Management Policies DPD

The emerging Site Allocations DPD identifies land to be allocated for housing in Higham on the Hill to meet the Core Strategy housing figure identified in Policy 12.

The part of the site which already has outline planning permission is allocated within the DPD. However the additional parcel of land to the north within this current application have not been selected for allocation.

The Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) was approved for consultation at Full Council on 21 January 2014. The consultation phase has been completed and the responses are now being considered.

Principle Summary

An application for residential development on this site was refused in 1987 (ref: 87/00028/4). At the time of determination the relevant plan was the Leicestershire Structure Plan (1996-2016) which was replaced back in 2009. Since that time the National Planning Policy Framework has come into force, which is supportive of sustainable development. It is therefore considered that the previous refusal carries little weight in the determination of this application given the significant changes in planning policy and the development plan.

The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 43 dwellings will provide an over provision of 9 dwellings. It must be emphasised however that the figure in Core Strategy Policy 12 is a minimum figure to provide for flexibility and does not give rise to any significant adverse impacts upon Higham on the Hill.

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

Impact upon the Character and Appearance of the Countryside

As discussed earlier in this report the site in policy terms lies outside of the defined settlement boundary for Higham on the Hill and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

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

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The west of the site is bound by the defined settlement boundary of Higham on the Hill. The site is bound to the west and south by residential development and the settlement. It is

therefore considered that this site would form a natural extension, given its close proximity to built development and the settlement boundary. It is not considered that this site, given its siting, constitutes a 'typical' open rural countryside location.

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

Overall Appearance

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

Layout

The layout proposes a main access road off Hilary Bevins which follows through to the north and south of the site with smaller roads running east and west, creating smaller cul-de-sac style areas.

All plots are located so that they front the road to which they are sited which creates strong defined streetscenes. All private amenity spaces are provided to the rear or side of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

The amenity spaces are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

Affordable Housing Location

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to scrutiny by the Council's Housing and Enabling Officer. The scheme provides three areas of affordable housing, one to the south east of the site (plots 38-43); One to the eastern periphery of the site (plots 21-26) and the other to the north west of the site (plots 11-16). The Council's Housing and Enabling Officer is in agreement with the current siting of the affordable housing units as it reflects the preference of the Social Providers. The scheme provides affordable housing in three locations across the site ensuring a separation between the affordable units and integration within the wider open market dwellings. It is therefore considered that this layout is the preferred option and best achievable result. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

The scheme as shown within the submitted layout proposes the full 40% affordable housing provision and therefore 18 affordable units. However, the applicant has submitted a viability appraisal and during the course of the application, following the request from officers the applicant has submitted an additional layout plan showing the reduced offer of 25.58% of affordable housing which equates to 11 affordable units. This shows a layout of two areas of affordable housing, removing the previously proposed plot 11-16. The alternative layout is considered acceptable as the number of units is preferred by the Social Providers and the

integration with the wider open market dwellings remains. The viability offer is discussed later in the report.

Scale and Design

The surrounding area consists predominantly of two-storey proportions to Hilary Bevins Close and Station Road.

The scheme proposes a mixture of 2, 3, 4 and 5 bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. In terms of footprint, the proposed dwellings also occupy fairly similar footprints to dwellings on Station Road and Hillary Bevins Close.

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as bay windows, canopies, dormers, arched and flat brick headers, and other brick detailing which adds additional interest to the external appearance of the site as a whole. During the course of the application, there have been alterations to the design to ensure that some house types include external chimney stacks, to reflect the local vernacular.

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

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

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

Hard and Soft Landscaping

The application shows indicative landscaping details. It is considered necessary to impose a planning condition which secures comprehensive details of all landscaping on site to ensure that it is reflective of this countryside setting. Tree species will be negotiated once a comprehensive landscaping plan has been submitted to the Local Planning Authority, which will be secured by way of a planning condition.

Policy NE12 criterion (d) requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is considered necessary to impose a condition ensuring that the scheme is maintained for a period of five years from the date of planting.

In respect of other visual elements there is a mixture of frontage and side parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Roads are broken up with both hard surfaced and block paving which will be secured by way of condition. In addition the mixture of 1.8 metre high close boarded wooden fencing, brick walls and post and rail fencing will also be subject to a condition in order to ensure that the fencing is appropriate in its appearance.

Summary

The proposed dwellings reflect the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area and overall provides strong attractive streetscenes. The variation in design is

welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable.

It is therefore considered that on balance, having regard to the matters raised above, the scheme would not have an unacceptably adverse impact upon the countryside.

As such, the scheme is considered to be in accordance with guidance contained within Saved Policies NE5 (criteria i-iii), BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, the principles outlined in the Council's SPG on New Residential Development and the overarching guidance contained within the NPPF.

Impact on Residential Amenity

Policy BE1 is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 26 Hilary Bevins Close, the neighbouring dwellings to the north of Hilary Bevins Close.

There is a distance of approximately 15 metres between the closest point of plot 35, and 7 metres between the closest point of plot 34 between the side wall of No. 26 Hilary Bevins Close, which given the proposed plots siting further to the north and angle would not result in any significant overlooking, overshadowing or overbearing impacts.

There is a distance of approximately 18 metres between the rear wall of plot 1 and side wall of No. 23 Hilary Bevins Close and 22.5 metres between the side wall of plot 13 and rear wall of No. 23. There is sufficient separation distance to both elevations of No. 23 to not result in any unacceptable adverse impacts upon the occupiers of No. 23.

There is a distance of approximately 21 metres between the side wall of plot 14 and rear wall of No. 15 Hilary Bevins and a minimum of 31 metres between the rear wall of plot 18 between neighbouring dwellings to the north of Hilary Bevins (No's 5-11). The separation distances are well in excess of the SPG's guidelines.

In respect of the neighbouring dwellings to the east of Station Road there is a distance of 35 metres between the closest point with No. 48 Station Road and 36 metres between closest point of plot 18 and No. 54 Station Road. Accordingly given the distances there are no significant impact upon these neighbouring dwellings.

The Head of Community Services (Pollution) has confirmed that complaints have recently been investigated by Environmental Health department into noise generated by the adjacent MIRA site and a noise investigation undertaken by MIRA identified levels on Station Road as being at times at such a level that they are likely to cause complaint. Accordingly in order to ensure that the new development is given maximum protection submission of a scheme of noise protection is recommended by the following condition.

In summary, the Head of Community Services (Pollution) raises no objection to the scheme, subject to the imposition of a noise attenuation condition to secure the suggested mitigation measures and the scheme is considered to have minimal impacts upon amenity of existing neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criteria h and i) of the adopted Hinckley and Bosworth Local Plan 2001.

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

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

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

Objections have been raised regarding highway safety and increased in traffic levels. A key issue in this application is the acceptability of the access arrangements. The Director of Environment and Transport (Highways) has previously confirmed that access to the site would be from Hilary Bevins Close, a residential cul-de-sac built to modern standards with a 5.5m carriageway and 1.8m footways. In accordance with the 6Cs Design Guide, this type of road can serve up to 400 dwellings although this is normally restricted to 150 if there is only one point of access, as is the case here. Accordingly the Director of Environment and Transport (Highways) concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

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

Suggested Condition 2: Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

The submitted layout shows the number of car parking spaces, and garages for each plot. Overall the parking provision is commensurate to the number of bedrooms proposed. Accordingly this condition is not required to be carried forward.

The Director of Environment and Transport (Highways) has also recommended the details of the routing of construction traffic to be included within the S106 Agreement. In the opinion of the Local Planning Authority it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable.

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time but would need to be in place prior to the commencement of the development.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Drainage and Flood Risk

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

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage)

During the course of the application, the area to the north of the site showing surface water run off attenuation pond has been submitted under a separate application ref: 14/00097/FUL.

The issues of drainage and flood risk are discussed in details as part of application ref: 14/00097/FUL.

In the event of this application being approved, the two applications would be linked by way of legal agreement to ensure that the surface water run off attenuation pond was provided in conjunction with the residential development.

Archaeology

The application has been accompanied by a Geophysical Survey Report in conformity with Saved Policy BE14 of the Local Plan. Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

The revised site area has been considered by the Directorate of Chief Executive (Archaeology) who has confirmed that the application site appears to contain Ridge and Furrow earthworks, which represent the remains of medieval and post-medieval agricultural cultivation so it is recommended that a topographic survey of the earthworks should be undertaken prior to their loss.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

Ecology

An ecology report has been submitted with the application, which has been considered by The Directorate of Chief Executive (Ecology) who is satisfied with the report; no protected species or habitats of note were found, and no further surveys or mitigation measures are required at this time.

The Directorate of Chief Executive (Ecology) however requires that if no development commences within 3 years then an updated badger survey should be required which is to be secured by way of a planning condition. It is not considered that a condition to this affect would be required as if no development commenced within 3 years then the permission will have expired anyway.

During the course of the application a Great Crested Newt was found by a local resident and contacted the Directorate of Chief Executive (Ecology). Accordingly the Directorate of Chief Executive (Ecology) has requested additional information from the applicant. The applicant has submitted an additional statement containing consideration in respect of Great Crested Newt which has subsequently been considered by Directorate of Chief Executive (Ecology) who raises no objection subject to the imposition of a planning condition.

In summary, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been accompanied by a phase 1 ground investigation report which has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed to ensure the completion of a stage 2 intrusive investigation.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

Affordable Housing and Infrastructure Improvements

The application proposes 43 residential units which attracts infrastructure contributions.

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

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site, the provision should be for 17.2 units (rounded up to 18 units) 9 units; 6 for social rent and 3 for intermediate tenure.

For the reasons discussed later in this report the applicants offer is for 25% affordable which would equate to 11 units. Of the 11 units, 8 for social rent and 3 for intermediate tenure.

The latest housing register for Higham on the Hill (as of January 2014) states that 193 applicants are seeking 1 bedroomed properties, 154 applicants are seeking 2 bedroomed properties, 67 applicants are seeking 3 bedroomed properties and 23 applicants are seeking 4 bedroomed properties.

It is considered that there is a high demand within Higham on the Hill, and there is a preference for social rented housing to be made up of 2 bedroomed houses and intermediate tenure to be made up of two or three bedroomed houses.

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

The provision of affordable housing is to be secured through the draft S106 agreement submitted with the application.

Viability

The application has been accompanied by a viability assessment which has been reviewed in accordance with current working arrangements with Coventry City Council.

The applicant's viability assessment which states that they believe financially that they can provide 5 no. on site social rented units, representing an 11.62% affordable housing provision. Since this proposal was made, an application on the same site, with the same applicant for 21 units (reference 12/00482/OUT) was considered at planning committee on 1 April 2014. During the planning committee members requested that 5 affordable units be provided. The applicant has since agreed that in that instance they could accept a lower corporate developer's profit margin and provide the 5 units as requested. In light of this and in order to maintain consistency the applicant is willing to take a similar approach with this application and provide a 25.58% affordable housing provision which would equate to 11 units.

The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

Paragraph 173 within the NPPF states that sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. 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.

In accordance with current internal working arrangements Coventry City Council have been consulted on the submitted viability appraisal and they confirm that the scheme could support 8 affordable units which equates to an 18.6% provision. This is an improved position on the original offer, but short of the revised offer made of 25% (11 affordable units). Accordingly the independent assessor confirms that the applicant would be making a loss and that it would be sensible to take the revised offer. Coventry City Council conclude that the viability assessment is fair, have reviewed the development costs and there are no identified areas for further scrutiny based upon the revised offer.

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. It is also important to consider the Council's five year housing land supply position and it is considered that the proposed development of 43 dwellings would make a contribution to this requirement. As such bringing forward this scheme has a number of benefits, albeit with a reduction in the quantum of infrastructure, in respect of affordable housing.

The viability assessment has been assessed and it has been confirmed by an independent viability consultant that the full 40% target would mean that the scheme would be unviable and it is on this basis only that a 25.58% provision of affordable dwellings is considered acceptable in this case.

Play and Open Space Contributions

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

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The site is located adjacent to King George V Playing Field, which is categorised within the Green Space Strategy as a neighbourhood park with a Neighbourhood Equipped Area for Play (NEAP) for the provision for children and young people and neighbourhood open space for outdoor sport.

Formal Recreation Space: - The application site falls within 1 kilometre of King George V Playing Field and as such financial contributions of £13,880.40 for the provision and £11,352.00 for the maintenance is sought. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of outdoor sports (0.70) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality.

Informal Equipped Children's Play Space: - A shortfall in the required provision of on site equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £31,192.20 is required for the provision and £15,200.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of equipped play space (0.06) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £125,000.00.

Informal (Un-equipped) Children's Play Space: - A shortfall in the required provision of on site un-equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £3,973.20 is required for the provision and £3,418.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a deficiency of un-equipped play space (-0.03) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £50,000.00.

The quality of the equipped space has been considered within the Quality and Accessibility Update Audit of 2007 which awarded King George V Playing Fields a quality score of 48.0%. It is considered that financial contributions could be secured to improve the quality of this space.

Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to King George V Playing Field, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

Whilst it is identified that there is a sufficiency of formal open space and equipped space, this development results in a 43 dwellings, which would result in additional population in the area and at this time there is no indication that there would be a net gain in the area of play space provided.

Accumulatively at this time the development attracts contributions for off site play and open space of £79,016.80.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

Should members be minded to approve this revised viability offer a Section 106 Agreement will progress to secure the following:-

- Affordable Housing (11 units; 8 for social rent and 3 for intermediate tenure)
- Play and Open Space (£79,016.80)
- Education (£232,260.46)
- Transport (Travel Packs)

Neither the request from the Director of Environment and Transport (Civic Amenity) for £2,023, the request from the Director of Adults and Communities (Libraries) for £2,640 or the requests from the Director of Environment and Transport (Highways) for improvements to the bus stops, information display cases or Real Time Information systems are considered to be CIL compliant.

Other Matters

Sustainability

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

Recycling

Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As such a condition is recommended to ensure that details are provided.

Letters of Representation

Objections raised which have not been addressed within the main body of the report:-

For the avoidance of doubt the site is not located within a Conservation Area and does not abut the Conservation Area boundary. The closest point of the Conservation Area boundary to the application site is to north side of Main Street, which runs to the rear of properties on the north site of Main Street and juts out further to the north to include the car park area of the Odd Fellows Inn. The initial submission included 5 dwellings to the parcel of land to the north of Main Street which was adjacent to the Conservation Area boundary, however following the removal of this part of the site from the application, there is now an area of separation from the Conservation Area to the application site.

The applicant will seek to divert the existing footpath, as such there will still be a footpath available and will need to go through a statutory process to do so.

A right to a view and de-valuation of property prices are not material planning considerations.

Conclusion

In conclusion, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 43 dwellings would make a significant contribution to this requirement. The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, public play and open space facilities, education, and travel packs,

It is recommended that planning permission be granted, subject to the imposition of planning conditions and the signing of a S106 Agreement.

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

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE2, NE5, NE12, NE14, BE1, BE16, T6 and T9.

Local Plan 2006-2026: Core Strategy (2009):- Policies 12,15,16,17,19 and 24.

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

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

Location Plan Drawing No. S0000/500/01; Planning Layout Drawing No. S0000/100/01 Rev H and Chimney Allocation Layout Drawing No. S0000/500/01 received by the Local Planning Authority on 12 March 2014 and House Type H588 (AS - Plot 19, 28 and 30 and OPP -Plots 18 and 37); House Type H485 (AS - Plots 27 and 31 and OPP - Plots 1 and 17); House Type H455 (AS - Plots 7 and 34 and OPP - Plots 6 and 35); House Type P341 (AS - plots 8, 36 and 43 and OPP - Plot 26), House Type H421 (AS - Plots 2 and 3 and OPP -Plot 29); House Type P206 (AS - Plots 14,15,23 and 41 and OPP - Plots 16,24,40 and 42); House Type T310 (AS - Plot 9 and OPP - Plot 10); House Type H469 (AS - Plot 20 and OPP - Plots 5 and 32, 4 and 33) and House Type P383 (AS - Plots 11,21,25 and 39 and OPP - Plots 12,13,22 and 38) received by the Local Planning Authority on 2 January 2014, 21 February, 6 March and 12 March 2014.

Or should the viability offer be accepted:-

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

Location Plan Drawing No. S0000/500/01; Chimney Allocation Layout Drawing No. S0000/500/01 received by the Local Planning Authority on 12 March 2014

House Type H588 (AS - Plot 19, 28 and 30 and OPP -Plots 18 and 37); House Type H485 (AS - Plots 27 and 31 and OPP - Plots 1 and 17); House Type H455 (AS - Plots 7 and 34 and OPP - Plots 6 and 35); House Type P341 (AS - plots 8, 36 and 43 and OPP - Plot 26), House Type H421 (AS - Plots 2 and 3 and OPP -Plot 29); House Type P206 (AS - Plots 14,15,23 and 41 and OPP - Plots 16,24,40 and 42); House Type T310 (AS - Plot 9 and OPP - Plot 10); House Type H469 (AS - Plot 20 and OPP - Plots 5 and 32, 4 and 33) and House Type P383 (AS - Plots 11,21,25 and 39 and OPP - Plots 12,13,22 and 38) received by the Local Planning Authority on 2 January 2014, 21 February, 6 March and 12 March 2014

Planning Layout Drawing No. S0000/100/01 Rev J received by the Local Planning Authority on 8 April 2014.

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials. The materials to be used on the external elevations of the proposed garages shall match the corresponding materials of the proposed dwelling to which it serves.
- 4 No development shall commence on site until such time as the and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.
- 6 No development shall commence until details of the design for off-site highway works being improvements to visibility at the junction of Station Road with Main Street/Wood Lane by means of kerb realignment/carriageway and footway widening have been submitted to and approved in writing by the Local Planning Authority the works shall be implemented in accordance with the approved details prior to the occupation of the 10th dwellings.
- 7 No development shall commence until pedestrian visibility splays at the junction of each private access with the main access road shall first be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian visibility splays shall be provided prior to the first occupation of the respective dwelling. Within the splays there shall be nothing higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be maintained that way thereafter.
- 8 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 9 No development shall take place until the detailed design of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and implementation period has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated by all rainfall events up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details and implementation period.

- 10 No development shall commence until a scheme for the disposal of foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 11 No development shall commence until a programme of archaeological work, comprising a topographic Ridge and Furrow survey has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 12 No development shall commence until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.
- 13 No development shall commence until a scheme for protecting the proposed dwellings from noise from adjacent commercial operations has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 14 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 and implementation 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 in accordance with the agreed implementation period.
- 15 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved 'Additional Consideration in Respect of Great Crested Newt' (aspect ecology, April 2014) including the mitigation measures detailed within it.
- 16 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the access onto Main Street, they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 17 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 18 The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To improve the visibility at the junction of Station Road with Main Street/Wood Lane where visibility is substandard in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.
- 10 To ensure that the development is provided with a satisfactory means of foul drainage to accord with guidance contained within the National Planning Policy Framework.
- 11 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure the surrounding uses do not have an adverse impact on the amenities of future occupiers in terms of noise to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.

- 16 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure that the development is not detrimental to the privacy and amenity of neighbouring properties and future occupiers of the residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 6 In relation to condition 9 the drainage scheme shall include:-
 - a) The details design of the surface water balancing pond approved under 14/00097/FUL including access from the main site across the sewerage easement and into this pond site for maintenance and inspection.
 - b) 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.
 - c) Limiting the discharge rate and storing the surface water run-off generated by all rains events up to 100 year plus 30% % (for climate change)critical rain storm so that it will not exceed the run-off from the un developed site and not increase the risk of flooding off-site.
 - d) 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.
 - e) Details design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements.

f) 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.

7 In relation to condition 11 the programme of archaeological work shall also 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.

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

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

8 In relation to condition 12 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.'

Contact Officer:- Ebony Mattley Ext 5691

Item: 02
Reference: 14/00097/FUL
Applicant: Miss Helen Bareford
Location: Land Hilary Bevins Close Higham On The Hill
Proposal: Formation of surface water balancing pond associated infrastructure (linked to application ref: 13/01053/FUL)
Target Date: 12 May 2014

Introduction:-

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

This application should be read in conjunction with that of application ref: 13/01053/FUL.

Application Proposal

Full planning permission is sought for the formation of a surface water balancing pond, also referred to as a surface water run off attenuation pond.

This application has arisen as a result of the requirement to provide drainage infrastructure, for the adjacent residential development subject of application ref: 13/01053/FUL.

The applicant has submitted this additional application resulting in two separate applications, rather than withdrawing the adjacent application 13/01053/FUL and re-submitting a new application which would have covered both areas.

During the course of the application, following amendments to the area of development and layout of the adjacent application, amended plans have been received to reflect the latest position. Re-consultation has been undertaken with all neighbours and all consultees for a period of 21 days.

The Site and Surrounding Area

The rectangular shaped site measures 0.31 hectares and is immediately adjoined to the south by application ref: 13/00520/FUL.

The site is bound to the north, east and west by agricultural fields. Public footpath T49 runs through the site.

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

Technical Documents submitted with application

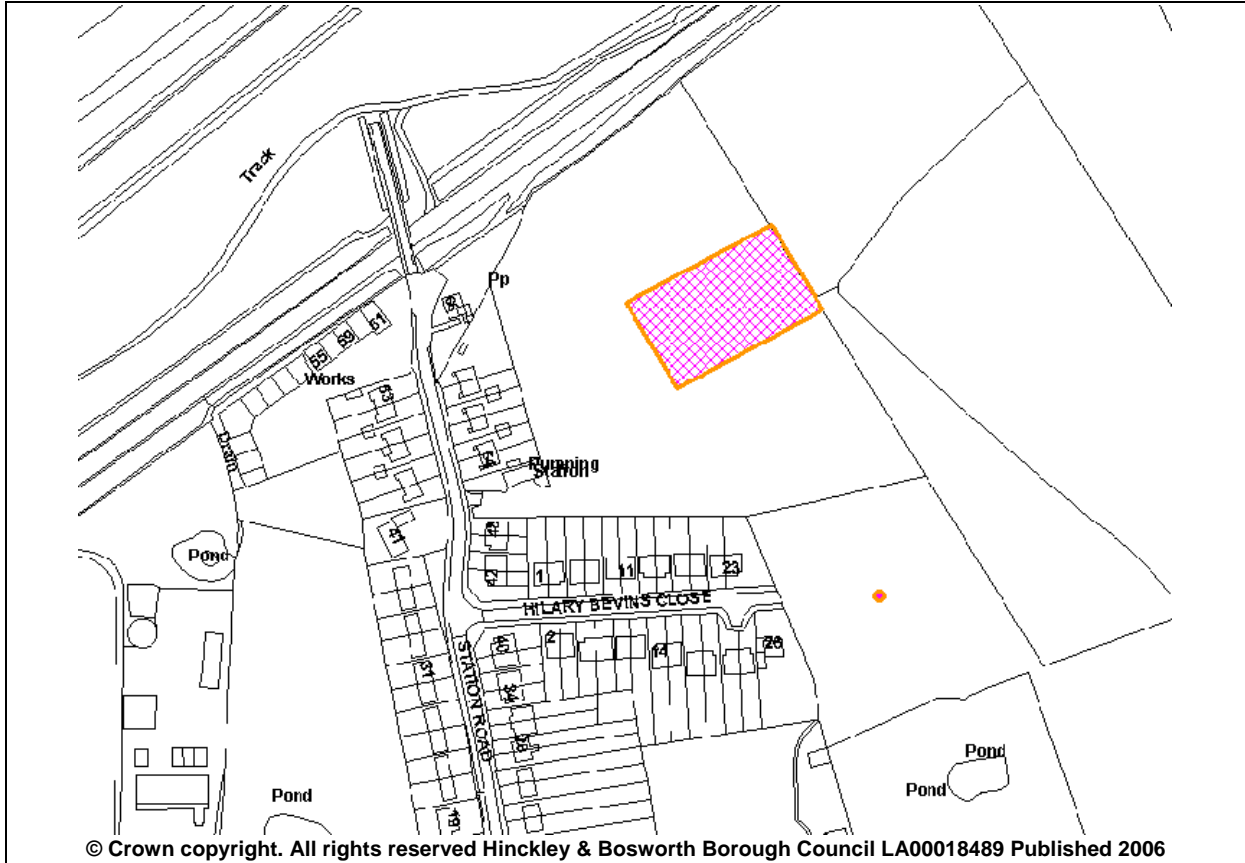
None relevant.

Relevant Planning History:-

13/01053/FUL

Erection of 43 dwellings with associated access (linked to application ref: 14/00097/FUL)

Pending Consideration



Consultations:-

No objection has been received from:-

Severn Trent Water Limited
Head of Community Services (Pollution Control)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to condition has been received from:-

Environment Agency
Directorate of Chief Executive (Archaeology)
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

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

- a) risk of flooding
- b) ground is clay and frequently waterlogged
- c) balancing pond principle cannot happen if the water table is already as the surface
- d) endanger the lives and properties of local residents
- e) no safety in view of proximity to the footpath

- f) danger to local residents and children
- g) risk of infection and diseases to residents, pets and wildlife
- h) additional rats
- i) stagnant water will create a smell
- j) no thoughts of landscaping or empathy to the site
- k) no information as to how it will look
- l) application is premature
- m) the pond would not go ahead unless the houses were approved
- n) fails to take into account the old footpath that crosses the field
- o) loss of view
- p) against development of the houses
- q) developer should inform future buyers of the risk of flooding
- r) other sites have been put forward which would negate the need for a balancing pond
- s) changes the ecology of the area
- t) should be fenced, no details of fencing
- u) fencing would cause an eyesore
- v) pumping station cannot cope at present.

Following re-consultation an additional two letters of objection have been received:-

- a) pool will transform the vistas that are supposed to be preserved as part of the Conservation Area
- b) no guarantee that the structure will be able to cope with the additional surface run off
- c) interfere with local footpaths to areas of significant historical importance
- d) suggests that the land proposed for development in a separate planning application is not fit for the intended purpose as drainage in this area is not good enough
- e) housing application has not been granted permission
- f) safety
- g) design has no empathy.

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
- Policy NE14: Protection of Surface Waters and Groundwater Quality
- Policy BE16: Archaeological Investigation and Recording

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations in the determination of this application are the principle of development, drainage and flood risk, archaeology, ecology and footpaths.

Principle of Development

The principle of the associated residential development is discussed within application ref: 13/01053/FUL.

The residential scheme for 43 dwellings is required to provide adequate and suitable drainage, however this was not able to be provided within boundaries of that site. Accordingly this application seeks to provide the drainage to serve the adjacent residential development.

Impact upon the Countryside

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

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The site would have an area of separation between the houses on Station Road and the site, but would be immediately adjoined to the south by the proposed residential development. The west of the site - the east of Station Road and Hilary Bevins Close is the defined settlement boundary of Higham on the Hill. It is considered that the proposed residential development would form a natural extension, given its close proximity to built development and the settlement boundary, and this site a natural extension to the proposed residential scheme.

Whilst the absence of a detailed design and the landscaping is discussed later in this report, it is considered that, given the low level nature of the proposal and appearance of a pond, it would not appear out of keeping within this countryside setting.

Drainage and Flood Risk

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

The scheme shows the formation of a surface water balancing pond, which is required to store and slowly release the excess water from the proposed residential development (ref: 13/01053/FUL).

The surface water balancing pond is a form of Sustainable Urban Drainage System (SUDS) which is a key component of the proposal.

The application has been accompanied by plans, however, the detailed design (plans, cross, long sections and calculations) including an assessment of the hydrological and hydrogeological context of the development would be secured by way of condition.

The scheme has been considered by the Environment Agency and the Head of Community Services (Land Drainage) both of which raise no objections subject to the imposition of planning conditions, and the application being associated with the residential development.

In the event of this application being approved, the two applications would be linked by way of legal agreement to ensure that the surface water balancing pond was implemented in conjunction with the residential development.

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

Archaeology

Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration for this application.

The scheme has been considered by the Directorate of Chief Executive (Archaeology) which confirms that possible archaeological features may be present in the vicinity of the proposed balancing pond and therefore recommends that archaeological attendance during ground works would be appropriate, so that any archaeological remains affected can be investigated and recorded.

In addition, Directorate of Chief Executive (Archaeology) states that the application site appears to contain `Ridge and Furrow` earthworks, which represent the remains of medieval and post-medieval agricultural cultivation so it is recommended that a topographic survey of the earthworks should be undertaken prior to their loss.

A condition is therefore proposed to secure the recommended archaeological work.

Ecology

The Directorate of Chief Executive (Ecology) has confirmed that no ecology report has been provided in support of this application, however is satisfied that the development proposal to the south, with which this proposed SUDS feature is associated, was accompanied by an Ecology report (Aspect, 2013) that covered the area of land on which it is proposed to site the SUDS feature.

The Directorate of Chief Executive (Ecology) has no objections in principle to the proposal to site the pond in the area shown, but the block plans show it as an engineered basin, of little potential value to wildlife, and the Directorate recommends that the design is revisited in order to ensure that opportunities to create biodiversity habitats of value are maximised. In addition, during the course of the application, a Great Crested Newt was found by a local resident who then contacted the Directorate of Chief Executive (Ecology) which has requested that the applicant takes this information into account.

Accordingly, the applicant has submitted an additional statement containing consideration in respect of Great Crested Newts and indicative pond drawing. The applicant has confirmed that whilst the details design of the pond has not yet been provided, the pond would be designed to ensure it contains permanent standing water and native vegetation. The statement is also accompanied by an indicative drawing of the pond in an attempt to show that suitable ecological measures can be incorporated.

The statement has subsequently been considered by the Directorate of Chief Executive (Ecology) which raises no objection, subject to the imposition of a planning condition.

Given that the design of the pond has not yet been submitted for consideration, it is considered that the design and creation of biodiversity habits can be considered and provided through the detailed design stage, which would be imposed by way of condition.

In summary, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Footpath

In response to neighbours' concerns about the existing footpath T49 and the fact that this development is sited on the footpath's official route, a footpath diversion order would need to be applied for. This is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, but would need to be in place prior to the commencement of the development.

Other Matters

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

It is not considered necessary to fence off these types of features providing that the slope is gentle enough, which will be considered at the detailed design stage.

The scheme has been considered by the Head of Community Services (Pollution Control) who does not raise concerns in respect of diseases or other associated risks.

Conclusion

In conclusion, it is considered that this surface water run off attenuation pond is required for a planning purpose and is directly related to the residential development.

The development would not give rise to any significant material impacts upon the countryside, flood risk, archaeological features, or protected species and no other material impacts have been identified which would indicate that the proposal is not in compliance with local development plan policies.

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

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of the surface water run off attenuation pond in conjunction only with the implementation of development pursuant to application reference 13/01053/FUL the Chief Planning and Development Officer be granted powers to issue full planning permission, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their

degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it provides the drainage for the residential development and does not give rise to unacceptable impacts upon flooding, archaeological features, or protected species.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1, NE14 and BE16.

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 amended application details, as follows; Location Plan drawing ref: S0000/500/02 and Balancing Pond Block Plan drawing no. S0000/100/03 received by the Local Planning Authority on 12 March 2014.
- 3 No development shall take place until the detailed design of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and implementation period has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated by all rainfall events up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details and implementation period.
- 4 No development shall commence until the detailed design of the surface water drainage scheme for the site, including a detailed landscaping, planting scheme and implementation programme is first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 5 No development shall commence until a programme of archaeological work, including an initial topographic Ridge and Furrow survey and subsequent Archaeological Attendance during groundworks, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.

- 4 In the interests of increasing biodiversity to accord with the intentions of the National Planning Policy Framework.
- 5 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 3 the drainage scheme shall include:-
 - a) The detailed design of the surface water drainage for the residential development proposed under 13/01053/FUL, including access from the main site across the sewerage easement and into this pond site for maintenance and inspection.
 - b) 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.
 - c) Limiting the discharge rate and storing the surface water run-off generated by all rains events up to 100 year plus 30% % (for climate change)critical rain storm so that it will not exceed the run-off from the un developed site and not increase the risk of flooding off-site.
 - d) 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.
 - e) Details design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements.
 - f) 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.
- 6 In relation to condition 5 the programme of archaeological work shall also 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.

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

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 03

Reference: 13/01064/FUL

Applicant: Mr & Mrs Coulthurst

Location: Tooley Building 49 Church Street Earl Shilton

Proposal: Part demolition of existing building (retrospective) and erection of 14 dwellings with associated vehicle parking and landscaping

Target Date: 5 May 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

Full planning permission is sought for the erection of 14 dwellings, with parking and landscaping.

The dwellings comprise 10 no. 3 bedrooled terraced houses, 2 no. 3 bedrooled semi-detached houses and 2 no. 4 bedrooled semi detached houses.

Access will be taken from Church Street to the south of the site.

The application also seeks retrospective permission for the demolition of one building on site. All others have permission to be demolished under approval by application ref: 14/00143/GDOD.

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

- Amendment to description to include retrospective part demolition
- Alterations to design of the plots including window design, proportions, dormer windows and external chimney stacks
- Re-angle footprint of plots to the rear
- Changes to the layout of plots within the scheme
- Alterations to the access
- Alterations to layout of car parking spaces and addition of 2 no. garages
- Revision to the Ecology Report

Re-consultation was undertaken with the Town Council, all neighbouring properties in addition to those who have commented on the application and relevant statutory consultees, for a period of 21 days.

Following concerns raised by the Environment Agency, the applicant has submitted a Phase I Environmental Risk Assessment and re-consultation has been undertaken with the Environment Agency for a period of 7 days.

Brick and roof tile samples have been submitted during the course of the application.

The Site and Surrounding Area

The site measures approximately 0.31 hectares (0.7 acres). The application site comprises factory buildings and a single-storey garage adjacent to neighbouring no. 39 Church Street. Levels drop from the sites frontage at Church Street towards the rear, north of the site. Levels rise gently across the front of the site from west to east.

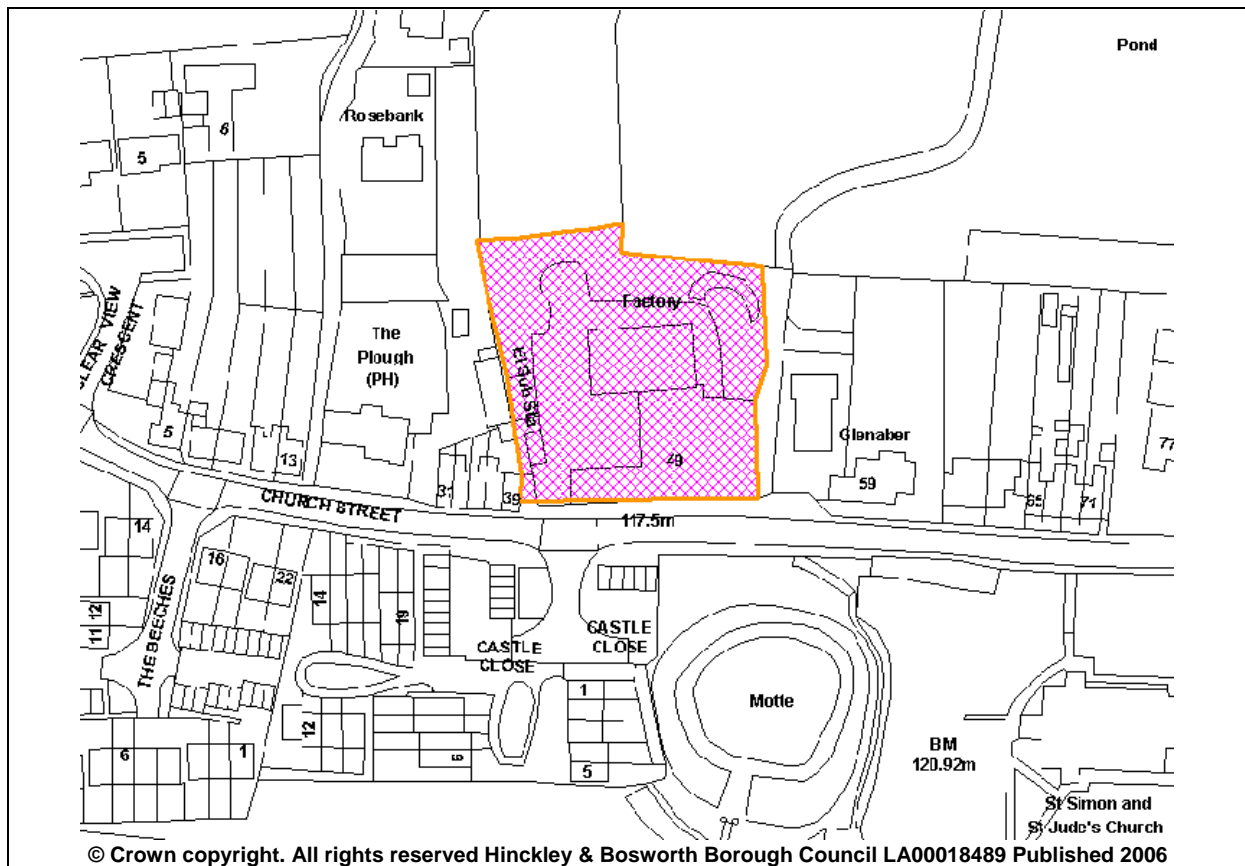
The site falls within the settlement boundary of Earl Shilton and is designated as an employment site, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

Design and Access Statement
Ecology Survey Report
Architectural Heritage Assessment
Draft Heads of Terms

Relevant Planning History:-

14/00143/GDOD	Demolition of former Scalliwags building	GDO	14.03.14
98/00528/COU	Change of use to storage and distribution (Class B8) and alterations to elevation of building	Approved	03.08.98



Consultations:-

No objection has been received from:-

- Earl Shilton Town Council
- English Heritage
- Directorate of Chief Executive (Ecology).

No objection subject to conditions have been received from:-

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

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

- a) Director of Children and Young Peoples Services (Education) requests £40,652.67 for the primary school sector.
- b) Director of Environment and Transport (Civic Amenity) requests £659
- c) Director of Adults and Communities (Libraries) requests £820.

The Directorate of Chief Executive (Ecology) has not made a request.

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

- a) why has demolition work being carried out prior to planning permission being given
- b) overlooking from plots 6-8
- c) no visitor parking
- d) how can access be gained adjacent to plot 8, what is the boundary?
- e) where do you put you wheelie bins
- f) noise issues
- g) potential of future adoptable highway extension
- h) impact on value of my property
- i) why cant the building be converted into townhouses or flats
- j) it is a beautiful building and would be a shame to demolish it
- k) several properties will be overlooked from the rear of the existing terraced houses
- l) there are insufficient parking spaces provided which would lead to further parking issues and obscure visibility
- m) parking for 31-39 Church Street is already limited
- n) increased risk to road users
- o) access is needed at the side of 39 Church Street to enable storage of wheelie bins
- p) unsafe junction and additional traffic.

One letter is neither in objection or support but wishes to make the point that there is an opportunity to improve the look of the skyline of Earl Shilton from the A47 and from the valley below, which would be lost if the two eastern blocks of semi detached houses are built.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 2: Development in Earl Shilton
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy NE17: Protection of the Water Environment from the Development of Contaminated Land
Policy BE1: Design and Siting of Development
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE16: Archaeological Investigation and Recording
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Employment Land and Premises Study (July 2013)

The study appraises all existing employment sites within the Borough and categorises them under three employment area gradings (A-C). The application site forms the "Factory, Church Street, Earl Shilton" site appraisal. The appraisal classifies the site as a grade C - ie a lower-quality employment area where part or whole redevelopment is appropriate. The site appraisal concludes that the existing buildings are outdated (in size and configuration) in a residential location and that its loss would have little impact on the land supply of Earl Shilton and the Borough as a whole. The appraisal concludes that it is acceptable that the entire site is released for alternative uses.

Strategic Housing Land Availability Assessment (September 2013)

The Strategic Housing Land Availability Assessment (SHLAA) identifies and assesses sites for their suitability for housing, including an assessment of deliverability. In conformity with the NPPF, Employment sites categorised as 'B' or 'C' in the Employment Land Study were included for assessment in the SHLAA as alternative development may be possible or part/whole redevelopment may be appropriate. The site, categorised as a 'C' site, was therefore subject to appraisal. The SHLAA states that although the site is suitable and achievable the "Site is unavailable because the site is occupied and the owner of site has not put the site forward for assessment". The SHLAA concludes that the site is non-deliverable.

This constraint has however now been overcome as the site is the subject of this planning application, signalling the intention of the landowner to deliver this site for housing.

Appraisal:-

The main considerations in the determination of this application are the principle of development, loss of employment land, layout, access and highway considerations, impact upon residential amenity, archaeology, ecology, drainage and flood risk, contamination, affordable housing and infrastructure improvements and other matters.

Principle of Residential Development

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

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- Approving development proposals which accord with the development plan without delay, and

- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - Specific policies in the NPPF indicate development should be restricted.

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

As at October 2013, the Borough Council had a housing land supply of 5.58 years. However, this supply figure needs to be examined against recent events, namely:

- 1) Progress on the delivery of the Barwell and Earl Shilton Sustainable Urban Extensions.
- 2) The Bloor Homes High Court judgement dated 19 March 2014 relating to the Secretary of State's decision to dismiss the appeal for residential development on land adjacent to the village of Groby;
- 3) Appeal decision dated 3 January 2014 relating to land East of Wolvey Road, Three Pots, Burbage (for 34 dwellings);
- 4) Appeal decision dated 31 March 2014 relating to Land adjacent to Stanton Under Bardon Primary School, main Street, Stanton Under Bardon (for 25 dwellings);

1. Delivery of Sustainable Urban Extensions (SUEs)

The council's housing supply projections (October 2013) are predicated, in part, on the delivery of houses within the Barwell and Earl Shilton SUEs. This is because approximately half of the 9,000 houses that are required over the 20-year period to 2026 would be provided within the two SUEs. The council's position is that the two SUEs are likely to come forward later in the plan period because of the complex nature of assembling these sites and securing planning permissions. However, the shortfall of housing supply in the early years of the Plan period would 'catch up' later in the Plan period as the SUEs are brought forward. This method of calculating housing land supply is known as the Liverpool method and different Inspectors have reached different conclusions on the appropriateness of using this method in recent appeals. The alternative 'Sedgefield' method is where the shortfall in housing is brought forward earlier in the plan period.

The planning committee resolved in April 2013 to grant outline permission for the development of the Barwell SUE and discussions are ongoing to agree the terms of the section 106 agreement. When this is signed, this will enable the outline planning permission to be granted and for the developer to progress with submitting detailed (reserved matters) applications for each phase. There is an element of uncertainty about when the Barwell SUE S106 agreement will be signed as the developer is in the process of reviewing the viability of the scheme.

The developers of the Earl Shilton SUE are in pre-application discussions with the council and an outline planning application on that site is expected to be submitted summer 2014.

Securing planning permissions on the two SUEs is very important as it demonstrates that these sites are ready to be developed. In the meantime, the council's position in relation to housing land supply will continue to be challenged by developers.

2. Bloor Homes Judgement

This was a High Court challenge against the Secretary of State's decision to uphold the council's decision to refuse planning permission for residential development at Groby. In that decision, the Judge agreed with the Secretary of State's analysis that the council's application of the Liverpool method to making up the shortfall in housing supply is appropriate. This is on the basis of the council delivering housing in line with Core Strategy projections. The Judge also agreed with the Secretary of State that the council is not a persistent under-deliverer of housing. However, the decision to dismiss the appeal was quashed because the Judge considered that the Planning Inspector had not properly considered merits of applying a discount to the delivery of large housing sites. The Judge concluded that the Secretary of State could have reached a different decision if the discounting issue had been properly considered because this could have resulted in the council not having a 5-year housing supply.

3. Three Pots Appeal Decision

This was an appeal made by David Wilson Homes and Andrew Grainer & Co against the council's refusal of planning permission for 34 homes. The appeal was allowed and planning permission granted. In that case, the Inspector preferred the Sedgfield method for delivering the shortfall in housing supply as he took the view that this is more closely aligned to the NPPF. The council's view is that this decision did not have proper regard to two previous appeal decisions where Inspectors concluded that the Liverpool method was appropriate for this local authority. The decision concluded that the council does not have a five year housing supply and granted permission. The council has recently lodged a challenge to the High Court against the Inspector's decision.

4. Stanton Under Bardon Appeal Decision

This appeal relates to a planning application for up to 25 houses on land adjacent to Stanton Under Bardon Primary School. The Secretary of State made a decision to allow the appeal on 31 March 2014. In this case, the Inspector addressed the issue of housing land supply at some length. He expressed concern that, although the council had resolved to grant outline planning permission for the Barwell SUE, subject to a section 106 agreement, the Core Strategy noted that the housing trajectory projected the first development in the SUEs in 2012/2013. He also noted that the Earl Shilton SUE was still at discussion stage.

The Inspector concluded that the Council did not have a five year supply of housing land and concluded that the Sedgfield method was the more appropriate.

The recent appeal decisions and the delays to the delivery of the SUEs indicate that the council's 5-year housing land supply position is uncertain and can be interpreted differently by different Inspectors at appeal.

It is also clear that the situation is changing regularly as new appeal decisions are made and as there continues to be delays delivering the Sustainable Urban Extensions. It is therefore essential that the authority approves planning applications for additional sites for housing development in sustainable locations to demonstrate a more robust housing supply position.

It is therefore necessary to have regard to paragraphs 14 and 49 of the NPPF and support proposals for sustainable residential development to significantly boosting housing.

Policy 2 of the Core Strategy provides the overarching policy for development in Earl Shilton. It supports the regeneration of Earl Shilton development within the settlement boundary to deliver a minimum of 10 new residential dwellings. The policy also states that development should respect Earl Shilton's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable. It is acknowledged that the applicant has referenced that it is not possible to retain the existing building due to its level of disrepair.

Decision takers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to provide an adequate supply of housing, planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

Loss of Employment Land

The NPPF identifies a number of Core Planning Principles. The most relevant principles to this application are:-

- a) proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- b) encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- c) actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In addition to the Core Planning Principles above, paragraph 111 of the NPPF reiterates that planning policies and decisions should make effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Saved Policy EMP1 (Existing Employment Sites) is concerned with the safeguarding or loss of existing employment land and therefore relevant to the determination of this application. Policy EMP1 is considered consistent with the NPPF when considered in the context of the Employment Land and Premises Study Review (2013).

This Study appraises all existing employment sites within the Borough and categorises them under three employment area gradings (A-C). The application site forms the "Factory, Church Street, Earl Shilton" site appraisal. The appraisal classifies the site as a grade C - a lower quality employment area where part or whole redevelopment is appropriate.

The site appraisal concludes that the existing buildings are outdated (in size and configuration) in a residential location and that its loss would have little impact on the land supply of Earl Shilton and the Borough as a whole. The appraisal concludes that it is acceptable that the entire site is released for alternative uses.

Accordingly it is accepted that the non-employment uses are acceptable on the site, as indicated within the Employment Land and Premises Study 2013.

Principle of Development Summary

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

It is considered that the use of this site for residential development would facilitate the re-use of a previously-developed site in proximity to the town centre and is therefore supported by planning policy. The NPPF specifically states that decision-takers should consider housing applications in the context of the presumption in favour of sustainable development.

Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Layout

Saved Local Plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. Saved Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria-based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. Policies RES5 and BE1 are considered to be consistent with the intentions of the NPPF and should therefore carry appropriate weight in the determination of this application.

The layout proposes a central access with a hammerhead-style road layout.

Seven terraced units front Church Street which reflects the positioning and style of dwellings within the vicinity, particularly to the west of the site.

On entering the site there are seven dwellings to the rear which comprise three terraced properties and two sets of semi-detached properties. A pair of semi detached dwellings (plots 10 and 11) are sited so that there is a visual end-stop when entering the site and all dwellings to the rear face south with the front of the dwelling fronting the internal road which provides a strong streetscene elevation.

All private amenity spaces are provided to the rear of the dwellings and are commensurate in size with the dwellings that they serve.

The surrounding area consists predominantly of two-storey proportions with some single-storey dwellings so the two-storey (some with accommodation in the roofslope) is considered reflective of existing surrounding dwellings. In terms of footprint, the proposed dwellings also occupy fairly similar footprints to dwellings on Church Street.

In relation to the visual appearance of the built environment, during the course of the application there have been alterations to the design which has included aligning windows and doors, smaller integrated dormer windows, arch brick headers and central chimney stacks to reflect the local vernacular.

In respect of other visual elements there is a mixture of frontage, side and rear parking with 2 no. single detached garages. The garages are subservient in scale in relation to the dwellings to which they intend to serve.

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

Access and Highway Considerations

Saved Policies T5 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and should be given appropriate weight in the determination of this application.

Access will be taken from Church Street to the south of the site. Following the submission of amended plans the Director of Environment and Transport (Highways) has no objection to the scheme, subject to the imposition of planning conditions.

The 2 no. four bedroomed properties (plots 10 and 11) have provision for 3 car parking spaces each, with all other three bedroomed properties have 2 car parking spaces each, to accord with parking standards.

Accordingly the development accords with Saved Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

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 property most immediately impacted upon as a result of the proposal would be No. 39 Church Street located to the west of the site, given the proximity to the site.

The existing single-storey garage adjacent to this neighbour is set to be demolished to allow re-development of the site. There is a distance of approximately 1 metre between the side wall of No. 39 and side wall of plot 7. There are no side windows in the side elevation of No. 39 with the exception of a small window in the loft, which the neighbour has confirmed is not habitable. There are no windows proposed in the side elevation of plot 7 and as such there would not be any overlooking from the side of the plot. There are rear habitable windows proposed in plot 7 and there would be an element of overlooking given the close relationship. Overall whilst the distance of 1 metre between is a small distance, given the neighbouring dwelling is within a terrace, it is not considered that this development would cause any additional overlooking or overbearing impacts over and above that of impacts exerted upon this neighbouring dwelling given its relationship with its adjoining neighbour No. 37. There would also be some loss of light and overshadowing in the early part of the day given the proposed siting to the east of the neighbour, however this would only be for part of the day as the sun continues its course to the west.

The nearest other neighbouring dwelling No. 57 Church Lane sited to the east of the site is considered to be sited at sufficient distance away not to be significantly impacted upon as a result of the proposal.

In terms of distances between the proposed plots there is 27 metres between the front of plots 12-14 and rear of plots 5-7 and 23 metres between plot 11 and 4. To the eastern part of the site there is a distance of at least 23 metres between the front of plots 8 and 9 and the rear of plots 1-3. These distances are considered to be acceptable separation distances for proposed dwellings within a layout.

Access rights and de valuation of property prices are not material planning considerations.

Accordingly, subject to the imposition of a planning condition the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Impact upon Historical Assets and Archaeology

Paragraph 129 of the NPPF states that planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance.

English Heritage have confirmed that it is a matter of regret that the building which they describe as an undesignated heritage asset is in the process of being demolished. However, English Heritage have not raised an objection on the basis of the demolition or impact upon the 11th century Motte and Bailey Castle and the Grade II* Listed Church of St. Simon & St. Jude.

The scheme does not project any further towards the heritage assets than that of the existing factory and overall the appearance of the scheme is considered to be an improvement over and above that of the appearance of the existing factory. Overall the scheme is not considered to detract or cause any impact upon the assets identified.

The application is accompanied by an architectural heritage statement, in conformity with Saved Policy BE13.

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

The Directorate of Chief Executive (Archaeology) has confirmed that there is the likelihood that medieval activity would have extended into the application area and although the constriction of the factory building will have affected any archaeological remains, below-ground remains could have survived and will be impacted by the development. As such it is recommended that archaeological attendance should be undertaken during any groundworks that are likely to impact upon these potential archaeological remains and this is to be secured by way of condition.

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

Ecology

An ecology survey report has been submitted with the application, and, during the course of the application, revisions have been undertaken to clarify the level of survey work undertaken.

The reports have been considered by the Directorate of Chief Executive (Ecology) who raises no objection.

In summary, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Contamination

Water

Following concerns raised by the Environment Agency the applicant has submitted a Phase 1 Environmental Risk Assessment, which has been subsequently reviewed by the Environment Agency.

The Environment Agency are not satisfied with the conclusions reached within the submitted report to remove their objection, and request a condition to be imposed to carry out an intrusive investigation of the site in order to determine whether any contamination is present that may pose a risk to controlled waters.

Land

The scheme has also been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policies NE2, NE14 and NE17 of the Local Plan and the overarching intentions of the NPPF.

Drainage and Flood Risk

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

The scheme has been considered by Severn Trent and the Head of Community Services (Land Drainage) both of whom raise no objection to the scheme, subject to the imposition of conditions requiring foul and surface water drainage details incorporating sustainable drainage principles to be submitted to the Local Planning Authority.

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

Affordable Housing and Infrastructure Improvements

The application proposes 14 residential units which attracts infrastructure contributions.

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

Affordable Housing

Policy 15 of the adopted Core Strategy states that affordable housing should be required on sites proposing 15 dwellings or more or 0.5 hectares or more and therefore neither threshold is met in this instance and Policy 15 is not applicable to this application.

Play and Open Space Contributions

Saved Policy REC2 confirms that the requirement for outdoor open space provision for formal recreational applies to developments of 20 dwellings and over and therefore the scheme proposing 14 dwellings does not meet this threshold. Accordingly Policy REC2 is not applicable to this application.

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3, supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Informal Play Provision

Saved Policy REC3 states that for development of between 1-20 dwellings the level of provision to be made will be determined according to individual circumstances. The Council's SPD on Play and Open Space states "For large developments contributions are more likely to be in the form of direct, on-site provision. However, in other circumstances financial contributions in lieu of direct provision will be sought."

Accordingly the Council's SPD on Play and Open Space states that where the scheme does not propose to provide the play space on site, a contribution in lieu can be taken towards an existing site.

The site is located within 400 metres of open space at 'The Hall Field', 'Weaver Springs' and 'Wood Street'.

Earl Shilton Town Council have confirmed that they would prefer the off site contribution to be taken to 'The Hall Field' rather than 'Weaver Springs' or 'Wood Street.'

Within the Green Space Strategy 2005-2010, Earl Shilton was found to have a deficiency of equipped play space (-0.60) and deficiency of casual/informal play space (-0.96) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded 'The Hall Field' a quality score of 46.7%.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development.

Equipped Play Space

No equipped play space is being provided on site and therefore the scheme will provide a contribution in lieu to the site at 'The Hall Field'.

Off site - The scheme of this size results in a financial contribution of £10,155.60 for the provision and £4,949.00 for the maintenance of children's equipped play space over a 10 year maintenance period, to be secured for 'The Hall Field'.

Un-equipped Play Space

No un-equipped play space is being provided on site and therefore the scheme will provide a contribution in lieu to the site at 'The Hall Field'.

Off site:- The scheme of this size results in a financial contribution of £11,293.60 for the provision and £1,113.00 for the maintenance of children's un- equipped play space over a 10 year maintenance period, to be secured for 'The Hall Field'.

Accordingly the provision equates to £11,449.20 for the provision and £6,062.00 for the maintenance, totalling £17,511.20.

It is considered that Earl Shilton has both a deficit of both equipped and casual/informal play space and 'The Hall Field' has shown to have a quality deficit relating to facilities. The indicative size of the units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, 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 and therefore meets the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies IMP1 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

£17,511.20 for play and open space contributions and maintenance off site and £40,652.67 for the primary school sector requested by the Director of Children and young Peoples Services (Education) are considered to be CIL compliant.

Neither the request from the Director of Environment and Transport (Civic Amenity) for £659 and request from the Director of Adults and Communities (Libraries) for £820 are considered to be CIL compliant.

Other Matters

Sustainability

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

Recycling

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. A condition to this effect is recommended.

Conclusion

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

The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of public play and open space facilities and contributions towards education. The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space and education, the Chief Planning and Development Manager shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement within 3 months of the date of decision may result in the application being refused:

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation and would not subject to conditions have an adverse impact upon ecology, archaeology, highway safety or residential amenity and would contribute to the provision of infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- IMP1, RES5, NE2, NE12, NE14, NE17, BE1 (criteria a, i, g), BE13, BE16, REC3 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policies 2, 16, 19 and 24.

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

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

Plan drawing no. 2662.JC.13.002 Rev H; Proposed Plots 1-3 & 12-14 drawing no. 2662.JC.13.006 Rev P4; Proposed Plots 4-7 drawing no. 2662.JC.13.005 Rev P4; Proposed Plot 8 & 9 drawing no. 2662.JC.13.007 Rev P3 and Plots 10 & 11 drawing no. 2662.JC.13.008 Rev P3 received by the Local Planning Authority on 20 March 2014.

- 3 The dwellings and garages hereby approved shall be constructed in accordance with the deposited samples (Terca Kingspark Red Multi, Terca Old Malvern Weathered, Terca Beddbrook Red Multi and submitted grey slate roof tile) The materials to be used on the external elevations of the proposed garages on plots 10 and 11 shall match the corresponding materials of the proposed dwellings (plots 10 and 11).
- 4 No development shall commence on site until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 No development shall take place until the detailed design of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and implementation period has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 6 No development shall commence until a scheme for the disposal of foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
- 7 Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.
- 8 No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:
 - 1) A preliminary risk assessment which has identified:-
 - a) all previous uses potential contaminants associated with those uses
 - b) a conceptual model of the site indicating sources, pathways and receptors
 - c) potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, including the timeframe require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 9 No development shall commence until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.
- 10 The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. Within three months of the first occupation of each individual dwelling, the associated final code certificate demonstrating that the dwellings have been constructed to Code Level 4 shall be submitted to the Local Planning Authority.
- 11 Prior to the first occupation of the residential units hereby approved a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.
- 12 Prior to the first occupation of the respective dwelling hereby approved, the turning and respective car parking provision shall be made within the respective curtilage in accordance with the approved plans ref: 2662.JC.13.002 Rev H received by the Local Planning Authority on 20 March 2014. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 13 Prior to the first occupation of any dwelling hereby permitted, all redundant existing vehicular accesses shall be closed permanently and the redundant existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority.
- 14 Prior to the first occupation of the dwellings hereby approved, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained this way thereafter.
- 15 Notwithstanding the approved plans any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6Cs Design Guidance at its junction with the adopted road carriageway. The access drive shall be provided before the first occupation of the dwellings hereby approved and be maintained for vehicular use thereafter. If the access is bounded immediately on one side by a wall, fence or other structure, an

additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

- 16 The windows at first floor serving WCs, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.
- 17 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 18 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 and implementation 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 in accordance with the agreed implementation period.
- 19 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.
- 6 To ensure that the development is provided with a satisfactory means of foul drainage to accord with guidance contained within the National Planning Policy Framework.
- 7 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To protect the underlying secondary aquifer from contamination to accord with Saved Policies NE14 and NE17 of the adopted Hinckley and Bosworth Local Plan 2001 and intentions of the National Planning Policy Framework.
- 9 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching

- intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001
- 10 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
 - 11 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
 - 12 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
 - 13 In the interests of pedestrians and in the general interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
 - 14 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
 - 15 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the of the adopted Hinckley and Bosworth Local Plan 2001.
 - 16 To ensure that the development is not detrimental to the privacy and amenity of neighbouring properties and future occupiers of the residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
 - 17 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
 - 18 To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
 - 19 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 9 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.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The format of car parking for units 4 and 5 would lead to vehicles driving along a section of footway, which would be an offence, if the road were to be adopted. The Applicant is strongly encouraged to provide an amended layout that will be suitable for adoption.

In light of the above, the Highway Authority will serve APCs in respect of all plots served by all private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the lpa before any dwelling is occupied.

The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

A public footpath is adjacent to the site and must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

- 7 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile 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.
- 8 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Ebony Mattley Ext 5691

Item: 04

Reference: 13/01082/FUL

Applicant: Larch Nursing Homes Ltd

Location: Markfield Court Ratby Lane Markfield

Proposal: Erection of 75 bed care home with associated parking and landscaping

Target Date: 9 April 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, the proposed floor space exceeds 500 square metres and the development is for a new residential institution.

Application Proposal

This application seeks full planning permission for the erection of a three storey 75 bed care home with associated parking and landscaping on a 0.52 hectare site. The proposed building has a generally 'L' shaped footprint with the main wing aligned with the existing building and measuring approximately 64 metres in length before turning ninety degrees with a secondary wing for approximately 30 metres in length. The building varies from between 13 metres and 17 metres in width and will provide just over 4000 square metres of floor space. The main sections of the building vary in height from between 9 metres to a maximum of 12.8 metres and are similar to the existing care home.

Due to changes in ground levels across the site a lower ground floor is proposed which will contain 13 bedrooms, ancillary plant and staff accommodation. The ground and first floors will each contain 25 bedrooms and the second floor a further 12 bedrooms. External roof terraces are also included on the top floor. Each bedroom will have its own en-suite facilities and each floor will have its own day room facilities and be capable of being autonomous therefore the facility will be able to provide a broader range of care services including specialist care where demand exists. It is intended that the new care home will provide care facilities that will complement the facilities available in the adjacent Markfield Court which is intended to be upgraded to modern standards with a resultant reduction from 64 to 48 bedrooms.

Alterations to the landscaping and parking areas to the west propose a total of 26 vehicle parking spaces to serve the existing and proposed facilities. The application also seeks permission for works to trees protected by a Tree Preservation Order.

Amended plans have been submitted to address officer concerns in respect of the proximity of the building and proposed additional vehicle parking spaces to mature trees and in respect of the design and proposed external materials. Re-consultation has taken place on the amended plans.

The Site and Surrounding Area

The Markfield Court care home site measures approximately 2.42 hectares in total and is located approximately 0.5 miles to the south of Markfield and to the east of Ratby Lane. The site comprises a three storey (former hospital) building located in the southern part of the site currently in use as a care home with attached single storey servicing buildings. There is also a community centre attached to the building (but not within the applicant's ownership) that serves the residents of the retirement village located to the south of the site. The main building is three storeys in height with a mansard roof design and currently offers 64 bedrooms (20 with basic en-suite facilities). It is constructed principally of red facing bricks grey plain clay tiled mansard and small render panels and artstone detailing and a standing seam metal roof. The care home currently has a total of 57 employees of which a maximum number of 21 are on duty at any one time and operate on a shift system.

To the north of the building stretching to Ratby Lane there is extensive woodland protected by a Tree Preservation Order. To the east of the woodland there is a grassed amenity area and an overgrown area containing a disused swimming pool that comprises the application site. There is another grassed amenity area to the east of the building and a landscaped area and car parking to the west of the building and along Pinewood Drive that provides access to the site from Ratby Lane and leads through to the retirement village. To the west of the Markfield Court site there is an extensive complex of buildings comprising The Islamic Foundation Institute of Higher Education and Conference Centre. To the north there is a working farm with agricultural land beyond and to the east. The application site is well screened to three sides by existing buildings and mature woodland and tree belts.

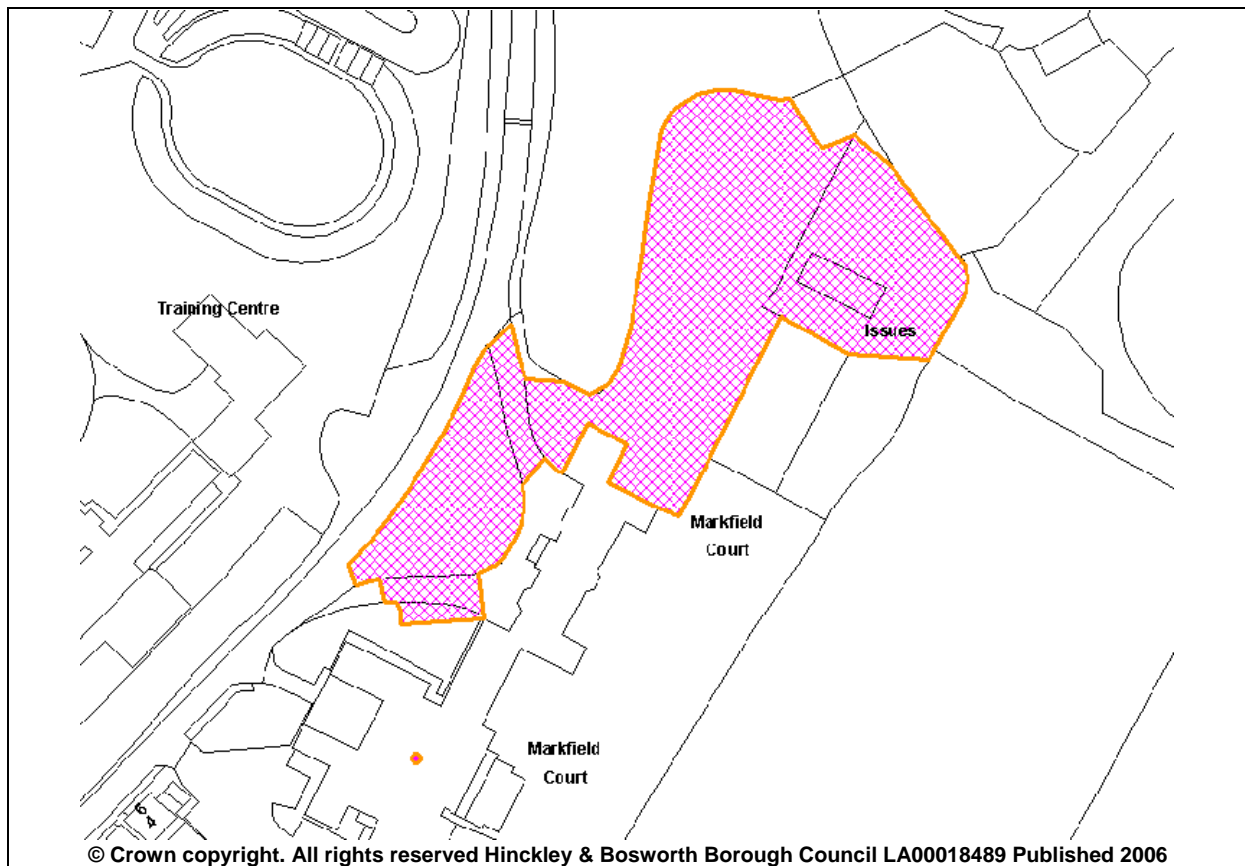
Technical Documents submitted with application

Design and Access Statement
Site Sequential Assessment
Building & Market Assessment Report
Transport Statement
Ecological Appraisal
Arboricultural Impact Assessment

Amended plans have been submitted to move the footprint of the building further from the protected trees to the west and the tree belt to the north west and reconfigure the parking layout following concerns raised by the Borough Council's Tree Officer.

Relevant Planning History:-

98/00791/FUL	Extension to Nursing Home	Approved	08.01.99
90/01217/4	Alterations to Main Entrance	Approved	18.12.90
85/0672/4	Refurbishment of Existing Buildings to Provide a Nursing Home, Sheltered Housing, Leisure Centre and the Erection of 26 New Sheltered Units	Approved	20.02.86



Consultations:-

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

No objection subject to conditions has been received from:-

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

The Directorate of Chief Executive (Ecology) raises no objection in principle to the development of the site subject to satisfactory surveys being carried out in respect of a number of protected species and lighting restrictions.

The Borough Council's Tree Officer raises concerns in respect of the proximity of the building to the protected woodland trees to the west and north and suggests that a greater clearance distance (10 metres) is required in order to avoid excessive daylight restriction to rooms and future pressure to prune and/or remove the trees.

LCC Developer Contributions do not seek any contributions towards infrastructure or facilities.

At the time of writing this report consultation responses have not been received from:-

Cyclists Touring Club
Primary Care Trust
Police Architectural Liaison Officer

Markfield Parish Council
Head of Business Development and Street Scene Services (Waste Minimisation)
Press notice
Site notice
Neighbours.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Policy 8: Key Rural Centres Relating to Leicester
Policy 17: Rural Needs
Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy CF8: Residential Care and Nursing Homes
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T3: New Development and Public Transport
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Residential Care and Nursing Homes (SPG)

Appraisal:-

The main considerations with regards to this application are: the principle of development; the siting, layout and design of the scheme; impact on the character and appearance of the area, protected trees, the amenities of neighbouring properties, highway safety and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development which it identifies has three dimensions: economic, social and environmental. A number of core planning principles are identified in paragraph 17 of the NPPF including the need to support local strategies to improve health and social wellbeing for all and to deliver sufficient community facilities and services to meet local needs. However, paragraph 17 also recognises the intrinsic character and beauty of the countryside and seeks to focus development in locations that make the fullest possible use of public transport, walking and cycling. Paragraph 28 of the NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas including well designed new buildings.

Saved Policy NE5 of the adopted Local Plan seeks to protect the countryside for its own sake but allows for certain forms of development, including that which is important to the local economy and cannot be provided within or adjacent to an existing settlement and for the extension of existing buildings subject to a number of design criteria being met. Since the

publication of the NPPF and its presumption in favour of sustainable development this restrictive policy can now only be given limited weight other than the design criteria which are generally in accordance with the NPPF. Saved Policy CF8 of the adopted Local Plan also supports new development or extensions to existing buildings to provide residential care homes and nursing homes subject to a number of criteria being met.

The documents submitted to support the application include an assessment of the quality/condition and suitability of the existing care home facility for future use and marketability and a market assessment of demand for care home facilities in the locality together with a site sequential assessment of available sites. The reports suggest that the existing facility requires significant alteration and refurbishment works both to the external and internal fabric and the internal layout to bring it up to a marketable standard and at considerable cost. Despite this the report notes that occupancy rates have remained good which it is suggested is reflective of the good demand for care facilities in the area. The applicant's view is supported by the market demand assessment which suggests that there is a significant undersupply of nursing beds (173 beds) in the catchment area (defined as a 10 minutes drive from the site). The site sequential analysis found that there are no other alternative sites within the defined catchment area which are sequentially more suitable, available and viable to accommodate the proposed development of a 75 bed care unit. The applicant also points to the advantages of the site adjacent to the existing care facility in terms of the efficient operation and staffing of the business.

The proposal will contribute to both the economic role of sustainable development by providing additional 24 hour employment (proposed 33 full time and 20 part time employees) and the social role of sustainable development by providing local care accommodation and health services in a modern built for purpose facility that will contribute towards meeting a demonstrated need of the surrounding area. The proposal could also support the future viability of the existing care home and can therefore be considered to be important to the local rural economy.

Saved Policy CF8 (criterion e) requires that care and nursing homes should have easy access to shops, public facilities and public transport. Whilst in this case the site is located approximately 0.5 miles outside the settlement boundary of Markfield which benefits from a range of facilities and services, there is a public transport (bus) service that runs along Pinewood Drive past the care home and the adjacent retirement village and the proposal includes the provision of a bistro café, cinema, library and hair salon within the building.

Although it is acknowledged that it would be preferable for a care home to be located within or adjacent to the settlement, the proposal will complement the existing use of the site and the applicant has provided supporting information that demonstrates that there is an outstanding need for additional care beds and that there are no sequentially more preferable sites available within the catchment area that could accommodate the proposed care home. In addition the proposal would not be an isolated building and there is considerable built form to both the west and south. Therefore, notwithstanding the countryside location, the proposal is considered to be sustainable in this case in accordance with the general principles of the NPPF and with Saved Policies NE5 (criteria a and b) and CF8 (criterion e) of the adopted Local Plan. The proposal is therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Layout, Design and Impact on the Character of the Surrounding Area and Trees

The NPPF states that good design is a key aspect of sustainable development. Saved Policy NE5 (criteria i, ii and iii) 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, is in keeping with the scale and character of existing buildings and the general

surroundings and where necessary is effectively screened by landscaping. Saved Policy BE1 (criterion a) and Saved Policy CF8 (criterion a) of the adopted Local Plan require development to complement the character of the surrounding area with regard to scale, layout, design and materials. Saved Policy CF8 (criterion b) requires care home premises to be of a suitable size and type; (criterion c) requires adequate gardens to be provided to enhance amenity of residents and (criterion f) requires the design of the building to accommodate easy access by the elderly and infirm.

The proposed layout is dictated by the existing woodland and tree belts that surround a majority of the site. The proposed building is arranged in a general 'L' shape just to the north of the existing care home and reflects the shape of the site. Amended plans have been submitted to address concerns raised in respect of the mix of traditional and contemporary design elements to the building as originally proposed. The amended, simplified, fully contemporary flat roof design reflects the three storey scale, mass and proportions of the existing care home building and is considered to be acceptable. The building is designed with three blocks with full height glazed links and the footprint includes staggered building lines to provide separation to the existing tree line and add further interest to the building design. The ground floor is to be constructed on the same finished floor level as that of the existing building and the eaves detailing above the first floor windows line through with the eaves of the existing building to complement its scale. To maximise the potential of the site a lower ground floor is proposed for part of the building but as a result of the design and changes in ground levels the proposed building will remain essentially three storeys in appearance. The design and appearance of the building is also enhanced by the use of a mix of external materials including red facing bricks and rendered panels to reflect the materials of the existing building together with the use of horizontal timber boarding that reflects the rural location of the site within the National Forest area.

An Arboricultural Impact Assessment has been submitted to support the application which suggests that only a small number of low quality trees will need to be removed to enable the proposed development. The assessment identifies the individual trees, their tree root protection areas and other measures including protective fencing, no-dig construction methods and appropriate porous surfacing to protect the remaining trees both during and post construction. Following concerns raised by the Borough Council's Tree Officer, amended plans have been submitted that move the footprint of the building further from the protected woodland trees to the west and north in the more critical areas from 2 metres separation to the tree canopy to 5 metres separation. The Tree Officer maintains his concerns in respect of the proximity of the building and suggests that a greater separation distance of 10 metres should be provided in order to avoid excessive daylight restriction to some rooms and pressure to prune and/or remove trees in the future. The Tree Officer suggests that the trees to the south east boundary that are of lesser quality could be sacrificed to enable the footprint to be moved further away than currently proposed. However, the agent suggests that the loss of those trees within the National Forest, even if they are of lower quality, is unnecessary. The agent points out that the footprint of the building as proposed is not within the defined tree root protection areas and therefore will not threaten the future health of the trees. In addition, the applicant's arboricultural consultant states that he is not aware of any arboricultural guidance or recommendations stating that a 10 metres separation distance should be required and there is no local adopted policy guidance relating to this issue to justify the request. As such it is considered that the movement of the footprint to that currently proposed provides a reasonable compromise solution.

The proposal is a new building of significant scale in the countryside, however, by virtue of the existing built form and woodland to the west and north which is protected by a Tree Preservation Order and the existing mature tree belts to the north and east which are to be retained, a majority of the building will be well screened and therefore there will be no

material adverse impact on the character or appearance of the surrounding landscape or any important or protected trees.

The proposal is considered to result in a high quality purpose built scheme that by virtue of the layout, design, scale and appearance result in a development that, notwithstanding the countryside location, complements the character of the area and would not have any material adverse impact on the character or appearance of the surrounding landscape or surrounding trees. The proposal is therefore in accordance with Policies NE5 (criteria i, ii and iii), BE1 (criterion a) and CF8 (criteria a, b, c and f) of the adopted Local Plan together with the overarching principles of the NPPF.

Impact on Neighbours

Policy BE1 (criterion i) and Policy CF8 (criterion a) require that development does not adversely affect the occupiers of neighbouring properties.

Upper Parks Farmhouse lies approximately 75 metres to the north of the boundary of the site and comprises a farmhouse with residential curtilage and a complex of associated farm buildings. The proposed care home contains bedroom and day room windows that will look towards farmhouse and a roof terrace atop the building. However, as a result of the separation distance of approximately 87 metres from the nearest part of the building to the farmhouse together with the mature trees both within the site boundary of the site that are to be retained and those within the ownership of Upper Parks Farm, the proposal will not result in any adverse overbearing impact or loss of privacy or amenity of the occupiers.

The nearest other residential properties are located over 100 metres to the south of the proposed building within the retirement village and as a result of the separation distance the proposal will not result in any adverse overbearing impact or loss of privacy or amenity of the occupiers.

By virtue of the siting of the building and separation distances to neighbouring properties together with existing and retained mature landscaping the proposed scheme will not result in any adverse impacts on residential amenity and is therefore in accordance with Policies BE1 (criterion a) and CF8 (criterion a) of the adopted Local Plan.

Impact on Highway Safety

Policy BE1 (criterion g), Policy CF8 (criterion d) and Policy T5 of the adopted Local Plan require development to ensure adequate access, highway visibility, off street parking and manoeuvring facilities.

A Transport Statement has been submitted to support the application. This suggests that the proposed new care home together with the existing facility would not generate traffic on a scale that would have any material impact on the local highway network or that the proposal would result in an excessive demand for car parking over and above the proposed 26 new vehicle spaces to be provided within the scheme. In addition, the statement suggests that the site is accessible by a range of transport modes including a bus service that runs along Pinewood Drive past the care home to a bus stop within easy walking distance (150 metres). The statement also states that the highway authority has confirmed that there have been no accidents recorded in this area during the most recent five year period of data available.

The proposal will be accessed from Ratby Lane along a private road (Pinewood Drive) as is the existing care home. The junction with Ratby Lane has adequate geometry and offers good visibility in both directions and is considered to be adequate to serve the development. The proposal includes the formation of 26 new formal vehicle parking spaces and turning

area within the road loop off Pinewood Drive to the fore of the existing care home. Currently the only available parking is along Pinewood Drive itself as the loop is kept free for access by emergency vehicles.

The Director of Environment and Transport (Highways) raises concerns that the proposal is not in a location that is readily and safely accessible by sustainable transport methods for employees and visitors, however the home is only approximately 0.5 miles from Markfield and there is a bus service (2 hourly) that runs past the care home. The Director of Environment and Transport (Highways) identifies that an inadequate level of off-street parking provision is being proposed for the number of bedrooms being provided to meet highway authority standards which require the provision of one space per member of staff and one space for every 4 bedrooms within the care home. The existing care home (currently 65 bedrooms) has 21 staff on site at any one time and would require a total of 37 spaces (21 + 16). Notwithstanding that there is no formal parking currently provided other than informal parking along Pinewood Drive there is no existing parking problem in respect of the care home.

The Transport Statement assumes a worst case scenario for the proposed care home and that all additional staff (19) would travel individually by car therefore requiring the provision of 19 additional car spaces. The 75 additional bedroom would require a further 19 spaces to meet highway authority standards, a total of 38 spaces and 12 spaces more than being provided. Notwithstanding this shortfall by virtue of the distance of approximately 200 metres from the proposed care home to the highway boundary, the Director of Environment and Transport (Highways) is satisfied that additional parking is unlikely to occur within the public highway and therefore considers that there is no sustainable reason for refusal of the application on these grounds. He therefore raises no objection to the proposal subject to conditions in respect of the provision, surfacing and marking out of the 26 vehicle parking spaces and for the provision of 4 cycle parking spaces prior to occupation. These conditions are considered to be reasonable in this case in the interest of highway safety and sustainability.

The scheme is therefore considered to be satisfactory in respect of Policies BE1 (criterion g), Policy CF8 (criterion d) and Policy T5 of the adopted Local Plan.

Other Issues

Section 11 of the NPPF seeks to conserve and enhance the natural environment and to secure mitigation for any potential impacts on biodiversity. An Ecological Appraisal has been submitted to support the application. The Directorate of Chief Executive (Ecology) raises no objection in principle to the development of the site subject to additional surveys being carried out in respect of Great Crested Newts and lighting restrictions. The applicant has commissioned a Great Crested Newt survey to be carried out but at the time of writing this report the outcome of the surveys is not yet known and will be reported and appraised as a late item to the agenda.

Conclusion

Notwithstanding the countryside location, the proposal will complement the existing use of the site and the applicant has demonstrated that there is an outstanding need for additional care beds and that there are no sequentially more preferable sites available. By virtue of the economic, social and environmental benefits that would result from the scheme, the proposal is considered to be a sustainable development and therefore acceptable in principle. The proposals are considered to result in a high quality, purpose built scheme that by virtue of the layout, design, scale and mass and the use of sympathetic external materials results in a development that complements the character of the area and does not have any adverse

impacts on the character or appearance of the surrounding landscape, important trees, the amenities of neighbouring properties or highway safety. The proposal is in accordance with Policies BE1 (criteria a, b, c, g and i), CF8 (criteria a, b, c, d and f), NE5 (criteria a, i, ii, iii and iv), NE14, T3 and T5, Policy 21 of the adopted Core Strategy and the overarching principles of the NPPF. Subject to satisfactory outcome of the ecology surveys, the application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would complement the existing use and buildings within the site and by virtue of its layout, design, scale, mass, the use of sympathetic external materials and the retention of existing screening by mature landscaping would have no adverse impact on the character or appearance of the surrounding landscape, surrounding trees, the amenities of neighbouring properties or highway safety or ecology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, b, c, g and i), CF8 (criteria a, b, c, d and f), NE5 (criteria a, i, ii, iii and iv), NE14, T3 and T5.

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

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

- 1 The development 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. L01 Rev B received by the local planning authority on 8 January 2014; Topographical Survey Drawing No. 90, Proposed Site Plan Drawing No. 91 Rev B, Proposed Lower Ground Floor Plan Drawing No. 80 Rev C, Proposed Ground Floor Plan Drawing No. 81 Rev C, Proposed First Floor Plan Drawing No. 82 Rev C, Proposed Second Floor Plan & Roof Drawing No. 83 Rev C, Proposed Elevations 1 Drawing No. 84 Rev A and Proposed Elevations 2 Drawing No. 85 received by the local planning authority on 4 March 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the residential care home hereby permitted and hard surfacing materials 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 The development hereby permitted shall be implemented in accordance with the existing and proposed ground levels of the site, and proposed finished floor levels submitted on approved Drawing Nos. (1 Rev B, 84 Rev A and 85 Rev A received by the Local Planning Authority on 4 March 2014.

- 5 No development shall commence until a drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6 The vehicle parking and turning facilities as detailed on Proposed Site Plan Drawing No. 91 Rev B received by the local planning authority on 4 March 2014 shall be provided, hard surfaced, marked out and made available for use before the development hereby permitted is first brought into use and once provided shall be permanently so maintained at all times thereafter.
- 7 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 occupation of the care home hereby permitted.
- 8 The development hereby permitted shall be carried out in accordance with the measures and recommendations contained in Sections 3 and 4 of the Arboricultural Impact Assessment reference AIA.12128.01 and the Tree Protection Plan (Drawing 2) therein.
- 9 The development hereby permitted shall be carried out in accordance with the recommendations contained in Sections 4 and 5 of the Ecological Appraisal Report No. J129 Version 1.0 dated 29 October 2013 prepared by Land Care Associates Limited.

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 ensure that the development does not have an adverse impact on the visual amenity or character of the area, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure satisfactory provisions are made for the drainage of the site and to reduce the possibility of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that adequate off-street parking and turning provision is made to serve the development hereby permitted to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan

- 8 To ensure adequate protection of the existing trees within the site during and post construction in the interests of biodiversity and visual amenity in accordance with Policies BE1 (criterion b) and NE5 (criteria i and iii) of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of biodiversity and the protection of ecologically important species to accord with Section 11 of the National Planning Policy Framework (March 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).
- 5 Notwithstanding the submitted plans, all windows in the building hereby permitted shall be installed with a minimum reveal of 75 millimetres.

Contact Officer:- Richard Wright Ext 5894

Item: 05

Reference: 14/00084/REM

Applicant: Mr Mark Hutchinson

Location: Land Adjacent Hinckley Golf Club Leicester Road, Hinckley

Proposal: Substitution of plots 50, 71-74, 77-84 and 87-89 omitting plot 75 of planning permission 11/01023/REM

Target Date: 7 May 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

The scheme relates to the substitution of plots 50, 71-74 inclusive, 77-84 inclusive, 87-89 inclusive equating to 16 plots and the removal of plot 75, reducing the overall number of units by 1 at Land adjacent to Hinckley Golf Club, Leicester Road, Hinckley.

The siting of the plots remains in general accordance with the approved plans, with the following exceptions:-

- Plot 71 is now proposed to be a detached dwelling with garaging (rather than attached with parking court to the rear)
- Plots 81 and 82 are semi detached and plot 80 detached, in lieu of the previously approved row of 3 terraces.
- Alterations to location and style of garaging so each property has two car parking spaces and an additional garage space.

The applicant has confirmed that this application has arisen to provide plots with better garden and more vehicle parking spaces.

For the avoidance of doubt there is a reduction in the number of units proposed to that previously approved as part of application ref: 11/01023/REM by one unit.

The Site and Surrounding Area

These plots are located to the south west of the wider residential scheme ref: 11/01023/REM.

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

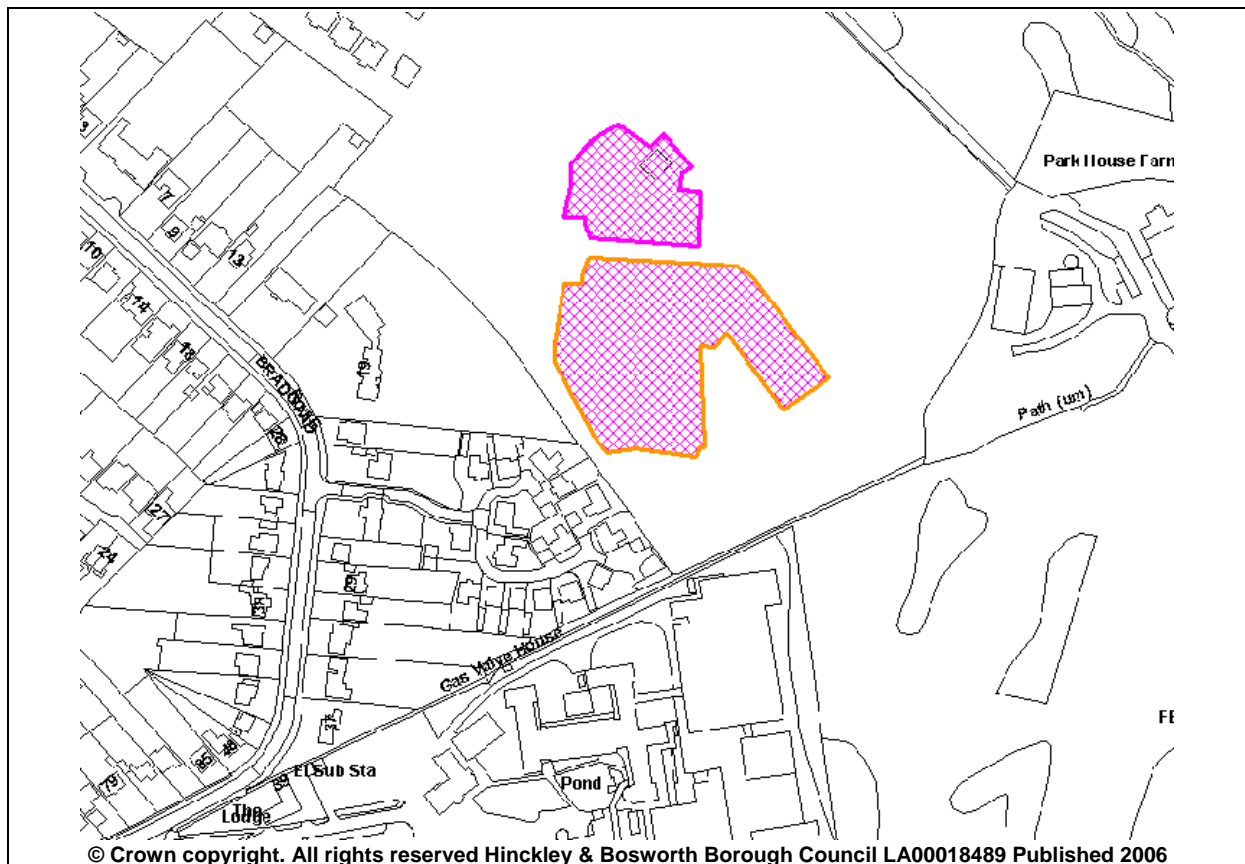
Technical Documents submitted with application

None relevant.

Relevant Planning History:-

13/00667/CONDIT	Variation of condition 12 of planning permission 10/00661/OUT to change the condition to allow occupation of the dwellings prior to submission of the final code certificate	Approved	16.01.14
13/00126/CONDIT	Variation of condition no.1 Of planning permission 11/01023/REM to amend the layout	Approved	30.05.13
12/00935/REM	Substitution of plots 93, 94 98,107,112,116,120,142,148 149 and 156 of planning permission 11/01023/REM	Approved	23.04.13

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



Consultations:-

No objection has been received from:-

- Directorate of Chief Executive (Ecology)
- Director of Chief Executive (Archaeology)
- Head of Community Services (Land Drainage)
- Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to conditions from:-

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

Site notice and press notice were displayed and neighbours notified.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 24 Sustainable Design and Technology

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations with regards to this application are the principle of development, overall appearance, and impact upon residential amenity, highway considerations and other matters.

Principle of Development

The principle of development has been established under the previous outline and subsequent reserved matters applications (planning reference 10/00661/OUT and 11/01023/REM). Therefore, the main considerations with regards to this application are the impact of the proposed substitutions to the approved scheme on the overall appearance, residential amenity, highways and other matters.

For the avoidance of doubt application reference 12/00935/REM has already considered the substitution of plots 93, 94, 98, 107, 112, 116, 120, 142, 148, 149 and 156, but does not impact upon this application. Application reference 13/00126/CONDIT amended condition 1 attached to planning permission 11/01023/REM to amend the driveway layout to plots 35, 36 and 45-49 by creating a single looped drive and again does not impact upon this application.

For the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to the overarching intentions of the NPPF and other development plan policies.

Overall Appearance: Scale/Layout/Mass/Design

Saved Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design.

It is considered consistent with the NPPF and as such should be given weight in consideration of this application.

The plots are set within the same parameters to those previously approved and there are no adjustments to the number of dwellings and therefore the density remains unaffected.

The siting of the plots remains in general accordance with the approved plans, with, predominantly, changes to the location of the garaging and parking spaces.

The changes proposed to Plot 71 have `designed out` the previously-approved rear parking court, to the rear of plots 70 and 71 (previously labelled plots 69-73) and, instead, proposes a detached dwelling fronting the road with parking to the side. The previously-designed row of three terraces opposite has been redesigned to propose 1 no. detached dwelling (plot 80) and 1 no pair of semi detached dwellings (plots 81 and 82) all with parking adjacent. In general, owing to the redesign, this has allowed parking spaces to be sited in closer proximity to the dwellings they serve and has also increased the level of parking provision.

There are a range of house types within the surrounding approved scheme site consisting of terrace, semi -detached and detached properties. As such, this scheme proposing predominantly detached and semi detached and the terrace row plots 72-74 is considered reflective of the immediate dwellings.

All house types are of two-storey proportions with the exception of plot 72, 73, 81 and 82 which are two storey (with accommodation in the roof space).

The scheme proposes six house types; T310, H433, H469, H455, H404, H436. The design includes bay windows, dormer windows, chimneys and architectural detailing which add additional interest to the external appearance of the site as a whole, whilst still being in keeping with the character of the wider scheme.

All of the dwellings have been designed to face onto the road frontages, with garaging and parking attached where possible, providing both natural surveillance and attractive street scenes. Dwellings occupying prominent positions on corner plots (74, 79, 84 and 86) have been carefully considered to ensure that there are no poorly-designed or blank frontages.

Each property has two car parking spaces and an additional garage space. The scale and design of the garaging is both subservient in scale and reflective of the style of the dwellings which they serve.

Whilst there have been alterations to garden plot sizes previously approved, with some garden sizes being increased and some decreased, the three-and-four-bed dwellings now proposed have appropriately-sized gardens in accordance with the standards set down in the Council's SPG on New Residential Development.

It is considered that the layout of the plots and the house types have been altered to largely 'design out' rear car parking courts to provide more closely associated parking to each house type, and to provide additional parking spaces across the scheme, which is acceptable in this case.

In summary, the proposed development accords with the general siting and scale of approved dwellings within the wider development, ensuring that the development appears in keeping with the scale and character of the area. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes are considered acceptable. As such, the scheme is considered to be in accordance with guidance contained within the NPPF, Saved Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan

2001, Policy 16 of the Core Strategy 2009 and with the principles outlined in the Council's SPG on New Residential Development.

Impact upon Residential Amenity

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

Given that the layout of the plots has not generally changed, it is not considered that the scheme gives rise to any additional material impacts upon residential amenity over and above that previously approved.

The internal alterations to the plots is not considered to give rise to any significant overbearing, overlooking overshadowing upon the future occupiers of surrounding plots over and above that previously approved.

It is considered necessary to impose a condition to obscure glaze the windows shown to be serving bathrooms, en-suites and wc's are top opening only.

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

Highway Considerations

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

The existing access points and layout of the internal roads have not been altered.

The scheme has been redesigned so that each plot provides 3 no. car parking spaces, which is additional parking provision to that previously approved.

The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme, subject to conditions in respect of car parking provision, access surfacing and pedestrian visibility splays.

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

Other Matters

Under the reserved matters application previously granted, the plots identified were not affordable housing units and no additional affordable housing is required as a result of these substitutions.

Conditions

Since the grant of the original reserved matters application ref: 11/01023/REM two subsequent variation of condition applications 13/00126/CONDIT and 13/00667/CONDIT

have been approved. Accordingly it is considered necessary to consider the conditions attached to the latest reserved matters application.

Condition 1 related to plans. However, this application is subject to its own plans. Condition 2 related to the soft landscaping scheme and maintenance period, and amended plans have been submitted and a condition requiring the development to be carried out in accordance with the latest details will be imposed.

Condition 3 related to car parking provision in accordance with the plans, and a similarly-worded condition is required for the latest plans.

Condition 4 prohibiting walls planting or fencing above 0.6 metres is not necessary as it is repeated within condition 10.

Condition 5 and 6 relating to set-back distance for garage doors and gradient of the access drive respectively are all relevant to this application and shall be reimposed. Condition 7 relates to vehicle wheel cleansing facilities (but was already imposed on the outline condition 8) as such is not necessary to be repeated. Condition 8 relates to vehicle parking facilities which is still relevant and will be reimposed.

Condition 9 relating to pedestrian visibility plays and Condition 10 relating to private drive width are also still relevant and will be imposed.

Condition 11 relates to dwellings achieving Level 3 of the Code for Sustainable Homes. The latest application ref: 13/00667/CONDIT varied condition 12 to allow occupations of the dwellings prior to the submission of the final code certificate and it is considered the same approach should be applied in this instance.

The Director of Chief Executive (Archaeology) has confirmed that they have no comments to make on the proposed substitution but are still waiting on the final report on the archaeological evaluation trenching conducted in relation to the archaeological condition on the outline permission. For the avoidance of doubt, the original conditions attached to outline planning permission 10/00661/OUT, will still need to be discharged, including condition 11 relating to archaeology as stated above.

The Head of Community Services (Pollution) recommends the conditions applied to 11/01023/REM regarding contaminated land are applied to this application. There have not been any conditions in respect of land contamination applied by the Inspector in the appeal decision for the outline consent 10/00661/OUT or the latter reserved matters application 11/01023/REM. As this application is part of a comprehensive scheme it is not possible to impose such a condition now.

Conclusion

In conclusion, the principle of residential development in this location has already been accepted through the earlier grant of planning permission. It is considered that this application, involving amendments to the internal layout and design of plots, would not give rise to any significant material impact upon the character and appearance of the area, occupiers of existing and future neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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

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

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Location Plan Drawing ref. S5727/500/01; Planning Layout Drawing ref: S5727/100/01 Rev B; Estate Layout Drawing ref: S5727/10001 Rev. A1; Chimney Deposition Plan Drawing No. S5727/500/05 Rev C; House Type H455 (AS Plot 50, 89 and OPP Plot 77, 83); House Type H404 (AS Plots 71, 80, 87); House Type T310 (AS Plot 73, 82 and OPP Plot 72, 81); House Type P341 (AS Plot 74); House Type H469 (AS Plot 88 and OPP Plot 78); House Type H422 (OPP Plot 79); House Type H436 (OPP Plot 84); Single garage E02; Single garage E02 (Plots 84 and 85); Single shared garage E07 and Triple garage G3A received by the Local Planning Authority on 5 February 2014.
- 2 The dwellings shall achieve Level 3 of the Code for Sustainable Homes. Within three months of the first occupation of each individual dwelling, the associated final code certificate demonstrating that the dwellings have been constructed to Code Level 3 shall be submitted to the local planning authority.
- 3 Prior to the first occupation of the dwellings hereby approved the erection of enclosures and boundary treatments for the respective dwellings shall first be implemented in accordance with plan entitled 'Planning Layout Boundary Treatment Plan' Drawing No. S5727/500/06 Rev A received by the Local Planning Authority on 5 February 2014.
- 4 Prior to the first occupation of the dwellings hereby approved, the respective car parking provision shall be made within the curtilage in accordance with the Estate Layout Drawing ref: S5727/10001 Rev. A1. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 5 Before first occupation of the dwellings hereby approved, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained this way thereafter.
- 6 Prior to the first occupation of the dwellings hereby approved, 2.0 metre by 2.0 metre pedestrian visibility spays shall be provided on the highway boundary on both sides of the access with nothing in those spays higher than 0.6 metres above the level of the

adjacent footway/verge/ highway, in accordance with the current standards of the Highway Authority and shall be so maintained that way thereafter.

- 7 The types and colours of materials to be used on the external elevations of the dwellings and garages hereby approved shall be those strictly specified within plan entitled 'External Materials' Drawing no. S5727/500/04 Rev G. received by the Local Planning Authority on 5 February 2014.
- 8 The landscaping shall be carried out in strict accordance with the plan entitled 'Soft Landscape Proposals' ref: GL0196 01 and shall be undertaken in the first planning season. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 9 The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.
- 10 Any doors erected to the proposed car port shall be set back from the highway boundary a minimum distance of 5m for sliding or roller shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.
- 11 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 12 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 13 Any shared private drives shall be a minimum of 4.25 metres wide for the first 5 metres behind the highway boundary, and shall be provided prior to the first occupation of any dwelling it serves. The access drive once provided shall be maintained at all times.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
- 3 In the interests of visual amenity, to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 6 In the interests of pedestrian safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criterion a) and Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development is not detrimental to the privacy and amenity of future occupiers of the residential properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To enable a vehicle to stand clear of the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 To enable vehicles to enter and leave the highway in a slow and controlled manner in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure that vehicles entering and leaving the site may pass each other clear of the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 06

Reference: 14/00117/REM

Applicant: Goodman Real Estate (UK) Ltd

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge Road, Incorporating The Former Johnsons Factory Burbage

Proposal: Erection of a building to be used for class B8, (Storage and Distribution) purposes with ancillary offices, gatehouse, sprinkler tank and pumphouse with associated parking and landscaping

Target Date: 19 May 2014

Introduction:-

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

Application Proposal

This application is the reserved matters submission for the provision of a B8 storage and distribution unit with associated gatehouses, a sprinkler tank, and pump house with associated parking and landscaping.

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

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

The footprint of the main building is horizontally emphasised, running from north - south, will have a floor area of 8550 m². and will sit adjacent to the eastern boundary. The building will be set back from the front (southern) boundary by roughly 24m, with landscaping and a staff/visitor parking provided here. A 50 metre wide service yard, running for two thirds of the length of the building will separate the building from the waterside park, further west. The gate house will be set back from the front boundary and sited adjacent to the western boundary. The ancillary buildings are proposed adjacent to the northern boundary. The site has a single point of access adjacent to its western boundary.

A landscaping scheme accompanies the application. The majority of the soft landscaping is proposed along the southern and western boundaries and will comprise a landscaped bank with formal hedgerow and 6 extra heavy standard trees (southern boundary) and a wide landscaped strip along the western boundary adjacent to the service yard. This will comprise of a grassed area, formal hedgerow and 9 extra heavy standard trees.

The Site and Surrounding Area

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

The parcel of land subject of this application has an area of approximately 2.77 hectares and comprises the western-most parcel of land. To the west is the approved (11/00856/REM) canal side park, which is currently under construction. This forms the buffer between the Ashby de la Zouch Canal and the site. Further west is Logix Park. To the north is the railway line and to the east is the DPD Parcel Hub (13/00345/REM), which is nearing completion. The reinstated Sketchley brook and landscaped corridor is on the opposite side of the spine road, running parallel to the southern boundary of the site. The site is Greenfield in nature, the levels drop from east to west and there are a number of trees along the boundaries of the site subject to Tree Preservation Orders (TPO).

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

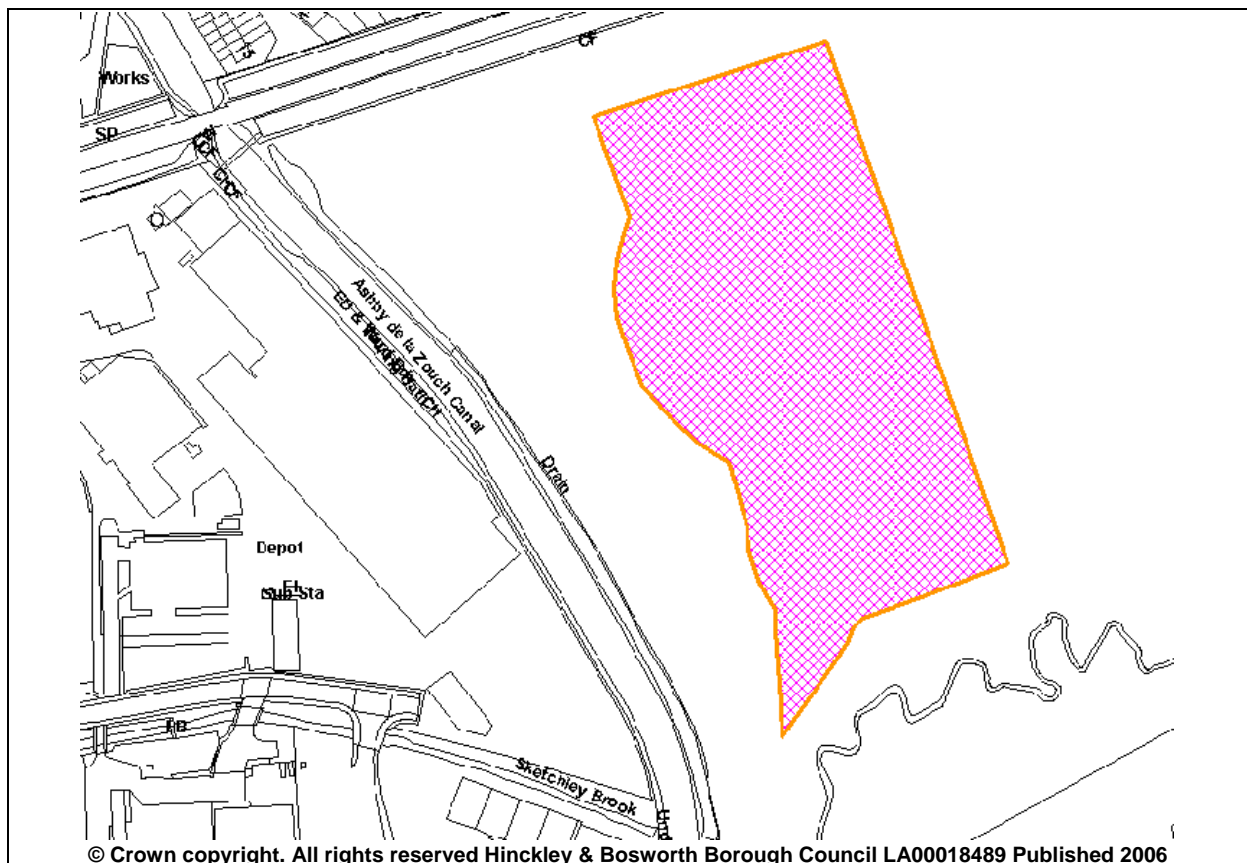
Technical Documents Submitted with the Application

Noise Assessment
Lighting Scheme
Drainage Strategy

Relevant Planning History:-

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline-access only)	Approved	30.08.11
11/00856/REM	Primary physical and green infrastructure details including Sketchley Brook Corridor, access road, structural landscape, open space and remodelling of lake	Approved	11.01.12
11/00857/CONDIT	Variation of conditions 2, 11, 20, 21, 28 and 29 to include the additional wording of 'The relevant part of the' before the word 'development' in each of the conditions	Approved	02.02.12

12/00697/REM	Erection of 212 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space.	Approved	12.12.12
13/00128/REM	Approval of reserved matters application for the erection of manufacturing facility with associated parking and landscaping.	Approved	15.05.13
13/00345/REM	Erection of a building to be used for class B8 (Storage and distribution) purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping	Approved	08.07.13



Consultations:-

No objection has been received from:-

Network Rail
Director of Chief Executive (Archaeology)
Head of Community Services (Pollution)
Head Of Community Services (Drainage)
Burbage Parish Council.

No objection subject to conditions has been received from Environment Agency.

One letter of neighbour representation has been received, this raises concerns in respect of noise generated by the operation and from lorries.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

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

Therefore the issues for consideration in this application are layout, scale, appearance and landscaping, and other matters.

The use of the proposed building for storage and distribution, falls within the B8 use class and as such is in conformity with the outline consent.

Layout

The layout proposed is reflective of the specific operation of the end user and the security requirements of the site. The footprint of the principal building is sited adjacent to the eastern boundary and is horizontally emphasised. The office accommodation is situated within the southern most section of the building, which fronts onto the staff/visitor parking area (less secure). This set back ensures that the building does not appear over-dominant in the street scene and the layout result in an attractive and legible entrance. The commercial operations (more secure) are accessed via the gatehouse and are situated further back within the site. By virtue of the layout and the site's landscaping, the commercial elements will not be visually prominent from either the spine road, or the canal. Furthermore, given the extensive width of the service yard (50 metres, reducing to 35 metres towards the north of the site) to the west of the building, along with the landscaping along this boundary, the operation of the facility is not considered to result in any material impacts on the users of the canal side park.

At its northern end, the building will run adjacent to the northern boundary of the site. Further north of this (outside the application site) is a 20 metre wide landscaped buffer (details of which were approved under application 11/00856/REM).

This landscaping and the railway line (further north) separates the site from the dwellings further north. There is a distance of 50 metres between the closest dwelling on Mallard Drive and the gable end of the building. By virtue of this distance, there are not considered to be any material impacts in terms of overshadowing/over-dominance/privacy on the residential amenity of the closest dwellings.

The length of the building will be sited adjacent to the eastern boundary of the site. A 5-metre grass strip will separate the site from this boundary. At its north eastern corner the building will be adjacent to the ancillary buildings (salt barn, tyre store etc) of DPD, at roughly its mid-point, the building will be adjacent to the gable end of DPD, albeit there will be a distance of approximately 15 metres between the two and at its south eastern corner, the building will be adjacent to the entrance and gatehouses of DPD. Although the building will extend along the majority of the site's eastern boundary, given the separation distances, and the ancillary nature of the adjacent buildings, the layout proposed is considered acceptable and will not result in any material impacts in terms of overshadowing/over dominance.

Although lighting on the site is controlled by way of condition on the outline application, a comprehensive lighting scheme and report accompanies the application to provide further information. This indicates that the lighting proposed on site is controlled and shielded to ensure that there is virtually no light spill. This is confirmed by the figures on the submitted plans. No objections have been received in respect of this from the Head of Community Services (Pollution) and thus, the scheme is considered acceptable.

The residential properties most likely to be impacted upon as a result of this proposal are those on Mallard Drive, Mallard Close and Strathmore Road.

In respect of noise, although concerns have been raised within a letter of neighbour representation this is subject to conditional control on the outline application. Furthermore, as the end user of the site is not yet known, it is not possible to comprehensively assess any impacts at this stage.

Scale

The height, scale and massing of the building is extensive. However the building is intended to be reflective of the commercial buildings further west of the site. The building has a footprint of 150 metres x 47 metres, resulting in a floor area of 8550 m². It is of double

barrelled roof design having a maximum height of 15 metres and is 13 metres to the eaves. This roof design helps visually to reduce the overall scale of the building.

However, notwithstanding its scale, the building is considered to be sympathetic and in keeping with its setting and existing landscape features. Furthermore, in terms of scale, the building is in accordance with the scale parameters of the Masterplan and the outline permission.

The nearest existing dwellings are located on the opposite side of the railway line to the north. These are located on Mallard Drive, Mandarin Close and Strathmore Road. There is a separation distance of over 50m between the closest dwelling and the northern edge of the proposed building. This part of the building will measure 13 m at eaves level rising to 15 m at the highest part of the curved roof.

In terms of the impact of the building on nearby residents to the north, it is considered that, having regard to the separation distance of over 50m, the overall height of the building is acceptable and the development is not considered to result in any material impacts on the residential amenity of these dwellings by way of over-dominance or overshadowing.

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

Appearance

Many of the commercial buildings at Logix Park have a modern appearance being predominantly metal clad with a curved roof structure. This is reflected in the proposed building. Further, interest is added to the most visually prominent elements of the building (part south and part western elevations) through the incorporation of glazing strips, horizontally emphasised cladding (as opposed to the vertically emphasised cladding, proposed elsewhere on the building) a differing pallet of materials, and on the southern elevations, a full height glazed entrance. These features not only add interest to this otherwise bland commercial building, but also aid legibility and help break its mass and monotonous appearance. The design of the building is typical of commercial buildings of the scale proposed.

Notwithstanding that the whole structure will be predominantly metal clad, it is considered that, on balance, the structure will have a functional and attractive appearance for this type of building and one that will assimilate well with other buildings within Logix Park and DPD.

Materials

Although the plans illustrate that the building will be finished in cladding of differing shades of grey, no samples or specific details have been provided with the application. Consequently, a condition will be imposed requiring samples to be submitted for consideration prior to commencement.

Landscaping

The earlier primary infrastructure reserved matter included the primary and physical green infrastructure of the whole development, which included the Sketchley Brook corridor, access road, structural landscaping, open space and remodelling of the lake under 11/00856/REM. In respect of the landscaping however, this consent related solely to the extremities of the site's boundaries.

Further landscaping within the application site has been submitted for this development. The bulk of the landscaping is along the southern (front) and western boundaries of the site. Extra Heavy trees, hedgerow, shrub planting and grassed areas are proposed here. This planning will help screen and soften the appearance of the building from these more sensitive viewpoints and will aid its assimilation within its setting. Furthermore, the landscaping will enhance the 'green' character of the area. Native hedgerow is also proposed along the rear part of the western boundary and the front section of the eastern boundary. This dense hedgerow will further screen the development in these sensitive locations.

Internally, formal clipped hedgerows, specimen shrubs and low ground cover planting is proposed to the perimeters of the parking area to subdivide the parking layout. This will both define boundaries and soften the appearance of the hard landscaped areas.

This proposed landscaping will both assist in softening the visual appearance of the building, will help screen the development and will complement the comprehensive structural landscaping approved under application 11/00856/REM. Therefore, based on the submitted details, it is considered that the proposed landscaping within the application site is acceptable.

Other Matters

Flood Risk and Drainage

The Environment Agency consultation response acknowledges that a Flood Risk Assessment (FRA) and master drainage plan was received with the outline application for the wider site (10/00518/OUT) and has been approved. Further, detailed surface water drainage scheme plans have been provided as part of this application and are considered acceptable. Accordingly a condition has been recommended.

Highways

Highways issues have been approved within the outline permission and the subsequent approval of Reserved Matters (11/00856/REM) for the primary physical and green infrastructure for the main spine road through the site.

Ecology

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

Conclusion

Based upon the above appraisal, although the development applied for is extensive, in respect of its scale, layout, appearance and landscaping it is considered acceptable. Furthermore, subject to appropriate mitigation, there are considered to be no material impacts in terms of residential amenity, highway safety, drainage or surface water runoff. Accordingly, subject to conditions, the development proposed is considered acceptable and in accordance with Policies BE1 (criteria a, c, e, g and i), T5, EMP1, T9, NE2 and NE5 (Criterion a)

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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

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 shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00518/OUT except as may be modified herein.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted application details, as follows:- Drg Nos. 01 Rev E, P002 Rev F, P004, P005, P006, 14055/E/500 Rev P1 received by the Local Planning Authority on 17 February 2014.
- 4 The development hereby permitted shall not be commenced until such time as a scheme to dispose of waste water associated with the lorry wash has been submitted to, and approved in writing by, the local planning authority. Prior to first occupation, the scheme shall be implemented as approved.
- 5 Prior to occupation the surface and foul water drainage schemes detailed on Drawing No. NTH/089/562 shall be implemented in full and be maintained as approved at all times thereafter.
- 6 The approved landscaping scheme as shown on Concept Landscape Proposals Drawing No. 01 Rev. E received by the Local Planning Authority on 17 February 2014 shall be carried out within the first planting season following the first use of the building hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 7 Before any development commences, details of the boundary treatment shall be submitted to and improved in writing by the Local Planning Authority, the details shall be implemented as approved.

Reasons:-

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

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Due to the use of detergents in the lorry wash process, the wastewater will need to be collected in either a sealed system for reuse, discharged to the public foul sewer (with the prior permission of the local sewer provider) or collected in a sealed system for authorised disposal. No waste water from the process can be allowed to enter any drainage system which incorporates an oil/petrol separator as detergents may cause it to become ineffective. The surface water of the washing area must be non-permeable and isolated.

Contact Officer:- Eleanor Overton Ext 5680

Item: 07
Reference: 14/00122/FUL
Applicant: Sutton Cheney Farms Partnership
Location: Fields Farm Ambion Lane Sutton Cheney
Proposal: Demolition of farm buildings and replacement with a portal framed building
Target Date: 14 May 2014

Introduction:-

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

Application Proposal

This application seeks full planning permission for the demolition of an existing agricultural building and erection of a new agricultural building for the housing of livestock, straw and hay.

The application seeks to replace a traditional agricultural building which has fallen into a state of disrepair, is structurally unsafe, and unsuitable for modern day farming practices, with a modern agricultural building.

The proposed building would have a gross floor space of approximately 501.69 square metres and would be approximately 237.4 metres in length by 18.29 metres in width. The height of the building would be approximately 7.3 metres in height to the ridge. The building would be constructed from concrete panels to the lower proportion, and timber Yorkshire boarding to the upper proportions, with a steel portal frame and fibre cement roof. The building would have a doorway at the front and side elevations.

The Site and Surrounding Area

The site is situated off Ambion Lane, and is sited to the north west of Sutton Cheney.

The site is located within the settlement boundary of Sutton Cheney, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

Design and Access Statement
Bat and Barn Owl Survey
Bat Survey Statement
Structural Inspection Report

Relevant Planning History:-

04/00481/COU

Continuation of use as
contractors yard

Approved

08.07.14



Consultations:-

No objections have been received from:-

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

No objection subject to condition has been received from Directorate of Chief Executive, LCC (Ecology).

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance/Documents

Design of Farm Buildings Supplementary Planning Guidance (SPG)

Other Material Policy Guidance

None relevant.

Appraisal:-

The main considerations in the determination of this application relate to the principle of development, scale and design and impact on the countryside, impact on residential amenity, highway considerations and other matters.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Promote the development and diversification of agricultural and other land-based rural business.

Furthermore, Policy NE5 of the Local Plan supports development in the countryside that is important to the local economy and cannot be provided within or adjacent to existing settlements and for the extension of existing buildings in the countryside subject to a number of design criteria being satisfied.

The function of the proposed replacement building is for housing livestock and straw and hay which are appropriate and justifiable agricultural uses within the countryside.

In summary, there is no in-principle objection to the erection of an agricultural building on this agricultural land, subject to all other matters being adequately addressed.

Siting and Design and Impact upon the Countryside

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

The design criteria i-iv of NE5 remain generally relevant to development within the countryside and are consistent with the NPPF. Saved Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design and is considered to be consistent with the NPPF and as such should be given weight in consideration of this application.

The Council's SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can

have on the landscape. As such, wherever possible, new buildings should be located close to existing buildings or landscape features.

The proposed building would be located on the same footprint of the existing traditional agricultural building set to be demolished. The design and appearance of the farm building uses proportions and finishes which are considered common in the construction of modern farm buildings in agricultural settings and are also common to the adjacent agricultural building on site.

In summary, it is considered that this new agricultural building does not significantly impact upon the appearance and amenity of the surrounding countryside. The scheme is therefore considered to be in accordance with Saved Policies NE5 (criterion ii) and BE1 (criterion a) of the Local Plan and SPG on Design of Farm Buildings.

Impact on Residential Amenity

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

There are no neighbouring properties within the immediate vicinity of the site which could be impacted upon by the proposed development. The proposal is therefore in accordance with Policy BE1 (criterion i).

Highways Considerations

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

This application does not involve any changes to the access, visibility or parking arrangements, and is not considered to result in any changes to the traffic generation upon the highway network.

Accordingly, the development accords with Saved Policies T5, BE1 (criterion g) and NE5 (criterion iv) of the adopted Hinckley and Bosworth Local Plan 2001.

Other Matters

Ecology

The scheme has been considered by the Directorate of Chief Executive, (Ecology) which accepts the submitted details but requires conditions in respect of a pre-demolition check for bats and a scheme incorporating bat roosts and swallow nests.

In response to the former suggested condition, it is not considered reasonable for a pre-demolition check to be secured by way of condition, because if bats were to move into the premises in the interim it could make the scheme undeliverable which would be unfair and onerous upon the applicant. In addition this is covered under separate legislation.

Accordingly, it can be concluded that subject to the imposition of a planning condition the proposal will not have any adverse impacts upon protected species.

Conclusion

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

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details: - Existing Site Plan - Rev 1; Proposed Site Plan - Rev 1; Measured Site Survey Drawing No. 14043-14-02; Measured Site Survey Drawing No. 14043-14-03; Proposed Plan Drawing No. GP36730PL and Proposed Building Drawing No. GP36730PL received by the Local Planning Authority on 19 March 2014.
- 3 The materials used in the construction of agricultural building hereby approved shall be strictly in accordance with the details submitted in the application form.
- 4 No development shall commence for the erection of the agricultural building until a scheme showing the number, siting, scale and appearance of bat boxes is first submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to the first use of the building.

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 Hinckley and Bosworth Local Plan 2001.
- 4 In the absence of full details and in the interests of protected species to accord with the intentions of the National Planning Policy Framework.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 08
Reference: 14/00127/HOU
Applicant: Mr. Nino And Mrs Carmela Puglisi
Location: Killahurk 6 Shakespeare Drive Hinckley
Proposal: Erection of detached garage and formation of new vehicular access with associated driveway extension
Target Date: 23 May 2014

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is related to a member of staff employed by the Borough Council.

Application Proposal

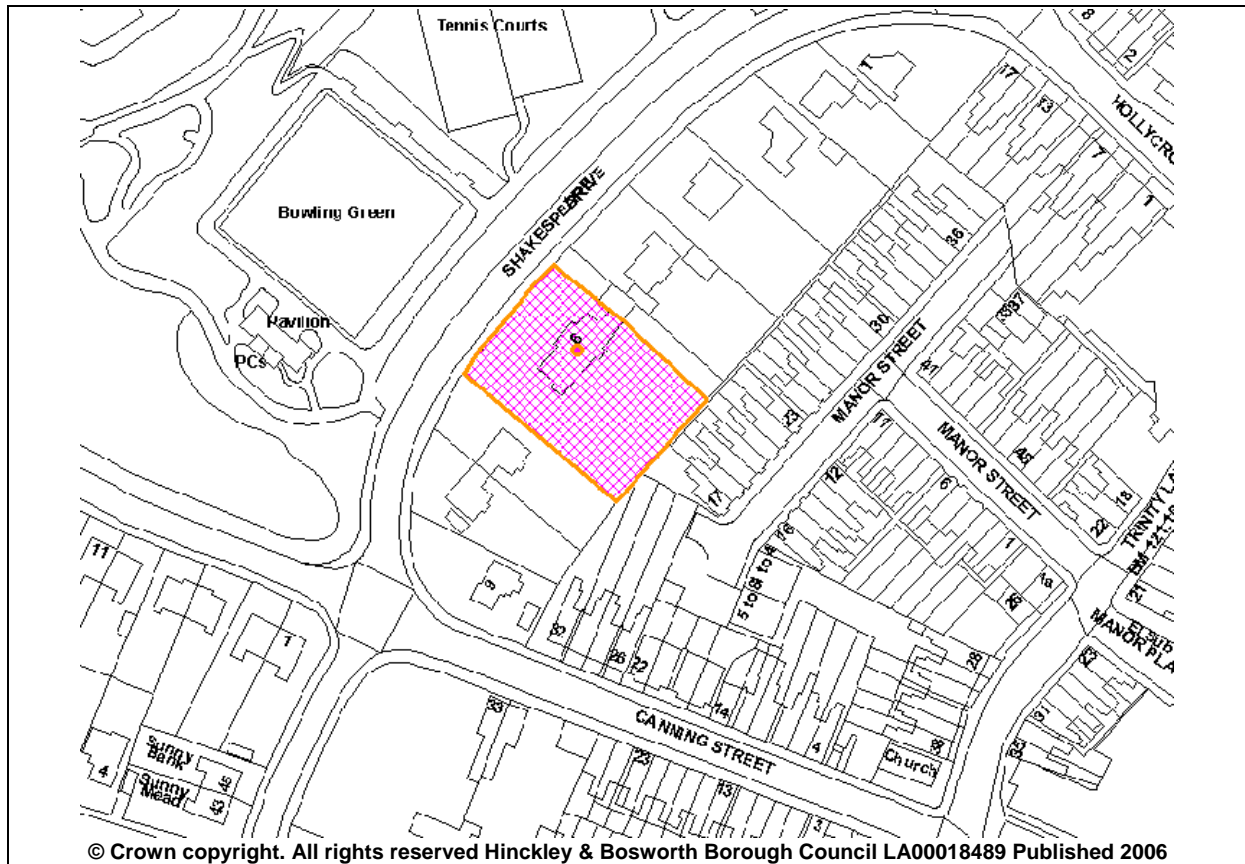
This application seeks full planning permission for the erection of a detached double garage and the formation of a new vehicular access with associated driveway extension. The garage has a gable fronted dual pitched roof design and measures 7 metres in width x 10 metres in depth, including a 3 metres deep covered overhang to the rear elevation supported by two corner pillars. The eaves are 2.5 metres in height and the ridge 5.1 metres in height. The new 4.4 metres wide access and driveway extension will provide a semi-circular access drive with two points of access and egress and involves the removal and making good of the existing 0.6 metres high front boundary wall. The use of matching external materials (brickwork and concrete tiles) is proposed for the garage and hard-bound tarmacadam for the driveway.

The Site and Surrounding Area

The application site is located within an established residential area of Hinckley and within the Hollycroft Conservation Area, located on the south east side of Shakespeare Drive opposite Hollycroft Park. The application dwelling is a semi-detached bungalow with a traditional roof form and bay porch and windows to the front elevation. It is constructed of red brown facing bricks, grey concrete interlocking roof tiles and white uPVC window frames and doors. The front boundary is defined by a 0.6 metres high brick wall with 1.2 metres high brick pillars and encloses a landscaped front garden and driveway providing off-street parking. The area is characterised by semi-detached and detached dwellings of various scales, designs and styles.

Relevant Planning History:-

11/00811/FUL	Subdivision of dwelling to form two dwellings & extensions & alterations	Approved	29.11.11
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Consultations:-

No objection has been received from Borough Council's Conservation Officer.

Director of Environment and Transportation (Highways) does not object to the application but refers to standing advice in respect of visibility splays, parking and surfacing.

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

Head of Community Services (Land Drainage)
Site notice
Neighbours.

The consultation period remains open at the time of writing this report and closes on 24 April 2014. 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 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

The application site is outside the settlement boundary of Hinckley and within the Hollycroft Conservation Area as defined on the Hinckley and Bosworth Local Plan Proposals Map.

Policy BE1: Design and Siting of Development

Policy BE7: Development in Conservation Areas

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

House Extensions (SPG)

Appraisal:-

The main considerations with regard to this application are the principle of development, design and appearance and impact on the character and appearance of the dwelling, the Hollycroft Conservation Area, the amenities of the occupiers of neighbouring properties and highway safety.

Principle of Development

The application proposes extensions and alterations to an existing dwelling within the settlement boundary of Hinckley. The NPPF provides a presumption in favour of sustainable development, as this proposal is for extensions and alterations to an existing dwelling it is considered to be sustainable and the proposal is therefore compliant with the NPPF and acceptable in principle subject to all other planning matters being appropriately addressed.

Design and Siting and Impact on Character and Appearance

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area. The adopted SPG on House Extensions provides additional design guidance. Policy BE7 (criteria a, b, c and d) requires development in conservation areas to respect existing building lines, be sympathetic to the scale, design and characteristic form in the area, retain boundary walls and use appropriate building materials and finishes.

The proposed double garage respects the scale and character of the existing dwelling, is set back 16 metres from the highway boundary and set back 3 metres from the main front elevation of the application dwelling. By virtue of the siting, scale, design and subject to the use of matching materials the proposed garage will complement the character of the existing dwelling, will not be prominent within the street scene and will therefore preserve the character and appearance of the Hollycroft Conservation Area. The proposals include the removal of an oversized conifer tree on the side boundary but by virtue of the existing landscaping within the front garden that is to be retained the loss of this non-native tree will not have any adverse impact on the character or appearance of the Hollycroft Conservation Area.

Neither the application dwelling nor the boundary wall is identified within the Hollycroft Conservation Area appraisal as being of any historic importance. As a result the removal and making good of a 4.4 metres wide section of the 0.6 metres high boundary wall to form the

new access will preserve the character and appearance of the Hollycroft Conservation Area. The Borough Council's Conservation Officer

By virtue of the siting, scale, design and appearance, the proposal will complement the character and appearance of the existing dwelling and street scene and preserve the character and appearance of the surrounding Hollycroft Conservation Area. The proposal is therefore in accordance with Policies BE1 (criterion a) and BE7 (criteria a, b, c and d) of the adopted Local Plan.

Neighbours Amenities

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

7 Shakespeare Drive is a two storey semi-detached house with a hipped roof and a single storey side extension that projects up to, and approximately 11 metres along, the side boundary with the application dwelling. There are no windows on the side elevation facing the application dwelling. The proposed garage is to be located just off the side boundary and will be set back from the front elevation of No. 7 by approximately 1 metre and project no further than the rear elevation of the extension to No. 7. By virtue of its siting the proposed garage will have no adverse overbearing or impact on the amenities of the occupiers of No. 7.

No 5a Shakespeare Drive is a semi-detached bungalow formed as a result of a 2011 planning permission to subdivide the application dwelling. The proposed formation of an additional 4.4 metres wide access 0.7 metres off the side boundary with No. 5a will have no adverse impact on the residential amenity of the occupiers of No. 5a in terms of disturbance from comings and goings of vehicles as the existing driveway already extends to the side boundary and provides off-street parking.

By virtue of the siting and design the proposed garage and new access will not result in any adverse impact on the residential amenity of any neighbouring dwellings. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan. No objections have been received from any neighbouring properties.

Highway Safety

Policy BE1 (criterion g) of the adopted Local Plan requires that there is adequate highway visibility and off-street parking and manoeuvring for residents and visitors.

The proposed new access will be bounded by a low level (0.6 metres high) boundary wall with narrow (0.4 metres wide) 1.2 metres high brick pillars on both sides. As a result, the proposal will provide adequate visibility in both directions and will have no adverse impact on either highway or pedestrian visibility. The driveway and garage will provide in excess of four off-street vehicle parking spaces which is adequate to serve the dwelling. The new access drive is to be surfaced in hard-bound tarmacadam to match the existing driveway surfacing materials. The proposal is therefore in accordance with Policy BE1 (criterion g) and T5 of the adopted Local Plan. The Director of Environment and Transportation (Highways) does not object to the application but refers to standing advice in respect of visibility splays, parking and surfacing which have been considered above.

Conclusion

By virtue of its siting, scale, design and appearance together with existing mature landscaping to be retained, the proposal will complement the character and appearance of

the existing dwelling and street scene, will preserve the character and appearance of the Hollycroft Conservation Area and will not result in any adverse impacts on the amenities of any neighbouring properties or highway safety. The proposal is in accordance with Policies BE1 (criteria a, g and i), BE7 (criteria a, b, c and d) and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development, and by virtue of its siting, scale, design and appearance and existing landscaping will complement the character and appearance of the existing dwelling and street scene, will preserve the character and appearance of the Hollycroft Conservation Area and will not result in any adverse impacts on the amenities of any neighbouring properties or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i), BE7 (criteria a, b, c and d) and T5.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale, Proposed Block Plan at 1:500 scale, Existing & Proposed Access/Boundary Wall Elevation & Plan Drawings at 1:100 scale and Garage Elevations & Floor Plan Drawings at 1:100 scale received by the local planning authority on 28 March 2014.
- 3 The materials to be used on the external elevations of the proposed garage hereby permitted shall match the corresponding brickwork and roof tiles of the existing dwelling and the driveway hereby permitted shall be surfaced in hard-bound tarmacadam to match the surfacing of the existing driveway.

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 in the interests of visual amenity to accord with Policy BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894

Item: **09**

Reference: **14/00133/FUL**

Applicant: **Mr & Mrs Leedham**

Location: **Lindridge Farm Lindridge Lane Desford**

Proposal: **Installation of a 250kW wind turbine with an overall tip height of 45m including associated temporary infrastructure**

Target Date: **29 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of Cllr Boothby who raises concerns due to the over proliferation of wind turbines in the area and the visual impact of the turbine in open countryside.

Application Proposal

This application seeks full planning permission for the erection of a single wind turbine. The turbine would measure 30 metres to the hub, 45 metres to the blade tip with a rotor diameter of 30 metres. The generating capacity of the turbine would be 250kW. The turbine model proposed is a 'Wind Technik Nord'. The turbine would be finished in a light grey colour with a matt finish.

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

The proposal would generate electricity for use by the applicant's existing agricultural business with any excess electricity produced fed back into the National Grid. Associated

cabling and the connection point to the National Grid is proposed to be laid underground in an excavated cable trench which would be taken to a substation immediately north and adjacent to the existing farm compound.

Planning permission is sought for a 25 year period.

Access to the site by HGVs during construction and for routine maintenance during operation is proposed from Lindridge Lane via the existing farm entrance. Access would then be continued up around the edge of the existing field boundary to the position of the turbine itself.

The Site and Surrounding Area

The site of the proposed turbine is located within the countryside approximately 200 metres to the west of Lindridge Farm. Lindridge Farm itself is located approximately 300 metres to the west of Lindridge Lane. The site itself consists of an agricultural field currently set-aside as rough pasture. The turbine is proposed to be sited near the south of the field approximately 20 metres from the field boundary.

The site itself is flat and level; however land levels and topography varies within the wider vicinity of the site. The site sits at the top of a plateau with the land falling away to the north, east, west and south. The nearest settlements at Newbold Verdon and Desford are located approximately 2km to the south west and south east of the site respectfully.

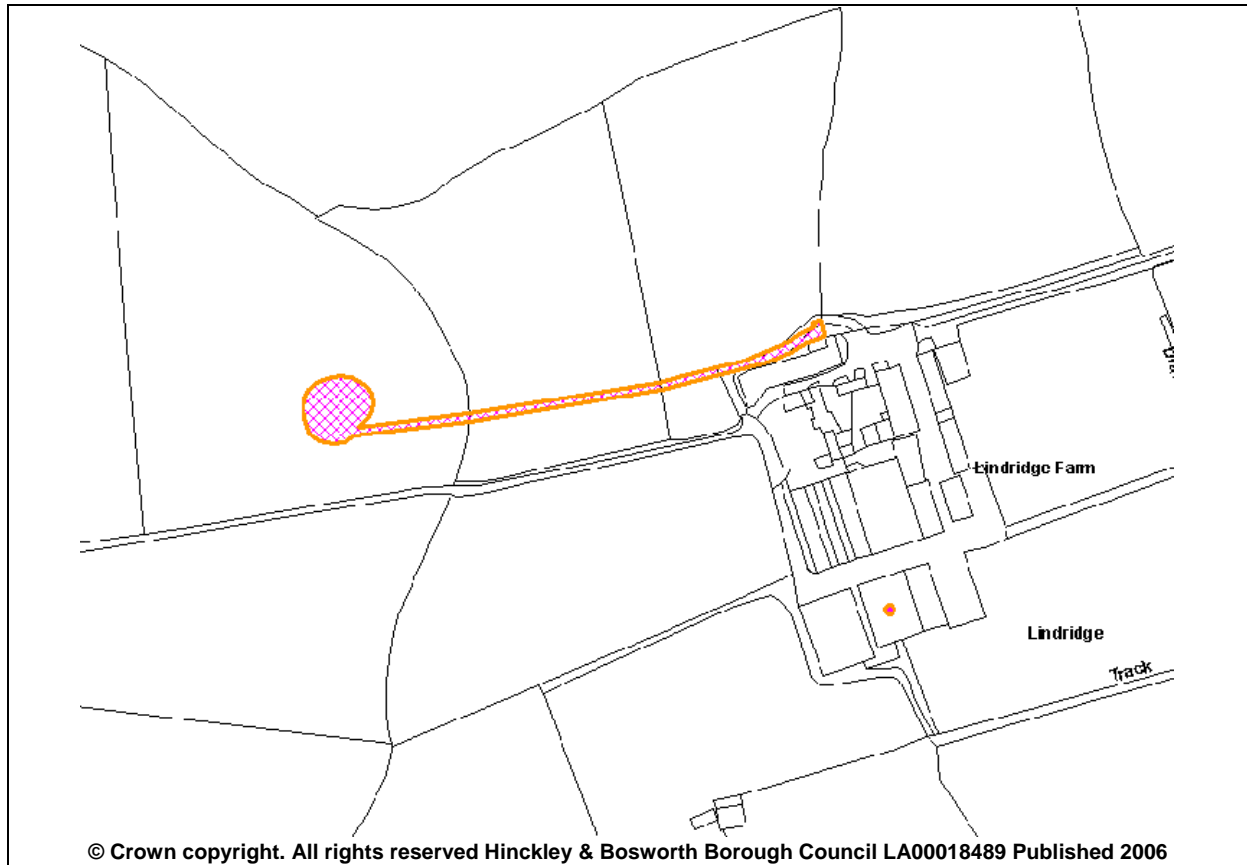
The nearest residential property to the site is Lindridge Farm itself. Beyond that the next nearest neighbouring properties exist to the east along Lindridge Lane approximately 600 metres away from the proposed turbine.

Technical Documents submitted with application

Design, Access and Planning Statement
Landscape Visual Impact Assessment
Transport Statement
Ecological Appraisal
Acoustic Noise Report
Turbine Specification

Relevant Planning History:-

None relevant.



Consultations:-

No objections have been received from:-

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

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

Three site notices were displayed and neighbours notified.

One letter of objection has been received. Summary of comments:-

- a) The turbine will be an eyesore
- b) Wind turbines are not an efficient green energy source
- c) Cannot be turned on in high winds
- d) Huge carbon footprint.

Policy:-

National Policy Guidance

The National Planning Policy Framework March 2012

DCLG Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013)

Local Plan 2006 - 2026: Core Strategy (2009)

Core Strategy Spatial Objective 12

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development

Policy BE27: Wind Power

Policy T5: Highway Safety

Other Relevant Policy Guidance

Hinckley and Bosworth Landscape Character Assessment (2006)

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

Appraisal:-

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

Principle of Development

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

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

- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable.

Recent guidance issued by the government in the form of 'Planning Practice Guidance for Renewable and Low Carbon Energy' states in Paragraph 15 that: 'in considering planning applications, it is important to be clear that:-

- The need for renewable or low carbon energy does not automatically override environmental protections.

- Cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines in an area increases.
- Local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.'

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

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

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

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

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

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

Landscape and Visual Impact

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. In addition, Policy BE27 requires wind turbines to be sensitively located in relation to the

existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints.

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

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

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

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

In addition, figure 5.3 within the Hinckley and Bosworth Renewable Energy Capacity Study 2013 categorises the Forest Hills Character Area of having low-moderate sensitivity to medium turbines (40 - 80 metres to the tip). The Renewable Energy Capacity Study describes the location of the site as an area unconstrained for medium scale wind energy development. Accordingly the site is identified as un-constrained for medium scale wind energy development, whilst the same document identifies this scale of wind turbine as medium (in respect of height to blade tip) and small scale (in respect of the 250kW energy generating capacity).

Accordingly this area is characterised as an area of lesser sensitivity, with resilience to change and identified as having low-medium sensitivity for medium sized turbines.

In respect of the topography of the area this varies significantly. The land surrounding the turbine sits on a high plateau and to the north, east, south and west the land level falls away. The turbine would therefore be located in a relatively elevated position when viewed from certain viewpoints within the immediate and wider landscape (less than 5km). The applicant has submitted various photomontages from a number of viewpoints to help aid the likely landscape and visual effects of the proposal.

It is acknowledged that the introduction of a turbine would bring a change and a degree of impact upon the visual character of the area, however the surrounding area is subject to some existing industrial/urban features such as masts and poles. Therefore as the landscape features other tall, albeit static, structures of an industrial nature, it is not considered that the introduction of a turbine of this scale would appear significantly out of character with its surroundings.

In respect of landscape and visual analysis the application has been accompanied by a Zone of Theoretical Visibility (ZTV) plan to assess the potential visual impact of the proposed

turbine and assumes a worst case scenario without trees, hedges and buildings. Areas in which the turbine is theoretically visible is in close proximity to the site and then concentrated predominantly to the north and east of the site, with some interspersed views to the south west. In terms of the areas in which the turbine up the maximum blade tip is theoretically visible is inevitably lower and concentrated less to a particular areas. This concurs that the proposal for a single wind turbine in an agricultural landscape would result in the impacts generally being more significant in close proximity to the site and then reducing rapidly with distance.

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

Cumulative Visual and Landscape Impact

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

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

The applicant has submitted a plan showing other turbines within the immediate and wider area for cumulative assessment. The following turbines have either been erected or consented:-

- A single turbine with a hub height of 50 metres at Land at Lindridge Hall Farm, Lindridge Lane, Desford (application ref: 13/01030/FUL - consented, not yet erected);
- A single turbine with a hub height of 30 metres at Land North Merryless Road, Thornton (application ref: 13/00600/FUL - in the process of being erected);
- A single turbine with a hub height of 20 metres at Chestnuts, Desford Lane, Kirkby Mallory was granted consent (application ref: 12/00601/FUL - consented, not yet erected);

- Two turbines at 55 meters to hub height at Park House Farm, Leicester Lane, Desford (application reference: 11/00329/FUL - erected);
- A single turbine with a hub height of 15 metres at Oakwood Lodge, Thornton Lane, Markfield. (application ref: 12/01098/FUL - consented, not yet erected);
- Two turbines at 36 metres to hub height at Land North West of Anstey Lane, Groby (application ref: 12/00703/FUL - consented, not yet erected);

The plans have also considered a single turbine with a hub height of 24.6 metres at Forest View Farm, Peckleton Lane, Desford (application ref: 12/01121/FUL) This application was refused, but is currently under appeal and awaiting determination by the Planning Inspectorate.

In addition, the plans also considered a single turbine with a hub height of 55 metres at Coton House Farm, Leicester Lane, Desford (application ref: 12/00157/FUL). This application was refused at planning committee and was also dismissed at appeal. Accordingly this is not an existing, consented or pending application and is not required to be taken into consideration.

The supplied photomontages and ZTV plans adequately demonstrate that the applicant has met the requirements to inform a landscape and visual impact assessment, as per the requirements of paragraph 44 within the Government's Planning Practice Guidance for Renewable and Low Carbon Energy.

The ZTV plans are supplied showing the proposed turbine in context of each of the turbines within the surrounding area. The maps of cumulative zones of visual influence have identified locations where the proposal would be visible with other turbines, of varying heights that exist (implemented), consented and are currently at appeal.

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

Whilst turbines have been permitted and some implemented within the wider area of the site, it is not considered that this turbine would contribute to significant cumulative impact upon the landscape. The existing topography and landscape features would ensure that the turbine is sited in a position that affords the benefit of some screening by hedgerows, trees and natural landscape features. The design and materials of the proposed turbine are considered to be acceptable for the nature of the development within this landscape. As such the proposal is considered to be in accordance with Local Plan Policies BE27 and BE1, the NPPF and the Planning Practice Guidance for Renewable and Low Carbon Energy.

Ecology

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

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

however in some situations, such as in close proximity to important habitats used by birds or bats the risk can be greater.

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

Impact upon Heritage Assets and the Historical Landscape

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

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

Impact on Residential Amenity

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

Paragraph 35 of the Practice Guidance for Renewable and Low Carbon Energy states that shadow flicker and reflected light can be an issue under certain combinations of geographical position and the time of day. The sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off which is known as shadow flicker. Only properties within 130 degrees either side of north, relative to the turbine can be affected as turbines do not cast long shadows on their southern side. It is generally accepted that the potential for shadow flicker to occur is seriously diminished at a distance of ten times the rotor diameter of the turbine in question. In this instance the diameter of the rotor would be 30 metres or 300 metres in distance when multiplied by ten. There are no properties within 300 metres to the north of the turbine that would be affected by shadow flicker and therefore it is not considered that an impact would occur.

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

wind speed measured at 10 metres in height) and conditions requiring the applicant to undertake noise tests to ascertain noise levels should a complaint be received.

ETSU-R-1997 states that a simplified noise criterion is appropriate for single turbines, limiting noise at the nearest residential properties to a LA90, 10min of 35dB (A) up to wind speeds of 10m/s at a height of 10 metres. A condition alone set at this limit would offer sufficient protection of amenity and background noise surveys would be unnecessary. It is considered that the conditions suggested by the Head of Community Services (Pollution) are reasonable to be imposed to limit noise levels at any existing dwelling to 35dB expressed at 10m/s wind speed measured at 10 metres in height would suffice to safeguard the amenity of neighbouring residential properties.

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

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

Impact on Highway Safety

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Furthermore, Policy BE27 states the turbine should be located a minimum distance that is equal to its own height away from any public highway. Access to the site by HGVs during construction, decommissioning and for routine maintenance during operation is proposed from Lindridge Lane via the existing farm access. To the west of the farm a new section of track proposed across the field where the turbine would be located. The Director of Environment and Transport (Highways) has raised no objection to the proposal. The turbine would be located sufficient distance from the highway to meet the requirements of Policy BE27. The proposal is considered to be in accordance with Policy T5 of the Local Plan and would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network.

Impacts upon Aviation

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

Electromagnetic Interference

It is recognised in Paragraph 32 of the Planning Guidance for Renewable and Low Carbon Energy that wind turbines can potentially affect electromagnetic transmissions. The proposal has been considered by the Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks) who has raised no objection to the proposal based on

known interference scenarios to radio systems operated by utility companies in support of their regulatory operational requirements. It is therefore not considered that the proposal would cause any electromagnetic interference.

Other Matters

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

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

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

Conclusion

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

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the principle of development is considered acceptable. The proposal would not have a detrimental visual or landscape impact, would not impact upon ecology, historic assets, residential amenity, highway safety, public rights of way or aviation.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE27 and T5.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the submitted applications details, as follows: Dwg No. N5822-01 Site Location Plan 1:2500 and Block Plan 1:500, Dwg No. 250-00-30-300 Proposed Elevations 1:1250 and Dwg No. G1029/1 Proposed Sub-Station Elevations NPS100-24-30 1:50 received by the local planning authority 4 March 2014.
- 3 The turbine shall be constructed and finished in accordance with the materials shown in section 9 of the application form.
- 4 All cabling on the site between the turbine and the connection point to the National Grid shall be installed underground.
- 5 Written confirmation of the date of the first export of electricity to the National Grid from the wind turbine hereby approved shall be provided to the local planning authority within one month of the date of this taking place.
- 6 Should the wind turbine be identified as operating at an absolute noise level that exceeds 35 dB expressed as LA90 10min at any existing dwelling, up to on-site wind speeds of 10m/s measured at a height of 10m, the wind turbine shall be taken out of use until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbine to the satisfaction of the local planning authority.
- 7 Within 21 days of receipt of a written request from the local planning authority, following a reasonable complaint relating to regular fluctuation in the turbine noise level (amplitude modulation), the wind turbine operator shall engage at his own expense a consultant approved by the local planning authority to measure and assess the level of noise at the location of the complainant's dwelling. A report of the assessment shall be submitted in writing to the local planning authority within 56 days of a request under this condition. If the assessment confirms amplitude modulation to be a contributor to the complaint, the wind turbine will be taken out of use until such a time that a scheme to mitigate such effects is undertaken to the satisfaction of the local planning authority.
- 8 The planning permission hereby granted is temporary for a period of 25 years from the date of the first export of electricity to the National Grid from the wind turbine hereby approved. After such time the use shall cease and the turbine and associated equipment shall be removed from site in accordance with Condition 9.
- 9 Not less than one year prior to the expiry of this permission a Decommissioning Method Statement shall be submitted to and in agreed in writing by the local planning authority. This shall include details of the works for the removal of the turbine, ancillary equipment and structures, foundations, works for the restoration of the site and the proposed timetable for the works to be carried out. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.

- 10 Should the wind turbine hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then a Decommissioning Method Statement as per the requirements of Condition 9 shall be submitted to and agreed in writing by the local planning authority within 3 months of the end of the 6 months cessation period. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 In the interests of visual amenity in accordance with Policies BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.
- 5 To enable proper record to be kept of operational wind turbines to aid aviation safeguarding as per Paragraph 31 of the Planning Practice Guidance for Renewable and Low Carbon Energy 2013.
- 6&7 To protect the amenity of residents in accordance with Policy BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.
- 8-10 To ensure development appropriate for the area and to prevent unnecessary clutter within the landscape in accordance with Policies BE1 and BE27 of the Hinckley and Bosworth Local Plan 2001.

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