

PLANNING COMMITTEE

19 August 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

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Item: 01

Reference: 14/00674/FUL

Applicant: Charles Church North Midlands

Location: Land At Station Road Market Bosworth Leicestershire

Proposal: Erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space (revised proposal)

Target Date: 8 October 2014

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of 64 dwellings and associated works including 2 no. attenuation ponds, formal play space, public open space and an equipped play area. The scheme proposes 38 open market dwellings and 26 affordable dwellings.

This is a revised proposal following refusal of planning application 13/00520/FUL. This application was refused at Planning Committee on 04 February 2014 for the following three reasons:-

1. In the opinion of the Local Planning Authority the proposed development will result in an adverse urbanising effect of the landscape, resulting in harm to the intrinsic character and beauty of the countryside, contrary to the requirements of Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan (2001) and the requirements of Paragraph 17 of the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority the proposed development would fail to deliver sustainable development in so far as it would restrict the growth of existing businesses through introducing a residential use in close proximity to a noisy industrial use. Furthermore, the applicant has failed to satisfactorily demonstrate how noise generated by the nearby JJ Churchill factory could be satisfactorily mitigated to safeguard residential amenity. Approval of the proposal would therefore be contrary to Saved Policy BE1 (criterion h) of the Hinckley and Bosworth Local Plan (2001) and Paragraphs 17 and 19 of the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority the proposed development would bring forward significant residential development on an unallocated site ahead of full consideration and consultation of the Site Allocation and Generic Development Control Policies DPD and would undermine the aspirations to bring forward the community's preferred site for new housing development as set out in the emerging Site Allocations and Development Management Policies DPD and the emerging Market Bosworth Neighbourhood Development Plan. The proposal if approved would therefore be contrary to the principles of the National Planning Policy Framework with regards to plan making and consultation.

The applicant has submitted an appeal against the Council's decision to refuse application ref. 13/00520/FUL and a public inquiry is scheduled for 09 - 11 September. Prior to the appeal being heard the applicant has decided to resubmit a revised proposal reducing the number of dwellings by one unit from 65 to 64 dwellings and making revisions to the layout to re-locate plots 13 - 18 further back into the site in an attempt to overcome the noise concerns that were raised previously. These revisions present the Council with an opportunity to consider the merits of the planning application afresh against all material planning considerations.

Vehicular access is proposed from the existing access which serves Kyngs Golf Club off Station Road to the south east of the site.

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

Application 13/00778/FUL for additional formal play space adjoining the on-site formal play space was approved previously but would be linked to this application through the S106 Agreement.

The Site and Surrounding Area

The site is roughly rectangular in shape measuring approximately 2.97 hectares and bounded by mature hedgerows to the north and west. A mature hedgerow which runs through the site is set to be retained and an existing pond utilised and enlarged for the central attenuation zone.

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

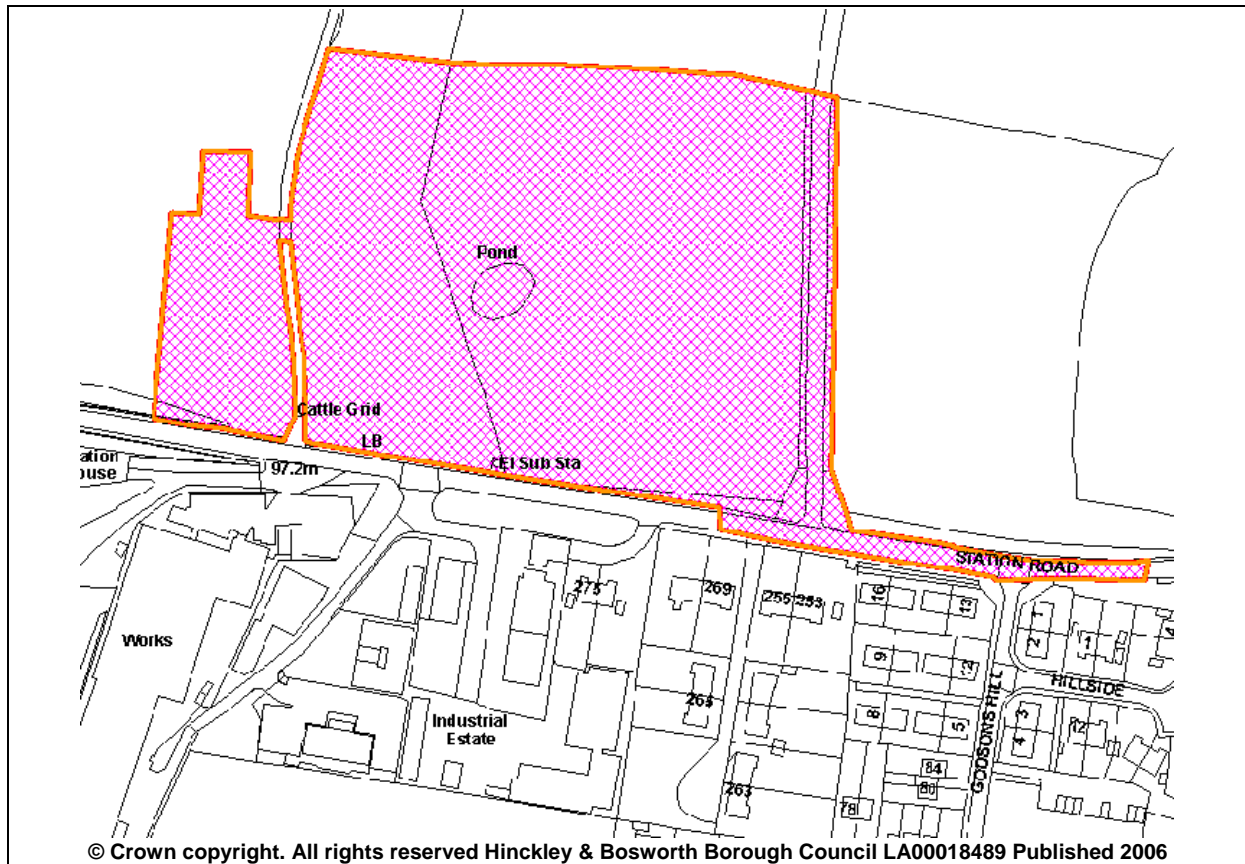
The site is located outside the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map (2001).

Technical Documents submitted with application

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

Relevant Planning History:-

14/00001/TPORD	Tree Preservation Order		10.04.14
13/00520/FUL	Erection of 65 dwellings and associated works including 2 balancing ponds, formal play area space, public open space.	Refused	11.02.14



Consultations:-

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).

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Market Bosworth Parish Council raises the following objections:-

- a) open intrusion into the countryside
- b) inadequate drainage and risk of flooding
- c) proposed attenuation zones will be bogs
- d) community involvement document is incorrect
- e) housing mix proposed is unsuitable for the needs of the town

- f) the S106 money would not help relieve pressure on existing services
- g) highway safety issues on Station Road
- h) design of the dwellings is poor
- i) premature to the emerging Neighbourhood Plan
- j) responsibility for maintenance of hedgerows and open space.

Market Bosworth Neighbourhood Forum raises the following objections:-

- a) application is premature to the emerging Neighbourhood Plan
- b) would significantly jeopardise the Neighbourhood Plan making process
- c) the Borough Council nominated Market Bosworth to the vanguard neighbourhood plan
- d) the emerging plan is at an advance stage but has not been adopted
- e) the proposal would destroy a key approach and view into town from the west and remove a key vista to the north
- f) contrary to emerging policies of the Neighbourhood Plan
- g) contrary to the NPPF
- h) contrary to the principles of localism
- i) the Planning Minister has recently written a statement to support neighbourhood planning.

Market Bosworth Society raises the following objections:-

- a) number of dwellings being proposed for the site too high - housing needs remains at no more than 41
- b) public consultation - no provision of bungalows
- c) public highway - remaining stretch of footway is still inadequate
- d) no acknowledgement of the amount of S106 funding which will be required to cover the expansion of services
- e) no reference to a routing restriction
- f) no mention of vehicle washing facilities
- g) no mention of who will take responsibility for the management and maintenance of green spaces and boundaries
- h) dwellings will only exacerbate the current parking problems with parking in the centre
- i) previous recommendations on this site was for a 40 metres set back from Station Road to preserve the green aspect of this approach to the town and horse chestnut trees and to allow the carriageway to be widened and construction of an off-road footway and cycleway - this is still viable and could be achieved if numbers were reduced to 41
- j) 70% of respondents from the public consultation did not support this development.
- k) landscape impact, views into the site from surrounding public rights of way
- l) the development at the adjacent Waterside site was a brownfield redevelopment
- m) the town is actually the size of a village
- n) the approaches to Market Bosworth are important green fingers providing a transition between town and countryside
- o) application would be premature to the Neighbourhood Plan.

David Tredinnick MP has raised the following objections:-

- a) this revised proposal is subject to an appeal
- b) should as a matter of principle refuse
- c) neighbourhood Plan does not allocate site
- d) principles of localism must be upheld
- e) firms on the industrial estate will be forced to relocate
- f) proposal will result in landscape impact
- g) flooding problems will be created
- h) concern with the way plans have been displayed on the website, some from the previous proposal.

Councillor Michael Mullaney has raised the following objections:-

- a) the previous planning application was refused by Planning Committee
- b) the Neighbourhood Plan Forum has spent time engaging showing that 64% of residents supported the site to the south of Station Road
- c) the site south of Station Road would allow local firms to expand creating a boost to the local economy
- d) site south of Station Road is consistent with the Council's preferred site allocation
- e) the land north of Station Road is protected by the NDP's Views and Vistas map
- f) the site proposed is outside of the settlement boundary.

12 letters of objection were received from local residents. Summary of comments received:-

- a) any houses above the residual is unnecessary and unsustainable
- b) Market Bosworth cannot cope with additional housing and population
- c) current open green spaces in Market Bosworth should be preserved, ruining natural beauty
- d) ruining the approach into Market Bosworth
- e) new residential development is not required - vacant properties at Pipistrelle Drive development and Sedgemere development has not commenced
- f) creating a ribbon development is exercising bad planning
- g) would destroy a greenfield site
- h) outside the settlement boundary
- i) open aspect from the canal disappearing
- j) unacceptable impact upon the landscape setting
- k) style of houses are not in keeping with Market Bosworth
- l) the statement on public consultation is inaccurate and misleading
- m) the developer has not participated in the neighbourhood plan process and ignored requests and have not engaged with a significant proportion of the local population
- n) the formal consultation for the 2009 Site Allocations and Development Control Policies DPD resulted in clear preference for land behind the industrial estate
- o) NPD public event and website poll all show a clear preference for the land to be developed south of Station Road
- p) mixed use development being brought forward to the south of Station Road through the Market Bosworth plan offers the potential to meet the needs of existing and future employers and other community benefits
- q) It is premature to consider this application; wiser to await the outcome of the neighbourhood plan
- r) site is liable to flooding with springs and high water table
- s) additional water will be brought through the pipe out onto land
- t) the proposed sewage pumping station needs to have adequate storage capacity.
- u) Increase in traffic
- v) access to Churchill site must not be restricted, layout does not show the Churchill entrance
- w) creating an additional 130 cars travelling up and down through the village
- x) a routing restriction for vehicles over 7.5 tons should be agreed
- y) poor pedestrian access between the north west part of the development to schools and local service centre
- z) footpath too narrow and not fit for purpose
- aa) lorry washing facilities should be put on site
- bb) housing too close to engineering firm could result in future complaints and impact upon their operations - a greater buffer/distance is required
- cc) site has a pond and wildlife which has not been considered
- dd) wildlife will no longer have anywhere to live

- ee) need for bungalows
- ff) does not provide the kind of dwellings needed by the community
- gg) health and education will not be able to cope
- hh) private right of way between two play areas.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014
The Community Infrastructure Levy (CIL) Regulations 2010.

Hinckley & Bosworth Core Strategy 2009

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

Hinckley & 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 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.

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

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

Strategic Housing Land Availability Assessment (2010)

The SHLAA Review was published in October 2010 and the proposed site forms part of the site assessed under reference AS392. The site was identified as suitable, available and achievable and as a result identified as being developable with a timeframe for development between 2015 - 2020. The SHLAA has been updated in September 2013 and the site is still identified as suitable, available and achievable and is also still developable. The timeframe for development is 2018 - 2023.

Appraisal:-

The main considerations in the determination of this application are:-

- principle of development
- housing land supply
- prematurity
- Impact upon the character and appearance of the countryside
- overall appearance, scale, design and layout
- Impact on residential amenity
- highway considerations
- drainage and flood risk
- archaeology
- ecology & trees
- affordable housing
- Infrastructure improvements.

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there 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
- 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
- specific policies in the NPPF indicate development should be restricted.

Core Strategy

Policy 7 of the Core Strategy states that in Key Rural Centres housing will be provided within settlement boundaries to provide for a mix of housing. Market Bosworth is defined as a Key Rural Centre due to the local services and facilities it has in place.

Policy 11 of the Core Strategy states that through the plan period land will be allocated for a minimum of 100 dwellings to be provided within Market Bosworth that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels. The residual requirement as of 01 April 2014 is 43 dwellings.

Emerging Site Allocations & Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March and responses are being considered before submission to the Secretary of State. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage.

The Site Allocations DPD identifies land to be allocated for housing in Market Bosworth to meet the Core Strategy housing figure identified in Policy 11.

The Pre-submission version of the Site Allocations DPD, unlike the preferred options version, does not identify the application site as a residential site to meet the Core Strategy housing requirement for Market Bosworth. Instead a site to the south of Station Road titled MKBOS02: Land South of Station Road and Heath Road has been identified. This is a mixed use allocation with an accompanying policy titled SA2: Land South of Station Road and Heath Road, Market Bosworth. This policy informs the allocation and requires the following:-

- provision of between 0.5 ha to 1 ha of additional B1, B2 and B8 employment land
- provision of a minimum of 42 dwellings
- provision of doctors surgery or alternative community facility
- allotment provision
- a safe pedestrian access off Station Road
- open space in line with Policy 19 of the Core Strategy.
- affordable housing provision in line with Policy 15 of the Core Strategy.

The justifications for this amendment from the preferred options document to the pre-submission version are identified in the Site Allocations Rural Justification Paper and are as follows:-

- Preferred option public consultation responses indicate a preference for this site for residential development over the previously identified preferred option site MKBOS01 and Alternative Options 1 and 2.
- The Employment Land and Premises Review (July 2013) recommends a 0.5-1 ha extension to Station Road Industrial Estate. The allocation of this site for mixed uses enables this extension to be brought forward and the extension enables access to the residential development to the east.
- The Landscape Character Assessment (July 2006) identifies that the landscape setting of Market Bosworth should be protected including open land which penetrates the town centre. The site would be largely screened by the public highway to the north, presenting the least visually intrusive option and would not impact on open land penetrating toward the Market Place.

The Pre-submission Site Allocations DPD was approved at Full Council on 21 January 2014 to proceed to public consultation and subsequent submission to the Secretary of State. The public consultation ran from February to March 2014. The representations received are currently being considered as it is likely that the plan is expected to be submitted to the Secretary of State later in 2014. An examination in public is then likely to be held in the first half of 2015.

However, even if that document were approved, this does not mean that speculative applications for housing developments on other sites within or close to the settlement should not be approved. Such applications need to be considered on their merits against all relevant policies and other material planning considerations taking into account the presumption in favour of sustainable development.

Housing Land Supply

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.

When the previous application was considered the Council had a five year supply of housing sites. At that time the Council was projecting significant delivery of the planned number of dwellings later in the plan period at the two SUEs at Barwell and Earl Shilton. This is known as the residual method (Liverpool) where early shortfalls in housing delivery are made up later in the plan period. Whereas the alternative method, which the recently published National Planning Practice Guidance (NPPG) advocates, is that where possible the past undersupply of housing should be dealt with within the next five years (the Sedgefield approach). Due the outcome of several recent appeals, and the delays with the delivery of the two SUEs the Council accepts the latest approach as set out in the NPPG that the Sedgefield approach is now the most appropriate method of calculating housing land supply to boost the supply of housing and make up the shortfall in providing deliverable sites.

Therefore as of April 2014, the Borough Council does not have a five year supply of deliverable housing sites.

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.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there 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
- 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
- specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

Local Plan

The site lies outside of the current settlement boundary of Market Bosworth, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

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, in light of the recent Stanton under Bardon appeal decision (ref: APP/K2420/A/13/2200224) 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.

The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

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 for a mix of both market and affordable housing, which is appraised below, 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 housing shortfall which would enhance the quality, vibrancy and health of the local community.

Environmental - The dwellings proposed would be built to reflect the character of the surrounding area and this point is appraised in further detail below, in addition to the impact of the development upon the countryside and local environment.

Summary

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 the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

It is clear following recent appeal decisions such as those at Three Pots and Workhouse Lane, Burbage and Main Street, Stanton-under-Bardon that the onus of the Council achieving a five year supply of deliverable housing sites applies Borough wide.

In the absence of a five year supply of housing sites, the settlement housing targets as set out in the Core Strategy can be afforded little weight. Furthermore, the housing requirements as set out in Policy 7 is expressed as a minimum to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need.

The proposal would help to meet the Council's housing shortfall and would contribute towards achieving a five year supply of housing land. The development is therefore considered to be acceptable in principle subject to all other material considerations being addressed.

Prematurity

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

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

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)

- c) the degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

This advice is largely repeated through the NPPG in relation to prematurity but also adds the following:-

"in the context of the Framework and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies and any other material consideration into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions above the scale location or phasing of new development that are central to an emerging neighbourhood plan
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

The NPPG also states that refusal on the grounds of prematurity will seldom be justified before the end of the local planning authority publicity period in the case of a Neighbourhood Plan. When permission is refused on prematurity grounds, the planning authority will need to indicate clearly how the grant of planning permission for the development would prejudice the outcome of the plan-making process.

The former Planning Minister Nick Boles affirmed this position in parliament on 17 July 2013 where he stated the following:-

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

Therefore when determining the weight to be attributed to an emerging NDP and whether prematurity could be applied to this application a number of issues must first be examined:-

1. the stage of preparation of the plan with weight to be attributed if the emerging plan is considered to be at an advanced stage
2. the level of unresolved objections to policies within the plan
3. the consistency of the policies within the plan to those within the NPPF
4. whether granting permission for this application would prejudice the outcome of the NDP making process.

These four points are addressed in relation to Market Bosworth NDP below.

1. The Stage of Preparation of the Plan.

The Market Bosworth Neighbourhood Area was first designated for the purposes of neighbourhood planning in February 2012.

Since then the Market Bosworth Neighbourhood Forum has undertaken a number of public consultation events to gain the views and aspirations of the local community to feed-in and develop the form and content of the NDP. This has led to the development of the Consultation Draft Market Bosworth Neighbourhood Plan. This draft NDP went out to public consultation through the Pre-submission Consultation stage (Regulation 14) in June 2014 and was completed on 25th July 2014. This stage is a compulsory consultation stage which is required before the draft NDP is submitted to the local planning authority under Regulation 15. Therefore the emerging NDP must complete the following stages before being 'made' as an extant planning document by the Borough Council.

- Regulation 15 - Forum to submit to the local planning authority:-
 - the draft NDP (amended to have regard to the previous consultation findings)
 - a consultation statement identifying who was consulted, the response and how this has been dealt with through the plan
 - a statement explaining how the plan meets the basic conditions.
- Regulation 16 - Publication Stage in which the LPA publicises and consults on the draft NDP.
- Regulation 17 - Submission Stage in which an examiner is appointed by the local planning authority.
- The Referendum (regulated by Neighbourhood Planning Referendum Regulations 2012) in which the community of Market Bosworth vote in favour (or not) for the plan.
- Regulation 19 & 20 - The 'Made' Stage in which the Borough Council votes to 'Make' (adopt) the plan, subject to a favourable referendum vote.

As noted above "refusal on the grounds of prematurity will seldom be justified before the end of the local Planning authority publicity period." Therefore for a plan to be considered to be at an 'advanced stage' it should be at the end of the local planning authority publicity stage (Regulation 16). The NDP is currently at the Regulation 14 stage and it is considered to be a number of weeks before the NDP will reach the end of the publicity stage (this stage involves a minimum six week consultation period).

2. The Level of Unresolved Objections

It is currently not possible for the Borough Council to assess the level of unresolved objections to the policies in the emerging NDP. This is only achievable once the Neighbourhood Forum has completed their pre-submission consultation and submitted their consultation statement to the local planning authority under Regulation 15, in addition to the completion of the local planning authority publicity stage (Reg 16). This is highlighted through the NPPG which states

"The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals."

As such little to no weight should be attributed to the policies in the emerging plan because the level of objections to its policies are currently unknown. The exception to this is the Borough Council's consultation response to the Neighbourhood Forum's Pre-submission

consultation which has resulted in a number of significant objections which have yet to be resolved.

3. The Consistency of the Policies with the NPPF

The consistency of the emerging policies of the NDP is not formally assessed until the plan is submitted to the examiner at the Submission Stage (Regulation 17). Therefore it is considered that very limited weight can currently be attributed to the emerging policies of the NDP as the consistency of the policies with the NPPF is unknown.

Notwithstanding this, the Borough Council have undertaken a preliminary assessment of this consultation draft of the NDP through the pre-submission consultation (Regulation 14) in regards to its consistency with the NPPF. Through the Borough Council's formal consultation response, a number of consistency issues have been identified which in particular includes the Allocation Policy BD2, Landscape Policy CE4 and Local Green Space Policy CE2. In particular the policies do not provide exception criteria to establish when it would be considered appropriate to develop a site and also fail to provide a practical framework within which decisions of planning applications can be made with a high degree of predictability and efficiency.

4. Whether Granting Permission Would Prejudice the Outcome of the NDP Making Process.

The proposed scheme includes the provision for 64 dwellings to the north of Station Road which would contribute to the minimum residential requirement of 100 dwellings for Market Bosworth as set out in the Core Strategy. This site is not identified for any specific purpose other than identifying a vista across the site from Station Road, providing a view of the golf course and countryside beyond. Whilst the proposed scheme could adversely affect this vista, this must be balanced against the benefits of the proposal. In addition the housing figure is set as a minimum to enable flexibility for sustainable growth over the plan period. Whilst the NDP seeks to allocate an alternative site to meet its housing requirement, the promotion and development of that other site is not considered to prevent further sustainable development in Market Bosworth from coming forward.

This is recognised in the Consultation Draft NDP through the following statements:-

"The Plan is not a rigid 'blue-print', with flexibility being required as further challenges and opportunities arise over time"

"The Community recognises that housing development can bring wider benefits that support sustainable, mixed and inclusive communities and a well-balanced population which is vital to the on-going viability of local services and prosperity of the area in light of the community's increasingly ageing population"

Summary

The NDP can not currently be considered to be at 'an advanced' stage as it hasn't been submitted to the local planning authority for the publication stage (Regulation 16). The level of unresolved objections has not yet been established as the Consultation Statement has not been produced and emerging policy conformance with the NPPF has yet to be assessed by an examiner. In addition, the NDP provides no allocation for the application site, other than the vista over the golf course and countryside and seeks to support sustainable development.

While the community's views about the importance of the NDP to the local area, in light of the issues raised above, it is considered that little weight should be attributed to the emerging Market Bosworth NDP at this stage of plan preparation.

The former Planning Minister Nick Boles recently released a Written Ministerial Statement on Neighbourhood Planning on 10 July 2014. The Statement relates to "giving particular scrutiny to planning appeals in, or close to, neighbourhood plan areas". This is proposed to be through the recovery of planning appeals i.e. Ministers making appeal decisions rather than the Inspectorate for residential development of over 10 units in areas where a qualifying body has submitted a neighbourhood plan proposal to the LPA or where a NDP has been 'made'.

This Statement relates to the recovery (determination by the Secretary of State) of planning appeals and not planning applications. In addition, this recovery mechanism would only be applicable for appeals where an NDP has been submitted to the local planning authority i.e. the Publication Stage (Reg 15) or where the NDP has been 'Made' (Reg 19 and 20). Therefore this Ministerial Statement is not material to the consideration of this application.

Impact upon the Character and Appearance of the Countryside

In policy terms lies outside of the defined settlement boundary for Market Bosworth and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that 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 site is bound to the south by Station Road and beyond Station Road to the south of the road by residential properties. To the south west of the road is a designated employment site. Due north of the application site is the Kyngs Golf and Country Club. The land immediately adjoining the site to the west (beyond application ref: 13/00778/FUL) is not subject to this application and remains in its existing agricultural use. To the west of this lies the Battlefield Line Railway and beyond this the residential development on land known as Waterside Mede adjacent to Beulah House (ref's: 02/00845/OUT; 03/00652/REM; 04/00577/REM). The land immediately adjoining the site to the east is not subject to this application and remains in its existing agricultural use.

Accordingly whilst the site would still be bound immediately to the east and west by agricultural land, the land immediately beyond, to both sides is residential, with the land to the south residential and industrial in use. It is therefore considered that this site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to the existing pattern and grain of development to the west of Market Bosworth. As such, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road.

It is recognised that the introduction of residential dwellings at two storeys in height would compromise the views and openness of vistas when looking north into the countryside from Station Road and whilst the layout does still provide some views to the north through gaps in dwellings the overall visual outlook would be impacted upon to a point whereby it would not

comply with design criterion (a) as set out in Policy NE5 of the Local Plan and the desire to protect valued landscapes as set out in Paragraph 109 of the NPPF.

However, on balance whilst it is accepted that the proposal would compromise a view and vista that is of value to the local community, the loss of this view is not considered to be significantly harmful in environmental terms to detract from the overall social and economic sustainable benefits of the scheme.

Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 30 dwellings to the hectare to be achieved within Key Rural Centres unless individual site characteristics indicate otherwise.

The application proposes 64 dwellings on a 2.98 hectare site equating to a net density of 21.6 dwellings per hectare.

In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement where the surrounding densities are lower. Given that the site would be on the edge of the countryside this density allows wider open spaces which will contribute to the character of the development. It is therefore considered that a higher density would be to the detriment of the surrounding countryside. This lower density scheme is therefore considered more suitable in this location.

The proposed mix is envisaged to include detached, semi-detached and terraced dwellings as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16. The detailed mix of house types would be agreed as part of a reserved matters submission.

Overall Appearance, Design & Layout

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

The on site informal equipped and un-equipped play space is located within the centre of the site and formal play space to the west. Plots 9 - 12, 38 - 42 and 18 provide natural overlooking upon the central play space.

Plots 4 - 6 and 60 - 64 provide a strong attractive tree lined frontage to the east of the site, whilst plots 1 - 4 and 12 face Station Road, creating a strong defined streetscene.

The revised layout repositions plots 13 - 18 further back into the site away from Station Road behind a landscaped area.

All private amenity spaces are provided to the rear of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages. The external amenity spaces proposed are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

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

The scheme proposes a mixture of 2, 3 and 4-bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. There are 2 plots (plots 60 and 64) which are of 2 and a half storey proportions (two storey with accommodation in the roof slope) however they occupy key focal views and are located to the eastern periphery of the site - and not on the Station Road frontage and are therefore considered to be acceptable on this basis.

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

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

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

Details have not been provided in respect of existing and proposed finished floor levels. Accordingly a condition to this affect is recommended.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided that would meet the requirements as set out in Policy BE1 (criterion a) of the Local Plan.

Hard and Soft Landscaping

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

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

In respect of the future maintenance of the landscaped areas a separate condition requiring a landscape management scheme to be submitted to and approved in writing to the Local Planning Authority is suggested. It is considered that this should include the retention of one owner and maintenance and re-stocking regime over a 20 year time period.

Policy NE12 criterion (d) requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is considered necessary to impose a condition ensuring that the scheme is maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a

similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Elevational details have not been provided in respect of the 1.8 metre high brick wall or timber and therefore a condition is suggested to secure these details for approval in order to ensure that the fencing is appropriate in its appearance.

The proposal is therefore considered to comply with Saved Policies NE12 and BE1 in terms of visual appearance and landscaping.

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 based on 64 dwellings, the provision should be for 26 affordable units; 19 units for social rent and 7 for intermediate tenure.

As of July 2014 there are 258 waiting list applicants broken down into the following need categories: 116 require 1 bedroom properties, 88 require 2 bedroom properties, 45 require 3 bedroom properties and 9 require 4 or more bedroom properties.

The developer has offered a mix of 12 x 2 bedroom houses and 7 x 3 bedroom houses for social rent and 3 x 2 bedroom houses and 4 x 3 bedroom houses for shared ownership.

The tenure split, design and location of affordable housing units within the scheme has been considered by the Council's Housing and Enabling Officer who is satisfied with the proposed mix given which will help to meet the housing need in Market Bosworth where small family and starter sized homes are more desirable. The affordable housing has been spread around the site in small clusters which is the preference of social housing providers and is considered to represent the best form in terms of mix.

As the site is also located within a rural area a local connections policy to Market Bosworth will be included within the S106 Agreement to require applicants in the first instance to have a connection to Market Bosworth and then to the Borough.

There is a high demand in Market Bosworth for affordable properties and the waiting list shows that there is an acute housing need. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

It is considered that the delivery of 40% affordable housing in this rural area is a key material consideration that weighs favourably in the balance of meeting the social needs of sustainability as supported by the NPPF.

Impact on Residential Amenity

Policy BE1 (criterion i) states that development proposals should not detrimentally impact upon residential amenity.

The residential dwellings most immediately impacted upon as a result of the proposal would be those to the south of Station Road, given their proximity to the site, however given that they are sited on the opposite side of the road it is considered there is adequate distance to ensure that there would not be any significant adverse impacts upon the occupiers of the neighbouring dwellings as a result of this scheme.

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

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

In summary, the proposal is considered to have minimal impacts upon the amenities of existing and future neighbouring residents, subject to the imposition of planning conditions. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

Noise

Saved Policy BE1 (criterion h) states that planning permission will be granted where the development is not adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development.

Reason for refusal 2 of the previous application related to noise impact. It was considered that the previous layout would restrict the growth of existing businesses through introducing a residential use in close proximity to a noisy industrial use and that the applicant had failed to satisfactorily demonstrate how noise generated by the nearby JJ Churchill factory could be satisfactorily mitigated to safeguard residential amenity.

A Noise Impact Assessment has been prepared and submitted by the applicant. The Head of Community Services (Pollution) has considered the assessment and accepts that the assessment uses a worst case scenario and that with appropriate mitigation to attenuate the noise from Station Road and the industrial estate that the noise levels contained within the current guidance documents can be achieved.

The proposed revised layout which increases the separation distance between the adjacent industry and the road for plots 13 - 18. The Noise Impact Assessment does assess a worst case scenario based upon noise data provided by the adjacent industry for their noisiest operation.

The applicant has provided noise predictions based upon the measured noise levels from road traffic noise and the predicted potential worst case scenario of industrial noise.

In respect of internal noise levels, the report predicts that using upgraded double glazing good internal noise levels as described in BS8233 can be achieved on plots 13 - 23 however should windows be opened then noise levels will exceed acceptable levels and mitigation is required at these locations.

In respect of external noise levels it is considered that the frontage of plots 13 - 17 would not be used for amenity but would rather comprise front pathways with limited exposure and so amenity should not be assessed here. The structure of plots 13 - 23 will provide protection to the rear gardens and a suitably located acoustic fence is proposed to ensure that noise within garden areas from the road and industry fall within guideline noise levels.

As the frequency and duration of Churchill's provided worst case noise levels can not be predicted, or determined, it is recommended that a precautionary approach should be taken. The scheme of mitigation to be used should include non-opening acoustically treated glazing, together with mechanical ventilation, to the facades of plots 13 to 23 that face the factory and the road. Acoustic fencing will be incorporated in the boundary treatment of areas not protected by the structure of plots 13 - 18.

Accordingly 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.

The mitigation measures proposed will ensure that future occupiers would not suffer from noise nuisance. In addition, the ongoing commercial and economic uses at the adjacent industrial estate including J.J. Churchill will not be compromised. The proposal is considered to be in accordance with Policy BE1 (criterion h) and that this revised layout overcomes and allows suitable mitigation methods to be imposed to deal with the previous reason for refusal.

Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

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

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

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions, subject to conditions and concludes that the road network is considered capable of serving the additional development in terms of capacity. The application site is located within a reasonable walking distance to the town centre, and off-site works are proposed to provide a right-turn ghost island which is acceptable from a safety and capacity point of view.

The Director of Environment and Transport (Highways) has requested that a 2.5 metre wide footway should be provided across the blue/red line frontage of the site. This has been provided and is shown on the proposed layout plan.

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 Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

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).

No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement.

In respect of foul sewage the scheme proposes an on site foul water pumping station which would be adopted by Severn Trent Water..

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

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. 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.

The scheme has been considered by LCC Archaeology who raises no objection subject to conditions for an appropriate programme of archaeological mitigation, in the form of a Ridge and Furrow Earthwork Survey to be undertaken prior to the commencement of development.

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 & Trees

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

The application has been accompanied by an Ecological Appraisal and Great Crested Newt Survey. LCC Ecology has considered the revised proposal and has confirmed that the Great Crested Newt Survey is satisfactory and recommends that a condition be imposed ensuring the development is undertaken in accordance with the mitigation strategy set out within the Great Crested Newt Survey Report and Mitigation Strategy.

A Tree Preservation Order has been made on the site covering seven trees to the frontage of Station Road. All trees will be retained and protected with the exception of T5 a Horse Chestnut which would have to be removed. A suitable replacement will need to be provided to compensate for this loss through the landscaping plan which has been conditioned. The Council's Tree Officer has considered the proposal based on the previous tree survey and method statement that was prepared for the previous site layout. Given that the site layout has now changed it is considered appropriate to request an updated tree survey and arboricultural method statement including tree protection measures for all retained trees to BS5837:2012. by way of condition.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species that cannot be successfully mitigated and is therefore in accordance with the guidance as set out within the NPPF.

Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The 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.

Play and Open Space

Policy 19 of the Core Strategy 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).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

Saved Policy REC2 states that for developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activities. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas.

The formal open space is to be secured through this application and partly through application ref: 13/00778/FUL which was previously permitted for additional formal open space.

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

Accumulatively the two applications provide a total of 2,600 square metres which meets the requirements of the amount of formal play space required for a development of 64 dwellings. It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

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

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

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

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

The scheme proposes to provide 1,064 square metres of informal children's play space which is in excess of the area required for a development of this size (which is 960 square metres). It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

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

The onsite play and open space is required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council, otherwise the developer may retain the public space in private ownership and maintain it accordingly.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £185,840.79 is sought for primary education provision at St. Peter's Church of England Primary Academy. A contribution of £191,096.26 is sought for secondary education at The Market Bosworth School and Bosworth Academy. No contribution is sought for upper school education at Bosworth Academy as there is currently a surplus of places. The total contribution request is £376,937.05. The contribution would be used to accommodate existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £3,890.00 for use of provision and enhancement of library facilities at Market Bosworth Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,529.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 19 tonnes of waste generated by the development or an increase of 0.2% and given that figure, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Transport

A request has been made from Leicestershire County Council Highways for Travel Packs including bus passes at two per dwelling for a six month period to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and

promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £325.00 per pass.

Improvements are sought to two bus stops on Station Road close to the site access (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop or £6,526.00 in total. Contributions are also sought to equip the bus stops with bus shelters at £4908.00 per shelter and information display cases at £120.00 per display. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for disabled users and an enhancement in the facilities. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed

Police

Leicestershire Constabulary have requested a total contribution of £20,463.00 for 40% of a new member of staff, vehicles, additional radio capacity, police database capacity, control room telephony, ANPR cameras, mobile CCTV, improvements at police premises and hub equipment. It is accepted that the NPPF supports the creation of sustainable, healthy and safe communities which in the first instance should be achieved through good design and reducing opportunities for crime. This would be supported by policing and as such Police contributions could be justified to be necessary. However, it is not considered that the Police have adequately demonstrated that the contributions requested are directly related in scale and kind to the development proposed, particularly when it is unclear exactly how 40% of a staff member would be deployed and how this development could require improvements to Force HQ in Enderby as opposed to there being community policing improvements in Market Bosworth itself. As such the contribution request is not considered to be CIL compliant.

Health

A request has been received from NHS (Leicestershire and Lincolnshire) for £15,030.00 to be spent on upgrading the existing consultation rooms at Market Bosworth GP Surgery to provide an enhanced range of treatment rooms to provide a greater range of services to meet the needs of the increased population within Market Bosworth as a result of this development. It is considered that this contribution request is directly, fairly and reasonably related in scale and kind to the development proposed.

Other Matters

Some residents have raised concern that the proposal is contrary to the Government's localism agenda. The Government has made it clear, however through the Housing and Growth Ministerial Statement (6th September 2012), that alongside the communities' power to plan comes the responsibility to meet the development and growth needs of communities and to deal effectively with proposals that will deliver homes, jobs and facilities.

In addition, concerns relating to property devaluation and loss of views are not material planning considerations.

In response to wildlife concerns, the appellant has conducted an ecological survey which has been considered and found that the development would not adversely affect wildlife or protected species.

Concerns were expressed over traffic generation and the visibility of the proposed vehicular access, together with the associated congestion and highway safety. The Highway Authority has not objected to the scheme subject to conditions to cover aspects such as the visibility of the access and parking requirements.

Representations have been received referring to the recent appeal at Crowfoot Way, Broughton Astley, Leicestershire (ref: APP/F2415/A/12/2183653) which was dismissed despite Harborough district not having a five year supply of housing sites. This appeal was recovered and The Secretary of State considered that the adverse impacts of the appeal proposal, especially in terms of the conflict with the Broughton Astley Neighbourhood Plan, would significantly and demonstrably outweigh the benefits in terms of increasing housing supply. He therefore concludes that there are no material circumstances that indicate the proposal should be determined other than in accordance with the development plan. The key difference in this instance is that the Broughton Astley Neighbourhood Plan was adopted as part of the development plan whereas the Market Bosworth Neighbourhood Plan, for the reasons discussed above, is not considered to carry material weight at this stage as it has not been to referendum or submitted to the examiner and consequently does not form part of the development plan.

Representations have been received in respect of the scheme not providing bungalows. The Council's Housing and Enabling Officer has confirmed that whilst there is evidence in the housing needs survey for bungalows, this is only one source of evidence and that there should be a balance between the need to both meet the identified local need and the wider housing needs in the borough. The Council's Housing and Enabling Officer has pursued the option of bungalows, however the applicant has confirmed that providing bungalows would reduce the overall 40% affordable housing offer. Accordingly the Council's Housing and Enabling Officer wishes to maintain the current offer of the full 40% affordable housing requirement for a mix of 2 and 3 bedroomed family homes. The Council's Core Strategy Policy requires the mix of 75% for social rent and 25% for intermediate tenure. The Section 106 Agreement will contain a requirement for applicants in the first instance to have a local connection to Market Bosworth.

Concerns have been raised in respect of the routing of construction traffic especially through the town centre. The Borough Council would not be able to impose a condition as it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with the tests as set out in the NPPG and the same argument in respect of enforceability would apply for a Section 106 Agreement.

Drainage and flooding issues have been discussed above. Concern has been raised in respect of existing drainage issues within the vicinity of the site. It should be noted that the Environment Agency and Severn Trent Water have raised no objection and are satisfied with the technical solutions proposed to deal with surface water run off through SUDs and foul water sewage proposals.

Concern has been raised in respect of the impact of the proposed development on the industrial estate directly opposite the site on Station Road. As discussed above a full Noise Impact Assessment has been carried out and it is considered that suitable mitigation methods can deal with any potential impact which is considered to be unlikely. It should be noted that commercial/industrial sites commonly are located close to residential areas in other parts of the Borough where impacts are minimal. There are existing dwellings close to the industrial estate at present along Station Road and to the south east along Heath Road. It is therefore not considered that the employment premises would be impacted upon or their existing operations limited in any way by the proposed development.

Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares.

Accordingly the proposal has been assessed under the criteria as set out in Schedule 3. Overall it is not considered to the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area that the proposal would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as Policy RES5 of the Local Plan, should not be considered up to date. In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

Policy 11 of the Core Strategy which sets out the allocation for Market Bosworth of a minimum of 100 dwellings, which has not yet been met, is relevant and adds weight to the merits of the proposal.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a reasonably sustainable location within a Key Rural Centre. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 40%, meeting the policy requirement, is considered to be a significant material consideration that weighs heavily in the balance. The development would not impact upon ecology, archaeology or heritage. It is recognised that the proposal would have an adverse impact upon the landscape and wider views of the countryside from Station Road; however overall the proposal is not considered to have significant environmental impacts that would outweigh principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

On the issue of prematurity, it is considered, based on the most up to guidance as set out in the NPPG, that neither the emerging Site Allocations DPD nor the emerging Neighbourhood Plan are sufficiently progressed at this time to be afforded enough weight to justify refusal on the grounds of prematurity.

Collectively the above factors weigh heavily in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have carefully been taken into account.

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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 Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan 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, NE5, NE12, NE14, BE1, BE16, T5 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 12,15,16,17 and19.

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.

Conditions:-

- 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 received by the Local Planning Authority on 10 July 2014, as follows:-
 - Site Location Plan 1:1250
 - Dwg No. EMS.2289_03-2 Rev G Planning Layout 1:500
 - Dwg No. A078810-35-18-004 Rev A Proposed Site Access 1:1000
 - Dwg No. CC654/MB/654 Plots 21 & 22 Elevations & Plans 1:100
 - Dwg No. CC654-OP/MB/654/OP Plots 23 Elevations & Plans 1:100
 - Dwg No. CC767/MB/767 Plots 48 & 58 Elevations & Plans 1:100
 - Dwg No. CC767-OP/MB/767-OP Plots 49 & 59 Elevations & Plans 1:100
 - Dwg No. CC978B/MB/978B Plots 9, 42 & 45 Elevations & Plans 1:100
 - Dwg No. CC978B-OP/MB/978B-OP Plots 6, 18, 20, 26 & 50 Elevations & Plans 1:100
 - Dwg No. CC98-OP/MB/98-OP Rev A Plots 3,19 & 27 Elevations & Plans 1:100
 - Dwg No. CC98/MB/98 Plots 5, 10, 40 & 56 Elevations & Plans 1:100
 - Dwg No. CC1274-OP/MB/1274-OP Rev A Plots 7, 11, 38, 39, 57 & 62 Elevations & Plans 1:100
 - Dwg No. CC1274/MB/1274 Plots 2, 8 & 41 Elevations & Plans 1:100
 - Dwg No. CC1585/MB/1585 Plots 1 & 61 Elevations & Plans 1:100
 - Dwg No. CC1763/MB/1763-2 Plots 4 & 12 Elevations 1:100
 - Dwg No. CC1763/MB/1763-1 Plots 4 & 12 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-1/OP Plot 60 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-2/OP Plot 60 Elevations 1:100

- Dwg No. CC1763-OP/MB/1763-2/OP Plot 63 Elevations 1:100
 - Dwg No. CC1763-OP/MB/1763-1/OP Plot 63 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-2/OP Plot 64 Elevations 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-1/OP Plot 64 Plans 1:100
 - Dwg No. AF/654/MB/AF654 Rev A Plots 13, 14, 24, 30, 35, 36, 43, 51 & 52 Elevations & Plans 1:100
 - Dwg No. AF/654-OP/MB/AF654-OP Plots 15, 25, 31, 37, 44 & 53 Elevations & Plans 1:100
 - Dwg No. AF/767-OP/MB/AF767-OP Rev A Plots 17, 29, 34, 47 & 55 Elevations & Plans 1:100
 - Dwg No. AF/767/MB/AF767 Plots 16, 18, 32, 33, 46 & 54 Elevations & Plans 1:100
 - Dwg No. MB/DGS Garage to Plots 2, 3, 5, 6, 10, 11, 18, 19, 27, 28, 41, 42, 57 & 58 Elevations & Plans 1:100
 - Dwg No. MB/DG Garages to Plots 1, 4, 12, 60, 61, 63 & 64 Elevations & Plans 1:100
 - Dwg No. MB/SG Garage to Plots 7, 8, 9, 20, 38, 39, 42, 45, 50 & 62 Elevations & Plans 1:100
- 3 No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, garages and pumping station shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until elevation details and materials for all boundary treatments are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have 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.
- 6 Notwithstanding the submitted plans no development shall commence until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
- a) Planting plans
 - b) Written specifications
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) Maintenance schedule
 - e) Implementation programme
 - f) Areas to be grassed
 - g) Treatment of hard surfaced areas (including the footway access from the site to Station Road).
- 7 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 8 Prior to the commencement of development a scheme for protecting the proposed dwellings from noise from the adjacent industrial estate, nearby road and proposed pumping station, which includes remediation works where required and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to achieve good internal noise levels as detailed in BS8233 and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

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

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
 - d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
 - f) Retention of existing on site drainage ditches, associated pipework and flood flow routes.
 - g) Finished floor levels are set no lower than 150mm above external finished ground levels, and above the top water level of storm water storage facilities where applicable.
- 10 No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. The details shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the discharge quality or operation of any existing storm overflows/combined sewer overflows upstream or downstream on the network, or cause an increase in spill frequency or volume in the foul drainage system.
 - 11 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the approved programme of archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

- 12 No development shall commence until a detailed construction environmental management plan has first been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme. The details shall include:-
 - a. how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination
 - b. a plan showing how such controls will be monitored
 - c. procedure for the investigation of complaints.
- 13 No dwelling hereby approved shall be occupied unless and until a scheme providing for waste and recycling storage points across the site shall first be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collection points should be implemented prior to the first occupation of the dwellings to which they serve.
- 14 No dwelling shall be occupied unless and until the highway works as shown on approved plans Figure 2 Proposed Site Access Drawing No.004 Rev A and Frontage Footway Drawing No. 1612-201 Rev B have been provided and are available for use.
- 15 No dwelling shall be occupied unless and until car parking provision has been provided within the respective curtilage of each dwelling in accordance with Planning Layout Drawing No. EMS.2289_03-2 G. The parking spaces so provided shall thereafter permanently remain available for vehicular parking.
- 16 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 17 Prior to the commencement of development a scheme, in the form of a retractable bollard, to prevent residential traffic using the access to the west of plot 23 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and maintained thereafter. The bollard shall be kept in place except such times when access is required for maintenance of the foul water pumping station and open space.
- 18 The development hereby permitted shall be carried out in accordance with the Great Crested Newt Survey Report and Mitigation Strategy by FPCR dated October 2013 (including the mitigation measures detailed within it), Pond Location Plan Figure 1 Drawing no. MLB/RJS; GCN Capture Proposals Figure 2, Drawing no. 5356-E-02; Newt Culvert Design Figure 3, Drawing no. RLS/SLS and Design Drawing Figure 4, Drawing no. 5356-E-02.
- 19 Prior to the commencement of development a Tree Survey and Tree Protection Plan including hedgerows to be retained shall be prepared to BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To safeguard the amenities of the future occupiers of the proposed dwellings, in the absence of submitted details to accord with Policy BE1 (criterion h) 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, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 10 To protect the water quality and minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 11 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 To ensure a satisfactory standard of off-road vehicle parking in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 17 To prevent general usage of a substandard access in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 19 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.

Notes to Applicant:-

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

Contact Officer:- Simon Atha Ext 5919

Item: 02

Reference: 14/00262/OUT

Applicant: Morris Homes (East) Limited

Location: Land Off Hinckley Road Stoke Golding

Proposal: Residential development (outline - access only)

Target Date: 9 July 2014

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

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

Outline planning permission is sought for residential development with access. All other matters are reserved. The indicative layout suggests that the development could be up to 75

dwelling. The indicative scheme suggests a layout with up to 45 open market dwellings and 30 affordable dwellings.

Vehicular access is proposed from Hinckley Road to the east of the site. A pedestrian/cycle access is proposed to link into Sherwood Road to the east of the site.

The indicative layout suggests a mix of dwellings with formal and informal play and open space located to the north west of the site.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered to the north and east by hedgerows. The site is approximately 3.1 hectares in size. It lies adjacent to, but beyond existing residential development to the eastern and northern edges of Stoke Golding. The site rises gently to the north from the gardens of dwellings along Hinckley Road to the south and gently slopes down from residential dwellings along Sherwood Road to the west to Hinckley Road to the east. The village of Dadlington is located some 240 metres to the north of the site. To the south east of the site are recently constructed dwellings at St Martin's Convent that border onto St Martin's School.

The site falls outside of, but adjacent to, the settlement boundary of Stoke Golding, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

Design and Access Statement - setting out general design principles and site constraints.

Ecology Report - sets out the ecological impacts of the development and proposed mitigation methods.

Flood Risk Assessment - sets out the flood risk implications and drainage strategy.

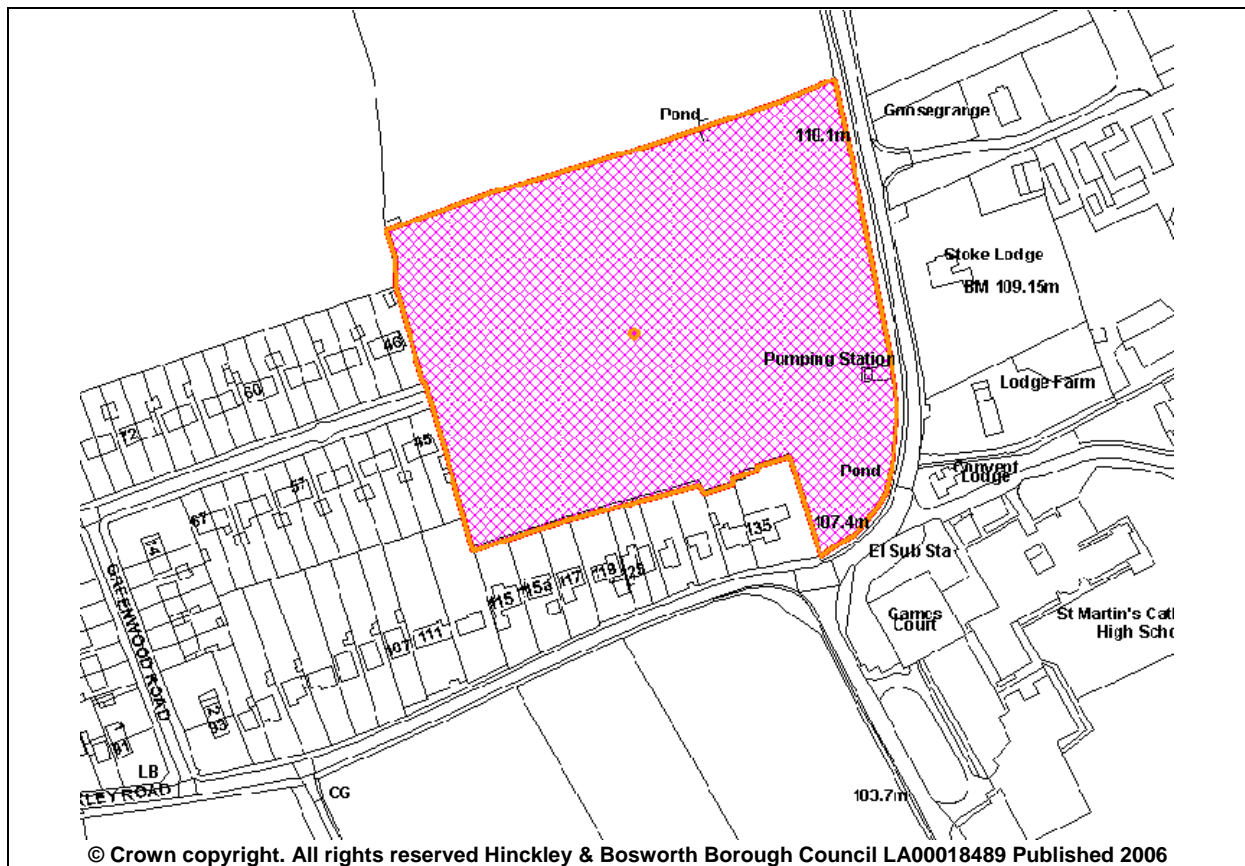
Planning Statement - general statement indicating relevant planning policies to be considered.

Archaeology Survey - summaries the archaeological issues found on site and recommendations.

Transport Statement - indicates the transport implications and highway design details.

Relevant Planning History:-

10/00408/OUT	Residential Development (Outline Access Only).	Refused	20.08.2010 (Appeal Dismissed)
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Consultations:-

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).

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Stoke Golding Parish Council has raised the following objections:-

- a) the parish supported the development of the Convent, a brownfield site, and rejected this site as part of the emerging site allocations process
- b) the development would harm the landscape and local environment
- c) greenfield site outside of the settlement boundary
- d) proposal would harm the setting and separation of the villages of Stoke Golding and Dadlington
- e) the layout suggests that there could be further development from other fields in the future
- f) the path proposed to Sherwood Road could be easily made into a highway
- g) the loss of the ridge and furrow field would be detrimental

- h) the site is close to the Battlefield site
- i) the housing need for Stoke Golding has been met
- j) the site is Grade 2 agricultural land
- k) would be contrary to the Village Plan
- l) there is already a wide range of types of dwellings within the village
- m) the Convent site provides enough affordable housing to meet the local need
- n) the applicant has not engaged with the village
- o) there are existing sewage and drainage problems
- p) surface drainage will create flooding issues
- q) highway safety issues on Hinckley Road
- r) healthcare facilities are already stretched
- s) public transport and cycle provision is poor
- t) rural areas should not have to take the shortfall of delivery in the urban areas.

Sutton Cheney Parish Council has raised the following objections:-

- a) Dadlington is located within the parish of Sutton Cheney and merging of Stoke and Dadlington villages would be harmful
- b) the access is close to Dadlington and will increase traffic levels in the village
- c) highway safety issues at the junction with Hinckley Road
- d) the Convent development has already met the housing needs
- e) drainage would cause further problems at Shenton.

Stoke Golding Heritage Group has raised the following objections:-

- a) significant weight should be given to the pre-submission Site Allocations DPD which does not allocate any land within Stoke Golding for housing
- b) the new policies within the Site Allocations DPD seek to prevent settlements from merging in order to preserve their identity
- c) the ridge and furrow is locally important and should be retained
- d) whilst the Core Strategy expressed the policy as a minimum it should not double the size of the village
- e) the developers have a backlog of homes to deliver due to the recession
- f) no local need for the development
- g) the scheme does not improve biodiversity.

David Tredinnick MP has raised the following objections:-

- a) the issues in the previous appeal decision remain valid today
- b) loss of green space between Stoke Golding and Dadlington
- c) 60 dwellings have already been delivered at the Convent
- d) additional dwellings would place pressure on existing services
- e) highway safety risk of increased traffic between the two villages and on St Martin's School.

County Councillor Ould has raised the following objections:-

- a) as the previous appeal decision is less than three years old it should be given considerable weight
- b) Stoke Golding's allocation has been met through the Core Strategy has been met for the village with the St Martin's Convent site
- c) the proposal would result in the loss of a Greenfield site with medieval features
- d) site is outside of the village boundary
- e) would result in the loss of separation between Stoke Golding and Dadlington
- f) sewage problems would be created

- g) piecemeal unsustainable development
- h) traffic and highway safety risks
- i) the development would be visually prominent within the landscape.

78 letters of objection were received from local residents. Summary of comments received:-

- a) same as previous scheme which was dismissed at appeal
- b) contrary to the Core Strategy
- c) drainage issues and risk of flooding
- d) traffic and highway safety implications close to St Martin's School
- e) poor existing local infrastructure and facilities will be under even more pressure
- f) loss of separation between Stoke Golding and Dadlington
- g) Stoke Golding has already met its housing needs
- h) harmful impacts in terms of the character and landscape
- i) loss of ridge and furrow would be detrimental
- j) contrary to parts of the NPPF which seeks to preserve biodiversity and the natural environment
- k) the proposal would harm ecology
- l) more development should take place in the urban areas as opposed to rural areas
- m) shortfalls in housing can be made when the SUEs start to deliver
- n) ncrease in pupil numbers at St Martin's School will increase the risk of children being injured on the road
- o) the development does not support the environmental role as set out in the NPPF
- p) brownfield sites should be used in preference
- q) primary school cannot accommodate any more children
- r) unsustainable development in the countryside
- s) the community has stated that it does not want the development and localism should count
- t) traffic problems from the SUEs
- u) loss of water pressure would affect neighbouring properties
- v) would be contrary to countryside protection policies
- w) village hall is at capacity.

1 letter of support has been received for the proposal.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
 The National Planning Practice Guidance (NPPG) 2014
 The Community Infrastructure Levy (CIL) Regulations 2010.

Hinckley & Bosworth Core Strategy 2009

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

Hinckley & 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 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.

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

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

Appraisal:-

The main considerations in the determination of this application are:-

- principle of development
- planning history
- Impact upon the character and appearance of the countryside
- Impact on residential amenity
- highway considerations
- drainage and flood risk,
- archaeology
- ecology & trees
- affordable housing
- Infrastructure improvements.

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there 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
- 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
- Specific policies in the NPPF indicate development should be restricted.

Core Strategy

Policy 7 of the Core Strategy states that in Key Rural Centres housing will be provided within settlement boundaries to provide for a mix of housing. Stoke Golding is defined as a Key Rural Centre due to the local services and facilities it has in place.

Policy 11 of the Core Strategy states that through the plan period land will be allocated for a minimum of 60 dwellings to be provided within Stoke Golding that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels. This requirement was met through granting permission for 59 dwellings at St Martin's Convent (ref: 10/00358/OUT) and other smaller sites within the settlement boundary.

Emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March and responses are being considered before submission to the Secretary of State. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage.

Paragraph 7.30 of the emerging (pre-submission) DPD sets out that the residual minimum housing requirement for Stoke Golding has been met and as a result, no additional sites were required to be allocated for residential development. However, even if that document were approved, this does not mean that speculative applications for housing developments on other sites within or close to the settlement should not be approved. Such applications need to be considered on their merits against all relevant policies and other material planning considerations.

Housing Land Supply

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.

As at April 2014, the Borough Council does not have a five year supply of deliverable housing sites. 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.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there 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

- 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
- specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

Local Plan

The site lies outside of the current settlement boundary of Stoke Golding, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

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, in light of the recent Stanton under Bardon appeal decision (ref: APP/K2420/A/13/2200224) 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 afford only limited weight in consideration of the application.

The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

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 for a mix of both market and affordable housing, which is appraised below, 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 housing shortfall which would enhance the quality, vibrancy and health of the local community.

Environmental - While the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built to reflect the character of the surrounding area. This point is appraised in further detail below in addition to the impact of the development upon the countryside and local environment.

Summary

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 the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

Local residents within the parish of Stoke Golding may consider that their 'quota' has been met in terms of the requirement of 60 dwellings as set out in Policy 7 of the Core Strategy which has been achieved. However, it is clear following recent appeal decisions such as those at Three Pots and Workhouse Lane, Burbage and Main Street, Stanton-under-Bardon that the onus of the Council achieving a five year supply of deliverable housing sites applies Borough wide.

In the absence of a five year supply of housing sites, the settlement housing targets as set out in the Core Strategy can be afforded little weight. Furthermore, the housing requirements as set out in Policy 7 is expressed as a minimum to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need.

The proposal would help to meet the Council's housing shortfall and would contribute towards achieving a five year supply of housing land. The development is therefore considered to be acceptable in principle subject to all other material considerations being addressed.

Planning History

The site is subject to a previous outline planning application for 75 dwellings (ref: 10/00408/OUT) which was refused and dismissed at appeal in May 2011. The scheme now proposed is broadly similar to that which was refused and dismissed. Consideration therefore needs to be given to the principles of continuity in decision making and whether the development plan or other material considerations have changed since this previous decision was taken. The development plan has not changed since this appeal decision was made. The Core Strategy was in place in addition to the Local Plan. However, the major material change has been the introduction of the NPPF in March 2012, superseding previous national policies within Planning Policy Statements and Guidance Notes. As discussed above the NPPF sets out the presumption in favour of sustainable development and the need for local authorities to have a five year supply of deliverable housing sites.

The previous application was refused and dismissed on the basis that the proposal would undermine the Core Strategy and spatial vision for Stoke Golding. This was due to the fact that at the time the Council was projecting significant delivery of the planned number of dwellings later in the plan period at the two SUEs at Barwell and Earl Shilton. This is known as the residual method (Liverpool) where early shortfalls in housing delivery are made up later in the plan period. Whereas the alternative method, which the recently published National Planning Practice Guidance (NPPG) advocates, is that where possible the past undersupply of housing should be dealt with within the next five years (the Sedgefield approach). Due to the outcome of several recent appeals, and the delays with the delivery of the two SUEs, the Council accepts the latest approach as set out in the NPPG that the Sedgefield approach is now the most appropriate method of calculating housing land supply to boost the supply of housing and make up the shortfall in providing deliverable sites.

Therefore both the introduction of the NPPF in 2012 and NPPG earlier this year are both important material considerations that have been introduced since the previous appeal decision was taken. As discussed above given the presumption in favour of sustainable

development and lack of a five year supply the principle of development is now considered to be acceptable.

It is important to note that the Inspector in this previous decision did not consider that a scheme of the quality proposed would, in itself, seriously damage the character of the village, the appearance of the countryside or any feature that ought to be preserved. These points are appraised for the current proposal below.

In addition, it is of note that the site was put forward in the Strategic Housing Land Availability Report (SHLAR) 2013 but was discounted due to the site being Grade 2 agricultural land.

Impact upon the Character and Appearance of the Countryside

As discussed above the site in policy terms lies outside of the defined settlement boundary for Stoke Golding 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.

In addition, 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.

The south and west of the site is bound by the defined settlement boundary of Stoke Golding and residential development along Hinckley Road and Sherwood Road. The proposal would involve building on a greenfield site on land beyond, but adjacent to, the settlement boundary. The development of 59 dwellings at St Martin's Convent, whilst partly brownfield, was permitted some distance from the settlement boundary. When read in the context of this site, which is close to completion, together with the scale and position of buildings at the adjacent St Martin's School and with the existing residential development along Hinckley Road to the south of the site would form a natural extension to the village. It is not considered that this site, given its setting, constitutes an open rural countryside location.

Whilst the indicative layout would offer the potential to provide a high quality development, there are issues with the indicative layout such as parking courts for smaller units, rear garden sizes for some units and the internal roads which would not meet adoptable highway standards that would need to be improved as part of the reserved matters submission to ensure that the development would be well integrated within the pattern and form of the village and the surrounding landscape. The proposal would also provide the potential to provide pedestrian/cycle links and connectivity to the existing village via Sherwood Road.

Concern has been raised about the potential for the merging of the two settlements of Stoke Golding and Dadlington to the north. Whilst this development would be closer to Dadlington,

it would encroach no further than the property known as 'Goosegrange' to the east of Hinckley Road leaving a gap of approximately 240 metres between the two settlements.

It is considered that the proposal would have minimal harm to the character and appearance of the countryside, the surrounding area or the setting of the village and nor would the proposal encroach upon the separation of Stoke Golding and Dadlington. The proposal is therefore considered in environmental terms to be sustainable as per the NPPF and would be in accordance with the design criteria of Saved Policies NE5 and BE1.

The design, siting and layout of the dwellings proposed has been reserved and will be considered as part of any forthcoming reserved matters application.

Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 30 dwellings to the hectare to be achieved within Key Rural Centres unless individual site characteristics indicate otherwise.

The site area is 3.01 hectares. 75 dwellings proposed would equate to approximately 25 dwellings per hectare which would be lower than required by Policy 16. However, given the requirement to retain hedgerows to the northern and eastern boundaries of the site and to respect that the site is located to the edge of the village a lower density is considered to be acceptable in this instance.

The proposed mix is envisaged to include detached, semi-detached and terraced dwellings as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16. The detailed mix of house types would be agreed as part of a reserved matters submission.

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 based on 75 dwellings, the provision should be for 30 affordable units; 23 units for social rent and 7 for intermediate tenure.

As of April 2014 there are 214 waiting list applicants broken down into the following need categories: 98 require 1 bedroom properties, 74 require 2 bedroom properties, 34 require 3 bedroom properties and 8 require 4 or more bedroom properties. Of those 36 applicants are over 60 and would therefore be eligible for older people's bungalows. 17 of the applicants state they have a local connection to Stoke Golding.

The developer has offered a mix of 3 x 1 bedroom flats, 21 x 2 bedroom houses and 6 x 3 bedroom houses. The final mix will be subject to the detailed design / layout of the scheme, which would be subject to reserved matters approval.

The tenure split, design and location of affordable housing units within the scheme has been considered by the Council's Housing and Enabling Officer who is satisfied with the anticipated mix given which will help to meet the housing need in Stoke Golding where small family and starter sized homes are more desirable.

As this is an outline application full details of the siting and layout of the affordable dwellings are not for consideration and will be dealt with at the reserved matters stage. However, in

accordance with the Affordable Housing SPD a clause would be included in the S106 Agreement to ensure that the affordable housing is spread across the site in small clusters of four to six dwellings. As the site is also located within a rural area a local connections policy to Stoke Golding has been including to require applicants in the first instance to have a connection to Stoke Golding and then to the Borough.

There is a high demand in Stoke Golding for affordable properties and the waiting list shows that there is an acute housing need. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

It is considered that the delivery of 40% affordable housing in this rural area is a key material consideration that weighs favourably in the balance of meeting the social needs of sustainability as supported by the NPPF.

Impact on Residential Amenity

Policy BE1 (criterion i) states that development proposals should not detrimentally impact upon residential amenity.

The nearest neighbouring residential dwellings are located to Hinckley Road to the south of the site (No's. 115 to 135), Hinckley Road to the east (Lodge Farm, Stoke Lodge and Goose Grange) and dwellings along Sherwood Road to the west (No's. 45 and 46) immediately to the west of the site.

The indicative layout suggests that the rear elevations of dwellings proposed to the south of the site would be approximately 30 - 32 metres from the rear elevations of dwellings to the south along Hinckley Road which would be an acceptable separation distance to not create an impact from overlooking or overshadowing.

The rear elevations proposed to dwellings to the rear of the site would sit at 90 degrees to the rear elevation of No. 45 Sherwood Road and would be off sufficient distance to not create a significant issue through overlooking. Dwellings located to the east of Hinckley Road would be sited opposite the highway and are set back sufficiently in terms of front garden depth to not be impacted upon by the proposed development.

Subject to detailed layout improvements as part of the reserved matters application, the scheme, in principle, is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to conditions and concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

Conditions have been suggested in respect of off-site works for the provision of a mini-roundabout at the junction of Hinckley Road/Stoke Road and a pedestrian crossing on Hinckley Road. It is not considered reasonable to impose these conditions as these works are currently the subject of S278 approval as part of the adjacent Covent development and as such are planned to be completed during this summer period and would be in place before this development were to commence.

Footpath improvements are proposed to widen the existing footway along Hinckley Road to the site entrance.

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 Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

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 as part of the reserved matters submission and has been imposed as a condition.

Saved 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 the indicative layout and Design & Access Statement suggests that there is a mixture of frontage and side parking, and single and double garages which are subservient in scale and would use similar materials to the proposed dwellings. Roads are indicated to be broken up with both hard surfaced and block paving which will be secured by way of condition. Details of wooden fencing, brick walls and general boundary treatment will also be subject to a condition in order to ensure such treatment maintains privacy and is visually acceptable. As part of a reserved matters application high quality boundary treatments would be required to plots where they face public spaces.

In principle, the landscaping elements of the proposal comply with Saved Policies NE12 and BE1

Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

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).

No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement. The Environment Agency has requested conditions relating to details of the scheme to discharge surface water from the site to the River Tweed tributary to be submitted prior to commencement.

Drainage and flooding is a particular concern that has been raised by local residents particularly those along Hinckley Road to the south of the site as an existing sewer runs through the rear of those gardens. The applicant's submitted Flood Risk Assessment states that a network of underground pipework is proposed within the road network which will convey flows through the site and converge at the flow control chamber within the site

entrance. An offsite surface water sewer will also be required to convey the restricted flows to an existing watercourse approximately 500 metres to the south. Regard has also been had to points raised by residents that the existing watercourse is at capacity as a result of the adjacent Convent development. Severn Trent have confirmed that there is adequate capacity and that a technical solution to the discharge of both surface and foul water can be achieved.

The proposal is therefore considered to be in accordance with Saved Policy NE14 and would not create a flood risk and would be able to satisfactorily provide new surface water drainage and foul water to accommodate the proposed development.

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. 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.

The applicant's desk-based Archaeology Survey has been considered by LCC Archaeology who confirms that the application site appears to contain medieval Ridge and Furrow earthworks, which represent the remains of medieval and post-medieval agricultural cultivation. It is recommended that a topographic survey of the earthworks should be undertaken prior to their loss and conditions have been imposed accordingly.

Concern has also been raised that the development would affect the historic nature of the site as the area potentially formed part of the Battle of Bosworth in 1485 where bodies were known to have been buried in the church yard of St. James Church Dadlington. However, evidence points that the battle took place to the north of Dadlington somewhere between Shenton and Sutton Cheney. Therefore from an archaeological perspective this site is not considered to impact upon the battlefield.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

Ecology & Trees

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An initial ecology report was submitted with the application, which has been considered by LCC Ecology. Concerns were raised as the survey was carried out in February outside of the optimal survey period. A further survey was carried out in June. LCC Ecology have raised no objection as the grassland species has been assessed as poor and the ponds highlighted as below average habitats for Great Crested Newts. The loss of 15 metres of hedging to form the access is not considered to be significantly detrimental and a condition requiring a detailed landscaping scheme to be prepared and submitted has been imposed. No protected species or habitats of note were found on site.

The Council's Tree Officer has considered the proposal and suggests that the illustrative site layout and proposed access indicate a conflict between the successful retention of two Ash trees and an Oak tree. At the reserved matters stage a detailed tree survey would be

required to ensure that any proposed dwellings avoid the root protection areas of trees to be retained. The proposed access may result in the loss of an Ash tree and if this is necessary then appropriate compensatory planting within the site would be expected as part of the landscaping plan to mitigate for this loss.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the guidance as set out within the NPPF.

Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The 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.

Play and Open Space

Policy 19 of the Core Strategy 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).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Hall Drive Playing Fields, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 75 dwellings this would total £44,010.00. The Parish Council have expressed a wish to see the existing sports pavilion upgraded and maintained which the contribution is expected to fund. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space.

There is no equipped or informal children's play space within 400 metres of the proposed development. As such the development is required to provide equipped open space at 5 sq m per dwelling and informal open play space is required at 15 sq m per dwelling in accordance with Saved Policy REC3.

The indicative layout proposes an equipped LEAP and informal open play space area to the north west of the site. This would also have the added benefit of offering use to the existing local community as there is pedestrian/cycle access proposed from Sherwood Road.

The onsite play and open space is required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council, otherwise the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £707.00 per dwelling or £53,025.00 in total based

upon 75 dwellings. The maintenance contribution for the informal on-site play space is £159.00 per dwelling or £11,925.00 based upon 75 dwellings. These amounts are as set out in the Play & Open Space SPD.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £217,782.18 is sought for primary education provision at St Margaret's CofE Primary School. A contribution of £134,071.28 is sought for secondary education at Redmoor High School. A contribution of £137,663.70 is sought for upper school education at John Cleveland College. The total contribution request is £489,517.16. The contribution would be used to address existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

It should be noted that whilst the nearest secondary school is actually St. Martin's Catholic Voluntary Academy immediately to the south east of the site because this is a faith school funded by the diocese, with an admission policy, it does not fall under the Local Education Authority and as such contributions cannot be taken.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £4080.00 for use of provision and enhancement of library facilities at Hinckley Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,529.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 22 tonnes of waste generated by the development and given that the total waste collected is 8,200 tonnes per annum, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Transport

A request has been made from Leicestershire County Council Highways for Travel Packs including bus passes at two per dwelling for a six month period to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £325.00 per pass.

Improvements are sought to two bus stops on Hinckley Road (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop or £6,526.00 in total. Contributions are also sought to equip the nearest bus stops on Stoke Road to the frontage of St Martin's School with bus shelters at £4908.00 per shelter and real-time-information systems at a total of £5,150.00. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for disabled users and an enhancement in the facilities. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

Police

Leicestershire Constabulary have requested a total contribution of £20,463.00 for 40% of a new member of staff, vehicles, additional radio capacity, police database capacity, control room telephony, ANPR cameras, mobile CCTV, improvements at police premises and hub equipment. It is accepted that the NPPF supports the creation of sustainable, healthy and safe communities which in the first instance should be achieved through good design and reducing opportunities for crime. This would be supported by policing and as such Police contributions could be justified to be necessary. However, it is not considered that the Police have adequately demonstrated that the contributions requested are directly related in scale and kind to the development proposed, particularly when it is unclear exactly how 45% of a staff member would be deployed and how this development could require improvements to Force HQ in Enderby as opposed to there being community policing improvements in Stoke Golding itself. As such the contribution request is not considered to be CIL compliant.

Other Matters

Some residents have raised concern that the proposal is contrary to the Government's localism agenda. The Government has made it clear through the Housing and Growth Ministerial Statement (6th September 2012), that alongside the communities' power to plan comes the responsibility to meet the development and growth needs of communities and to deal effectively with proposals that will deliver homes, jobs and facilities.

Concerns relating to property devaluation and loss of views are not material planning considerations.

Concern relating to flood risk and drainage have been considered above and neither the Head of Community Services (Drainage), the Environment Agency or Severn Trent have raised an objection.

In response to wildlife concerns, the appellant has conducted an ecological survey which has been considered and found that the development would not adversely affect wildlife or protected species.

Concerns were expressed over traffic generation and the visibility of the proposed vehicular access, together with the associated congestion and highway safety. The Highway Authority has not objected to the scheme subject to conditions to cover aspects such as the visibility of the access and parking requirements. Concern has been raised that the development could provide a vehicular access to Sherwood Road. As access is a consideration at this outline stage it would not be possible for the developer to provide a new vehicular means of access to Sherwood Road without a revised application being submitted for consideration.

Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3. Overall it is not considered to the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area that the proposal would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside or Policy 12 of the Core Strategy which sets out the allocation for Stoke Golding of 60 dwellings which has been met.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as policy RES5 of the Local Plan and Policy 12 of the Core Strategy, should not be considered up to date.

In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a reasonably sustainable location within a Key Rural Centre. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 40%, meeting the policy requirement, is considered to be a significant material consideration that weighs heavily in the balance. The development would not harm the character and appearance of the area, ecology, archaeology or heritage. Therefore the proposal would not have significant environmental impacts that would outweigh principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

Collectively the above factors weigh heavily in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have carefully been taken into account.

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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 Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan 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, NE5, NE12, NE14, BE1, BE16, T5 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 11,15,16,17 and19.

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.

Conditions:-

Time Limit

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

Reserved Matters

- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - ii) The scale of each building proposed in relation to its surroundings.
 - iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Approved Plans

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan 1:1250 and Dwg No. 16482/2002/ Rev D Proposed Junction Detail 1:200 received 09 April 2014.

Construction Hours

- 4 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.

Materials

- 5 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.

Levels

- 6 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.

Landscaping

- 7 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.
- 8 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.

Tree & Hedgerow Protection

- 9 Prior to the commencement of development a Tree Survey and Tree Protection Plan including hedgerows to be retained shall be prepared to BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Ecology

- 10 The development shall be carried out in accordance with the recommendations contained within the Ecological Report prepared by FPCR dated July 2014.

Archaeology

- 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 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.

Drainage & Flood Risk

- 12 Prior to the commencement of development a scheme to provide the off-site surface water sewage system from the site to the River Tweed tributary as shown on Dwg No. 10025/1/C within the Flood Risk Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details.
- 13 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted in writing to and approved in writing by the local planning authority.
The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

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

The scheme shall be implemented in accordance with the approved details and implementation period.

- 14 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.
- 15 The development shall be carried out in accordance with the Flood Risk Assessment prepared by Travis Baker (Rev B) February 2014. the following mitigation measures shall be implemented:-

- a) Paragraphs 2.3.6 and 3.2.3. Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off-site.
- b) Paragraphs 3.2.5 and 3.2.8. Provision of a minimum of 100 m3 of surface water run-off attenuation storage on site to accommodate the difference between the allowable discharge rate of 18.2l/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- c) Paragraph 3.3.3. Provision of on plot SUDs surface water run-off attenuation storage in the form of lined permeable paving to private drives and parking court areas, connected to the main on-site surface water sewer network.
- d) Paragraph 2.1.2. Retention of the shallow ditch along the boundary with Hinckley Road.

Highways

- 16 Before first occupation of any dwelling, visibility splays of 2.4 metres by 54 metres shall be provided at the junction of the access with Hinckley Road as shown on Dwg No. 16482-2002-Rev D. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained.
- 17 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 18 Prior to commencement of the development hereby, details of the shared cycleway/footway from within the site to Sherwood Road shall be submitted to and approved in writing by the Local Planning Authority. The approved cycleway/footway shall be completed prior to the first occupation of the 50th dwelling.
- 19 Before the first occupation of the 26th dwelling hereby permitted, the existing footway at the frontage of the site shall be widened in accordance with the detail as shown on Dwg No. 16482-2002-Rev D to a minimum width of not less than 2.0 metres and the works completed to the satisfaction of the Highway Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure satisfactory landscaping is provided in the interests of visual amenity in accordance with Policy NE12 and Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 10 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 11 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
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- 15 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure suitable connectivity and access to the adjoining residential area in accordance with Policy BE1 (criterion a) and Policy T5 of the of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 In the interests of pedestrian safety 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:- Simon Atha Ext 5919

Item: 03

Reference: 14/00360/FUL

Applicant: Mr Chris Butler

Location: 166 Station Road Ratby Leicester

Proposal: Change of use from storage and distribution (B8) to mixed use storage and distribution (B8) and general industry (B2) use including extensions and alterations to premises

Target Date: 13 August 2014

RECOMMENDATION:- Refuse planning permission.

Introduction:-

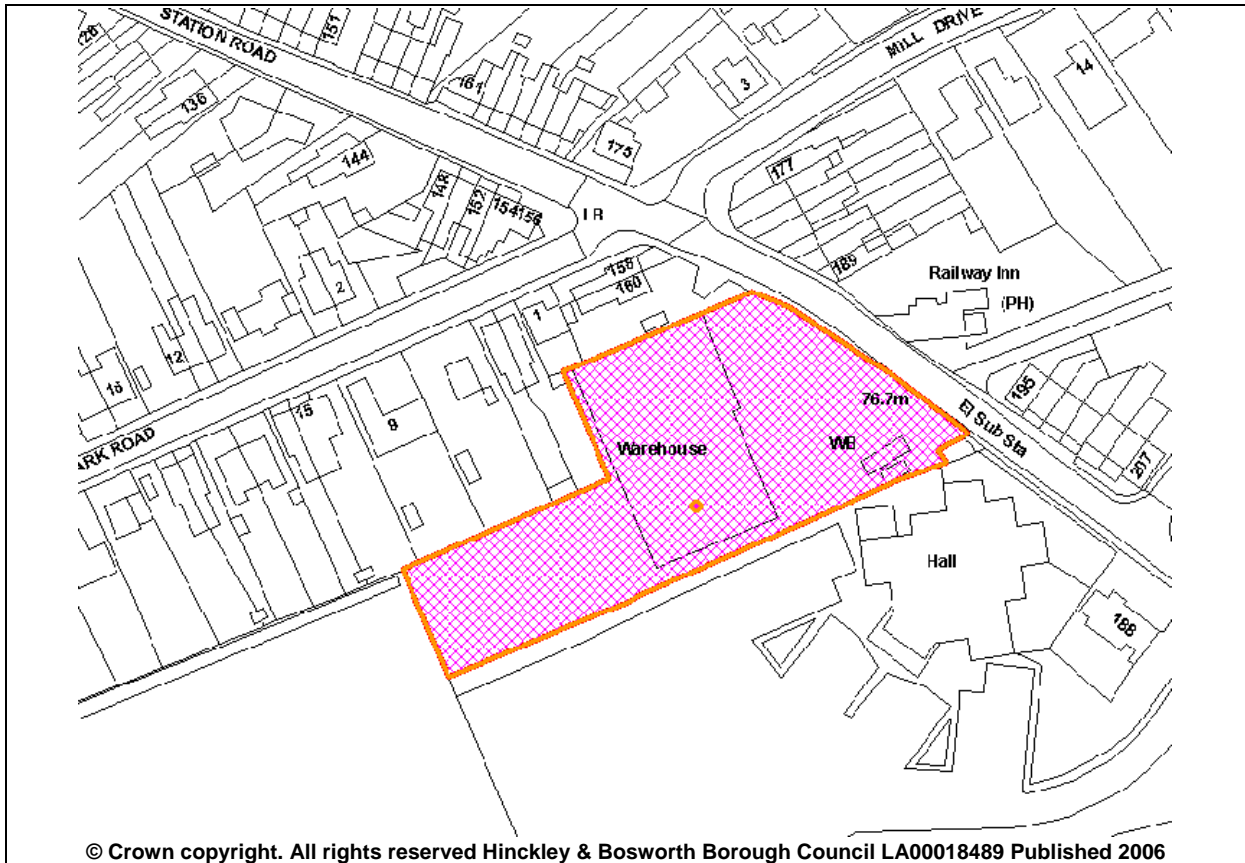
This application seeks to change the use of this storage and distribution warehouse (Use Class B8) to a mixed use storage and distribution and general industry. The application also involves a two storey extension to the front of the unit (108sqm) to provide office accommodation, a storm porch to the gatehouse (2.15 sqm), a rear extension to accommodate a plant room (748 sqm) and an external cyclo filter and storage silo to the rear of the unit. The application also involves a 2.4m high paladin green security fence including brick plinth.

The unit is located off Station Road and the site measures approximately 0.45 hectares which is mainly flat. The unit is currently vacant. The applicants (Butlers of Leicester - a joinery manufacturer) are relocating from a premises in Leicester city. It is understood that they are relocating to a larger unit as they have outgrown their existing premises.

The application site borders an existing residential area to the north, to the north east is a public house and to the south is a religious meeting hall.

Relevant Planning History:-

04/00058/COU	Change of use from industrial use (B2) to warehousing (B8)	permitted	16 03 04
95/00262/FUL	Erection of maintenance store	permitted	01 06 95



Consultations:-

Objection received from:-

Head of Community Services (Pollution).

No objections subject to conditions have been received from:-

Director of Environment and Transport (Highways)

Head of Community Services (Drainage)

Head of Community Services (Waste Services).

Site notice displayed and neighbours notified. Three responses have been received both of which object to the application on the following grounds:-

Increase in noise

Increase in traffic congestion

It has been some years since the unit was used commercially and even then the only real impact was increased traffic.

Policy:-

National Planning Policy Framework (NPPF)

Local Plan 2006-2026: Core Strategy 2009
Policy 7
Policy 8

Hinckley & Bosworth Local Plan (2001)

Policy EMP1
Policy EMP2
Policy BE1

Employment Land and Premises Study 2013.

Appraisal:-

The main issues are the principle of development, impact upon residential amenity, design of proposals and highway considerations.

Principle of development

The site is located within the settlement boundary for Ratby and as such there is a presumption in favour of sustainable development. Paragraph 19 of the NPPF supports proposals which contribute towards sustainable economic growth.

Policies 7 and 8 of the Core Strategy state that within key rural centres such as Ratby the enhancement of employment sites will be supported to ensure there is a range of employment uses. The applicants have stated that 17 jobs will be provided on site (16 full time and 1 part time).

Policies EM1 and EMP2 of the Local Plan seek to protect allocated employment sites such as in Ratby and permit development for the expansion of existing firms subject to meeting design, layout, landscaping, access, parking and highway requirements, safeguarding amenity and protecting the character and appearance of the site and its immediate environment. In addition, BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy BE1 (criterion i) states that proposals must not have a detrimental impact upon the amenities of neighbouring properties.

The Employment Land and Premises Study (2013) states that there is a shortage of employment land across Leicestershire. The study primarily focuses on larger scale industrial estates however it states that as Ratby is located close to the Leicester conurbation and the M1, it offers accessible employment opportunities.

The continued use of the site for employment purposes is to be welcomed as it provides valuable job opportunities for the community. The continued use of the site for employment purposes is acceptable in principle subject to all other planning matters being appropriately addressed.

Impact upon residential amenity

The site is located within a predominately residential area and therefore the introduction of a general industrial use needs to be assessed against any potential impact on neighbouring residents. Residential properties lie to the northern boundary of the site with their rear gardens backing on to the application site. The impact upon occupiers of these properties is therefore a key consideration.

The premises would comprise a woodwork shop with machines for cutting etc. This is expected to generate significant levels of noise which has not been fully considered by the application and the submitted noise report. There is also concern that ventilation to the shop floor would be required by opening external doors and so allowing the breakout of noise which has the potential to impact upon the amenities of nearby residential properties. Whilst it may be possible to deal with this by condition (by keeping the doors closed) only limited information has been submitted with regard to potential noise levels arising from the new activity and therefore it is not possible to assess the level of noise escaping from the building.

A plant room is proposed to the rear of the premises. The doors of which open up directly on the boundary to the gardens of nearby residential properties which provides the potential for noise disturbance. Relocation of the plant room to another elevation is likely to move the noise source adjacent to other residential premises and consequently this is solution is unlikely to be acceptable. The submitted noise report makes no reference to the noise impact from the plant on domestic gardens which lie within 12m of the plant room. The plant room will also house a wood burner. Full specifications of the wood burner have not been provided with the application documents, which makes it very difficult to assess the impact or to determine whether planning conditions could be used to mitigate the harm. Details of the burn rate of the woodburner are required to allow a full assessment to be made on the potential impact on air quality upon nearby residential properties. This information has been requested but not submitted as part of the application.

There is no information provided within the noise report on the impact of the cyclone and silo system which are proposed to be located to the rear of the building. The cyclone and silo system are external and a maximum of 10.2m high which consequently means that mitigating any noise generated is likely to be difficult.

It is appreciated that occupiers of nearby residential properties are accustomed to noise associated with the operation of a storage and distribution use. However, a general industrial use (and in particular the use proposed by the applicant) is likely to expose the occupiers to a significant amount of unacceptable noise and could potentially impact upon air quality within the vicinity of the site. Discussions have taken place with the agent and their noise consultant with regard to what additional information is required in order to further assess the application. This information has not been provided and the applicant has asked that the application is determined on the basis of the information submitted.

Design

The application involves a two storey extension to the front of the unit (108sqm) to provide office accommodation which involves an extension projecting 5.5m at a height of 5m with materials to match the existing. Whilst the extension will have a flat roof this is considered to be acceptable as the design is in keeping with the existing industrial building and it is not considered to have a significant adverse impact on the street scene. A rear extension is also proposed to accommodate the plant room (748sqm) and an external cyclo filter and silo. The maximum height of the silo is 10.2m. This is set behind the plant room to reduce any external impact. The plant room is set approximately 30m from the rear wall of the nearest residential property on Park Road, to the north of the application site. To the south is a continuous 11m high tree belt which shields the site from the adjacent religious meeting hall. It is therefore considered that the plant room will have limited visual impact when viewed from neighbouring properties or the wider streetscene.

The application proposes a storm porch to the gatehouse (2.15sqm) and a 2.4m high paladin green security fence. There is currently a 0.5m brick plinth with temporary security fencing to the front of the premises securing the site. It is considered that the fencing is acceptable and would have no adverse visual impact upon the street scene.

The design of the extensions are therefore considered to be acceptable and in accordance with Policy BE1 (criteria a) of the Local Plan.

Highway considerations

BE1 (criterion g) and T5 of the adopted Local Plan require that development will not generate traffic likely to exceed the capacity of the highway network or impair road safety, provides adequate highway visibility for road users and adequate off-street vehicle parking and turning facilities.

Parking provision will remain as existing with visitor parking to the front of the premises with a further parking area to the rear of the site comprising a total of 42 car parking spaces.

It is not considered that the proposal will result in a material increase in traffic visiting the site and therefore is considered to be acceptable with regards to highway safety.

Conclusion

While the proposal would generate important employment opportunities for local people, this doesn't outweigh the concerns about the potential impacts upon occupiers of nearby residential properties. The information submitted with the application is not considered to be sufficient to enable the council to be satisfied that significant impact will not be caused to nearby residential properties as a result of noise and emissions. It is not possible to condition the information to be submitted as this information may be not overcome issues of potential noise disturbance to the occupiers of neighbouring properties or issues with air quality within the local vicinity. In the event that planning permission is refused, the applicant will have the opportunity to re-submit a further planning application, accompanied by more detailed information to allow the impacts to be fully assessed.

RECOMMENDATION:- Refuse planning permission.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

In dealing with the application and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the use of the premises for B2 General Industrial use is considered to give rise to unacceptable levels of noise and disturbance to the occupiers to neighbouring residential properties.

Reasons:-

- 1 In the opinion of the Local Planning Authority based upon the limited information which has been submitted with the application, the use of the premises for a mixed general industrial and storage and distribution use would give rise to unacceptable levels of noise and disturbance to the occupiers of neighbouring residential properties and would also have a adverse impact upon air quality from the proposed wood burner. The proposed development is therefore contrary to Policies BE1 (criterion i) and EMP2 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Rebecca Grant Ext 5895

Item: 04
Reference: 14/00536/FUL
Applicant: Mr A Burr
Location: Land Adjacent To 5 Kingfisher Way Sheepy Parva
Proposal: Erection of a live/work unit (revised proposal)
Target Date: 24 July 2014

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a dwelling to be used as a live/work unit on land adjacent to 5 Kingfisher Way, Sheepy Magna.

The dwelling proposed is a two storey detached dwelling. The total floor space of the dwelling would be 94 square metres with 33% of the ground floor area is proposed to be used for work with office, reception, staff kitchen, board room and WC/cloakroom.

The dwelling would be brick built with high gables and tall chimneys.

The dwelling would be sited centrally in the plot and a driveway would connect to the existing entrance point to the paddock off Kingfisher Way. Vehicle parking is proposed in the form of a double garage with parking and turning available to the front of the dwelling.

The Site and Surrounding Area

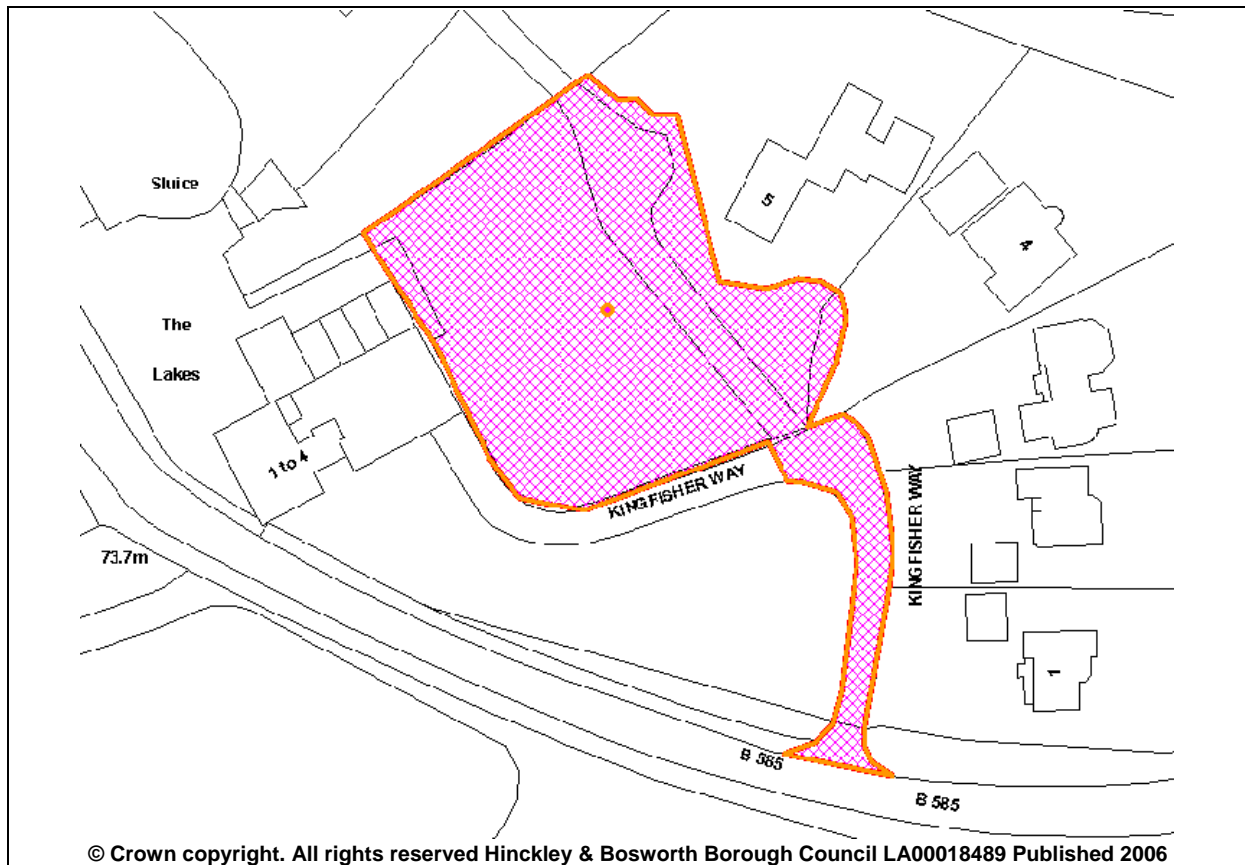
The site is located outside of the settlement boundary for Sheepy Magna and is approximately 0.2 hectares in size and is roughly square in shape. The site is located to the west of No. 5 Kingfisher Way. Kingfisher Way comprises five residential dwellings. The dwellings are large detached two storey properties. The site is currently used as a paddock. To the south of the site is Sheepy Mill, a four storey block of flats which is a converted mill. To the rear of the application site is the River Sence with mature trees to this boundary.

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Habitat Survey
Flood Risk Assessment
Arboricultural Survey.

Relevant Planning History:-

14/00135/FUL	Erection of a live/work unit	Withdrawn	09.04.14
06/01282/FUL	Erection of one dwelling	Refused	08.03.07
01/00656/FUL	Construction of tennis court & retention of fishing lodge	Approved	13.09.01



Consultations:-

Site notice was displayed and neighbours notified.

No objections subject to conditions have been received from:-

Head of Community Services (Drainage)
 Head of Community Services (Pollution)
 LCC Directorate of Chief Executive (Ecology)
 LCC Director of Environment and Transport (Highways)
 Environment Agency.

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

- a) flooding issues
- b) the work element of the proposal will attract high traffic movements
- c) scale is out of character with surrounding development
- d) outside of the settlement boundary
- e) greenfield site
- f) dwelling would have a significant detrimental effect on neighbouring amenity due to the size of the property

- g) loss of a green amenity space
- h) the dwelling does not meet a local need for housing
- i) loss of separation between the former mill and dwellings along Kingfisher Way
- j) loss of open view.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014.

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages
Policy 19: Green Space & Play Provision.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy NE5: Development in the Countryside
Policy NE13: The Effects of Development on Natural Watercourses
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy REC3: New Residential Development - Outdoor Play Space for Children.

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main issues for consideration:-

- principle of development
- relationship to the character and appearance of countryside
- relationship to residential amenity
- risk from flooding
- relationship to protected species and trees
- car parking and servicing
- play and open space contributions

Principle of Development

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

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 17 of the NPPF states that the intrinsic character and beauty of the countryside should be recognised through decision taking. This is reinforced by Policy NE5 of the Local Plan which restricts development within the countryside to sport and recreational facilities, development which is important to the local economy or for the change of use, re-use or extension of an existing building.

Policy RES5 of the Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. Policy 12 of the Core Strategy supports the development of 20 homes in Sheepy Magna.

The site is located outside of the settlement boundary of Sheepy Magna and therefore the proposal would be contrary to the development plan. However, the weight to be applied to Policy RES5 in the context of the presumption in favour of sustainable development as set out in the NPPF is limited. As such the principle of development needs to be considered in the context of the presumption in favour of sustainable development and the impact of the proposal on the countryside and character and appearance of the area which is discussed below.

Relationship to the Character and Appearance of the 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.

Furthermore, Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. This is supported by Policy BE1 (criterion a) of the Local Plan.

The proposed dwelling would be sited on a parcel of land currently maintained as a paddock that lies between two distinct forms of development. There is the existing four-storey mill building that has been converted to flats and is known as Sheepy Mill located to the west of the site and five dwellings located to the east of the site around Kingfisher Way. To the north is a paddock and the River Sence and beyond this to the north are dwellings along Twycross Road and Riverside Close, Sheepy Magna. To the north east of the site is the property known as The Manor. The site is therefore located within an area of existing development close to the centre of the village of Sheepy Magna. It is not considered therefore that the site is set within open countryside.

As discussed previously, the proposed dwelling would be set between the Mill to the south of the site and the existing row of detached properties to the east of the site. The dwelling

would front Kingfisher Way and would therefore continue the existing form of built development within this streetscene.

The dwelling would be reflective of other larger dwellings sited within Kingfisher Way. The plot is large enough and capable of accommodating the dwelling with sufficient space between the boundaries and sufficient external amenity space to the rear and frontage of the property. The fenestration proposed is proportionate and symmetrical to the overall design and scale of the dwelling with cills and headers. The dwelling would feature tall gables and chimneys which would be traditional in appearance and reflect the character of the surrounding area.

The trees and vegetation on the land beyond the site to the north of the site create a soft edge to the dwelling. A landscaping condition and boundary treatment condition has been imposed to secure additional landscaping to the boundaries of the site to ensure the dwelling will blend into its surroundings.

For the reasons discussed above the proposal is not considered to have a significant detrimental impact upon the countryside and is considered to be in a relatively sustainable location close to the centre of Sheepy Magna. The proposal would not have a significantly adverse impact upon the landscape, would be of a design that is reflective of its surroundings and landscaping would be secured by condition that would enhance the setting of the development. As such the development is considered to be sustainable as per the overall requirements and intentions of the NPPF and would comply with the design criteria of Policy NE5 and BE1 of the Local Plan.

Relationship to Neighbouring Residential Properties

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

The dwelling proposes balconies at the first floor rear elevation and glazing to all elevations with the exception of the south west. The dwelling to the east No. 5 features a double garage to the west side elevation which obscures the majority of views into the rear garden of this dwelling. In addition, due to the siting of this dwelling at an angle to the rear of the proposed dwelling there would not be any direct overlooking issues. No windows are proposed to the south west elevation that would overlook into Sheepy Mill.

Due to the siting and position of the dwelling within the plot it is not considered that it would overshadow or impact upon the neighbouring properties.

It is therefore considered that the proposal would not have a significant detrimental impact upon neighbouring residential amenity and would be in accordance with Policy BE1 (criterion i) of the Local Plan.

Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

Policy NE13 of the Local Plan states that planning permission will not be granted for development proposals which adversely inhibit the drainage functions of the natural watercourse system and in areas which form part of the floodplain and areas at risk from flooding.

The application is supported by a Flood Risk Statement. The previous application (ref: 14/00135/FUL) was previously withdrawn as the curtilage of the dwelling extended to the north into the flood plain, classed as flood risk zone 3, to which the Environment Agency objected. This application now excludes this land from the curtilage of the dwelling and as such none of the developable area of the site is located within flood risk zone 3.

The Head of Community Services (Drainage) raises no objection. In addition, the Environment Agency raises no objection, but states that whilst the site lies outside of the 1% (1 in 100) chance in any one year flood extent (flood zone 3), part of the site does fall within the 0.1% (1 in 1000) chance in any one year flood extent (flood zone 2). However, dwellings within flood zone 2 are deemed appropriate in accordance with the NPPG. The Environment Agency has recommended conditions that the internal finished floor levels of the building are set no lower than 74.50m AOD and that a condition imposing a sustainable drainage strategy to include the detailed disposal of surface water run off.

Concern has been raised by neighbouring residents that the development would exacerbate surface water flooding to surrounding dwellings including Sheepy Mill. As discussed above, subject to a condition requiring detailed sustainable drainage plans to be submitted and agreed it is not considered that the development would impact upon the existing flooding situation in the area.

The proposal is therefore considered to be in accordance with Policy NE13 of the Local Plan and NPPF.

Relationship to Protected Species and Trees

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

A Phase 1 Habitat Survey has been carried out and submitted as part of the application. Consultation has been undertaken with the Principal Ecologist at Leicestershire County Council who raises no objection and states that the proposal would not impact adversely on the adjacent river and wetlands, or on any protected species.

An Arboricultural Survey has been carried out and confirms that the proposal would not impact upon any mature trees of significance. It is considered that the recommendations contained within section 5 of this report including a Tree Protection Plan should be conditioned.

The proposal would therefore not lead to ecological or biodiversity impacts and is in accordance with the NPPF.

Car Parking Provision and Servicing

Policy T5 of the Local Plan states that development proposals should not impact upon highway safety or the satisfactory functioning of the local highway network and should provide an appropriate level of parking in relation to the scale of the development proposed. No objection has been received from the Highway Authority. Access is proposed from the existing access to the paddock from Kingfisher Way. Concern has been raised in respect of the work element of the proposal and the ability for staff/visitors to park on site without parking on Kingfisher Way. It is considered that sufficient parking for the dwelling is proposed in respect of a double garage with additional parking and turning to the front of the dwelling for at least eight vehicles which is likely to exceed the numbers of staff/visitors visiting the premises on a daily basis.

The proposal is therefore considered to be in accordance with Policy T5 of the Local Plan.

Play and Open Space Contribution

Policy REC3 of the adopted Local Plan and the Play and Open Space SPD requires new residential development to contribute towards the provision and maintenance of public play and open space facilities. The proposed development is within 400 metres of The Common which provides such facilities. The request for any developer contribution must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005 - 2010, Sheepy Magna was found to have a deficiency of areas of equipped open space (-0.04 hectares) for its population when compared with the National Playing Fields Standard. In addition, the quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Brookside Place a quality score of only 38.9%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would total £1,250.80 and would be used towards the provision of new play equipment to improve the overall quality of the site and to mitigate the impact of the additional dwellings on such facilities. Given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear on facilities. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. Completion of a Unilateral Undertaking to enable contributions under S106 of The Town and Country Planning Act 1990 to be secured has been requested from the applicant.

Conclusion

In conclusion, whilst the site would be located outside of the settlement boundary it is considered to be sustainable by virtue of the presumption in favour of sustainable development by virtue of the fact that the proposed dwelling would have a minimal impact upon the character and appearance of the area, countryside and would reflect the overall pattern of surrounding residential development. The development would not give rise to any significant material impacts in terms of highway safety, would provide a satisfactory level of parking provision and would not have a detrimental impact upon residential amenity. The proposal would not impact upon flooding or ecology. Therefore whilst the proposal is not considered to be strictly in accordance with the development plan, in considering the overall balance, the proposal is considered to comply with the overarching intentions of the NPPF.

The application is recommended for approval, subject to the imposition of planning conditions and the completion of a Unilateral Undertaking to secure the Play and Open Space contribution.

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Chief Planning & Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be acceptable in principle, would not detrimentally impact upon the character and appearance of the area, the amenities of the neighbouring dwellings, flood risk or highway safety.

Hinckley & Bosworth Core Strategy (2009):- Policies 12 and 19.

Hinckley & Bosworth Local Plan (2001):- Policies IMP1, NE5, BE1, NE13, T5 and REC3.

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

Conditions:-

- 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 received by the Local Planning Authority on 10 July 2014, as follows:-
 - Dwg No. 12/07/07B Site Location Plan 1:1250
 - Dwg No. 12/70/1 Site Layout 1:500
 - Dwg No. 12/70/06H Proposed Plans & Elevations 1:100
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, garages and pumping station shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until elevation details and materials for all boundary treatments are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Notwithstanding the submitted plans no development shall commence until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
 - a) Planting plans;
 - b) Written specifications;
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - d) Maintenance schedule;
 - e) Implementation programme;
 - f) Areas to be grassed;
 - g) Treatment of hard surfaced areas (including the footway access from the site to Station Road).

- 6 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

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

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
 - d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 8 No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. The details shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the discharge quality or operation of any existing storm overflows/combined sewer overflows upstream or downstream on the network, or cause an increase in spill frequency or volume in the foul drainage system.
 - 9 No development shall commence until the proposed ground levels of the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The internal floor levels of the dwelling shall be set no lower than 74.50m AOD. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
 - 10 The development hereby permitted shall be carried out in accordance with the Ecological Survey prepared by Middlemarch dated June 2013 (including the mitigation measures detailed within it).

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 In the interests of visual amenity, to accord with 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 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To minimise the risk of flooding and in the interests of providing sustainable drainage in accordance with Paragraph 103 of the National Planning Policy Framework and Policy NE13 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To minimise the risk of flooding and in the interests of providing sustainable drainage in accordance with Paragraph 103 of the National Planning Policy Framework and Policy NE13 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure the development is not at risk of flooding in accordance with Paragraph 103 of the National Planning Policy Framework.
- 10 In the interests of ecology and biodiversity in accordance with Paragraph 118 of the National Planning Policy Framework.

Notes to Applicant:-

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

Contact Officer:- Simon Atha Ext 5919

Item: 05
Reference: 14/00580/FUL
Applicant: Mr Jeff Penman
Location: Unit D Maple Drive Hinckley
Proposal: Erection of 5 No. industrial units (B1, B2, and B8), 1 No. B8 unit (with trade counter) and 1 No. A1 (retail unit) with associated parking, landscaping and ancillary works.
Target Date: 22 September 2014

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 5 No. industrial units (B1, B2 and B8), 1 No. storage distribution unit with trade counter (B8) and 1 No. retail unit (A1) with associated parking, landscaping and ancillary works at Tungsten Park, Coventry Road, Hinckley.

Three buildings are proposed to be erected. The first building would form the frontage of the site and would consist of one B8 unit with a trade counter (498 square metres of floor space) and a retail unit (111 square metres of floor space). The Design and Access Statement suggests that the B8 unit is likely to be occupied by Screwfix and the retail unit occupied by Subway.

This building would face towards Coventry Road to the south. A car park, turning area, loading bay and landscaped area is proposed to the front of this building. The building would measure 42 metres in length by 15.5 metres in width and 8 metres in height.

Two buildings comprising five industrial units (B1, B2 and B8 uses) are proposed to be sited to the rear of the principal frontage building, rotated at 90 degrees, to follow and link into the row of existing industrial units to the north of the site. The building located to the west of the site would measure 45.5 metres in length by 12.7 metres in width, 8 metres in height and have a gross floor space of 525 square metres. The building located to the east, west of the access road would measure 37.7 metres in length by 13 metres in width, 8 metres in height and would have a gross floor space of 444 square metres.

Access is proposed via the existing Maple Drive from Coventry Road. A car park is proposed to the front of the main frontage building and access and parking is proposed to the frontage of the units behind which are accessed via the existing access points to occupied units to the north of the site.

The Site and Surrounding Area

Tungsten Park is a mixed use development with light industrial units (B1), general industry (B2), storage and distribution (B8) and KFC a hot food takeaway (A5). The site is located to

the north of Coventry Road, adjacent to the Ashby Canal. The site is located 1.2 miles to the west of Hinckley town centre and 0.5 miles to the east of the A5.

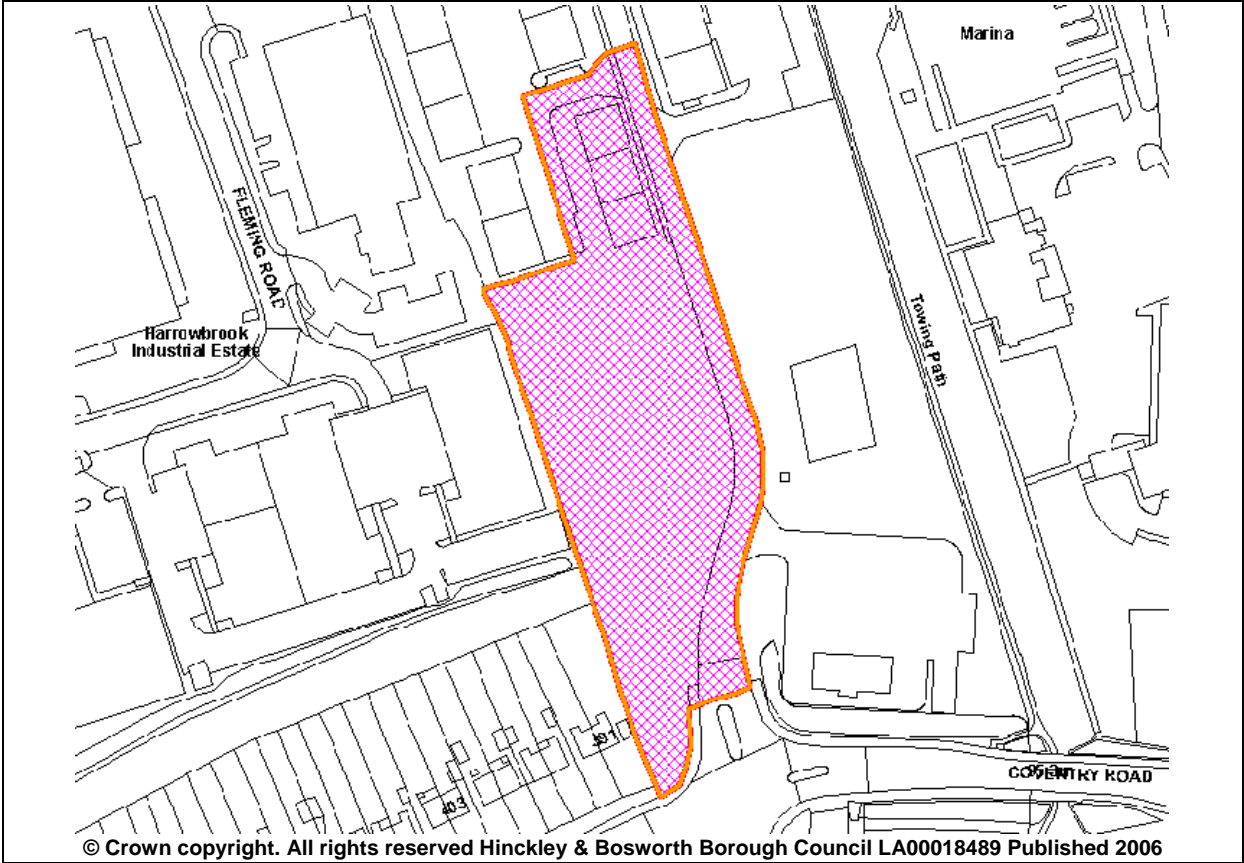
Units to the north of the site have been constructed and are fully occupied. All the buildings on the site have a similar design and form, single storey with curved roofs finished in silver cladding.

The application site is the last remaining part of Tungsten Park to be developed. The application site is 0.53 hectares, triangular shaped and runs parallel from the site entrance to the west of Maple Drive. To the west of the site is No. 391 Coventry Road and the rear of industrial units on the neighbouring Harrowbrook Industrial Estate.

The application site itself is currently vacant and the site has remained serviced and enabled for development for approximately 6 years. The application site currently has the benefit of extant planning permission for two car showrooms. TMS Volvo, who was intending to relocate to this site, has occupied the existing neighbouring Trinity Motors site and one of the sites has now been occupied by KFC.

Relevant Planning History:-

13/00534/FUL	Erection 2 industrial buildings	Approved	24.09.13
12/00998/FUL	Erection of 3 industrial buildings	Approved	23.01.13
12/00486/FUL	Erection of motor dealership including workshop, outdoor car sales display areas and associated works	Approved	06.09.12
12/00402/FUL	Erection of squash club building	Approved	29.06.12



Consultations:-

Site notice was displayed and neighbours notified.

No objections have been received from:-

Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Environment Agency
Severn Trent
Director of Environment and Transport (Highways)
Ashby Canal Association
Inland Waterways Association
Canal & River Trust.

West Clarendon Neighbourhood Forum raises no objection to the application but raises the following comments:-

- a) a car park was agreed to be proposed to the front of the site next to the first house on Coventry Road
- b) the area would be levelled to the adjacent boundary fence
- c) there would be a ditch and bund for drainage
- d) that Maple Trees would be planted along the bund.

Saxon Paddock Committee objects for the following reasons:-

- a) the should have created 400 jobs and less than half this number has been provided
- b) original plan was an industrial estate not eating establishments
- c) the Subway and Screwfix building will dominate the area
- d) fast food establishments adds to obesity
- e) the retail buildings are not in the interest of firms in Hinckley and Nuneaton
- f) Subway and Screwfix are not local firms
- g) proposal is unsuitable and excessive.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012.

Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley.

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design & Vehicle Parking Standards.

Appraisal:-

The main considerations in respect of this application are:-

- the principle of development
- the design of the buildings and the relationship to the surrounding area

- relationship to neighbouring and nearby residential amenity
- highway safety and parking.

Principle of Development

The National Planning Policy Framework (NPPF) at paragraphs 19 and 20 state that significant weight should be placed on the need to support and help achieve economic growth through the planning system and that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Policy 1 of the Core Strategy supports development in Hinckley which provides for a range of employment opportunities.

The submitted Design and Access Statement states that there has been a successful take up of all eight previous phases of development at Tungsten Park. The developers currently have no vacant units on the estate and all 6 units at the adjacent Marina Court currently under construction have been sold.

This proposal seeks to introduce a further seven units in total, comprised of three buildings, following the same design and uses as the other approved and constructed units, which are well received by the local market.

The applicant states that terms have been agreed with two national operators Screwfix to take on the large B8 unit to the front of the site and Subway to take on the adjacent small retail unit as a sandwich store.

It is considered that the proposal by virtue of it being for commercial purposes would support economic development. Accordingly, the proposal would enhance the economic competitiveness of the site which in turn would benefit the economy of the immediate area and the Borough as a whole. The applicant has suggested that the site would generate 39 full time jobs. Both Subway and Screwfix have submitted statements confirming that they would seek to create opportunities for local people where possible.

Whilst the site is predominantly formed of commercial/industrial uses the character of the industrial estate is mixed with an A5 hot food takeaway (KFC). The applicant is proposing a limited amount of A1 retail floor space (111 square metres) for use as a sandwich shop. A sequential test or impact assessment would not need to be undertaken due to the limited size of the retail unit proposed. It is considered that the site would remain predominantly for commercial/industrial development and that the limited size of the retail sandwich store proposed would add to the vitality and success of Tungsten Park.

The proposal is considered to be sustainable economic development and in accordance with the overarching principles of the NPPF and Policy 1 of the Core Strategy. The proposal is therefore considered to be acceptable in principle subject to all other planning matters being addressed.

The Design of the Buildings and the Relationship to the Surrounding Area

Good design as a key aspect of sustainable development and is strongly encouraged by the NPPF. This is supported by Policy BE1 (criterion a) of the Local Plan.

The units have been designed and sited to provide a frontage to Coventry Road, although they have been set back from the highway by an appropriate distance to be sympathetic to the neighbouring residential properties to the west along Coventry Road. The units proposed are to be of steel-portal framed construction with a curved roof to a height of 8 metres. The buildings would be finished in horizontal micro-rib silver flat cladding panels to all facing

elevations. Non-facing elevations are proposed to be finished in a contrasting grey vertical profile cladding panel.

Inset in the front elevation of each unit is a roller shutter door and floor to eave aluminium curtain wall screen which includes glazing at the ground and first floor. The building to the frontage of the site is proposed to have additional fenestration and a blue contrasting cladding band to the front and vertical coloured cladding to the side and rear.

The units are considered to be well laid out and sited appropriately in relation to the existing units on site. Car parking is proposed to the front of the site to ensure the frontage of the site remains visually open and sympathetic to neighbouring residential properties to the west along Coventry Road.

Landscaping is proposed to the front corner of the site adjacent to No. 391 Coventry Road and will provide a soft edge to the site frontage. A landscaping strip is proposed to be continued down along Maple Drive to the frontage of the buildings. A condition has been imposed requiring details of the landscaping scheme to be submitted and approved prior to the commencement of development.

The proposal is considered to be in keeping with the character and appearance of the site and surrounding area in accordance with Policy BE1 (criterion a) and the overarching design principles of the NPPF.

Impact upon Residential Amenity

The proposed units would be sited at depth within the site adjacent to the existing industrial units on the Harrowbrook Industrial Estate. The nearest residential property is No. 391 Coventry Road which is located immediately adjacent to the site entrance. A landscaping area is proposed adjacent to this property along with car parking to the site boundary. A mature hedgerow forms the boundary. It is not considered that the proposed units would have a detrimental impact upon the amenity of those properties due to the distance from the proposed units (approximately 60 metres) and boundary treatment in place.

The retail unit is proposed to open from 07:00 until 23:00 Monday - Sundays including Bank Holidays. This is the same hours of opening as the adjacent A5 hot food takeaway (KFC) and therefore it is considered that these opening hours are reasonable and would not result in an impact upon the amenity of the area or neighbouring residential properties. A condition has been imposed to secure this.

The proposal is not considered to have an adverse impact on the amenities of any residential properties and is in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

Highway Safety & Parking

There are 46 vehicle parking spaces and 11 disabled parking spaces proposed. This is considered to be an acceptable amount in relation to the size of the units proposed and the parking standards. Access would be achieved from the existing Maple Drive estate road. There is adequate parking and manoeuvring space within the proposed layout to accommodate traffic associated with the proposed development including HGVs. The Director of Environment and Transport (Highways) has raised no objection. A condition has been imposed to secure the proposed parking provision prior to first occupation of the units. In addition, cycle parking is proposed for employees within each unit. However, for the publicly accessible units such as the retail sandwich shop and B8 unit with trade counter a condition has been imposed requiring cycle parking to be provided for customer use. The

proposal is therefore considered to be in accordance with Policy T5 of the adopted Local Plan.

Conclusion

The NPPF supports sustainable economic development. The proposal is considered to support sustainable economic development and is acceptable in principle. By virtue of its siting, scale, design and appearance of the buildings, the proposal will complement the character of the site and will not have any adverse impact on the character or appearance of the surrounding countryside. The proposal will have no adverse impact on the residential amenities of any neighbouring properties or impact upon on highway safety.

The proposal is in accordance with Core Strategy Policy 1, Local Plan Policies BE1 and T5 of the adopted Local Plan together with the overarching principles of the NPPF.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Hinckley & Bosworth Core Strategy (2009):- Policy 1.

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

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

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:5000, Proposed Site Plan 1:2500 and Proposed Block Plan 1:500, Floor Plans & Elevations 1:200 received by the local planning authority on 12 June 2014.
- 3 The development shall be constructed in accordance with the material details shown on section 9 of the application form.
- 4 The retail unit (numbered D2 on Dwg No. 6605/189F) shall not be used for any other purpose except for a retail shop as defined by Class A1 of The Town and County Planning (Use Classes) Order 1987 (amended).
- 5 The A1 retail unit (numbered D2 on Dwg No. 6605/189F) shall not be open to the public outside of the following hours:- 07:00 - 23:00 Monday to Sundays including Bank Holidays.

- 6 Notwithstanding the submitted plans no development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
- a) Planting plans
 - b) Written specifications
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) Maintenance schedule
 - e) Implementation programme
 - f) Areas to be grassed
 - g) Treatment of hard surfaced areas
 - h) Boundary treatment
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 9 Prior to first occupation of the development hereby approved the relevant access, parking and turning facilities (as shown on Dwg No. 6605/189D) shall be provided and retained thereafter.
- 10 Prior to first occupation of the development hereby approved details of a scheme for secure, lit and covered cycle parking for the retail unit and B8 unit with trade counter (units D1 and D2 as shown on Dwg No. 6605/189D) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented before occupation of the units to which they relate and retained thereafter.

Reasons:-

Notes to Applicant:-

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

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

Contact Officer:- Simon Atha Ext 5919

Item: 06

Reference: 14/00594/FUL

Applicant: Mr Nigel Salt

Location: Land Adjacent To 19 Summers Close Kirkby Mallory

Proposal: Erection of a dwelling with associated access and landscaping

Target Date: 27 August 2014

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Introduction:-

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

Application Proposal

This application is for the erection of a detached five bedroom two storey dwelling with rooms in the roof space double garage and associated access on an irregularly shaped plot of land on the west side of Summers Close, Kirkby Mallory, close to its junction with Main Street.

The application follows previous planning permissions in 2004, 2010 and 2013 for a single dwelling on the site with the 2013 permission still being extant.

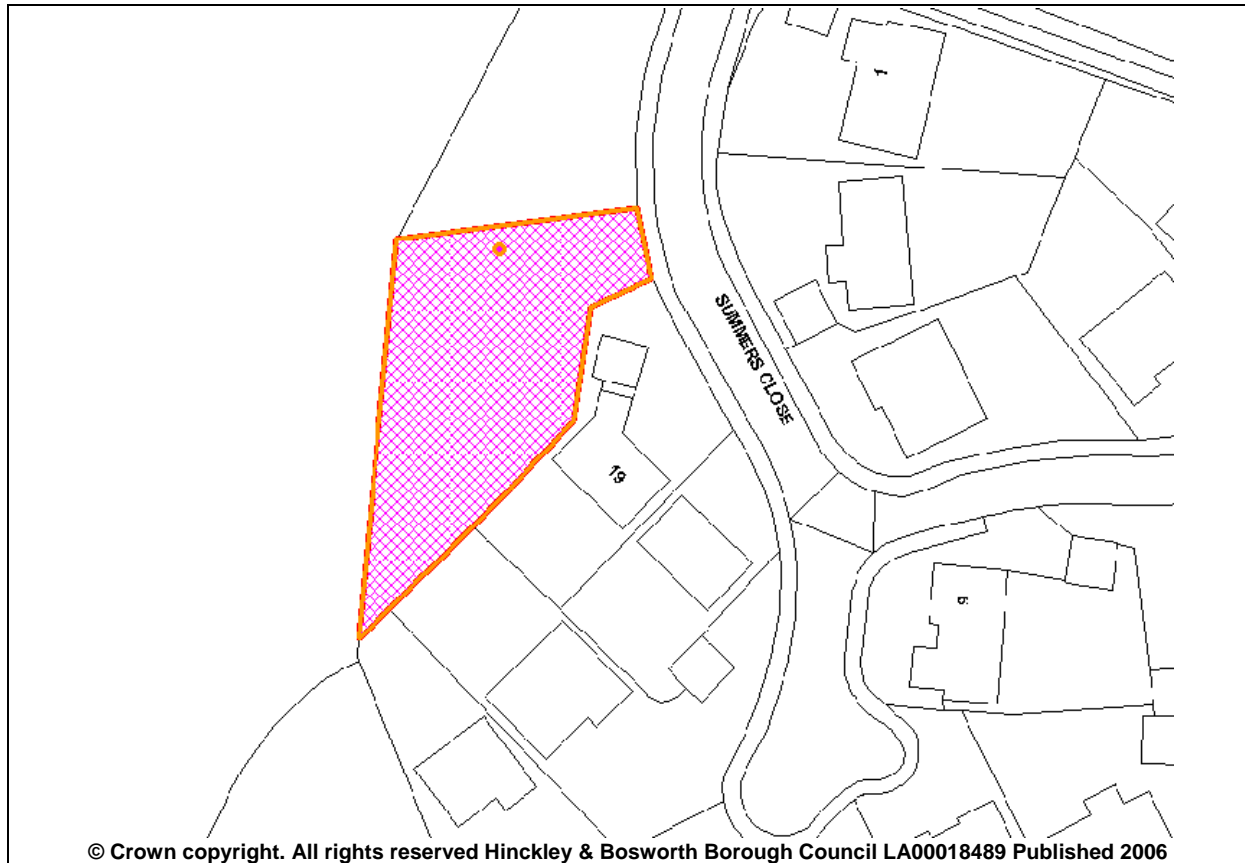
The Site and Surrounding Area

The application site measures approximately 0.07 hectares and is located between a residential development to the east (Summers Close) and a large area of public open space to the west. It is currently overgrown and unused other than as informal access to the playing field.

Relevant Planning History:-

13/00426/EXT	Extension of time to planning permission 10/00247/FUL for the erection of one new dwelling with detached garage	Granted	12.07.13
10/00247/FUL	Erection of one new dwelling with detached garage	Granted	09.06.10
03/01286/FUL	Erection of 1 no. two storey dwelling and detached double garage with associated public open space area	Granted	10.06.04

02/00376/FUL	Erection of two detached houses and garages	Refused	22.05.02
97/00079/FUL	Erection of two detached dwellings and garages	Withdrawn	21.02.97



Consultations:-

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

No objection subject to conditions have been received from
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Land Drainage)

Comments have been received from :
Head of Community Services (Pollution) - there have been complaints from the village about noise from Mallory Park race track. The affect of the track on the proposed development needs to be assessed and any mitigation proposed to achieve current guidance noise levels should be submitted.

14 objections have been received from neighbouring and nearby properties raising the following:-

- loss of open space/feel of area and land should not be built on
- design is out of keeping with rest of the development
- height of the proposals
- overdevelopment of the site
- overbearing impact and out of scale

- loss of privacy to neighbouring properties
- proposals include a lift - is the proposal flats or a care home?
- lack of car parking
- impact on services
- noise from Mallory Park.

Policy:-

National Planning Policy Framework (NPPF) March 2012

Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 13: Rural Hamlets

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Kirkby Mallory as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development

Policy BE19: Open Spaces and Areas of Special Character within Settlements

Policy RES5: Residential Proposals on Unallocated Sites

Policy REC3: New Residential Development Outdoor Play Space for Children

Policy T5: Highway Design and Vehicle Parking Standards

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD) on Play and Open Space.

Appraisal:-

The key determining issues are:-

- the principle of development
- the design and layout of the development
- the relationship to neighbouring residential properties
- the relationship of the proposals to Mallory Park
- car Parking and servicing
- Open Space S106 contributions.

The principle of development

The principle of residential development of the site for a single dwelling and detached garage on a similar layout, footprint and orientation was first established by the previous planning permission issued in 2004 and subsequent planning permissions in 2010 and 2013 (as an extension of time application to the 2010 permission). The 2013 planning permission is still extant and capable of being implemented. Having considered the planning history and case specifics, the principle of residential development is considered to be acceptable subject to detailed consideration of the design and layout.

The design and layout of the development

The 2010 and 2013 planning permission proposed a traditional two storey dwelling with rooms in the roof and a detached double garage. The proposed built footprint is not substantially different from that already approved but fills in the gap between the garage and the house and creates a room above the garage. It is not considered that the proposals would be an overdevelopment of the site.

The principal differences are in the design which has a more contemporary feel through the inclusion of large windows and a larger single gable rather than two (originally proposed). The proposals also replace a roof light in the front elevation with a dormer window.

The comments and concerns of residents with regard to the scale of development, overbearing impact and design of the proposals are carefully considered against the approved development and policy guidance. The comments of the proposals in terms of the layout and size of bedrooms have also been noted.

The proposal is for a single family dwelling. Any proposals for flats or a care home would be under a separate planning permission and different use class. The inclusion of a lift would allow a disabled person to occupy the development and does not raise concerns.

In considering design it is important that proposals respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The use of more modern features has been carefully considered and with appropriate materials (as shown on the plans) the proposals would not be out of keeping and be a modern interpretation of traditional designs.

Having careful and full regard to the comments received and the history of the site, it is considered the proposed design is acceptable.

The relationship to neighbouring residential properties

The concerns of residents with regard to overlooking and loss of privacy have been considered. Whilst unusually shaped the rear facing dormer windows are not considered to have any significant adverse impact on the privacy of neighbouring properties given the orientation of the dwellings and the separation distances proposed. The side boundary of 19 Summers Close and the rear boundaries of 17 and 16 Summers Close are defined by a combination brick wall and timber fence to a height of approximately 1.8 metres which, along with additional planting within the gardens, provides adequate privacy.

The proposed windows at roof level in the side elevation gables are to serve en-suite bathrooms and can be fitted with obscure glazing to remove any potential overlooking to neighbouring properties and such detail could be secured by an appropriately worded condition.

The relationship of the proposals to Mallory Park

The comments of Environmental Health officers have been carefully considered. Noise issues relating to the operation of the Mallory Park racing circuit need to be considered so that future residents' amenity is suitably protected. Having regard to the planning history of the site and the presence of other residential properties it is considered that the amenities of future residential occupiers can be secured by the use of appropriate glazing. It is recommended that the specification of the glazing be agreed by condition. .

Having regard to the planning history and extant planning permission it would be unreasonable to refuse this application on this issue.

Car parking and servicing

The proposals include a double garage and driveway capable of accommodating at least a further 3 cars (as shown on the proposed plans). This provision accords with policy and will ensure that residents' concerns about on-street car parking are addressed.

With regard to drainage, LCC Drainage engineers raise no objection.

The proposals include sufficient off road car parking and issues of drainage are considered to be acceptable.

Open Space S106 contributions

The development involves the creation of an additional dwelling and will, therefore, place additional pressure on local services. As the development relates to a single dwelling, there is no requirement for developer contributions towards infrastructure services other than the provision and maintenance of off-site public play and open space. In this case a standard contribution of £1250.80 will be required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan, policy 19 of the adopted Core Strategy, the Council's Supplementary Planning Document on Play and Open Space and the Green Space Strategy and Audits of Provision. The contribution would be used for the provision and maintenance of children's play space and equipment on the adjacent recreation area to the west identified as The Leys.

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide a financial contribution towards play and open space, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as: the site is within the settlement boundary of Kirkby Mallory; the layout, design, scale, mass and orientation are satisfactory; and it would not have an adverse impact on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety.

The proposals are in accordance with Hinckley & Bosworth Borough Council Core Strategy (2009): policies 13, 19 and 24 and Hinckley & Bosworth Borough Council Local Plan (2001) policies BE1, RES5, REC3, T5.

Conditions:-

- 1 This development must be begun not later than 3 years after the date of this decision.
- 2 Unless otherwise required by condition, the development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan; Plans and Elevations Drawing Nos. 687.NS/03 received by the Local Planning Authority on 1st July 2014.

- 3 a) Prior to the commencement of development, noise mitigation measures shall be agreed in writing with the Local Planning Authority to ensure the good criteria of BS8233:1999 is achieved internally and the noise levels in the rear garden are below the serious annoyance levels (daytime and evening) as specified in World Health Organisation 'Guidelines for Community Noise (2000).
- b) The approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained in good working condition as appropriate
- 4 Prior to the commencement of development details of boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of the development.
- 5 The development shall be carried out in materials as submitted on the application form and plans
- 6 The side elevation windows above ground floor level shall be non-opening and fitted with obscure glazing, and shall be retained as such at all times thereafter.
- 7 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

Reasons:-

- 1 Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.
- 2 To define the permission.
- 3 In order to safeguard the amenities of future residential occupiers.
- 4 To safeguard the residential character of the area.
- 5 To ensure satisfactory development of the application site.
- 6 To ensure a satisfactory relationship to neighbouring residential properties.
- 7 To ensure that adequate off-street parking facilities are available to accord with policy 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:- Andrew Thompson Ext 5809

Item: 07

Reference: 14/00571/FUL

Applicant: Mrs Sheila Bennett

Location: 61 Burbage Road Burbage Hinckley

Proposal: Erection of 2 dwellings including demolition of existing double garage and alterations to existing bungalow creating a new shared vehicular access

Target Date: 4 August 2014

RECOMMENDATION:- Refuse planning permission.

Introduction:-

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

Application Proposal

This is a full application which seeks planning permission for alterations to 61 Burbage Road, along with the erection of two detached dwellings on garden land to its rear.

In further detail, 61 Burbage Road (host property) comprises an extended dormer bungalow. It is proposed to demolish the existing flat roofed garage and the sitting room and conservatory to the south eastern side of the dwelling to provide space for a vehicular access to the rear of the property. A gable end is proposed to 'finish' this elevation. Internally the accommodation would be reconfigured. To the south western (front) elevation, the existing 'hobbies' room would be converted to a garage and a single garage door would replace the existing window.

The proposed dwellings would be sited on the garden land to the rear of the host property. They comprise pitched roofed, two storey properties, which are similar, although not identical in design. Both would have attached double garages. Their principal elevations are intended to face towards Burbage Road. The elevations are balanced and incorporate fenestration of uniform siting and detail. Interest is added through the inclusion of projecting gables, full height external chimney stacks, corbelled eaves and stone header and cill detail to windows.

Site and Surrounding Area

The application site comprises an area of 0.5 acre and is host to No. 61 Burbage Road. The existing rear garden is double width, by virtue of incorporating land to the rear of No. 63 Burbage Road. The majority of the site is laid to lawn, which is interspersed by a range of mature trees (predominantly fruit). The site is bounded by a mix of close boarded fence and

mature vegetation. The land slopes down towards the rear boundary of the site. A public footpath (providing access from Woodgate Road to Sapcote Road) runs adjacent to the rear boundary.

This section of Burbage Road is access via a slip road. The road curves round towards Sapcote Road. Properties along the slip road have a uniform siting which follows the curvature of the road. Dwellings are predominantly set back a considerable distance from the street, and thus have large front gardens. Dwellings are varied in design, style and age, although all comprise detached properties and accommodate large plots. By virtue of the dwellings being set back in their plots, the street has an open feel.

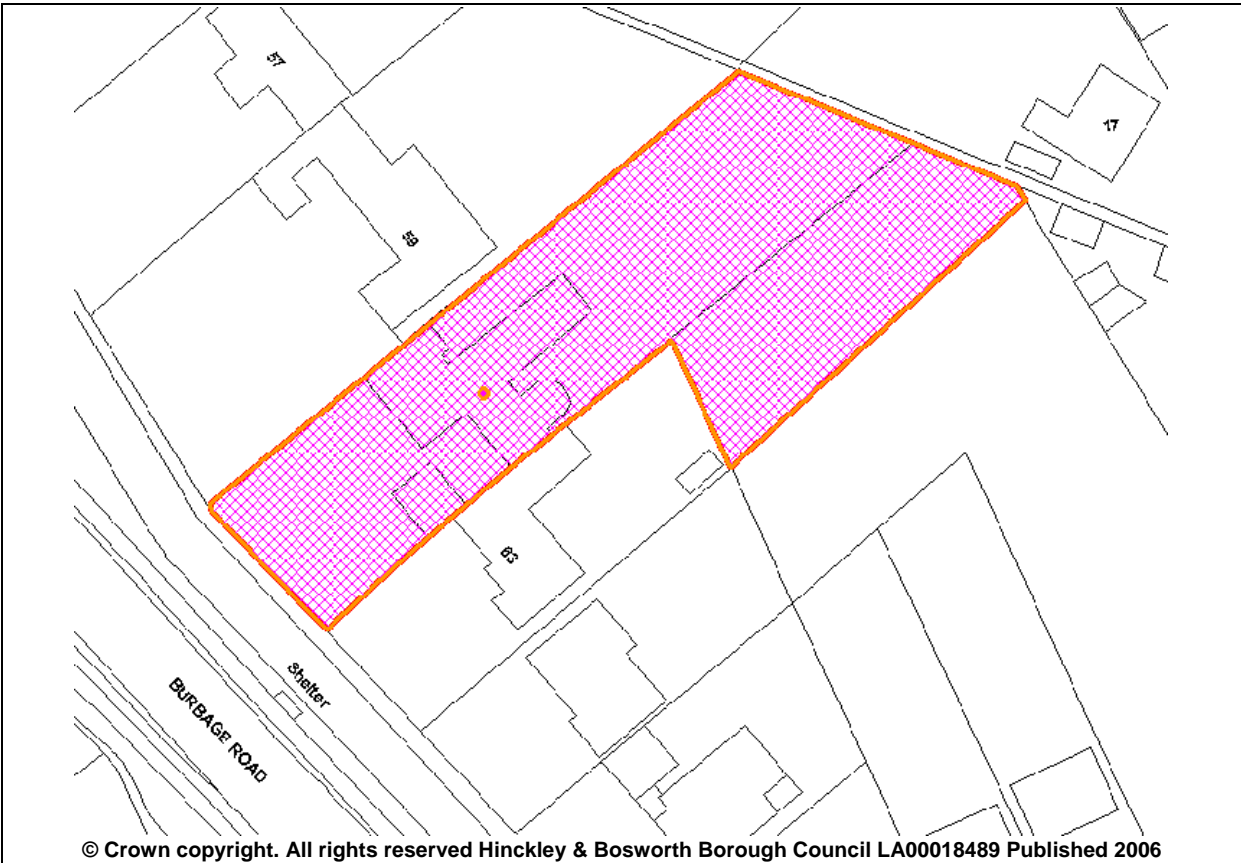
To the rear of the site, (further north of the public footpath) there is no definable pattern of development, limited uniformity little in the way of definable residential character.

Technical Documents submitted with the Application

None

Relevant Planning History:-

None



Consultations:-

No objection has been received from:-

Director of Environment and Transport (Public Rights of Way).

No objection subject to conditions has been received from:-

Environment Agency

Director of Environment and Transport (Highways)

Head of Community Services (Pollution)

Head of Community Services (Land Drainage).

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

Burbage Parish Council Object to the application on the following grounds:-

- a) development will have an unsatisfactory relationship with surrounding properties
- b) will have a detrimental impact on residential amenity
- c) will comprise overdevelopment
- d) concerns that backland development would be contrary to the character of the area
- e) scheme conflicts with the Burbage Village Design Statement and the SPG on New Residential Development.

Neighbours notified, 11 letters of representation received raising the following issues/concerns:-

- a) two story dwellings are inappropriate in the setting/contrary to the character of the area
- b) Inadequate amenity space is proposed
- c) will result in increased use of the shared service road causing congestion
- d) will result in an adverse impact on the privacy of surrounding dwellings
- e) during construction there will be increased noise and light pollution and increased congestion on the service road.
- f) adverse impacts on local wildlife
- g) will set a precedent for similar developments if approved
- h) as is an historic landfill site concerns over subsidence and construction of proposed dwellings and potential adverse impacts on existing dwellings
- i) will result in increased deterioration of the service road
- j) would violate the Co-operative requirement originally in place for the dwellings
- k) Increased noise and disturbance resultant of increased vehicle movements
- l) overlooking and loss of privacy
- m) overbearing impacts
- n) Inappropriate design
- o) would result in noise pollution, light pollution and smells from the wood-burning stoves
- p) noise, disturbance and vibrations from proposed access drive
- q) security concerns
- r) demolition of parts of the existing dwelling could de-stabilise the adjacent dwelling
- s) concerns over foul sewage disposal
- t) removal of trees and vegetation would result in further privacy issues
- u) contrary to Article 8 of the Human Rights Act which concerns privacy and family life
- v) proposal fails to compliment/enhance the character of the surrounding area
- w) contrary to policies within the Core Strategy relating to Burbage
- x) will increase surface water runoff to footpath
- y) contrary to restrictive covenants placed on the dwelling
- z) contrary to February 2014 DPD and is therefore considered premature
- aa) concerns over pedestrian safety as a result of increased traffic.

Policy:-

National Policy Guidance

Planning Practice Guidance (2014)

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

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities
Policy REC3: New Residential Development Outdoor Play Space for Children.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance on New Residential Development
Supplementary Planning Document: Play and Open Space Guide
Supplementary Planning Document on Sustainable Design.

Other Material Policy Guidance

Burbage Village Design Statement.

Appraisal:-

The main considerations with regards to this application are the principle of development, the siting, layout and design of the proposed dwellings and impact on the character of the area, impact on the amenities of neighbouring properties, impact on highway safety, impact on public play and open space and other matters.

Principle of Development

The site is located within the settlement boundary of Burbage as defined on the adopted Local Plan Proposals Map.

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development.

Housing Land Supply

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.

As of April 2014, the Borough Council does not have a five year supply of deliverable housing sites.

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.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there 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.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

Adopted Core Strategy Policy 4 supports development within Burbage to deliver a minimum of 295 new residential dwellings. The minimum number of dwellings supported by Policy 4 has not yet been achieved and there is still a requirement for 46 new dwellings. The scheme proposed would therefore contribute to that requirement.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development and the fact that the Borough Council do not have a five year supply of deliverable housing sites .

The site is considered to be in a sustainable location close to local amenities and services and would contribute to the shortage of housing within both Burbage and the Borough as a whole. However, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

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

Policy BE1 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application. This policy relates to the design and siting of development and seeks a high

standard of design to safeguard and enhance the existing environment through a criteria based policy. Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Properties accessed via the service road (numbers 57 - 73 Burbage Road) have a strongly definable linear layout. They follow the curvature of the road and are set back within their plots, resulting in an open character. However, existing dwellings retain a strong relationship with the street scene due to their orientation. There are no examples of back-land development within the immediate vicinity. Furthermore dwellings are detached and predominantly occupy spacious plots. The dwellings proposed, would be sited to the rear of Nos. 61 and 63 Burbage Road. Due to their backland position and limited relationship with the streetscene and their scale, massing and footprint, the development would not be in keeping with the character of the area. Accordingly, the proposed dwellings are considered to result in an incongruous form of development within the setting that would have a limited relationship with the streetscene and would therefore be contrary to the linear and established character of the area.

When considering the design of individual dwellings; the elevations are of balanced proportion with symmetrical, aligned fenestration. Interest is added through incorporation of architectural features, including decorative brick courses and corbel detail, stone header and cill detail, chimneys, projecting gables and dormers. Further, a sensitive pallet of materials has also been proposed. Accordingly, in respect of their individual appearance and footprint, the design of the dwellings would be acceptable.

Concerns have been raised that the scheme results in overdevelopment of the site. The SPG on New Residential Development requires that new developments have adequate private amenity space and expects developers to achieve 80 square metres of private amenity space (for the size of dwellings proposed), these requirements are adhered to in this scheme (for both the proposed and host dwelling). Furthermore there is adequate parking and turning provision (as discussed further below) and although not all required separation distances are not achieved by this scheme (discussed in further detail below), this could be overcome through a change in design. Accordingly the proposal is not considered to result in overdevelopment of the site.

Impact on the Amenities of Neighbouring Properties

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

The dwellings most immediately impacted upon as a result of the proposal would be the host property (number 61 Burbage Road) numbers 59 and 63 Burbage Road, numbers 7 - 11 Sapcote Road and Number 17 Sapcote Road.

Number 61 Burbage Road

The gable end of the single storey projection to No.61, which includes a sitting room window and the dwellings principle private amenity space will face towards the gable end of the garage of plot 2 and part of its principle elevation. There will be a separation distance of 8 metres between the gable ends and 15.3 metres between the principle elevation of plot 2 and the gable end of No.61. The SPG recommends a separation distance of 25 metres between habitable room windows, to provide an adequate degree of privacy and 14 metres between blank gables to ensure a development is not overbearing. Given the considerable shortfalls in this case, and the fact that No.61 is a bungalow, the separation distances between the properties are not considered acceptable and will result in a materially adverse impact in the residential amenity of No.61 as a result of loss of privacy and the proposal being over-bearing.

Given that the proposed access would be adjacent to the side of No. 61, there would be adverse impacts in terms of noise and disturbance resultant of vehicle movements associated with the development. However such are not considered to be of a level that would warrant refusal of permission on these grounds.

Numbers 59 and 63 Burbage Road

Plot 2 is set back roughly 11 metres from the rear elevation of No. 59 and will project adjacent to the common boundary. At its closest point there will be a separation distance of 1.8 metres between the proposal and the boundary. A ground floor window serving a kitchen will face towards the boundary. A new hedgerow and trees are proposed along the boundary. Given that the proposal is two storey, some overshadowing will occur to the garden of the adjacent dwelling; however given the orientation of the plot and the fact that the overshadowing will only be over the bottom section of the garden, impacts are not considered material in this case. Views from the kitchen window will be screened by the proposed boundary treatment and the proposal is not considered to be over dominant/over-bearing due to its set-back position (in relation to the rear elevation of the adjacent dwelling) and its distance from the common boundary.

Plot 1 is to be sited to the rear of No.63 (bungalow). This relationship will result in principle room windows facing one another; however the separation distances between such are in excess of 30 metres and thus there are considered to be no materially adverse impacts in terms of privacy resultant of these. Furthermore the vegetation along the rear (common) boundary of No. 63 will further mitigate any impacts. Given that the proposed access would be adjacent to the side of No. 63, there would be adverse impacts in terms of noise and disturbance resultant of vehicle movements associated with the development. However such are not considered to be of a level that would warrant refusal of permission on these grounds.

Numbers 7 - 11 Sapcote Road

The south eastern gable of plot 1 will face towards the rear elevations of Nos. 7 - 11 Sapcote road. No first floor habitable rooms windows are proposed on this elevation. Accordingly, by virtue of this, and the separation distances between the proposal and existing dwellings (50 metres minimum) there will be no materially adverse impacts on the privacy of these dwellings.

Number 17 Sapcote Road

The rear elevation of plot 1 would be roughly 22 metres from the side elevation of No.17 Sapcote road. Although this is slightly under the separation distance suggested within the SPG, given that there is a footpath and an outbuilding situated in-between the two; the relationship is considered acceptable in this case.

Access and Highway Safety

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

The scheme proposes a double garage for each plot, in addition to at least two external parking spaces per plot. The host property will have in excess of two parking spaces. A new driveway to serve the proposal is proposed between Nos 61 and 63 Burbage Road. The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection subject to 7 conditions. If this application were to be recommended for approval, some of these conditions would be required to mitigate against the impact of this development.

Concerns have been raised that the scheme will result in additional congestion in the service road. There is considered to be adequate off road parking provision on site and thus this is not considered to be an issue that would warrant refusal of the application.

Concerns over pedestrian safety resultant of increased traffic have been raised. Adequate pedestrian visibility splays will be requested by way of condition.

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

Public Play and Open Space Contributions

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

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development would result in a net gain of 2 residential units and is within 400 metres of Rear of Woodland Avenue Informal Local Open Space, the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded a low quality score of 40.7%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The required total contribution in this case would be £343.80 (made up of £184.80 provision element and £159 maintenance element). The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and

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

Other issues

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site at the adopted highway boundary. As such details are illustrated on the site plan, the recommended condition is not considered necessary.

Head of Community Services (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. If recommended for approval the suggested condition would be imposed.

Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that between the years of 2013 - 2016 all residential developments within Burbage will be required to comply with Code Level 4 of the Code for Sustainable Homes. The Code for Sustainable Homes is no longer a recognised standard for assessing a development's sustainability and thus a condition to secure such would not be recommended if the scheme were otherwise acceptable.

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

Neighbours notified, 11 letters of representation received raising the following issues/concerns:-

It has been stated that during construction there will be increased noise and light pollution and increased congestion on the service road. Whilst this may be likely, this would be a short term effect and planning permission could not be refused on this basis.

Concerns have been raised that there will be an adverse impact on wildlife. No objections have been received from the Directorate of Chief Executive (Ecology)

It has been suggested that the proposal, if approved, would set a precedent for similar developments if approved. Each individual application is considered in relation to its specific merits and thus no precedent would be set if this scheme were approved.

As the site is an historic landfill site concerns have been raised over subsidence and construction of proposed dwellings and potential adverse impacts on existing dwellings. Building construction is controlled via building regulations and therefore does not constitute a material planning consideration. These would ensure that any development was constructed in a suitable and safe manner based on specific ground conditions.

The scheme would result in the deterioration of the service road. The condition of the service road is not a material consideration in the determination of this application.

Residents concerned that the proposal would violate the Co-operative requirement originally in place for the dwellings. Such agreements do not constitute material planning considerations.

Resident concerned that the development would result in noise pollution, light pollution and odours from the wood-burning stoves. No objection has been received from Head of Community Services (pollution) on this basis.

Security concerns have been raised. There is no evidence to suggest that the scheme would result in security concerns.

It has been suggested that demolition of parts of the existing dwelling could de-stabilise the adjacent dwelling. This matter would be subject of control under building regulations.

Concerns over foul sewage disposal. This matter would be subject of control under building regulations.

Contrary to Article 8 of the Human Rights Act which concerns privacy and family life. Impacts in respect of residential amenity have been discussed in the main body of the report.

Will increase surface water runoff to footpath. The suggested condition by Head of Community Services (Drainage) would overcome such an issue.

Contrary to restrictive covenants placed on the dwelling. Such covenants do not constitute material planning considerations.

Contrary to February 2014 DPD and is therefore considered premature. The application is considered against the current adopted planning policy and not against emerging policy.

Loss of view does not comprise a material planning consideration and therefore is not considered in the determination of this scheme.

De-valuation of surrounding properties does not comprise a material planning consideration and therefore is not considered in the determination of this scheme.

Conclusion

The proposed dwellings would be located within the settlement boundary of Burbage where there is a presumption in favour of development subject to all other matters being addressed. However notwithstanding this fact, the back land siting of the dwellings proposed are considered to result in an incongruous and uncomplimentary form of development and would be contrary to the established linear character of the area. Furthermore by virtue of the proximity between plot 2 and No.61 Burbage road, the proposal is considered to result in unacceptable impact in terms of privacy and would be of an over-bearing form. The harm caused in this case is considered to outweigh the benefits associated with the proposal. On this basis the application is recommended for refusal.

RECOMMENDATION:- Refuse.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons:-

- 1 In the opinion of the Local Planning Authority the back-land siting of the dwellings proposed are considered to result in an incongruous and uncomplimentary form of development and would be contrary to the established linear character of the area. The development is therefore contrary to Local Plan Policy BE1 (a) and paragraphs 53 and 64 of the NPPF.

2 In the opinion of the Local Planning Authority the by virtue of the proximity between plot 2 and No.61 Burbage road, the proposal is considered to result in an unacceptable impact in terms of privacy and would be of an over-bearing form. The development is therefore contrary to Local Plan Policy BE1 (i) and the SPG on Residential Development

Contact Officer:- Eleanor Overton Ext 5680

Item: 08

Reference: 14/00371/FUL

Applicant: Mr Colin Bailey

Location: Recreation Ground Dragon Lane Newbold Verdon

Proposal: Construction of BMX park facility including diversion and creation of public footpaths

Target Date: 26 August 2014

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

Full planning permission is sought for the construction of a BMX park facility including diversion and creation of public footpaths. The scheme also proposes new native structural planting, formalised footpaths around the open space, a sensory garden and existing play equipment to be retained and worked into a new overall scheme.

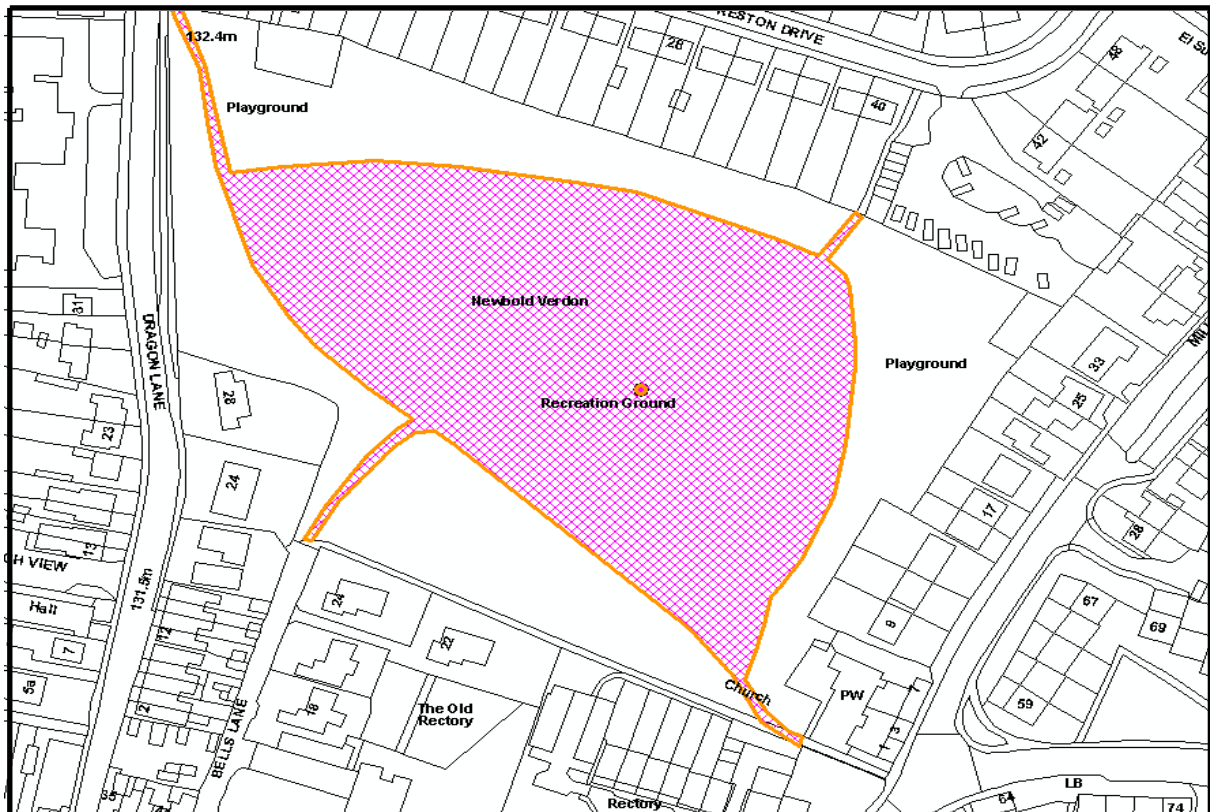
The site is within the settlement boundary of Newbold Verdon and designated as a recreational facility, as defined in the adopted Hinckley and Bosworth Local Plan.

The BMX track is intended to be fairly centrally located in the site and the dirt track and concrete ramps are set to cover an area measuring 30 by 45 metres.

There are four existing entrances to the park which are situated in various locations around the park and play equipment in the north west corner. The perimeter footpath will link all four access points and is proposed to be constructed in tarmac. The paths combined length will be approximately 250 linear metres with the path approximately 2 metres in width and will enable all year round access to the recreation ground for pedestrians, children attending the primary school, pushchair users and disabled users.

Relevant Planning History:-

12/00426/FUL	Construction of BMX/Skate park facility and creation of public footpaths	Withdrawn	19.11.12
13/00863/FUL	Park improvements including diversion of footpaths and creation of a perimeter footpath, creation of BMX track involving some mounding	Application Returned	14.11.13



Consultations:-

No objections from:-

- Director of Environment and Transport (Highways)
- Head of Community Services (Pollution)
- Leicestershire Footpaths Association
- Leicestershire County Council - Rights of Way Officer.

4 representations received from local residents in support of the application on the following grounds:-

- Newbold Verdon has very little outdoor activity for the youth. This will be beneficial for them
- will enhance facilities for many in the village which will lift the recreation ground and be a great asset for the village and its people
- great idea which has worked well for Groby
- footpaths would be great as people like to walk around the park but struggle as they get older
- the existing park is tired and a huge open space is wasted and unused. The paths will be a great addition to help people with access issues across the area.

1 representation has been received neither objecting or supporting the application on the following grounds:-

- broadly in support of the plans but concerned regarding impact of planting trees to rear of houses along Mill Lane, in terms of both possibly blocking the light as they mature and the amount of leaves that will fall or drift into the back gardens in the autumn.

Policy:-

Central Government Guidance

The National Planning Policy Framework (NPPF).

Local Plan 2006-2026: Core Strategy 2009

Policy 11: Key Rural Centres Stand Alone
Policy 19: Green Space and Play Provision.

Hinckley & Bosworth Local Plan (2001)

The site is within the settlement boundary of Newbold Verdon and designated as a recreational facility, as defined in the adopted Hinckley and Bosworth Local Plan.

REC4: Proposals for Recreational Facilities
Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

Supplementary Planning Document (SPD): Play and Open Space.

Other Material Policy Guidance

The Green Space Strategy (Quantity/Accessibility Audit 2005 and Update 2007).

Appraisal:-

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

Principle of Development

The site is designated as an existing recreation site in the adopted Hinckley and Bosworth Local Plan. The proposal falls to be considered in terms of Saved Policy REC4, Core Strategy Policy 11 and the overarching intentions of the NPPF.

Paragraph 69 within the NPPF states that planning policies and decision, in turn, should aim to achieve places which promote safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. Paragraph 73 also states that planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities and opportunities for new provision. In addition, Paragraph 75 within the NPPF requires that planning policies should protect and enhance public rights of way and access.

Core Strategy Policy 11 states that to support the local services in Newbold Verdon and maintain rural population levels the council will:-

- address the existing deficiencies in the quality and accessibility of green space and play provision in Newbold Verdon as detailed in the council's most up to date strategy and the

Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19.

The Green Space Strategy (Quantity/Accessibility Audit 2005 and Update 2007) identified the site as a Local Equipped Area of Play and awarded the site a quality score of 26.8%.

Policy REC4 requires that the development satisfies the following criteria:-

- a) that large scale indoor facilities are located in or adjoining built up areas
- b) the facility does not have a detrimental effect on adjacent land uses or the amenities of adjacent dwellings
- c) the form scale and design are in keeping with the area and do not detract from the character of the landscape
- d) adequate parking and access arrangements are provided and there is sufficient capacity in the local road network
- e) landscaping is provided as part of the proposal
- f) the proposal is not detrimental to the rights of way network and
- g) the proposal does not adversely affect sites of ecological, geological or archaeological significance.

In summary, there is no in principle objection to the scheme as the proposal relates to the construction of play facilities on an existing recreational site, which would improve existing footpaths and provide additional facilities on a site which has been identified as being of poor quality. Accordingly the scheme is in accordance with Core Strategy Policy 11 and overarching intentions of the NPPF.

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 Policy REC4 of the Local Plan or other development plan policies.

Siting, Scale and Design

The Design and Access Statement states that the siting of the BMX track has been designed to ensure that there is at least a 30 metre buffer to the nearest residential property, without interfering with the pathways and area for ball games and that the facility will take up less than 6% of the recreation ground.

The siting of this facility has clearly been dictated by the proximity to residential properties and other facilities on site. There are no impacts upon the existing site or surrounding landscape as a result of the siting of this facility in this position.

In respect of scale, the footprint measures a maximum of 40 metres in length by 35 metres in width, which is subservient in scale in comparison to the area of the recreation site, ensuring it does not dominate it. There is a variation in the height of the ramps, the highest of which is 3.2 metres in height. Further details of the BMX structure are requested by condition however it is considered that given the distance from residential properties, combined with proposed landscape cover it is not considered that the scheme would give rise to any significant adverse visual impacts.

In respect of wider views, the presence of existing mature hedgerows to the north, south, east and south west of the site ensure that the scheme would not be visually dominant.

The footpaths by virtue of this low level nature will not be visually prominent within, or from outside of the site and the materials proposed is considered to be acceptable in this setting.

In summary, the proposals are considered to be in accordance with Saved Policy REC4 (criteria c) and Saved Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.

Impact upon Residential Amenity

The site is surrounded by residential properties on all elevations; immediately to the north by properties on Preston Drive to the east by properties on Mill Lane to the south by properties at Rectory Gardens and Bell Lane and to the south west by properties on Dragons Lane. The highway Dragons Lane adjoins the site to the west. There are existing mature hedgerows to the north, south, east and south west of the site

The nearest residential property is No. 28 Dragons Lane. The garden of No. 28 is located approximately 25 metres from the edge of the track. The nearest other residential properties are those located on Preston Drive to the north of the site which gardens back immediately onto the application site and are at a minimum are located approximately 34 metres away.

It is considered that given the distance from the track to the surrounding residential properties combined with the proposed landscaping and existing mature landscaping that there is unlikely to be any significant impacts upon the occupiers of those properties.

In summary, the proposals are considered to be in accordance with Saved Policy REC4 (criteria b) and Saved Policy BE1 (criteria i) of the adopted Hinckley and Bosworth Local Plan 2001.

Rights of Way and Highway Considerations

The scheme proposes the creation of a perimeter public footpath linking all four of the recreation ground entrances and will have a tarmac surface and concrete edging.

The applicants will need to submit a footpath diversion application in respect of the existing footpaths S21 and S22.

It is considered that the proposal is an improvement to the permeability of users within the site and allows the potential for greater access from the surrounding areas.

In summary, the proposals are considered to be in accordance with Saved Policy REC4 (criteria f) of the adopted Hinckley and Bosworth Local Plan 2001.

Conclusion

In conclusion, the principle of recreational or leisure uses on this existing recreational site is considered acceptable. The development would not give rise to any significant material impacts upon the occupiers of the neighbouring dwelling, highway safety or protected species and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly, it is recommended that the scheme be approved, subject to the imposition of planning conditions.

RECOMMENDATION:- Grant subject to 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 scheme are for additional facilities at a designated recreational site and do not give rise to any significant material impacts upon the landscape, residential amenity or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies REC4 (criteria b,c,e,f and g) BE1 (criteria a and i).

Local Plan 2006-2026: Core Strategy (2009):- Policy 11, Policy 19

Local Plan 2006-206: Local Development Framework: Supplementary Planning Document (SPD): Play and Open Space

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Plans entitled 'Dragon Lane Recreation Ground Master Plan' (Scale 1:500 prepared by Ian Stemp), Proposed Feasibility Study plan (prepared by Max Plant Midlands Ltd dated September 2013), Proposed Feasibility Study Drw No. 5011-011 dated 15 March 2014 and Section Through Apex of Both Berns (scale 1:50) received by the Local Planning Authority on 1 July 2014.
- 3 Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) hard surfacing materials
 - b) retained trees and hedgerows
 - c) planting plans
 - d) written specifications
 - e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - f) implementation programme.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons:-

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

- 3 In the interests of visual amenity, to accord with Policies REC4 (criteria c) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 In the interests of visual amenity, to accord with Policies REC4 (criteria c) and BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 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:- Rebecca Grant Ext 5895

Item: 09

Reference: 14/00573/FUL

Applicant: Twycross Zoo

Location: Twycross Zoological Park Burton Road Norton Juxta Twycross

Proposal: Erection of an aviary enclosure (RETROSPECTIVE)

Target Date: 4 August 2014

RECOMMENDATION:- Grant subject to conditions.

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

Full planning permission is sought for the erection of an aviary enclosure at Twycross Zoological Park. This is a retrospective application.

The proposal seeks to redevelop the former site of the aviary and tropical house to provide a new aviary enclosure.

The enclosure comprises a quadrilateral structure measuring 24m in length by 24m in depth. The roof is of a dual pitched design measuring 5m to the eaves and 8.215m to the ridge. The development constitutes a built area of 576m².

Site and Surrounding Area

The site formally comprised a parcel of disused land , adjacent to an aggregated walkway. Historically the area was occupied by a former aviary and tropical house (demolished early 2014).

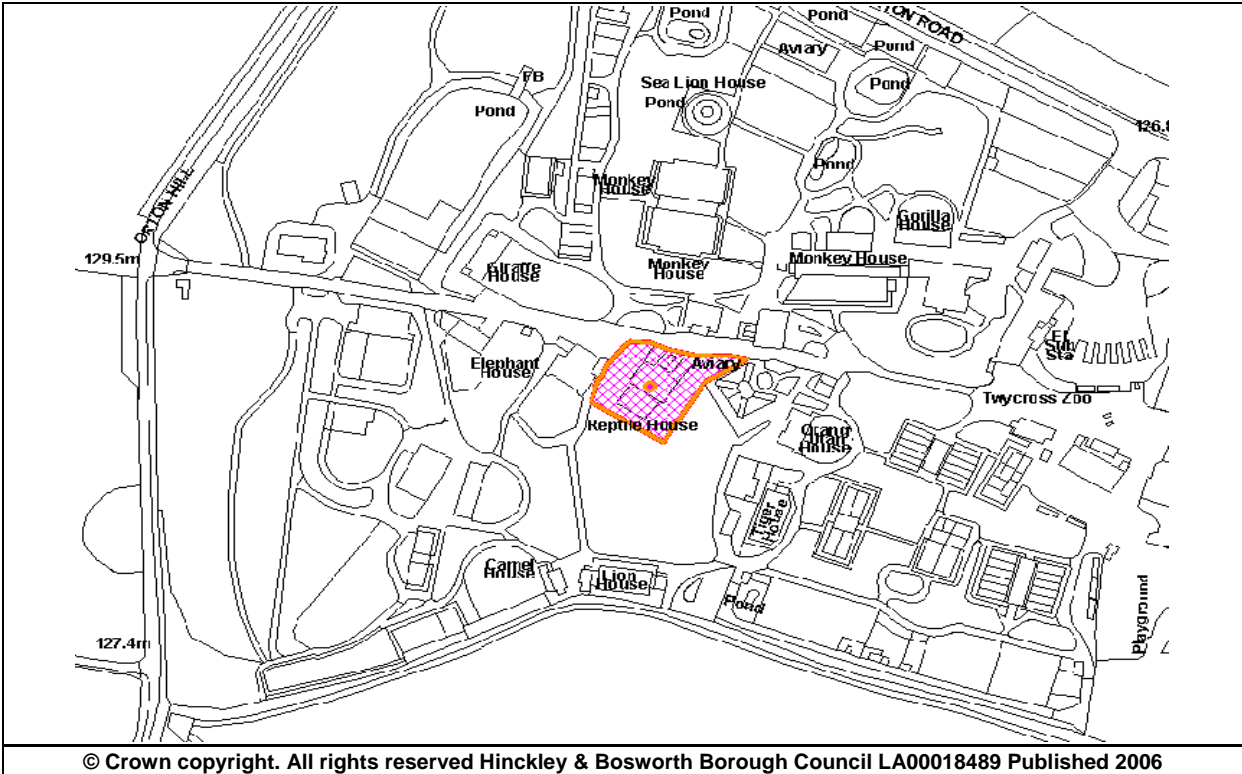
The site of the zoo has an area of approximately 40 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village of Norton Juxta Twycross lies approximately 500 metres north of the site.

Technical Documents

Design and Access Statement
Planning Statement.

Relevant Planning History:-

12/00098/GDOD Demolition of buildings 28.03.12



Consultations:-

No comments/objections from:-

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

Policy:-

National Policy Guidance

Planning Practice Guidance (2014)
National Planning Policy Framework (NPPF) March 2012.

Local Development Framework: Core Strategy (2009)

Spatial Objective 1
Policy 23: Tourism Development.

Hinckley & Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design and other matters.

Principle of Development

The site is located outside of the settlement boundary of Twycross and Orton on Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

The NPPF provides a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In respect of development within rural areas, paragraph 28 of the NPPF seeks to support sustainable rural tourism through supporting the expansion of tourist and visitor facilities in appropriate locations.

At a local level Core Strategy Spatial Objective 1 seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism whilst Policy 23 states that new tourism development for extended visitor attractions will be encouraged in suitable locations where the development can help support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and adds to the economic wellbeing of the area. In addition, Policy NE5 of the adopted Local is supportive of development that is important to the local economy and where it is for recreation purposes.

It is considered that this scheme intends to extend the attractions and facilities available at the existing zoo, thus benefiting this rural business and enhancing the local economy through its ability to encourage more visitors to the area. Accordingly the development is considered acceptable in principle.

Siting and Design

The building is sited within the existing complex, screened by existing buildings. Given the siting and that the building would not be visible from outside of the site, it is not considered that there will be any significant impact upon the character and appearance of the countryside given the buildings positioning within the existing site.

The design of the building is functional and reflective of its end use. The scale and design of the building is similar to existing buildings on site, and on balance, despite its simplistic design, is considered acceptable.

Other Matters

The scheme does not propose any alterations to the parking or access arrangements is not considered to be result in any significant changes to the local highway network and the Director of Environment and Transport (Highways) who has no comments/objection to the scheme.

Conclusion

In conclusion, it is considered that the scheme could bring benefits to the local economy and the wider tourism industry of the Borough in accordance with the requirements of Saved Policy NE5 of the Local Plan and Policy 23 of the Core Strategy and the overarching intentions of the NPPF. The scheme would not give rise to any significant material impacts in terms of the character of the surrounding countryside or the immediate setting and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- Grant subject to 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 to comprise of sustainable development, would enhance and improve an existing tourist facility and would be beneficial to the local economy.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, T5, and NE5

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

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.

Conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Drg Nos:- S875, T67.1-001 received by the Local Planning Authority on 9.06.14

Reasons:-

- 1 For the avoidance of doubt and in the interest of proper planning

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 10

Reference: 14/00657/HOU

Applicant: Mr & Mrs M Jennings

Location: 31 The Fairway Burbage Hinckley

Proposal: Extensions and alterations to dwelling house

Target Date: 28 August 2014

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than 5 addresses and the application has been called in by Councillor Mr. Keith Lynch to give the Committee the opportunity to consider the visual impact of the garage in the context of the street scene.

Application Proposal

This application seeks full planning permission for householder extensions to a semi detached bungalow to include the construction of a pitched roof garage to the front of 31 The Fairway, Burbage, accessed from the existing front porch allowing covered access from car to dwelling and repositioning the front door within the existing porch.

The proposal projects approximately 5.8metres from the front elevation of the main dwelling with a width of 4.6 metres, the eaves measure approximately 2.5metres and 4.35metres to the highest ridge point. The use of matching materials is proposed. The proposal would retain the provision of four off street parking spaces.

The site and surrounding area

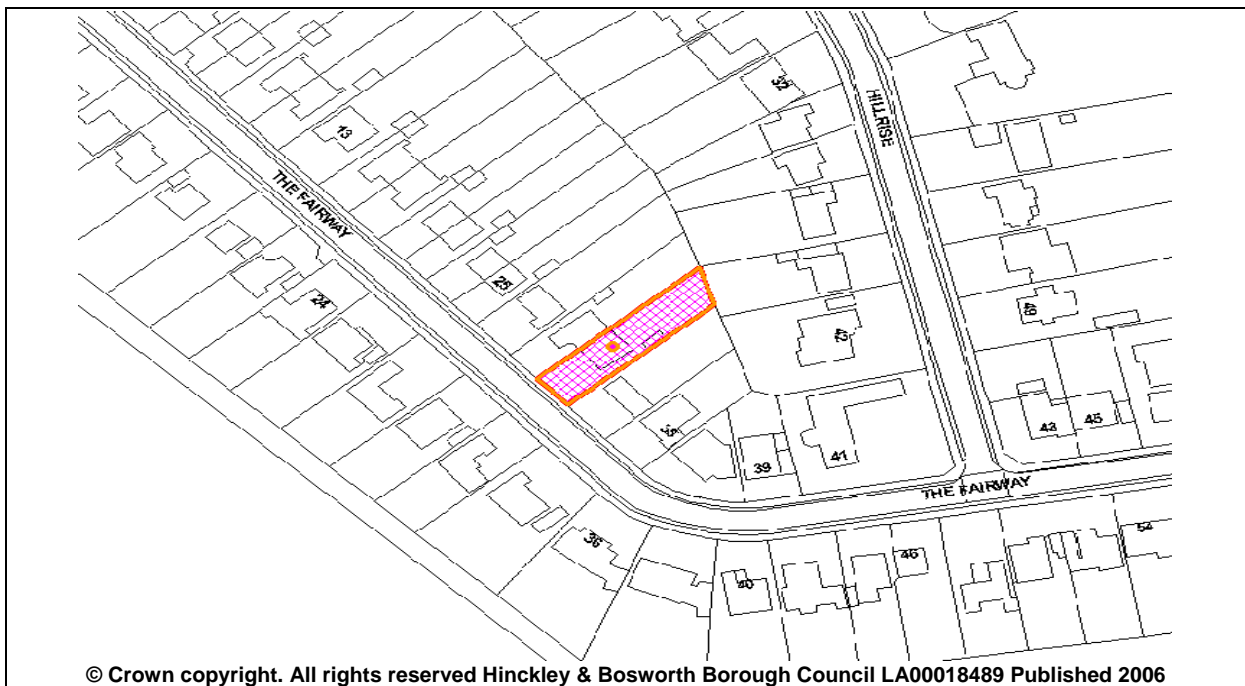
The application property is located within the core residential area of Burbage characterised by individual housing development and identified as Zone 4 in the Burbage Village Design Statement. The street includes a mix of residential properties varying from detached and semi detached, two storey dwellinghouses and bungalows. The applicant's dwellinghouse is a single storey semi detached bungalow, constructed of brown facing bricks and dark concrete interlocking tiles, with four off street parking provision at the front of the property.

Technical Document submitted with application

None relevant

Relevant Planning History:-

95/00452/FUL	Rear extension to Bungalow	Approved	24.07.95
08/00428/FUL	Erection of conservatory to side of dwelling (retrospective)	Approved	30.06.08
08/00061/UNBLD	Unauthorised erection of conservatory		Closed
08/00474/BOC	Breach of condition relating to glazing		Closed



Consultations:-

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

One representation has been received from Councillor Mr. Keith Lynch raising the following concerns:-

- a) the proposal for the garage to be built in front of the general line of housing in the road could adversely affect the street scene
- b) sets an undesirable precedent.

Burbage Parish Council have objected on the following grounds:-

- unsatisfactory relationship with neighbouring properties and significantly detrimental to the amenities of the occupiers, especially to those residing at No.33 The Fairway, Burbage
- would be significantly out of keeping with the character of the street scene
- set an undesirable precedent within the street to allow building to take place forward of the street building line.
- the impact this will have on on-street parking in the area.

Thirteen letters of representation have been received including four from the same property raising the following objections/concerns:-

- a) proposal is not in keeping of the character of the area and should be sympathetically designed in keeping with the Burbage Village Design Statement
- b) loss of light and overbearing impact to the neighbouring dwelling
- c) property has been developed enough through previous extensions
- d) justification for the proposal is weak
- e) concerns over surface water drainage
- f) would breach the streets building line and would detract from the development concept and would set a precedent for future developments
- g) the property has been extended in the past without planning permission, having no regard to the impact upon neighbours.

Policy:-

National Planning Guidance

National Planning Policy Framework (NPPF) March 2012.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards.

Supplementary Planning Guidance / Documents

House Extensions Design Guidance SPG
Burbage Village Design Statement SPD June 2006.

Appraisal:-

The main considerations with regard to this application are:-

- the principle of development
- relationship to the character and appearance of the area
- relationship to the amenities of neighbouring properties
- car parking and highway safety.

Principle of Development

The application proposes extensions and alterations to an existing dwelling within the settlement boundary of Burbage. The NPPF provides a presumption in favour of sustainable development, and, as this proposal is for extensions and alterations to an existing dwelling it

is considered sustainable and the proposal is therefore compliant with the NPPF and acceptable in principle subject to all other planning matters being appropriately addressed.
Relationship to the character and appearance of the area

The concerns of the residents and the Parish Council are carefully considered particularly with regard to the building line and the design and appearance of the proposals. Whilst comments are understood on the justification for the proposals and the previous developments at the site are noted, each proposal must be treated on their planning own merits.

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. The Burbage Village Design Statement (BVDS) describes that a key feature of the properties in the area such as The Fairway is their 'individuality' with much of the development prior to 1960 being developed by individual owners or by small individual builders. The BVDS guidance GN 2.7 requires extensions, conversions and alterations to use materials and be of a design and scale compatible with the original building. The objections received concerning the character of the area and the appearance of the proposal has been carefully considered in the determination of this application.

The proposed single storey front extension projects 5.8 metres forward of the existing dwelling just off the side boundary at a width of 4.6 metres and with an eaves height of 2.5metres and ridge height of 4.35metres. The proposed garage would be visible within the street scene of The Fairway, and would sit forward of No.33 The Fairway Burbage, by 1.5metres. The adjoining property No. 29 Fairway has an existing front projection which is forward of the principal elevation of the application site. The proposal is set back from the highway by 6metres and as a result would not be prominent within the street scene and would retain the open front character of the street. The proposed hipped roof design of this extension is subordinate to the main roof of the dwelling in accordance with the SPG and would not appear incongruous to the existing dwelling or street scene as a whole particularly bearing in mind the varied character of the surrounding area.

The extensions and alterations are to be constructed in matching materials to provide unified appearance with the existing dwelling.

Overall by virtue of their siting, scale, design and appearance, the proposals will complement the character of the existing dwelling and surrounding area and therefore in accordance with Policy BE1 (Criterion a) of the adopted Local plan, together with the general principles of the NPPF, the adopted SPG on House Extensions and GN 2.7 of the Burbage Village Design Statement.

Relationship to neighbouring properties

The concerns of residents and the Parish Council are understood and carefully considered in relation to the impact of the proposals on the amenities of neighbouring residents.

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties. Concerns have been raised that the proposal would result in the loss of light to No.33 The Fairway and these have been carefully considered.

No 33 The Fairway is a detached two storey dwelling situated to the south of the applicant house. The proposal at its closest point will be approximately 1.5metres from No.33. The proposal would result in some loss of light to a small window which serves the porch to No.33 which is not considered a habitable room. Furthermore due to No.33 The Fairway being situated to the South of the application site any loss of light would not have a permanent impact upon the windows serving the dwelling, given the continued orientation of

the sun very little overshadowing would be experienced. On balance it is therefore considered that the loss of light and overshadowing would not be so severe to No.33 The Fairway as to justify refusal.

Due to the siting of the proposal and separation distances there will be no adverse impact on any other neighbouring property. Whilst an objection has been received from a neighbour in respect of loss of light and overbearing impact the proposal is in accordance with Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG.

Car parking and highway safety

Concerns of residents have been carefully considered alongside Policy BE1 (criterion g) of the adopted Local Plan which requires that there is adequate on and off-street parking for residents and visitors.

As a result of this proposal the off-street parking provision within the curtilage of the application site would be retained providing 4 off-street parking spaces, with one being provided within the proposal garage. The off-street parking provision is in accordance with the adopted parking standards to serve the dwelling and therefore this proposal is in accordance with Policy BE1 (criterion g) and T5 of the Local Plan and therefore acceptable.

Other Considerations

A number of additional issues raised within the neighbour letters of representation are considered below:-

An objection has been received in respect of potential surface water flooding as a result of the construction of the proposal. The proposal includes the installation of a new drainage solution on site to deal with surface water drainage. In addition no objections have been received from the Head of Community Services (Land Drainage) as part of the consultation process of this application. It is considered that drainage is appropriate.

Further matters have been raised in respect of the justification for the application of providing covered access from the car into the dwelling. Although noted and understood this has not formed part of the material planning consideration in this application.

It is also understood that previous planning breaches at the property cause frustration and other existing developments which have not been reflected on the annotated Ordnance Survey plan. Development, the subject of breaches, has been regularised by the granting of planning permission at the time and there are no current enforcement investigations at the property.

Conclusion

By virtue of its siting, scale, design, appearance and separation distances to neighbouring properties, the proposals will complement the character of the existing dwelling and will not result in any adverse impacts on the character of the street scene, the amenities of any neighbouring properties or highway safety. The proposals are compliant with Policies BE1 (criteria a, g and i) and T5 of the adopted Local Plan, the SPG on House Extensions and guidance within the BVDS together with the overarching principles of the NPPF and are therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to 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, would complement the scale, character and appearance of the existing dwelling and would not have any adverse impact on the character of the street scene, residential amenity or highway safety.

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

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.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan (Scale 1:1250) Block Plan (1:500), Proposed garage extension Job No. 1288 Drg.No.ss01 received by the Local Planning Authority on the 3 July 2014
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (criterion a) of the adopted Hinckley & 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:- Jenny Brader Ext 5620

Item: 11

Reference: 14/00592/CONDIT

Applicant: Goodman Developments Ltd On Behalf Of DPD UK (GeoPost).

Location: Johnsons Apparelmaster Ltd Rugby Road Burbage

Proposal: Amendments to condition 3 of 13/00345/REM to amend the submitted plans for the erection of a building to be used for class B8 (Storage and distribution) purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping

Target Date: 12 September 2014

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it a major development with a site area on excess of 5 hectares.

Application Proposal

Planning permission is sought to vary condition 3 of planning permission 13/00345/REM in order to agree modest changes to the approved scheme.

Planning permission 13/00345/REM granted approval for the following development:-

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

Condition 3 referred to approved plans and is worded as follows:-

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

Cycle Shelter Drawing No. P012; Gas Meter Housing Drawing No. P013; Twin Truck Wash Bay Layout with Partial Water Reclamation & Two Jet Wash Units Drawing No. GEP01LD; (Substation) Drawing No. EE712/A; Site Context Infrastructure Plan Drawing No. 02 Rev. B; Mezzanine Plans Drawing No. P004 Rev. B; Ancillary Features Bin Store & Smoking Shelter Drawing No. 103; Proposed Weighbridge Works Drawing No. 01 Rev. C3; Water Storage Tank Drawing No. 16 Rev. P2; Generators Drawing No. 17 Rev. P2; Fuel Tanks Drawing No. 18 Rev. P1; West & Part North Boundary Retaining Walls Drawing No. 20 Rev. P1; East & Part North Boundary Retaining Walls Drawing No. 21 Rev. P1; Hub Building Plan Drawing No. P003 Rev. A; Ancillary Building Plan Drawing No. P005 Rev. A; Hub Building Elevations 1 of 2 Drawing No. P006 Rev. B; Hub Building Elevations 2 of 2 Drawing No. P007 Rev. B; Ancillary Building Elevations Drawing No. P008 Rev. B; Fences & Gates Drawing No. P011

received by the Local Planning Authority on 1 May 2013 and amended details:- External Lighting Services Drawing No. M1671-E-24-01 Rev. P3 received by the Local Planning Authority on 23 May 2013 and Site Sections Drawing No. P009 Rev. A and Concept Landscape Proposals Drawing No. 01 Rev. G; Site Location Drawing No. P001 Rev. B; and Site Layout Drawing No. P002 Rev F received by the Local Planning Authority on 7 June 2013.

This application seeks to vary condition 3 and the approved development in the following ways:-

1. the Hub building is to have an additional bay at high level (to accommodate a high level conveyor)
2. the covered walkway from the visitor waiting area previously shown as security fencing is to be enclosed with cladding/windows to match the main elevation of the building
3. the visitor entrance on the security building has been repositioned
4. the high level louvers on the security building have been amended to a combination of louvres and look-a-like louvre cladding
5. two flat roof wells have been constructed to conceal roof ventilation cowls.
6. the retaining walls along the eastern and northern boundaries of the site have been amended.

Site and Surrounding Area

The parcel of land subject of this application has an area of approximately 14.11 hectares and is situated on the western part of the 'Sketchley' site. Further west is a commercial plot which has recently secured planning permission for a B8, (Storage and Distribution) building with ancillary offices and gatehouse, with associated parking and landscaping (14/00117/REM) and to the east is a parcel of land which has secured planning permission for residential development (12/00697/REM). 70m further to the west is the Ashby de la Zouch Canal. The re-instated Sketchley brook and landscaped corridor is on the opposite side of the spine road, running parallel to the southern boundary of the site. The site is greenfield in nature, the levels drop from east to west and there are a number of trees along the boundaries of the site subject to Tree Preservation Orders (TPO).

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

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

Technical Documents Submitted with the Application

None

Relevant Planning History:-

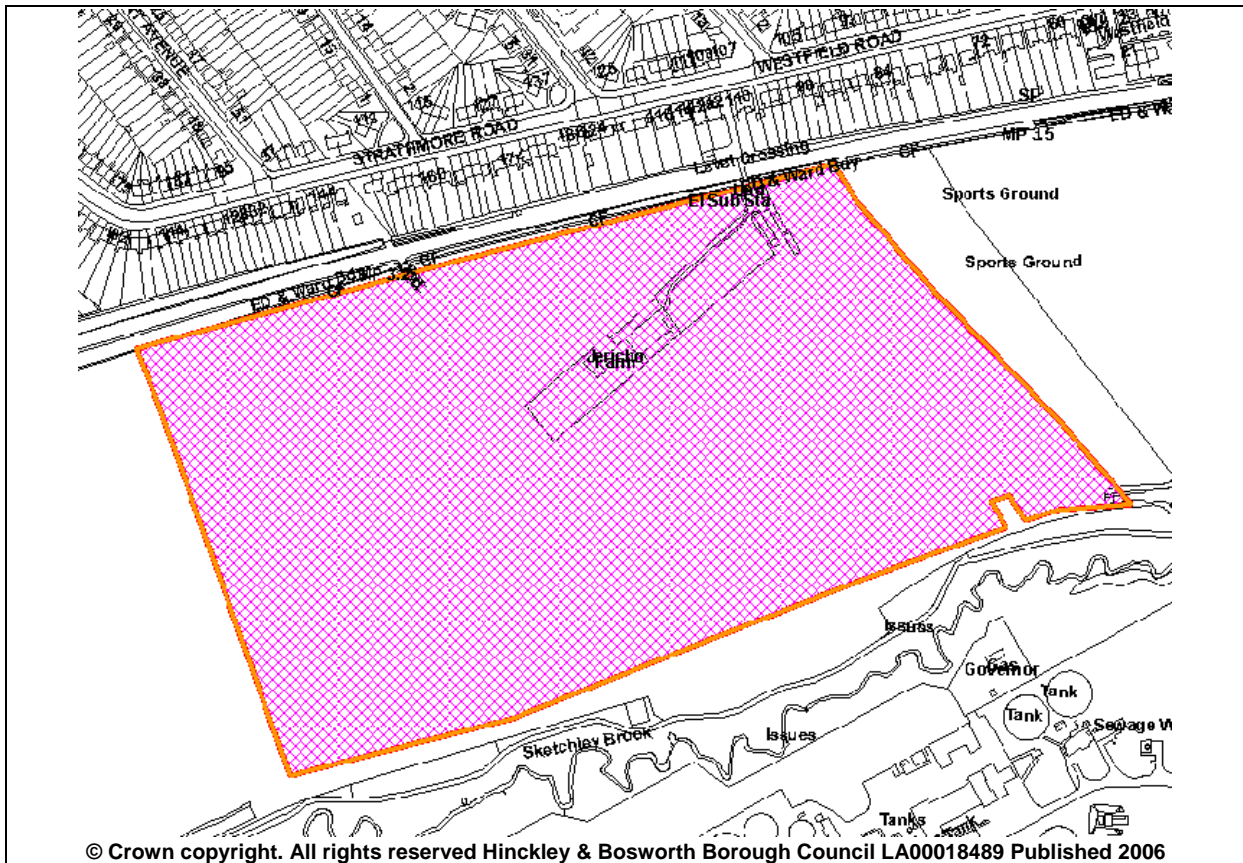
13/00345/REM	Erection of a building to be used for class B8 (Storage and distribution) purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping	Approved	08.07.13
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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



Consultations:-

No objection has been received from:-

Environment Agency
Head of Community Services (Pollution)
Head of Community Services (Drainage)
Burbage Parish Council.

No objection subject to conditions have been received from:-

Severn Trent Water Limited.

Network Rail have objected to the application on grounds that the retaining wall will restrict access to the crossing for access maintenance purposes.

Site notice and press notice were displayed and neighbours notified. 1 letter of neighbour representation received. This alleges corruption within the Council.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012.

Local Plan 2006-2026: Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The principle of the development, siting, access, landscaping and appearance have previously been accepted through applications 10/00518/OUT and 13/00345/REM.

This application will consider the impacts of the proposed variations on the design of the building and whether any further impacts will be raised in respect of character or residential amenity. In addition to this, previous planning conditions and any changes in policy that may impact on the decision will also be considered.

Design/character/residential amenity

When considered as part of the overall scheme, the proposed variations in design are considered to be minor in nature and will not result in any materially adverse impacts on the overall appearance, design or character of the building, or wider area. The proposal will therefore be in conformity with Local Plan Policy BE1 (a).

In respect of the amendments to the louvres, as these are not served by any plant/equipment they will not result in any noise emissions and thus there will be no further impacts on residential amenity in this respect. The proposal will therefore be in conformity with Local Plan Policy BE1 (I)

Other issues

Network Rail have objected to the application on grounds that the proposed retaining wall will prevent them from accessing the Burbage level crossing for access maintenance purposes.

This allowance depends on the landowner allowing Network Rail access across their land. Network Rail have requested that the plans be amended to allow them access, however this is a private issue between the landowner and Network Rail and the Local Planning Authority can not request amended plans on this basis. This said, a note to application will be imposed informing the applicant of this request.

Policy Changes

Since the determination of the original planning application (13/00345/REM) there have been no policy changes that alter the acceptability of the development proposal.

Previously imposed Conditions

The original planning permission was subject to 7 conditions. It must be considered whether these conditions remain relevant and therefore should be re-imposed on the current scheme.

Condition 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. This remains relevant and will be re-imposed.

Condition 2: The development hereby permitted shall be carried out in complete accordance with the following materials, unless otherwise agreed in writing by the Local Planning Authority:-

Hub

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

Main Gatehouse

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

Vehicle Maintenance Unit

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

Salt Barn, Tyre Store, and Site Vehicle Garage

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

The Perimeter fencing finished in powder coated black

This condition remains relevant and will be re-imposed.

Condition 3:- Approved plans. Modified by this application. Will be re-worded and re-imposed.

Condition 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. This condition has now been discharged and therefore will be re-worded to reflect the approved details.

Condition 5: The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use. This condition has now been discharged and therefore will be re-worded to reflect the approved details.

Condition 6: The approved landscaping scheme as shown on Concept Landscape Proposals Drawing No. 01 Rev. G received by the Local Planning Authority on 7 June 2013 shall be carried out within the first planting season following the first use of the sortation ? hub hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted. This condition remains relevant and will be re-imposed.

Condition 7: No development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents, the highway and the environment shall be prevented or mitigated from mud, dust, odour, noise, smoke, light, and traffic and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.

This condition has now been discharged and therefore will be re-worded to reflect the approved details.

Conclusion

Notwithstanding the variation of condition 3, this development constitutes sustainable development in accordance with the intentions of the NPPF and will not give rise to any materially adverse impacts in terms of residential amenity, design and character, highway safety or other issues and therefore, subject to the amended conditions is considered acceptable and in accordance with both local and national planning policy.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

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

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

In dealing with the application, through ongoing negotiation 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.

Conditions:-

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

Hub

Roof: profiled composite roof cladding in Goosewing Grey
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Vehicle Maintenance Unit

Roof: Profiled composite roof cladding in Goosewing Grey
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Roof: profiled steel cladding in Goosewing Grey
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The Perimeter fencing finished in powder coated black

- 3 Cycle Shelter Drawing No. P012; Gas Meter Housing Drawing No. P013; Twin Truck Wash Bay Layout with Partial Water Reclamation & Two Jet Wash Units Drawing No. GEP01LD; (Substation) Drawing No. EE712/A; Site Context Infrastructure Plan Drawing No. 02 Rev. B; Mezzanine Plans Drawing No. P004 Rev. B; Ancillary Features Bin Store & Smoking Shelter Drawing No. 103; Proposed Weighbridge Works Drawing No. 01 Rev. C3; Water Storage Tank Drawing No. 16 Rev. P2; Generators Drawing No. 17 Rev. P2; Fuel Tanks Drawing No. 18 Rev. P1; West & Part North Boundary Retaining Walls Drawing No. 20 Rev. P1; Hub Building Plan

Drawing No. P003 Rev. A; Ancillary Building Plan Drawing No. P005 Rev. A;; Hub Building Elevations 2 of 2 Drawing No. P007 Rev. B; Ancillary Building Elevations Drawing No. P008 Rev. B(aside from details superseded by drg refs 1334/p150, 1334/p154); Fences & Gates Drawing No. P011 received by the Local Planning Authority on 1 May 2013 and amended details:- External Lighting Services Drawing No. M1671-E-24-01 Rev. P3 received by the Local Planning Authority on 23 May 2013 and Site Sections Drawing No. P009 Rev. A and Concept Landscape Proposals Drawing No. 01 Rev. G; Site Location Drawing No. P001 Rev. B; and Site Layout Drawing No. P002 Rev F received by the Local Planning Authority on 7 June 2013. Drg Refs:- 1334/P130, 1334/P131, 1334/P135, 1334/P150, 1334/P154, 1334/P150, 1334/P154,1334/P157, 2100-21 rev C1

- 4 The development hereby permitted shall be in accordance with the approved scheme to dispose of waste water associated with the lorry wash detailed 'Winvic Sitewaste Management Plan SWMP01'
- 5 The drainage scheme shall be in accordance with the approved details on the Cameron Darroch Dwg CDA-2100-11 Site Drainage Layout
- 6 The approved landscaping scheme as shown on Concept Landscape Proposals Drawing No. 01 Rev. G received by the Local Planning Authority on 7 June 2013 shall be carried out within the first planting season following the first use of the sortation hub hereby approved. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 7 The site shall be operated in accordance with the details within the Winvic Construction Limited, Hinckley Geopost Logix Park Construction Environmental Management Plan dated 17th September 2013 revised and received 21.07.14

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 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
- 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 safeguard the amenities of nearby occupiers in accordance with the requirements of Policy BE1 criteria i of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Overton Ext 5680

Item: 12

Reference: 14/00633/CONDIT

Applicant: Mr And Mrs Nino And Carmela Puglisi

Location: Killahurk 6 Shakespeare Drive Hinckley

Proposal: Variation of condition 2 of planning permission 14/00127/HOU for the erection of detached garage and formation of new vehicular access with associated driveway extension

Target Date: 21 August 2014

RECOMMENDATION:- Grant subject to conditions.

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 to vary Condition 2 of planning permission 14/00127/HOU to enable the development to be constructed in accordance with amended plans. Planning permission 14/00127/HOU granted full planning permission for the erection of a detached double garage and the formation of a new vehicular access with associated driveway extension.

The proposed amendments to the plans are as follows:-

- a 0.9 metre increase in the ridge height of the garage from 5.1 metres to 6 metres and resultant increase in the roof pitch to provide an attic room to be used for ancillary residential purposes
- the insertion of windows within the front and rear elevation gables

- the insertion of four roof lights on each side elevation roof slope
- external design amendments with two individual garage doors to the front elevation to replace one single double door and relocation of the rear elevation garage door
- internal layout amendments with the inclusion of an internal staircase and ground floor toilet.

The revised scheme does not propose any amendment to the approved siting of the garage or its footprint, or to any of the new vehicular access/driveway details approved under the previous permission.

The revised double 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 6 metres in height. The proposed roof lights in the side elevation roof slopes are to have a minimum cill height of 1.8 metres above the finished floor level of the proposed attic room. The use of matching external materials (brickwork and concrete tiles) is proposed.

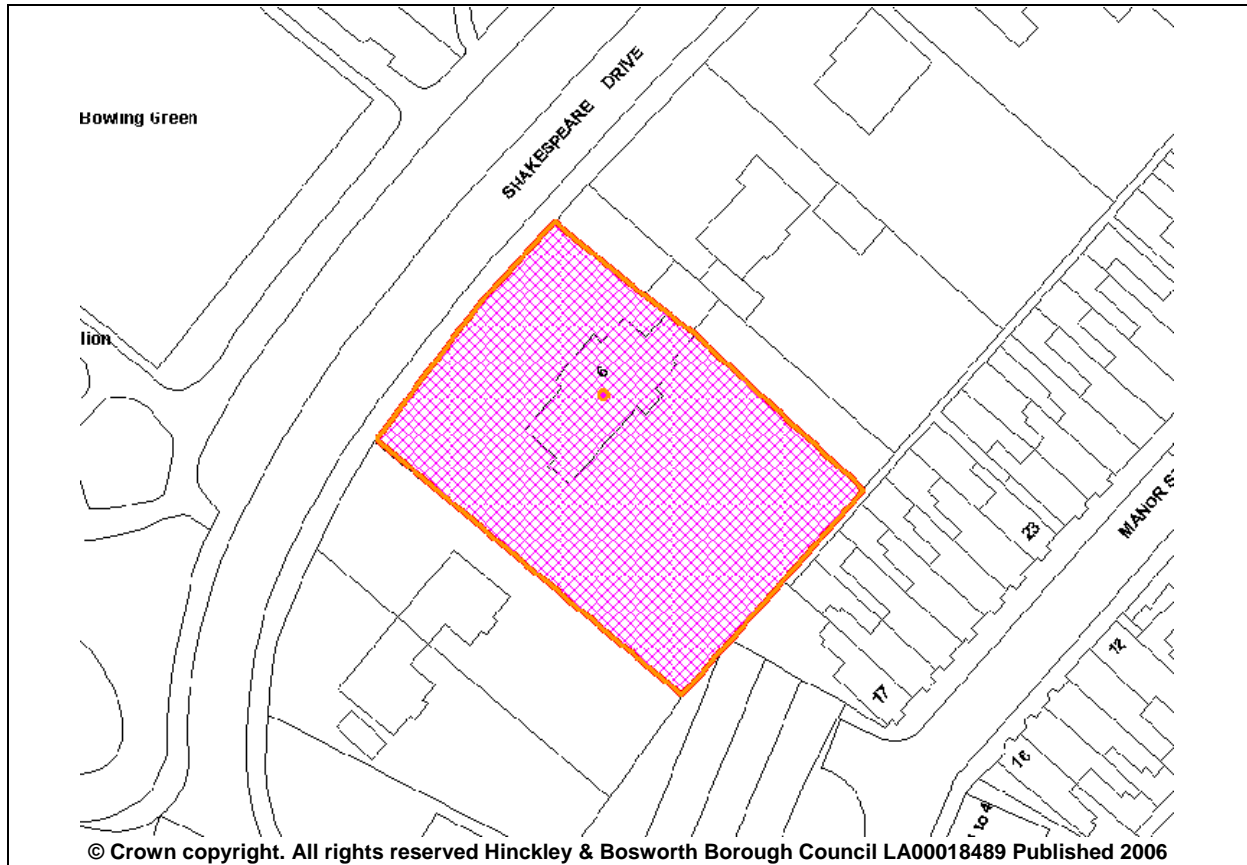
The proposed 4.4 metres wide access and driveway extension will provide a semi-circular access drive with two points of access and egress and involves the removal and making good of the existing 0.6 metres high front boundary wall. The use of hard-bound tarmacadam is proposed for the driveway.

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:-

14/00127/HOU	Erection of a detached double garage and the formation of a new vehicular access with associated driveway extension	Approved	30.04.14
11/00811/FUL	Subdivision of dwelling to form two dwellings and extensions and alterations	Approved	29.11.11



Consultations:-

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

No response has been received at the time of writing this report from Director of Environment and Transport (Highways).

No representations have been received as a result of the site notice or the neighbour consultation process.

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 principle of development has been established by the previous planning permission. The main considerations with regard to this application are therefore the acceptability of the revised design on the character and appearance of the existing dwelling and the wider Hollycroft Conservation Area and impact on the amenities of the occupiers of neighbouring properties and highway safety.

Design 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 is set back 16 metres from the highway boundary and set back 3 metres from the main front elevation of the application dwelling. The revised steeper pitch roof with a small increase of only 0.9 metres in ridge height to provide an attic room to be used for ancillary residential purposes, together with design amendments including individual dual garage doors to the front elevation and inclusion of additional windows are considered to be improvements to the permitted scheme.

By virtue of the siting and revised design and subject to the use of matching materials the revised scheme will still complement the character and appearance of the existing dwelling, will not be prominent within the street scene and will therefore continue to 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 revised proposal is therefore considered to be in accordance with Policies BE1 (criterion a) and BE7 (criteria a, b, c and d) of the adopted Local Plan. The Borough Council's Conservation Officer raises no objection to the revised scheme.

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. The revised scheme increases the ridge height of the proposed garage by only 0.9 metres approximately 3.5 metres off the boundary. By virtue of the siting of the garage the revised scheme will have no adverse overbearing or overshadowing impact on the amenities of the occupiers of No. 7. The revised scheme introduces an attic room and the insertion of windows to the front and rear elevation gables and four roof lights on the west roof slope facing No. 7. The front elevation window does not face towards any private areas. The rear elevation window will enable oblique views of the rear most areas of the rear garden of No. 7 but not result in any significant adverse impact from loss of privacy from potential overlooking. The proposed four roof lights within the west roof slope elevation will face towards No. 7 at only 1.6 metres within the side boundary, however, by virtue of the proposed minimum cill height of 1.8 metres above finished attic room floor level (which can be controlled by condition), the roof lights will not result in any adverse impact from loss of privacy to the occupiers from potential overlooking.

5a Shakespeare Drive is a semi-detached bungalow formed as a result of a 2011 planning permission to subdivide the application dwelling. The revised garage design introduces four roof lights within the east roof slope elevation that will face towards the rear garden of No. 5a but by virtue of the minimum cill height of 1.8 metres above finished attic room floor level (which can be controlled by condition) and the separation distance of approximately 24 metres, the roof lights will not result in any adverse impact from loss of privacy to the occupiers from potential overlooking. 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 revised 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 tarmac 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. No response has been received at the time of writing this report from the Director of Environment and Transportation (Highways).

Conclusion

By virtue of its siting, scale, design and appearance together with existing mature landscaping to be retained, the revised 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 revised proposal is considered to be 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:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, the character and appearance of the Hollycroft Conservation 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, 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.

Conditions:-

- 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 No. M1453/LP at 1:1250 scale, Proposed Block Plan No. M1453/BP at 1:500 scale, Existing & Proposed Access/Boundary Wall Elevation & Plan and Proposed Garage Floor Plans Drg No. M1453/1 received by the local planning authority on 28 March 2014 26 June 2014 and Proposed Garage Elevations Drg. No. M1453/2a received by the local planning authority on 11 July 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
- 4 Notwithstanding the submitted plans, the cill height of the roof lights to be inserted in the side roof elevations of the proposed garage shall be a minimum of 1.8 metres above the finished floor level of the attic room as indicated on the Proposed Section on drawing no. M1453/2a received by the local planning authority on 11 July 2014.

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.
- 4 To protect the privacy and amenity of neighbouring properties in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894