

PLANNING COMMITTEE

9 December 2014

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

PLANNING COMMITTEE AGENDA - 9 December 2014 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
12/01133/FUL 13/00031/FUL	Mallory Park Circuit	Mallory Park Circuit Church Road Kirkby Mallory	01 & 02	2
14/00480/FUL 14/01066/FUL	Westmoreland Investments Ltd	3 - 5 Hawley Road Hinckley	03 & 04	13
14/00816/FUL	Bellway Homes East Midlands Limited	Land West Of Cambridge Drive Desford	05	36
14/00654/FUL	Mr Andrew Allen	Land Adjacent Charnwood Poultry Farm Desford Road Desford	06	56
14/00878/FUL	Mr Mark Seeman	Holy Bones 10 Church Street Market Bosworth	07	70
14/00600/FUL	Elmleigh Properties Limited	The Boot And Shoe 27A Moore Road Barwell	08	81
14/00937/FUL	Mr R Wynne	21 Shaw Lane Markfield	09	93
14/00857/FUL	Mr Tony Clarke	26 Main Road Sheepy Magna Atherstone	10	103
14/00295/FUL	Mr Darren Price	Land East Of Heath Road Bagworth	11	114
14/00355/FUL	Carlton House Farm	Land To The West Barton Road Market Bosworth	12	124
14/01024/FUL	Twycross Zoo	Twycross Zoological Park Burton Road Norton Juxta Twycross	13	138
14/00899/FUL	HSSP Architects Limited	Anfield Field Way Earl Shilton	14	142

Item: 01 & 02

Reference: 12/01133/FUL & 13/00031/FUL

Applicant: Mallory Park Circuit

Location: Mallory Park Circuit Church Road Kirkby Mallory

Proposal: 12/01133/FUL - Regularisation of groundworks carried out at Mallory Park Circuit, including extension to run-off area, hardcore track, earthbank pond and re- profiling of bank

13/00031/FUL - Regularisation of ground works carried out at Mallory Park Circuit, including earth-bank and re-profiling of bank

RECOMMENDATIONS:-

12/01133/FUL - Grant subject to conditions.

13/00031/FUL - Grant subject to conditions.

Introduction:-

This report deals with two retrospective applications at the Mallory Park Racing Circuit. The Circuit is located in the countryside to the south west of the village of Kirkby Mallory and is part of an established motor sport venue and tourist attraction. The applicant has stated that the works have been carried out to improve the safety standards of the Circuit following annual track inspections by the Royal Automobile Club (RAC), Auto Cycle Union (ACU) and British Super Bikes (BSB). The applicant has stated that the RAC and ACU will only issue track licenses if their standards are met.

The applications seek full planning permission for ground works located at three areas including the earth bund adjacent to the southern boundary of the track, (including the creation of earth banks and a pond in the field to the immediate south of the Circuit), bunding to western side of the track with a small element to the northern part of the site alongside Stapleton Lane. The applicant has stated that the extension to the safety run-off area is required to improve the safety standards of the Circuit.

Planning application 12/01133/FUL relates to a 25m extension to the run-off area, tyre barrier and hard core track around the perimeter of the track with graded earth bank beyond. A new pond is also to be constructed which will also serve as a flood relief storage area in the event of any flooding. The earthworks and pond, together with additional landscaping, are intended to provide an enhanced habitat and improve the visual appearance of the landscape. The application is one of a number of ground work operations which the applicant has stated has improved the safety of the Circuit for competitors, the facilities for customers within the venue and the visual appearance of the overall site. The site area of this application is 2.5ha and corresponds with the previous planning applications approved by Leicestershire County Council.

Planning application 13/00031/FUL seeks retrospective planning permission for works to the west and northern bund areas and the re-profiling work that has taken place to straighten the bund to the west of the track. The works include a tyre barrier of approximately 1.8m high and hard core run-off area. The site area of this application is 1.36ha.

The southern boundary to the Circuit is defined by an earth bund which retains the water that forms a lake in the middle of the Circuit. The dam has a steep southern slope down to the field to the south which is approximately 5 metres lower than the Circuit. The field is defined by mature boundary hedgerows containing a number of mature and semi mature trees. There are also a number of trees on the banks of the small stream/lake outlet that runs from the bottom of the earth dam southwards through the middle of the field and divides it into two parts.

A full site survey to establish the ground levels and ground profiles on the site have been undertaken and submitted with both the applications. The run-off area extension to the south of the race track projects approximately 35 metres into the field to the south at a height of approximately 5 metres whilst the earth banks and re-grading to the east of the run-off area extension is more gradual. The applicant has stated that the run-off extension and earth banks have been formed from cut and fill of approximately 4,200 cubic metres of existing topsoil and subsoil on site together with approximately 38,000 cubic metres of imported inert material also consisting of topsoil and subsoil.

Technical information submitted with both applications
 Design and Access Statements have been submitted for both applications
 A noise assessment has been submitted for both applications.

An Independent Noise Assessment has been carried out by AAD Consultants on behalf of the Council (dated 3rd October 2014).

Relevant Planning History:-

Borough Council Applications

Whilst there is a substantial planning history associated with the overall site, the most recent applications detailed below are the most relevant to this application.

09/00951/FUL	Groundworks to create extension to run-off area of Circuit along with creation of earth bank and pond.	Approved	17.02.10
	This application is the same area of the track as the current 12/01133/FUL application.		
08/00374/FUL	Re-Profiling of Land and Creation of New Earth Bund to Reduce Noise Pollution	Approved	15.09.08
	Relates to the area at the northern part of the site between the Circuit and the Village (not related to any current application)		
06/01361/FUL	Re-Profiling of Land and Reduction of Noise Pollution	Approved	07.03.07
	Relates to the area at the northern part of the site between the Circuit and the Village (not related to any current application)		

County Council Applications

2012/CM/0149/LCC	Regularisation of tipping of inert waste and associated activities	Approved	15.06.12
------------------	--	----------	----------

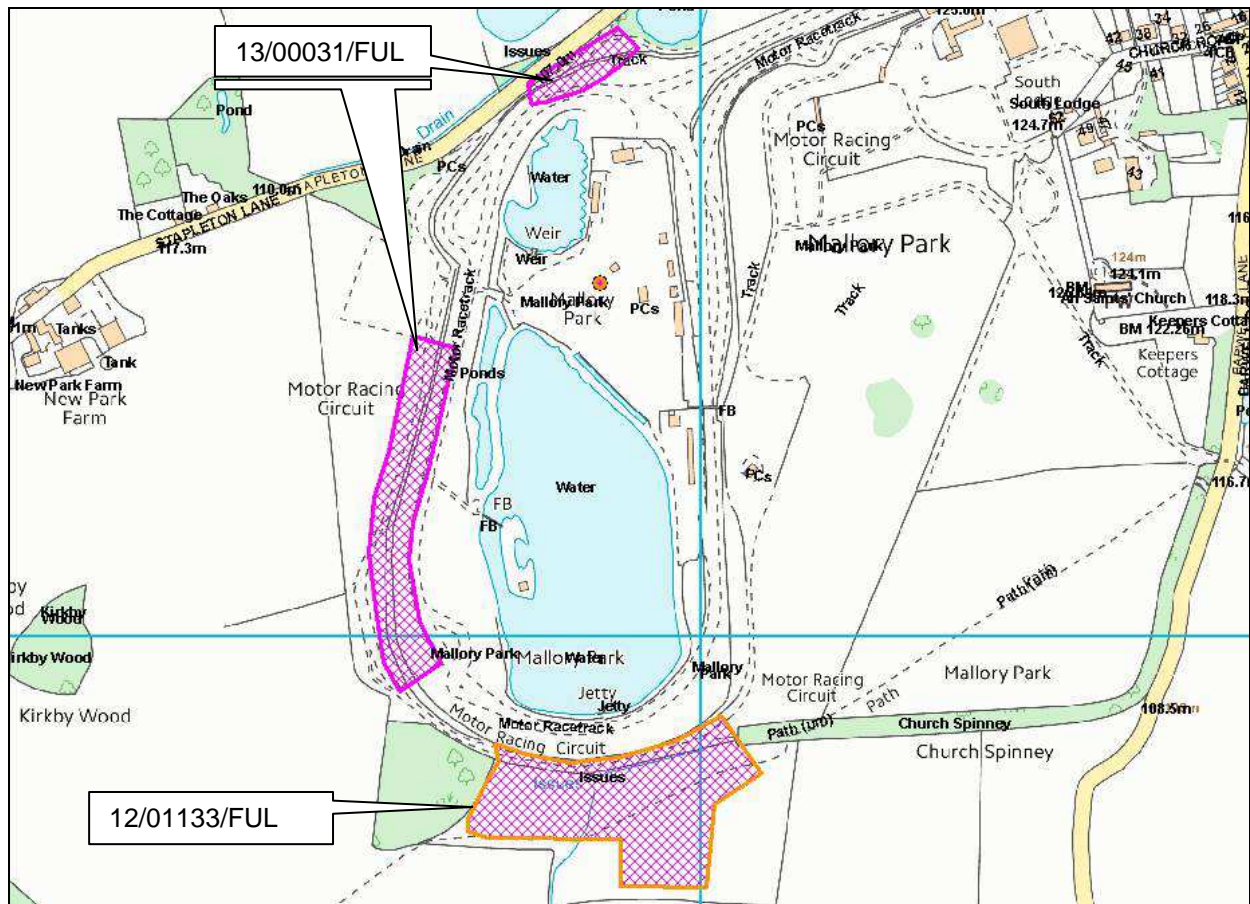
This application is the same area of the track as the current 12/01133/FUL application.

2010/0013/04

Tipping of inert waste to meet safety requirements for extra run-off area

18.03.10

This application is the same area of the track as the current 12/01133/FUL application.



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objections have been raised by
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Barwell Parish Council
Severn Trent Water
Environmental Health (Pollution) – issues of noise considered in the main report

Peckleton Parish Council objects to both applications because:

- The noise information submitted is incomplete and misleading
- The works have been carried out and supported by a thorough noise assessment (
- Ever since these changes took place, the residents of Mally have always said that they brought about an increase in the noise experienced in the village.
- The changes reverted back to the original state.
- Permission should only be given if it is proven that the works brought or bring about a

reduction of the noise levels in the neighbourhood. The earth works have increased the noise levels in the village.

No objection subject to a condition from:

Environment Agency

The neighbour responses are as follows:

13/00031/FUL

The following comments have been received in writing from local residents:

2 letters of support referring to the duration of time the Circuit has been in existence.

3 letters of objection that the proposed works greatly increase noise levels. They raise concerns that the works have already taken place. They also request that a full noise assessment should be submitted.

Following the receipt of the applicant's Noise Assessment (received 16 June 2014) and the Independent AAD Noise Assessment (received on 3rd October 2014) a further formal consultation was carried out on 10th October 2014 inviting further comments to the application.

12/001133/FUL

Full consultation was carried out on 17 July 2013, with residents, including site and press notices:

2 letters of objection were received raising concerns about the increase in noise nuisance and the lack of a noise assessment.

2 letters of support were received.

Following the receipt of the applicant's Noise Assessment (received 16 June 2014) and the Independent AAD Noise Assessment (received on 3rd October 2014) a further formal consultation was carried out on 10th October 2014 inviting further comments to the application. The following comments were received from local residents:

1 letter of support

'Village Liaison Reps' have objected on behalf of the 87 residents to both applications and submitted a critique of the Independent Noise Assessment. The critique has been prepared by MAS Environmental Ltd:

- These are two retrospective applications by MPML who exceeded the inert waste importation by some 35,000t (according to the LCC retrospective application for Gerard's Bend).

- The extension to Gerard's Bend was not a requirement for safety reasons and was entirely for profit.

- The lack of a noise assessment of the effects of the landscaping on residents. Questions raised about why the Council has commissioned its own report.

- AAD have identified a 3dB increase in noise reflected into the Village. Residents have long complained that the noise volume from Mallory Park has increased. AAD go on to suggest that the 3dB increase is not significant however MAS comprehensively dismiss this conclusion.

- It is for the Planning Committee to determine whether the banking, and the noise volume increase, is acceptable from a planning perspective.

- It is for HBBC's Environmental Health Department to determine if the new Statutory Notice can increase the numbers of days on which the noise volume can be inflicted on residents above the 'reasonable' level of activity in the previous Statutory Notice.

- If the banking should remain as at present then there can be no justification for an increase in activity.

- According to MAS, the AAD report is 'perverse'.

- This report looks at the design note by AAD. The conclusions of that report advise a "slight" or "minor" impact on residential amenity from an increase in noise level attributable to the re-profiling works of 2-3dBA.
- It has long been Village Liaison Reps' opinion that HBBC has disadvantaged residents in the noise issues at Mallory Park.
- The AAD report is not balanced and its conclusions are contrary to national planning policy and guidance notes on noise. Planning policy is clear that where a community experiences high levels of noise even small increases should be considered unacceptable. It can only be considered irrational to allow such an increase in noise impact above that already experienced by residents.
- The emphasis of planning guidance is to mitigate and reduce noise to a minimum. To consider re-profiling works that increase noise levels from Mallory Park as acceptable is perverse through cherry picking guidance and ignoring key factors that better advise on noise acceptability.
- The conclusions of AAD are unsafe and no weight should be given to the findings on noise acceptability.

Development Plan Policies:-

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance.

Environmental Impact Assessment Regulations 2011

Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management sets out the Government's policy objectives on waste, with the overarching intention to protect human health and the environment by producing less waste and re-using it as a resource wherever possible.

Local Planning Policy 2006-2026: Core Strategy

Policy 13: supports the development of the tourism industry in rural hamlets in line with Policy 23.

Policy 21: National Forest

Policy 23 states that tourism development for extended visitor attractions will be encouraged

Hinckley and Bosworth Local Plan 2001

The site lies in the countryside outside the settlement boundary of Kirkby Mallory as defined in the Hinckley and Bosworth Local Plan.

Policy NE5: Development in the Countryside

Policy NE12: Landscaping Schemes

Policy NE14: Water quality and ecology

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regard to the applications submitted are the principle of the development (including the tourism aspects), noise and its relationship to the surrounding countryside, biodiversity, drainage, the amenities of the occupiers of neighbouring properties and highway safety.

Principle of Development

Whilst both national government guidance in the NPPF and Policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with recreation, tourism or other land based activities which require a countryside location, are generally acceptable in principle.

Mallory Park Race Circuit is a major tourist and leisure attraction within the borough and holds prestigious events providing world-wide promotion of the locality. Following track safety inspections by the relevant authorities, it has been recommended that improvements be made to the existing run-off area on the outside of Gerard's Bend to improve track safety. Whilst the site is in a countryside location it is adjacent to, and part of, an established motor sports complex and the principle of development is, therefore, considered to be acceptable in this case in respect of policies 11, 13 and 23 of the Core Strategy and policies BE1 and NE5 of the adopted Local Plan.

Having considered all matters, it is considered that in principle, having regard to the track as a racing and tourist destination, the works are considered to be acceptable.

Relationship to Countryside and Biodiversity

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either (a) important to the local economy or is (c) for sport or recreation purposes. Furthermore policy NE5 states that this only applies where (i) it does not have an adverse effect on the appearance or character of the landscape; (iii) is effectively screened by landscaping; and (iv) the development will not generate traffic likely to impair road safety. Further Policy NE12 requires development to take into account the existing landscaping features of the site and to make provision for further landscaping where appropriate. Policy NE14 requires the water quality and ecology of watercourses and groundwater resources to be protected.

While most of the works subject to this planning application are complete, the landform is still waiting final landscaping. Significant self-seeding and habitat growth has taken place and new habitats are beginning to establish. The application is supported by a landscaping plan which highlights areas of tree planting which is considered to be acceptable in principle. The implementation of this strategy is required through condition.

Overall, whilst the landscaping and detail needs to be implemented and commenced in the next available planting season, the proposed landscaping measures would assist in securing the mitigation necessary to enhance the wider setting of the track and the further enhancement of protected species and the biodiversity of the area.

Physical Relationship to Nearby Properties

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area; avoid the loss of vegetation and features that contribute to the local environment and minimise the impact of the development on it; incorporate landscaping to a high standard; have regard to the safety of individuals and property and not adversely affect the occupiers of neighbouring properties.

The nearest residential properties to the Circuit are Brockey Farm over 400 metres to the south; Keepers Cottage over 500 metres to the north east; and The Oaks, which is approximately 100m to the west. Given these separation distances, the ground works

themselves do not adversely affect any residential amenity directly in terms of the physical impact.

The village of Kirkby Mallory is located to the north and east of the Circuit. The earth works that have been carried out have a limited visual aspect due to the levels sloping away from the village and the distance from the main settlement. The same can be said for the impact on the wider surroundings. With appropriate landscaping the works will not have an adverse impact on the landscape character of the area and therefore would not conflict with policies NE12 and NE14 of the Local Plan.

Noise

The NPPF guides that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Policy BE1 seeks to secure attractive development and to safeguard and enhance the existing environment. It is noted that a majority of the work has been carried out in relation to the land tipping and the reprofiling of the bunds and therefore additional traffic movement in relation to these works would be minimal. The principal noise issue therefore relates to the impact of the bunds on the noise climate emanating from the track activity to neighbouring and nearby properties in Kirkby Mallory.

Applied Acoustic Design (AAD) Assessment

The Independent AAD Noise Assessment notes that the works carried out in re-profiling the banking show, based on a worst case scenario, a slight or minor increase in noise levels at residential properties due to the re-profiling work.

The AAD assessment identifies that criteria outlined in the Design Manual for Roads and Bridges (DMRB), the noise source is consistent in considering that an increase in rise level of up to around 3dB should only give rise to "slight" or "minor" impact on amenity.

The Independent AAD Noise Assessment concludes that a slight or minor noise impact should not, in itself, be grounds for refusing planning permission.

MAS Critique on behalf of Village Liaison Reps

The critique by MAS Environmental Ltd, on behalf of local residents, concludes that disagrees with the conclusion that AAD has reached.

It has long been Village Reps' opinion that HBBC has disadvantaged residents in the consideration of noise issues at Mallory Park. It is their view that the AAD report is not balanced and its conclusions are contrary to national planning policy and guidance notes on noise. MAS interpret the NPPF to be that where a community experiences high levels of noise, even small increases should be considered unacceptable.

The MAS critique concludes that the AAD report is unsafe and no weight should be given to the findings on noise acceptability.

Objections of some local residents are that the earthworks have resulted in a significant increased noise from the Circuit which is causing significant harm to their amenity which is as a result of reflection of noise from the bunds into Kirkby Mallory as a result of the change in profile of the bund. The fact that material has been brought onto the site and tipped and moved to form the bunding has also been a source of complaint. Whilst those works have been retrospective, Leicestershire County Council have confirmed that the tipping was carried out in accordance with their licence.

AAD Response to the MAS Critique

AAD have reviewed the MAS Critique and disagree with the criticisms and conclusions reached. The noise levels will not increase as a result of the re-profiled banking at noise sensitive receptors as this is controlled by noise from parts of the Circuit closer to the noise receptor locations. The worst noise levels at noise sensitive receivers. The MAS criticism is therefore rejected by AAD and it is still concluded that the effect of any increase in instantaneous noise due to the re-profiled banking is a slight to no impact on residential amenity.

Council's Environmental Health Officers Summary

The Council's Environmental Health Officers have carefully considered the conclusions of the Independent Noise Assessment and the concerns raised by the objectors to the planning applications as well as their critique. Environmental Health Officers note that complaints of increased noise from the Racing Circuit have been received from residents of Kirkby Mallory in 2011 following changes in activity at the Circuit. Concerns were expressed that the earthworks had contributed to the noise levels complained of.

The new operator of Mallory Park Racing Circuit engaged Acoustic Consultancy Services who undertook monitoring at the Circuit producing a report dated May 2014 submitted on 16 June 2014. This concluded that the bunds "certainly do not reduce noise in the village and they may reflect some sound but not sufficient to have any significant effect in the village". The supplementary report concluded that there were no further scientific means to prove the change in levels.

As referred to above, the Council's Environmental Health service engaged the services of Applied Acoustic Design (AAD) to support the assessment of the planning applications. AAD undertook a review of the submitted information and concluded that while the works resulted in a "slight" or "minor" impact, this should not of itself be grounds for refusal of planning permission.

A challenge to the AAD Report was submitted by MAS Environmental Ltd engaged by a group of interested residents. The report criticised the assessment methodology used by AAD and concluded that as there were high noise levels in the village from motorsport activities, any increase in levels would not be in accordance with planning policy guidance.

MAS Environmental Ltd also stated that repeated applications allowing small incremental increases could allow a significant cumulative increase in noise over time.

AAD were requested to review the comments of MAS Acoustics. AAD's report does not agree with the comments of MAS and further advises that the original report sought to identify the change in existing noise due to the construction of the ground works rather than other changes in noise characteristics as these remained the same.

A change in the noise is recognised as the minimum that an average person would be able to determine as a difference in levels. Residents reported observations of significant increases in noise from the Circuit are therefore likely to be from other changes in use and/or operation of the Circuit. As the overall levels within the village is not predicted to have changed from the completed works there is no significant impact of the works by reference to guidance and therefore there is insufficient justification to refuse the applications.

Having reviewed the various reports submitted on behalf of the applicant, residents and engaged by the Environmental Health Service, it is recommended that the applications are approved without condition.

In conclusion, the noise climate has been carefully considered, in light of planning policy and guidance contained in the National Planning Policy Framework and local plan policy as well as the comments of the local residents. Having considered all aspects of the applications, the evidence and assessment indicates that the degree of significance in terms of the noise climate would not justify a refusal.

Highway Issues

As a result of the previous planning permissions at Mallory Park Circuit involving the importation of materials, an appropriate route was identified for associated traffic to avoid unsuitable vehicle movements through the village of Kirkby Mallory. Furthermore, a temporary traffic signal system was installed on Barwell Lane at its junction with the applicant's private track leading to Shilton Road. This satisfied requirements of planning permission (reference 09/00950/FUL). No further or significant transport movements for waste operations are proposed as part of these applications as the work has been essentially completed.

Leicestershire County Council's Footpath Officer advises that subject to minor signage details the works and temporary diversion of Public Footpath T76 has been completed.

Overall, some further work, in terms of the detailed landscaping relating to the public footpath is required to be implemented and this information is sought through planning conditions.

Drainage

The Environment Agency has requested that conditions are applied to agree a scheme for the creation of existing suitable floodplain to ensure that the local flood regime is not adversely affected by the work. These should have been completed prior to the commencement of the carrying out of the bunding works. Given the retrospective nature of the application and that there is no public area (e.g. roads) or properties that have been affected by the works due to the land levels, it is considered that a condition would not be reasonable in this instance. The landowner would be in control and capable of alleviating flooding and the water environment through the management of the existing lake and track with a pond to be implemented in accordance with the submitted plans.

Conclusion

The works together with appropriate planting would respect the overall character and appearance of the local landscape and has the potential to provide habitats for wildlife as well as support a key tourism destination in the Borough. Furthermore, the work that has been carried out demonstrates that the works that have taken place do not cause a level of harm to the amenity of residents that would justify a refusal of planning permission. The applications are, therefore, recommended for approval subject to appropriate 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.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, NE12, NE14, BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy 13, 21 and 23.

Conditions for 12/01133/FUL

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing Nos. 12026-12-06; 12026-12-07A; 12026-12-10; 12026-12-11; Landscaping Plan (Scale 1:500, received 28 May 2013).
- 2 Notwithstanding the submitted details, within 1 month of the date of this decision, full details of soft landscaping works and tree planting have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
 - a) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate

The approved landscaping scheme shall be commenced in accordance with the approved details and implementation programme in the first available planting season. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 3 Within 3 months of the date of this decision, details of the type and location of bat boxes, bird boxes and log piles shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details within 12 months of the details being approved.

Reasons :-

- 1 To define the permission.
- 2 To enhance the appearance and biodiversity of the site and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan and the aims and objectives of the National Planning Policy Framework.
- 3 To enhance the biodiversity of the site and provide additional wildlife habitat in accordance with the aims and objectives of policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan and the aims and objectives of the National Planning Policy Framework.

Conditions for 13/00031/FUL

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing Nos. 12026-12-06; 12026-12-08A; 12026-12-09; 12026-12-10; 12026-12-12.
- 2 Notwithstanding the submitted details, within 1 month of the date of this decision, full details of soft landscaping works and tree planting have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
 - a) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate

The approved landscaping scheme shall be commenced in accordance with the approved details and implementation programme in the first available planting season. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 3 Within 3 months of the date of this decision, details of the type and location of bat boxes, bird boxes and log piles shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details within 12 months of the details being approved.

Reasons :-

- 1 To define the permission.
- 2 To enhance the appearance and biodiversity of the site and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan and the aims and objectives of the National Planning Policy Framework
- 3 To enhance the biodiversity of the site and provide additional wildlife habitat in accordance with the aims and objectives of policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan and the aims and objectives 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.

Contact Officer:- Andrew Thompson Ext 5809

Item: 03 & 04

Reference: 14/00480/FUL & 14/01066/FUL (Duplicate applications)

Applicant: Westmoreland Investments Ltd

Location: 3 - 5 Hawley Road Hinckley

Proposal: Erection of class A1 retail development with associated access, servicing, car parking and landscaping (Duplicate applications)

RECOMMENDATION: -

14/00480/FUL – That the Secretary of State be advised that the Local Planning Authority is minded to Grant Planning Permission subject to conditions and a S106 Agreement to secure highway, public transport and public realm improvements.

14/01066/FUL – Grant Planning Permission subject to conditions and completion of a S106 Agreement towards highway, public transport and public realm improvements.

Introduction:-

These applications are to be considered at Planning Committee in accordance with the Scheme of Delegation, as they are a major development with a floor area in excess of 500 square metres.

Application Proposal

These two duplicate applications seek full planning permission for the erection of three A1 retail units (in a single block) together with associated means of access, servicing, car parking and landscaping. In further detail, the total floor area would be 2,978 sq.m. (gross), with individual units ranging in size from 884 sq.m. to 1,164 sq.m. including a total mezzanine floor area of 697 sq.m.

135 parking spaces would be provided including seven disabled spaces, along with a secure cycle storage area.

The units would be set back from Hawley Road with the parking spaces provided to the building's frontage. Both hard and soft landscaping are proposed to the site's perimeter. The access would be to the eastern end of the front boundary. Commercial vehicle turning space is proposed in the south western corner of the site and a secure area including loading/drop off bays would be provided to the rear (south) of the building.

Site and Surrounding Area

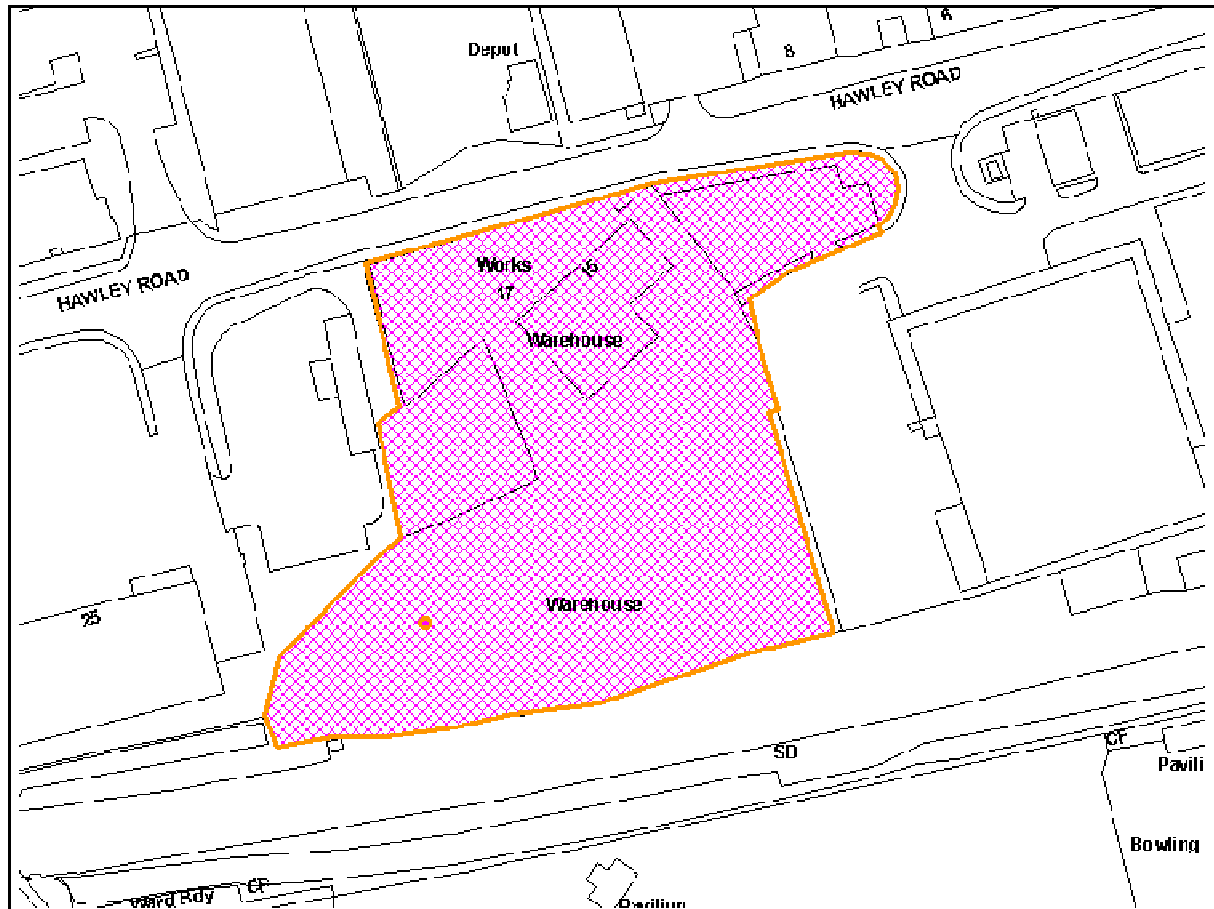
The site covers an area of 0.91 hectares and is located on Hawley Road in Hinckley, approximately 150 metres west of Hinckley Railway Station. Immediately to the south is the main railway line between Birmingham and Leicester. To the east of the site is a large Tesco store. A Lidl store sits to the western edge of the site. To the northwest corner sits a single storey ARC car wash and the northern edge of the site is bounded by Hawley Road. The Hinckley Hub office building is located across the road in a north westerly direction. There are a range of industrial units elsewhere on the opposite side Hawley Road.

Technical Documents Submitted with the Applications

Design and Access Statement
Ground Investigation Report
Geology Report
Planning and Retail Assessment
Transport Assessment

Relevant Planning History:-

14/01118/FUL Demolition of and rebuild of retaining wall Under consideration



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

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

No objection subject to conditions have been received from:-

Severn Trent Water Limited
Environment Agency
Leicestershire County Council (Highways)
Head of Community Services (Drainage)
Environmental Health (Pollution)

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

- a) Leicestershire County Council (Highways) requests that the Travel Plan and monitoring fee (£6,000) should be secured by the S106, £5,000 to be provided towards an updated MOVA unit. Information display cases at the two nearest bus stops (£120 per display), Bus shelters at the 2 nearest bus stops (£4,908 each) contribution towards the Real Time Information Systems (£5,150), Travel Packs (£52.85 per pack), 6 month bus passes, one per employee (£350 per pass), construction traffic routeing.

No contributions have been requested by:-

- Leicestershire County Council (Education)
- Leicestershire County Council Civic Amenity)
- Leicestershire County Council (Libraries)
- Leicestershire County Council (Landscape).

In addition, in accordance with Policy 15 of the Hinckley Town Centre Area Action Plan, a sum of £253,130 is required for Town Centre transport improvements.

A letter has been received from Pound Stretcher stating that their solicitors are currently in negotiations with the developers to secure a lease for units 2 and 3 as they focus new openings solely in retail park type locations as opposed to a mall type shopping centre. They state that there is no available location in Hinckley which would suit them.

The Tin Hat Regeneration Partnership have not submitted an objection to application 14/01066/FUL. Two letters of objection have been received to application 14/00480/FUL from Peter Brett Associates (PBA), acting on behalf of the Tin Hat Regeneration Partnership (developers of the Bus Station (The Crescent)). Below is a summary of the issues raised:-

- a) the viability and success of The Crescent scheme will be compromised by this development
- b) the scheme will compromise the ability of The Crescent to contribute to the vitality and viability of the wider town centre
- c) the scheme is contrary to Spatial Objective 3 of the Hinckley Town Centre Area Action Plan
- d) retail activity should be concentrated in the town centre
- e) the scheme will undermine existing town centre investment / regeneration
- f) the development is contrary to advice contained within the Planning Practice Guidance
- g) the scheme will undermine operator demand and investor confidence in The Crescent
- h) the application should be subject to the Sequential Test
- i) the development of comparison goods floorspace at the application site will not provide any benefit to the vitality and viability of the town centre
- j) by displacing potential tenants to the proposed out-of-centre application scheme at Hawley Road, the success of The Crescent will be seriously jeopardised and the scope for the town centre to benefit from the introduction of quality new retailers will be compromised
- k) queries raised in respect of the extent of the Town Centre boundary
- l) full and detailed appraisal of the Impact Assessment is required in order for 'significant adverse' impacts to be clarified there is no evidence that a full assessment of the current vitality and viability of the town centre has been undertaken, against each of the 'health check' criteria listed in the NPPG

- m) a full cumulative impact assessment of the scheme, plus the committed development should be undertaken
- n) the application scheme will directly compete from the same tenants as The Crescent and Town Centre
- o) quantitative impact assessment should be undertaken
- p) there is not sufficient comparison goods expenditure capacity available within the catchment to support The Crescent and the proposed scheme.

Site notice and press notice were displayed and neighbours notified. Two letters of representation received, these raise the following concerns:-

- a) retail development would be better placed in the town centre
- b) out of town development will not breathe life back into the centre
- c) the TA contains a number of errors - the evening bus route 71A has been abolished
- d) clarification required of the 'on-road cycle route' along Station Road and whether this goes over the railway station footbridge
- e) details required of the 'Covenanted Area'
- f) the development will add to the lengthy queues along Hawley Road. Query raised about how this would be managed?
- g) the land would be better suited to providing a car parking area for the Hinckley Hub.

The Hinckley Chamber of Trade has written in support of the application on the following grounds:-

- a) they feel that the development would be an asset to the town and will encourage more people to the town centre
- b) given the current growth in Hinckley, a varied amount of new shop's and businesses are required at different locations in the town to service the needs of the general public
- c) the type of new shops proposed will be well received by the people of Hinckley.

Policy:-

National Policy Guidance

National Planning Practice Guidance (NPPG) 2014
 The National Planning Policy Framework (NPPF) March 2012
 Environmental Impact Assessment Regulations 2011

Hinckley Town Centre Area Action Plan (2011)

Policy 9: Bus Station
 Policy 14: Retail Development outside Hinckley Town Centre
 Policy 15: Transport Infrastructure Delivery and Developer Contributions

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
 Policy 5: Transport Infrastructure
 Policy 20: Green Infrastructure

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities
 Policy BE1: Design and Siting of Development
 Policy T5: Highway Design and Vehicle Parking Standard

Policy T9: Facilities for Cyclists and Pedestrians
Policy NE2: Pollution
Policy NE12: Landscaping

Emerging Site Allocations and Development Management Policies DPD (February 2014)

The pre-submission version of the Site Allocations and Development Management Policies DPD identifies the application site as being within the Hawley Road Local Centre (Policy DM22).

Appraisal:-

The main considerations in determination of these applications are:-

- Principle of development including retail policy
- Relationship with the character of the area
- Highway safety
- Developer contributions
- Land contamination
- Other issues

Principle of development including retail policy

The site is located within the settlement boundary of Hinckley as defined in the adopted Local Plan Proposals Map. The Town Centre AAP Key Diagram shows the application site as outside Hinckley Town Centre boundary but as an Existing Shopping Centre.

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. For decision taking this means:-

- Approving development proposals that accord with the development plan...
- 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 of the framework as a whole; or
 - specific policies within the framework indicate that development should be restricted

Section 2 of the NPPF seeks to ensure the vitality of town centres, and supports the aspirations set out in the AAP. In relation to development management the NPPF advises on the sequential test and the impact test.

The NPPF requires that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

Furthermore, when assessing applications for retail, leisure and office development outside town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate,

locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:-

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. (paragraph 26).

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused (paragraph 27).

In relation to the current scheme at Hawley Road, the applicant has not carried out a sequential test. This is discussed further below.

National Planning Practice Guidance

The National Planning Practice Guidance was published in March 2014. Of particular relevance to decision-making on proposals for main town centre uses the Guidance states the following:-

- a) It is for the applicant to demonstrate compliance with the sequential test and the impact test.
- b) The application of the sequential and impact tests should be undertaken in a proportionate and locally appropriate way.
- c) With due regard to the requirement to demonstrate flexibility, the suitability of more central sites to accommodate the proposal must be considered. Where the proposal would be located in an edge-of-centre or out-of-centre location, preference should be given to accessible sites that are well connected to the town centre.
- d) Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.
- e) The purpose of the impact test is to ensure that the impact over time (normally up to five years) of out-of-centre and edge-of-centre proposals on existing town centres is not significantly adverse.
- f) As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector.
- g) A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.
- h) Where evidence shows that there would be no likely significant impact on a town centre from an edge-of-centre or out-of-centre proposal, the local planning authority must then consider all other material considerations in determining the application.

Hinckley and Bosworth Core Strategy (2009)

Core Strategy Policy 1 relates to Hinckley. This supports the development of approximately 21,100 sq.m (net) of new comparison sector sales floorspace, and 5,300 sq.m. (net) of convenience floorspace, primarily located on the bus station redevelopment site and the Britannia Centre. The Core Strategy does not preclude the development of retail floorspace outside the town centre, but states that development should conform with national planning policy relating to main town centre uses.

Hinckley Town Centre Area Action Plan

The Hinckley Town Centre Area Action Plan (AAP) was adopted in March 2011. The AAP identifies Hinckley as a main shopping centre for a large proportion of the population of south west Leicestershire, offering a range of activities and services. A theme that runs through the AAP is seeking to ensure that Hinckley Town Centre remains a vital and viable town centre.

The application site is located within the AAP boundary and the site is identified as an Existing Shopping Centre under Policy 14. Policy 14 is consistent with the NPPF in requiring proposals to be assessed in relation to any possible 'significant adverse impact'.

Paragraph 7.3 of the AAP acknowledges that its boundary is wider than the town centre boundary and it has been defined to include sites that have a relationship to the core retail areas of the town centre. The redevelopment of key sites outside the town centre is recognised as supporting the main town centre and enhancing its role as a sub-regional centre. The application site is not within the defined town centre and is some distance from the defined primary or secondary shopping areas.

The identification of the site as an Existing Shopping Centre is set out within Appendix 3 of the AAP. This plan shows that the site is at the southern-most location of the AAP boundary and is clearly recognised as serving a different function from uses within the town centre boundary itself. The site allocation includes the adjacent Tesco superstore as there were aspirations at the time the AAP was being produced for the store to be expanded or redeveloped. While this site was not necessarily being promoted as a retail development site within the AAP, that doesn't mean that a form of retailing on this site would not be suitable in principle given its proximity to other nearby supermarkets on the southern side of Hawley Road. That said, the scale and nature of the proposed use needs to compliment the town centre. The supporting text to policy 14 (paragraph 12.4) states that these sites provide important retail facilities for local residents, but that it is essential to ensure that they complement Hinckley town centre and do not detract from it. While the Area Action Plan doesn't expressly seek to resist retail development on this site, it does seek to ensure that development does not prejudice the regeneration of the town centre.

Existing Shopping Provision in Hinckley Town Centre and The Crescent Scheme

A review has been undertaken by England and Lyle (for the Council) of existing and committed shopping facilities in the town centre. Planning permission has been granted for the redevelopment of the Bus Station/Brunel Road site in Hinckley town centre (The Crescent) and construction of that facility is underway.

Developer interest within the application site and The Crescent scheme will be influenced by the size of units. Of the nine units approved in Block A on The Crescent, all are intended for Class A1 retail use and provide the same range in size as the units proposed at Hawley Road. However, there could be some flexibility in the configuration of retail floorspace/size of units depending on retailer requirements.

The nine units in Block C are all significantly smaller than those proposed at Hawley Road and four of the units are intended for Class A3 restaurant uses.

The Crescent scheme has commenced on site and PBA has stated that opening will be late 2015. PBA do not anticipate any negative effect on the Sainsbury's superstore development; the concern relates to the comparison (non-food) retail element of The Crescent.

Following the development of The Crescent, total shopping floorspace in the town centre would increase by 19,000 sq.m. gross, an increase of 62%. The Crescent is a large scheme which will add considerably to the retail offer in Hinckley town centre and its attraction as a sub-regional shopping centre.

Review of the Health of Hinckley Town Centre

The latest health check of Hinckley town centre was carried out by Roger Tym & Partners (RTP) in 2010. The Planning and Retail Assessment for this scheme relies on the RTP health check, but reference is also made to a recent Goad Centre Report for Hinckley in July 2013. This report concludes that in the intervening period since the preparation of the Bus Station/Brunel Road Retail Statement in 2010, there has been no material change in the vitality and viability of Hinckley town centre. As part of the assessment of planning application reference 14/00480/FUL, carried out on behalf of the Council by England and Lyle in July 2014, an update to the Health Check has been undertaken.

The England and Lyle review highlights that the existing town centre is in fair to good health (scoring 3.3 out of 5). The key deficiencies in the town centre include the lack of a town centre hotel, Zone A rental values, the presence of charity shops, availability of food shopping, evidence of recent investment by retailers and family friendly facilities.

Some of the key deficiencies in the town centre are being improved by the developments currently under construction and progressed since the report concluded. The development of Sainsbury's, as part of the Crescent scheme, will enhance the availability of food shopping. Alongside this the new leisure centre has commenced and the Crescent cinema will also enhance family friendly facilities alongside the development of new restaurants. It is considered that the impact of the Crescent and new Leisure Centre will have a positive impact on the health of the town centre and potentially lead to further investment in the retail core.

The health check confirms that the vitality and viability of the town centre is sufficiently strong now, and is likely to be even stronger in the near future, to be able to withstand some competition with new retail floorspace at Hawley Road. However, this is subject to the amount of trade diversion to the proposed development being relatively small and the application proposals not having a significant adverse impact on investment in The Crescent.

Planning Balance (Issues Raised)

The site is located within the boundary of the Area Action Plan but it is outside the defined town centre of Hinckley. However, the application site is within an Existing Shopping Centre as defined by Policy 14 of the Area Action Plan. The agent for the application considers that there is no requirement in national planning policy for a sequential site assessment or retail impact assessment to support either planning application.

An objection has been received on behalf of the Tin Hat Regeneration Partnership, by Peter Brett Associates (PBA). PBA are of the opinion that a full sequential and impact assessment is required. PBA suggest that the application site's definition as an "existing shopping centre" does not exclude the requirement for a sequential test to be undertaken.

The site is defined within the AAP as an Existing Centre and falls within the NPPF definition of 'town centre' in this respect therefore the objections of the Tin Hat partnership are noted but are not substantiated when considered against policy. In respect of the sequential approach, the scheme is for a main town centre use in an existing centre and is in accordance with an up-to-date Local Plan. As this site falls within a defined Centre within the AAP, it is considered that a sequential assessment is not required to support the application.

The impact assessment which accompanies the applications is based on a health check of Hinckley town centre that is no longer up-to-date. It is important that the impact of the development is judged against the current health of the town centre.

The England and Lyle review scrutinises the assumptions used in the submitted impact assessment and applies sensitivity testing. The independent report reviews the turnover of the town centre, the turnover of the proposed development and the trade draw from potential claw-back of leakage and other sources. The report goes on to examine whether the impact test been undertaken in a proportionate and locally appropriate way and over appropriate suitable timescale.

The possible impact on the vitality and viability of the town centre depends not just on the amount of trade diversion and the health of the town centre, but also the relationship between the Hawley Road site and the Primary Shopping Area. The potential for linked trips between Hawley Road and the Primary Shopping Area also needs to be considered.

There are concerns in respect of the potential impact of the scheme on investment in the town centre. This includes potential harm to investor confidence in the Bus Station redevelopment given the significance of this scheme on the rest of the Town Centre as identified by Policy 9 of the AAP. The potential impacts on the Bus Station scheme are appraised further, below.

PBA have raised concerns on behalf of Tin Hat Regeneration Partnership that the impact assessment fails to satisfactorily consider how the scheme would dilute operator interest from comparison goods retailers seeking representation in Hinckley Town Centre. PBA states that the viability and success of The Crescent will be compromised should planning permission be granted at Hawley Road, and that the scheme would significantly undermine operator demand and investor confidence at a critical time.

The extent to which investment in The Crescent and the successful implementation of the scheme may be adversely affected by the Hawley Road proposals is a matter for judgement rather than quantitative analysis. The degree of competition between the two schemes will depend largely on the size of units and the nature of retailer requirements.

Retail Impact Assessment

This has considered the following:-

- Turnover of the Proposed Development
- Turnover of Hinckley Town Centre
- Trade Draw
- Trade Diversion

Within the documents supporting the applications, a level of trade diversion of around 3% in comparison goods is stated to be 'immaterial' in retail planning terms and cannot be

considered to constitute a "significantly adverse impact" (NPPF, NPPG). There is no commonly accepted view of what represents a significant adverse impact.

The NPPG advises that the significance of impact must be based on local circumstances, with the emphasis on the vitality and viability of centres that may experience trade diversion. In this instance the predicted trade diversion is between 3% and 4% of total turnover in Hinckley town centre. In comparison goods the predicted trade diversion is between 4% and 5% of turnover.

It is generally accepted that a high level of trade diversion could have a significant adverse impact on a centre with a low level of vitality and viability. Conversely, a low trade diversion will not have a material impact on a centre with a high level of vitality and viability. In this instance there is a relatively low level of predicted impact on a town centre with an above average level of vitality and viability.

The updated health check illustrates that Hinckley has more strengths as a centre than it has weaknesses. On the completion of The Crescent redevelopment scheme, the overall vitality and viability of the town centre is expected to improve and the centre should achieve a higher level of vitality and viability. The impact and degree of significance is defined by the impact on the centre as a whole.

The vitality and viability of the town centre is shown to be sufficiently strong now, and will be stronger in the near future, to be able to withstand some competition with new retail floorspace at Hawley Road. This is subject to the amount of trade diversion to the proposed development being relatively small and the impact on investment in the town centre not being significantly adverse. It is accepted that the predicted trade diversion to the proposed development at Hawley Road would be relatively small.

The possible impact on the vitality and viability of Hinckley town centre also depends on the relationship between the Hawley Road site and the Primary Shopping Area. Pedestrian linkages between the Hawley Road site and the Primary Shopping Area are currently poor. The distance between the site and the Primary Shopping Area along Station Road is roughly 400 metres. The route into town is not particularly attractive given the need to cross the busy Hawley Road itself and then walk either along Rugby Road or Station Road. Improvements to this pedestrian route would be required.

Potential Impact on Investment in the Town Centre

The NPPG acknowledges that where wider town centre developments or investments are in progress, it will be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:-

- a) The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- b) The progress made to securing the investment (for example if contracts are established)
- c) The extent to which an application is likely to undermine planned developments or investments based on the effects on current / forecast turnovers, operator demand and investor confidence.

In relation to the three key considerations (above), it is clear that The Crescent is a firm commitment in terms of Council policy for the regeneration of Hinckley town centre. Its policy status is clearly established within policy 9 of the AAP and the fact that planning permission has been granted. Furthermore, redevelopment of the site has already started. The food retail (Sainsbury's) store is being constructed first and the non-food units will follow.

Therefore, significant progress is being made towards implementation of the scheme. Accordingly there is not believed to be any risk to the development of the Sainsbury's superstore.

Risk to planned investment would arise from competition between non-food retailers looking for units of a size proposed by both schemes. The critical issue is the extent to which the Hawley Road scheme is likely to undermine the successful implementation of The Crescent based on retailer demand and investor confidence.

The retail market is currently weak and national retailers are concentrating new investment in larger centres. The schedule of retail floorspace for the Crescent (excluding Sainsbury's and the Cinema) is as follows:

Unit	Use	Footprint (sqm)	Total Floorspace (sqm)
BLOCK A			
A1	A1	451	902
A2	A1	369	737
A3	A1	315	629
A4	A1	589	1,179
A5	A1	690	1,380
A6	A1	801	1,624
A7	A1	330	662
A8	A1	331	663
A9	A1	512	1,025
Block B			
B1	A3	312	312
B2	A3	293	293
B3	A3	331	331
B4	A3	240	240
B5	A3	243	243
Block C			
C1	A3	348	348
C2	A3	305	305
C3	A3	287	287
C4	A3	262	262
C5	A3	262	262
C6	A3	210	306
C7	A1	53	53
C8	A1	67	67
C9	A1	110	110

The three units proposed at Hawley Road have a total gross floorspace of 884 sq.m., 931 sq.m. and 1,163 sq.m. including mezzanines. Of the 18 units approved in The Crescent, at least five Units (A1, A4, A5, A6 and A9) which individually have a floorspace similar to that in the three units proposed at Hawley Road. Accordingly some prospective retailers could potentially be interested in both schemes. Based on the above, some retail units in Block A could be said to be competing for the same occupiers if their formats were attractive to the same operators.

The Crescent could combine some of the smaller units in Block A to create similar sized units to those proposed at Hawley Road but even with these changes the format and type of store

would be a town centre/mall development where some more bulkier operators require car parking located directly outside the store. In addition, mezzanines would also be less attractive to some operators. All the units in Block A have full mezzanines. The mezzanine floor space at Hawley Road represents between 20% and 26% of the total floor space in these units. It is possible that retailers who would be attracted to the units at Hawley Road would not be interested in having units with full mezzanines, in The Crescent.

The applicant has submitted the name of the two operators (Pets at Home and Poundstretcher) that are intending occupy the floor space at Hawley Road and are at advanced stages of negotiation.

Poundstretcher indicate that this represents the only opportunity for Poundstretcher to become a presence in Hinckley Town Centre, having not opened a store in a mall-type development for over two years and now only focus in retail park locations. Poundstretcher also comment that they would be unlikely to take a unit in the Crescent due to the likely presence of competitors in this scheme.

Pets at Home indicate that due to their sales of bulky goods, including food, pet equipment and also the sale of live animals, they would not look to locate in a town centre store and need a car park located in front of the store. The proposals would meet a need met outside the Borough (in Leicester, Nuneaton and Coventry) at the present time and therefore would bring trade into the Borough.

In objection, the Tin Hat Partnership highlights that the viability and success of The Crescent could be compromised should the Council choose to permit the proposal at Hawley Road. This is because, as a consequence of the prolonged economic recession from 2008 onwards, coupled with the wider trends for many retailers to focus their activities in higher-order centres, demand for representation in smaller, sub-regional centres such as Hinckley is more finite.

Discussions have taken place with the applicant but they have resisted the possibility of having any form of control over the operators, even if only for a temporary basis. Instead, constructive discussions have taken place where assurances have been given by the applicant about the intended occupiers and timescales for occupancy.

Conclusion in respect of Impacts on Town Centre and The Crescent

Having considered all the evidence submitted and in assessing both schemes that the format of the Crescent and Hawley Road schemes are materially different and are attractive to different operators. The Crescent scheme is continuing to progress. Assurances have been given by the developer and future occupiers and there is a degree of certainty that these occupiers will commit.

The impact would therefore be on the investor confidence to the Crescent scheme which is considered to be a matter of timing and judgement. The impact is in effect the potential and possibility that the units in the Crescent would remain vacant. Other factors which will influence the occupation for tenancies will be the occupation of Sainsbury's and the Cinema and completion of the public realm and the scheme. The principal impact on investor confidence is therefore considered to be a matter of uncertainty arising from the ongoing unknown nature of the future occupiers of the Crescent and the Hawley Road development.

The support to the application from Poundstretcher and Pets at Home is a material consideration, and their intention to complete on these units is also weighed in favour of the Hawley Road development proposals. Based on the information submitted and the

discussions with the applicant, neither of these end users are likely to be attracted to the Crescent.

Policy 14, the allocation of the application site, states *“within identified existing shopping centres, retail development will be permitted but must be a type and size which will not have a significant adverse impact on the vitality and viability of the town centre’s Primary Shopping Area.”*

Having considered all the material submitted, policy considerations, the detailed objections of Tin Hat to the first application, and the impact of the development, the proposals are considered to be acceptable without a restriction on occupancy. There would be linkages between the two developments and the degree of impact and investor confidence would not be so significant to justify a reason for refusal.

Design and Relationship with the Character of the Area

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. This 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. 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.

There are no residential properties within close vicinity of the application and it is considered that the scheme raises no impacts in terms of residential amenity.

The layout of the site has been roughly split into two; the retail units are proposed adjacent to rear (southern) boundary of the site, with the parking area and landscaping to the sites frontage. The significant amount of hard surfacing to the sites frontage has been both visually and physically broken through the use of a differing pallet of material, and the edges of the site have been softened through the incorporation of a landscaped buffer, which incorporates a considerable amount of new tree planting. To physically subdivide the hard landscaped areas from the soft landscaped buffers, a native hedgerow is proposed around the perimeters.

A range of boundary treatments are proposed. The existing brick wall to the Hawley Road frontage is to be retained and rebuilt where necessary, and to ensure security, the remainder of the site is to be bounded by the existing 3.05m height palisade fence and a new 2.03 metre high security fence. The security fencing will result in a fortress like feel, but is required to facilitate the successful operation of the site and as it is proposed along the rear and part side boundaries of the site, will not appear visually prominent.

Although there is a commercial need for the building to be visible; given its siting to the rear section of the site, it will not appear over dominating within the streetscene. The built development would have a continuous footprint, with the separate units being denoted by the building's staggered frontage. The building is of standard commercial design and thus has a significant mass. The applicant has attempted to break this up through the building's staggered footprint and the incorporation of projecting elements finished in timber cladding and a continuous row of glazing at ground floor level. The building's flat roof has a slight fall to the rear. As the gable end of unit 3 would be visible from the adjacent Lidl store, the projecting timber element and store signage would wrap around from the principle elevation

and the ground floor glazing would be continued. Furthermore, the materials proposed to the buildings frontage will be used on the main publicly visible section of the building.

To the rear of the building would be a continuous stretch of loading bays. The pallet of materials would alter from the front to the rear elevation of the building to reflect its changing purpose and aid legibility.

The considerable form and massing of the building is reflective of its intended purpose. However, given the building's siting towards the rear of the site, the landscaping and the differing pallet of material proposed within the principle and side elevations of the building; a degree of interest will be added, its massing would be reduced and this otherwise bland, featureless development would be improved. While a higher quality design and form of materials would have been preferable, given the context of the site in relation to adjoining forms of development, this would be difficult to insist upon. Accordingly, the development is not considered to result in any materially adverse impacts on the character of the area and is considered acceptable in terms of design. The proposal therefore does not conflict with Local Plan Policy BE1 (a).

Highway Safety

The highway authority initially had concerns with the impact of the development on the roads in the vicinity, particularly the Hawley Road/Rugby Road signalised junction. However the evidence provided in the Transport Assessment is considered to be robust, and shows that there is only a small amount of additional traffic generated by the development, as most traffic will be pass-by or linked trips.

It has been stated that the Transport Assessment contains a number of errors and does not contain adequate information. A resident has stated that the evening bus route 71A has been abolished and clarification is required of the on-road cycle route along Station Road and whether this goes over the railway station footbridge. The Transport Assessment has been reviewed by the Highway Authority and where considered insufficient, further details have been requested. As the cycle route does not form part of this application, its specific route is not a matter for consideration in the determination of this scheme.

Based on the projected situation in 2019 (progressed in the Core Strategy and Town Centre AAP) including committed development is predicted that there would be significant queuing at the Hawley Road/Rugby Road junction. Accordingly, the additional traffic from the development would act to increase this queue length, but not to such an extent as to cause a severe impact in the view of the highway authority. To mitigate the impact of the development on the Hawley Road/Rugby Road junction, the Highway Authority is asking for a contribution of a contribution of £5000 towards an updated MOVA unit with associated software and licence, validation and controller reconfiguration. By 2019 when the full impact of the development traffic is likely to be felt on this junction, this measure would help to improve traffic flow and help to reduce delays which would have been created with the additional traffic from the development.

The site access design was initially a concern to the highway authority as right turning traffic entering the development would have to give way to traffic exiting the Tesco site. As there is only a short queuing length (enough for about 4 or 5 cars), traffic could back up into Hawley Road, and affect the movement of traffic on this road. The applicant has now provided a revised access plan showing mini-roundabout, which gives priority to right turning traffic into the development site. This would help to prevent queuing and any impact on Hawley Road.

In order to mitigate any adverse highway safety impacts of the development, the Director of Environment and Transport (Highways) has recommended approval subject to conditions and a S106 agreement.

Land Contamination

Head of Community Services (Pollution) has considered the content of the documents accompanying the application and has requested that ground gas protection measures are provided to the buildings. This requested is considered reasonable and necessary and would be imposed as a planning condition.

Issues raised within the letters of representation not considered elsewhere in the report.

Details have been required of the 'Covenanted Area' of the site. Legal covenants on a parcel of land do not form part of the planning consideration and therefore have no bearing on the decision made.

Environmental Impact Assessment

Both applications have been screened against the requirements of the EIA Regulations. Whilst the development proposed would meet some of the criteria, it is not considered that the proposal would be in a sensitive area or result in a development of significance (either on its own or cumulatively with other development) that would call for an Environmental Statement to be submitted with the application.

Developer Contributions towards Highway Improvements, Public Transport and Public Realm Enhancements

Policy 15 of the Hinckley Town Centre Area action plan relates to transport infrastructure delivery and developer contributions. This states that developers should either make direct provision of infrastructure, or will contribute towards the overall provision of measures by way of providing contributions through Section 106 agreements to an overall pot of for transportation improvements in the town centre.

The Leicestershire County Council (Highways) have requested the following developer contributions:-

- A monitoring fee of (£6,000) to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.
- To mitigate the impact of the development on the Hawley Road/Rugby Road junction, a contribution of £5,000 towards an updated MOVA unit with associated software and licence, validation and controller reconfiguration (allows for an improvement to the traffic signal control system through the use of detectors and signal controllers).
- Information display cases at the bus stop outside the Hinckley Hub, to inform new residents of the nearest bus services in the area. This would cost £120.00 per display.
- Bus shelters at the shelter outside the Hinckley Hub; to provide high quality and attractive public transport facilities to encourage modal shift. This would cost £4,908.00 per shelter. A new shelter is not required on the south side of Hawley Road (i.e. outside the car wash), as a shelter has recently been provided.
- Contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service

with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. These would cost a total of £5150.00.

- Travel Packs; to inform Employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, one per employee (application form to be included in Travel Pack and funded by the developer); to encourage employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass).
- A Travel Plan which is required to achieve the defined outcomes to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3;

The total amount of contribution sought would be £21,178. This excludes Travel Packs and Bus Passes which would be paid by future tenants but would be included in the S106 agreement.

Hinckley Town Centre Strategic Development Contributions SPD sets out a framework for contributions for transportation measures, and a methodology for apportioning costs based on size of development. The methodology for calculation contributions is below:-

Per 100m² of commercial development = £8,500
Development Floor Area = 2,978m²

Total contribution for this application = £253,130

Taking account of the Leicestershire County Council requirements this would leave a contribution request of £231,952.

The requirement for developer contributions must be considered alongside the statutory requirements of 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. These requests are considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would therefore be requested for inclusion within the S106 agreement if the scheme was being recommended for approval.

The applicant accepts the evidence base and the policy basis for seeking contributions. However, having reviewed the contribution request in relation to the viability of the development and intend to submit that the development can only reasonably offer a lower contribution but that the Highways Authority contributions would be met in full. The contribution would be used to deliver improvements to Station Road and linkages to the primary shopping area and public transport facilities. This improved environment is a fundamental part of the Area Action Plan and regeneration of the town centre.

Finally, the Highway Authority has recommended that a requirement for details of the routing of construction traffic, should be included in a S106 legal agreement. During the period of construction, it is requested that all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. This request is not considered to be reasonable or enforceable and would therefore not be included within the S106 agreement.

Conclusion

The application site is located within the boundary of the Hinckley Town Centre Area Action Plan and the site is identified in the AAP as an Existing Shopping Centre. Policy 14 supports retail development of a type and size which would not have a significant adverse impact on the vitality and viability of the town centre Primary Shopping Area, would complement the town centre and not detract from it.

In terms of impact on investment, it is considered that risk would arise to planned investment from competition between non-food retailers seeking to locate in Hinckley at The Crescent or at Hawley Road. However, considering all matters including the regeneration benefits to the scheme the planning balance is that the impact of the development would not cause significant harm. The application is therefore recommended for approval subject to appropriate conditions.

The design, scale and siting of the proposal is not considered to have any materially adverse impacts on the character of the street scene or surrounding area. Further, subject to conditions and S106 contributions, the proposed development is not considered to result in any materially adverse impacts in terms of highway safety.

RECOMMENDATION:

14/00480/FUL – That the Secretary of State be advised that the Local Planning Authority is minded to Grant Planning Permission subject to conditions and a S106 Agreement to secure highway, public transport and public realm improvements.

14/01066/FUL – Grant Planning Permission subject to conditions and completion of a S106 Agreement towards highway, public transport and public realm improvements.

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 a significant adverse impact upon the town centre regeneration would be of appropriate siting, design and appearance, would not have an adverse impact on highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley Town Centre Area Action Plan (2011):- Policies 9, 14 and 15.

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 5 and 20.

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, BE1, T5, T9, NE and NE12.

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 for 14/00480/FUL

- 1 This development must be begun not later than 3years after the date of this decision.
- 2 Unless amendment is required under the conditions below, the development hereby permitted shall be undertaken in accordance with the details shown on following drawings submitted to the Local Planning Authority: 13-026-p01 rev n, 13-026 p002 rev e, 13-026 p03 rev b, 13-026 p010 rev h, 13-026 p0011 rev g, w1795 1001b, w1795 1002c.
- 3
 - a) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from construction works
 - b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.
- 4 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) Treatment of hard surfaced areas (including the footway access and road layouts)
- 5 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details in the first available planting season following the commencement of development. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 Development shall not begin until details of design for the site access works, being a scheme within the Tesco site to allow right turning traffic into the development site priority over traffic exiting the Tesco supermarket (by a mini-roundabout or similar), have been approved in writing by the local planning authority; and the development shall not be brought into use until that scheme has been constructed in accordance with the approved details.

- 7 Prior to the commencement of development the details and locations of secure cycle stores shall be submitted for the approval of the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development and thereafter retained and maintained.
- 8 The development hereby permitted shall not be commenced until such time as a scheme for surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently be implemented in accordance with the approved details.
- 9 Prior to the first occupation of the development, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution. The development shall be fully implemented and completed in accordance with the approved details and retained and maintained thereafter.
- 10 Before the development hereby permitted is first used, off-street car parking, cycle parking and service lorry provision shall be made within the application site in general accordance with Stephen George drawing P001 rev N. The parking and service areas shall be surfaced, and marked out prior to the development being brought into use and shall be so maintained at all times.
- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 12 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 13 All windows and areas of glazing shall be kept free of permanent screening which would hinder views into the retail unit and/ or the passive surveillance of public areas.

Reasons :-

- 1 Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.
- 2 To define the permission.
- 3 In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.

- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 7 To promote sustainable transport choices.
- 8 To ensure traffic entering the site do not queue back to Hawley Road and affect the flow of traffic along it.
- 9 In order to prevent unnecessary light pollution or impact on nearby residential properties and the railway.
- 10 To ensure a satisfactory disposal of surface water drainage.
- 11 To ensure that the proposed development do not cause pollution of controlled waters receptors in the area.
- 12 To protect the water environment.
- 13 To aid the security of users and satisfactory appearance of the application site.

Conditions for 14/01066/FUL

- 1 This development must be begun not later than 3years after the date of this decision.
- 2 Unless amendment is required under the conditions below, the development hereby permitted shall be undertaken in accordance with the details shown on following drawings submitted to the Local Planning Authority: 13-026-p01 rev n, 13-026 p002 rev e, 13-026 p03 rev b, 13-026 p010 rev h, 13-026 p0011 rev g, w1795 1001b, w1795 1002c.
- 3
 - a) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from construction works
 - b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.

- 4 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) Treatment of hard surfaced areas (including the footway access and road layouts)
- 5 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details in the first available planting season following the commencement of development. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 Development shall not begin until details of design for the site access works, being a scheme within the Tesco site to allow right turning traffic into the development site priority over traffic exiting the Tesco supermarket (by a mini-roundabout or similar), have been approved in writing by the local planning authority; and the development shall not be brought into use until that scheme has been constructed in accordance with the approved details.
- 7 Prior to the commencement of development the details and locations of secure cycle stores shall be submitted for the approval of the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development and thereafter retained and maintained.
- 8 The development hereby permitted shall not be commenced until such time as a scheme for surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently be implemented in accordance with the approved details.
- 9 Prior to the first occupation of the development, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution. The development shall be fully implemented and completed in accordance with the approved details and retained and maintained thereafter.
- 10 Before the development hereby permitted is first used, off-street car parking, cycle parking and service lorry provision shall be made within the application site in general accordance with Stephen George drawing P001 rev N. The parking and service areas shall be surfaced, and marked out prior to the development being brought into use and shall be so maintained at all times.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 12 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 13 All windows and areas of glazing shall be kept free of permanent screening which would hinder views into the retail unit and/ or the passive surveillance of public areas.

Reasons :-

- 1 Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.
- 2 To define the permission.
- 3 In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 7 To promote sustainable transport choices.
- 8 To ensure traffic entering the site do not queue back to Hawley Road and affect the flow of traffic along it.
- 9 In order to prevent unnecessary light pollution or impact on nearby residential properties or the railway line.
- 10 To ensure a satisfactory disposal of surface water drainage.
- 11 To ensure that the proposed development do not cause pollution of controlled waters receptors in the area.
- 12 To protect the water environment.
- 13 To aid the security of users of the site and satisfactory appearance of the application site.

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: 05
Reference: 14/00816/FUL
Applicant: Bellway Homes East Midlands Limited
Location: Land West Of Cambridge Drive Desford
Proposal: Erection of 61 No. dwellings with associated parking and garaging including the provision of public open space, infrastructure and extended balancing lagoon

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

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 61 dwellings with associated parking, garaging, open space, infrastructure and to extend the balancing lagoon.

The application would form an extension to the existing approved scheme for 135 dwellings at land to the south of Hunts Lane which is currently under construction by Bellway Homes.

40% affordable housing is proposed which would provide 24 affordable dwellings.

Vehicular access is proposed from Hunts Lane to the north of the site through the existing approved scheme.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered by mature hedgerows. The site is approximately 2.3 hectares in size. It lies adjacent to, but beyond existing residential development to the west of Desford off Cambridge Drive. The site itself is mostly flat and level but gently falls away to the south west.

The centre of the village of Desford is located approximately 700 metres from the site.

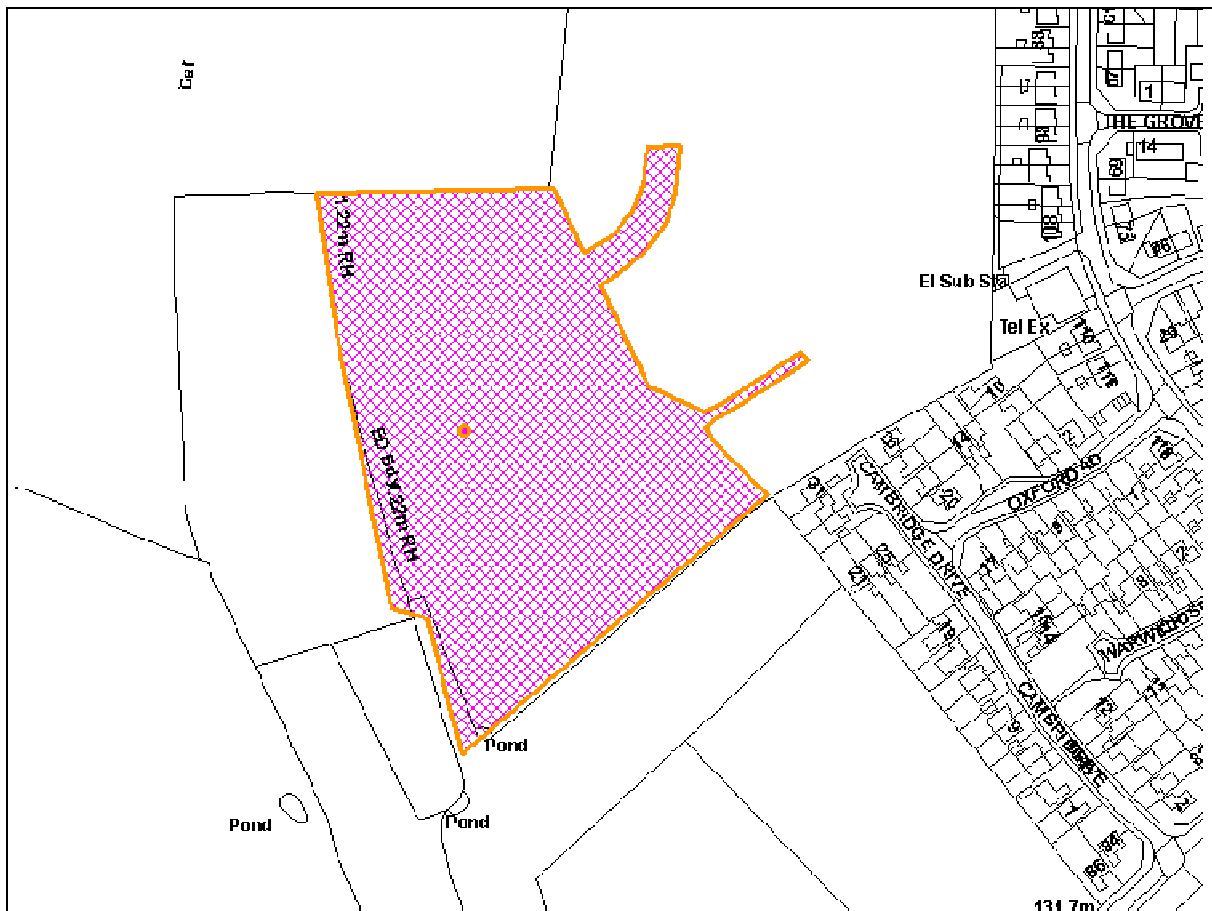
The site falls outside of, but adjacent to, the settlement boundary of Desford, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Ecology Report
Flood Risk Assessment
Planning Statement
Archaeology Survey
Transport Statement
Arboricultural Assessment

Relevant Planning History:-

12/01125/REM	Approval of reserved matters (appearance, landscaping, layout and scale) for 135 No. dwellings granted under outline permission 11/00029/OUT	Approved	30.05.13
11/00029/OUT	Erection of up to 135 dwellings with associated infrastructure, public open space and provision of vehicular and pedestrian access	Approved	13.04.12



©Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA000018489 Published 2006

Consultations:-

No objection subject to conditions has been received from:-

- Environment Agency
- Leicestershire County Council (Drainage)
- Leicestershire County Council (Highways)
- Leicestershire County Council (Ecology)
- Leicestershire County Council (Archaeology)
- Environmental Health (Pollution)
- Environmental Health (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.

Desford Parish Council has raised the following objections:-

- a) excessive residential development in relation to the original development proposal
- b) the allocation for Desford has already been reached and now above projection
- c) primary school extension plans only accommodate for the predicted pupil intake from Phase 1 (135 properties)
- d) medical practice already full
- e) increase in traffic congestion already apparent due to residential development within Newbold and Desford itself.

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

- a) the proposal would result in increased traffic congestion onto the B582 Hunts Lane/Manor Road
- b) the two busiest junctions in the village, the mini-roundabout and the Station Road/Barns Way junction will be at capacity by 2017
- c) the wet lagoons proposed could lead to breeding mosquitos
- d) the wet lagoons could overflow and cause flooding
- e) The housing requirement of a minimum of 110 dwellings has been met and therefore no additional land is required to be allocated in Desford as set out in the Hinckley and Bosworth Site Allocations and Development Management Policies Document February 2014
- f) in addition to the 135 dwellings under construction there are also a number of smaller developments that increase the number to at least 150 new dwellings
- g) the site was excluded from the SHLAA with access is available from Kirkby Road, this is dangerous due to the location of the children's play ground and primary school. In addition the site was excluded because it was classed as Grade 2 agricultural land
- h) loss of the view over the fields
- i) noise and dust from the development would affect neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

The National Planning Practice Guidance (NPPG) 2014

The Community Infrastructure Levy (CIL) Regulations 2010

Environmental Impact Assessment Regulations 2011

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres

Policy 8: Key Rural Centres Relating to Leicester

Policy 15: Affordable Housing

Policy 16: Housing Density, Mix and Design

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

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) - Feb 2014

Appraisal:-

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

- Principle of development
- Relationship to the character and appearance of the countryside
- Siting, design and layout
- Housing mix
- Affordable housing
- Relationship to nearby and neighbouring residential properties
- Highway considerations
- Flood risk and drainage
- Archaeology
- Ecology & trees
- Pollution
- Developer contributions

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, 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.

Core Strategy

Policy 8 of the Core Strategy states that in Desford land will be allocated for the development of a minimum of 110 dwellings. As of 1 April 2014 138 dwellings have been permitted in Desford. This development would therefore take the permitted amount of residential development in Desford since the Core Strategy was adopted to 199 units. However, the 110 units allocated is expressed as a minimum to allow further adjustments to the distribution of growth to be made.

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 2014. Responses have now been received and a modification consultation document is likely to be put out to consultation in December/January before it is submitted for Examination in Public in early 2015. 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. This document will set out the allocation of sites across the borough to support the large scale delivery of housing planned for Barwell and Earl Shilton Sustainable Urban Extensions. Barwell SUE has a resolution to approve permission with ongoing negotiations taking place on the S106 Agreement. The Earl Shilton SUE is due to be submitted in 2015.

The residual housing requirement for Desford has been met and therefore within the Emerging Site Allocations and Development Management Policies DPD no further sites have been allocated for residential 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. However, this position within Hinckley & Bosworth is not clear cut as the recent Sketchley House, Burbage appeal decision (ref: APP/K2420/A/13/2208318) highlighted. The Secretary of State considered that the failure to implement mechanisms to meet the target the housing target exacerbates the shortfall, but that if the current shortfall were made up in the plan period then provision would meet the full objectively assessed needs for market housing.

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, 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.

Local Plan

The site lies outside of the current settlement boundary of Desford, 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. 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. This is supported by the view of a Planning Inspector at Stanton under Bardon (ref: APP/K2420/A/13/2200224) where in that appeal it was considered that those policies were not NPPF compliant. However, this is one appeal decision and therefore this could be interpreted differently in different cases.

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. The applicant has submitted information in support of the economic benefits of the proposal in creating jobs and supporting existing employment in the area.

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. The applicant has submitted information in support of the social benefits of the proposal in meeting a housing and affordable housing need.

Environmental - The dwellings proposed would be built to reflect the character of the adjacent built area to the north on the existing scheme to the north that is in the process of being constructed. Whilst the introduction of dwellings on agricultural land would result in a degree of landscape harm the high quality layout that is proposed which would contribute towards the built local environment. The location of the site on the edge of the existing settlement would ensure that the development would be set in the context of the existing built form within the village to the east.

Based on the above the scheme is considered to comprise a sustainable form of development, in accordance with the NPPF, and would contribute towards the borough's housing shortfall and five year housing land supply.

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.

This application for 61 dwellings would exceed the housing allocation as set out in Policy 8 of the Core Strategy. However, this policy is expressed as a minimum requirement to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need across the borough. Given the lack of a five year supply of deliverable housing sites which applies borough wide individual settlement allocations it could be considered that the housing allocations should be afforded little weight.

The location of the site on the edge of the existing settlement of Desford and close to the amenities and services the village offers would result in a development that is in a relatively sustainable location for housing.

On balance, the development is considered to be acceptable in principle subject to all other material considerations being addressed.

Relationship to the Character and Appearance of the Countryside

As discussed above the site in policy terms lies outside of the defined settlement boundary for Desford 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. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 of the Local Plan remains generally relevant to development within the countryside and are considered to be 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 by the approved residential development currently under construction to the north of the site. To the east is the existing built form of St Martin's Drive, Oxford Road and Cambridge Drive. To the west and south are agricultural fields. The proposal would involve building on a greenfield site on land beyond the settlement boundary.

The site is currently classed as grade 2 agricultural land under the DEFRA agricultural land classification. Where possible land of a higher quality should be retained for agricultural purposes. Nevertheless this needs to be balanced against the need to provide housing and generally agricultural land closest to the edge of existing settlements would be preferred to be released over and above land in remote locations.

The proposal would comply with criteria (b) and (c) of Policy NE5 in so far as it would be in keeping with the scale and character of existing buildings and its surroundings. The indicative scale and layout of the development is appraised further below but from a landscape impact perspective it would generally reflect the pattern and layout of existing residential development to the east and development currently under construction to the north. In addition, the fields surrounding the site are bounded by mature hedgerows interspersed with trees which provide a degree of landscape screening, which would help to soften the impact of the development proposed.

It is considered that whilst there would be a degree of landscape impact and harm, this impact would be limited in the context of the existing built form to the east and north and would have only a limited encroachment into the countryside.

Siting, Design and Layout

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. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

The detailed design, siting and layout of the dwellings proposed has been arranged to achieve a high quality development. Dwellings have been orientated to face onto the access roads with parking contained within the curtilage or to the side of each property.

The pattern and layout of development would reflect the character and form of the first phase of development. The pattern of development proposed would maximise opportunities for natural surveillance, landscaping to plot frontages and corner plots that do not feature blank elevations. The development has an area of open space to the centre between the first phase and the proposed development which would leave an overlooked usable amount of informal open space between the two developments.

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, arched and flat brick headers, brick cills and other brick detailing which adds additional interest to the external appearance of the development as a whole.

It is considered that the layout proposed would result in a high quality form of development that would accord with Policy BE1 (criterion a) of the Local Plan and the overarching intentions of the NPPF.

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 density of dwellings proposed would be 25 dwellings per hectare which would be lower than required by Policy 16. However, given the location of the proposal on the edge of the settlement a lower density is considered to be acceptable in this instance.

The proposed mix is envisaged to include detached two storey dwellings, two storey semi-detached dwellings and bungalows as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16.

Affordable Housing

As the scheme is within 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 the 61 dwellings, the provision would be for 24 affordable units; 18 units for social rent and 6 for intermediate tenure.

Desford is an area where there is a high demand for affordable housing and as of April 2014 there are 304 waiting list applicants broken down into the following need categories: 126 applicants require 1 bedroom properties, 119 applicants require 2 bedroom properties, 51 applicants require 3 bedroom properties and 8 applicants require 4 or more bedroom properties.

The developer has offered the following mix of affordable units: 5 x 1 bed flats for affordable rent, 5 x 2 bed flats for affordable rent, 8 x 2 bed houses for affordable rent and 6 x 2 bed houses for shared ownership intermediate tenure. The Affordable Housing Officer considers that this mix is acceptable and has requested that local connection criteria under the Leicestershire Choice Based Lettings Scheme requiring applicants for affordable housing to have a local connection to the parish of Desford in the first instance and in the second instance the borough of Hinckley and Bosworth and that this clause is included in the S106 Agreement to ensure the housing is helping to meet a local need.

In accordance with the Affordable Housing SPD the affordable housing has been spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.

There is a demand in Desford for affordable properties and the waiting list shows that there is an affordable housing need in this area. 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 area is a material consideration that weighs in the balance of meeting the social needs of sustainability as supported by the NPPF.

Relationship to nearby and neighbouring residential properties

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.

The nearest residential dwellings adjoining the site to the east on the first phase of the development and are currently under construction. These dwellings would be separated from the proposed development by an area of informal open space and as such there would be no issue from an amenity perspective.

The existing dwellings along Cambridge Drive to the south east corner of the site (Nos. 27 - 31) would be separated from the development by the balancing lagoon and a sufficient separation distance would be in place to not have a detrimental impact upon the amenity of those properties.

There are no other dwellings that would be affected directly from an amenity perspective by the proposal. The development 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 applicant has submitted a Transport Assessment with traffic modelling carried out on junctions close to the site.

The scheme and the Transport Assessment has been considered by Leicestershire County Council (Highways). The development would only generate small amounts of additional traffic off the Hunts Lane roundabout and is not considered to have a severe impact. The site is within a reasonable walking distance of schools and facilities within Desford village. The Highway Authority therefore 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.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to planning conditions, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

Flood Risk and Drainage

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Leicestershire County Council (Drainage).

The Environment Agency has raised no objection to the proposed development subject to a condition relating to surface water drainage. An extension to the existing balancing lagoon for phase 1 is proposed to cater for the increased level of surface water run-off proposed.

Based on this and the conditions recommended by the Environment Agency that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.

From a drainage perspective Severn Trent Water have raised no objection to the proposal and suitable sustainable urban drainage capture and storage including at least two treatment trains it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan.

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.

Leicestershire County Council (Archaeology) have commented that the Leicestershire and Rutland Historic Environment Record (HER) indicates that the site lies in an area of archaeological interest relating to prehistoric, Roman and medieval sites recorded in the vicinity. However, given the results of previous archaeological work in the adjacent development area, LCC (Archaeology) are satisfied that any archaeological remains present are unlikely to be of such significance to warrant refusal or redesign of the current proposals. LCC (Archaeology) recommend that further archaeological investigation is secured by conditions attached to any forthcoming planning permission. The submitted Written Scheme of Investigation by ULAS is an acceptable proposal for the initial phase of investigation, and the results of this work will determine whether any further investigation and recording is necessary in relation to the scheme.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 and the NPPF insofar as it relates to the protection of heritage assets.

Ecology 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.

An extended Phase 1 Habitat Survey was submitted with the application, which has been considered by Leicestershire County Council (Ecology). LCC Ecology state that no habitats of significance apart from trees and hedgerows were recorded. The indicative layout conserves main habitats with buffer zones alongside and there is the potential for enhancement through the management and layout of open space. Conditions have been recommended in respect of ensuring that the development is carried out in accordance with the indicative masterplan, landscaping to be of locally native species and buffer zones of at least 5 metres of natural vegetation to be maintained by retained hedgerows, a biodiversity management plan to be prepared, light spill on retained hedgerows and watercourse

corridors to be minimised, removal of vegetation outside of the bird nesting season and a badger re-survey prior to the commencement of each phase.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

Pollution

Saved Policy NE17 seeks to protect watercourses from contaminated land. This is supported by Paragraph 120 of the NPPF which states to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

Environmental Health (Pollution) has raised no objection to the proposal subject to conditions relating to a scheme of investigation for any possible land contamination on the site being carried out prior to the commencement of development.

Subject to those conditions it is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Saved Policy NE17 of the Local Plan and Paragraph 120 of 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 Sport in Desford, 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 61 dwellings this would total £35,794.80. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at Sport in Desford. 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 through enhancement.

There is an existing equipped children's play space and informal children's play space within 400 metres of the proposed development on Phase 1 and at Kirkby Road. Given that the developer has opted to retain ownership and manage the equipped play space and informal open space through a private management company on Phase 1, a maintenance contribution for this proposal could not be applied there. As such as set out in Saved Policy REC3 and the SPD a maintenance contribution of £42,243.25 will be taken towards the existing play space at Kirkby Road.

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 £150,753.66 is sought for primary education. The site falls within the catchment area of Desford Community Primary School. This School has a number on roll of 268 and 338 pupils are projected on the roll should this development proceed; a deficit of 70 places. There are currently 26 pupil places at this school being funded from S106 agreements for other developments in the area. This reduces the deficit at this school to 44 (of which 31 are existing and 13 are created by this development).

The site falls within the catchment area of Market Bosworth High School and Bosworth Academy. The Schools have a joint net capacity of 1750 and 1672 pupils are projected on roll should this development proceed; a surplus of 79 pupil places.

The total education contribution request is £150,753.66. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be 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 £3,460.00 for use of provision and enhancement of library facilities at Desford 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 £3,021.00 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 16 tonnes of waste generated by the development and given that the total waste collected is approximately 8,000 tonnes per annum at this civic

amenity site, 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 £350.00 per pass.

Improvements are sought for the nearest bus stop on Manor Road (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop. Contributions are also sought to equip the nearest bus stop on Manor Road with Real Time Information Systems at £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 for public transport users. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

Health

NHS England (Leicestershire and Lincolnshire Area) requests £12,870.00 for Desford Medical Centre. The list size of this practice has already grown and the practice has very limited space to manage any increases. The practice has increased clinical sessions for the GPs, but also need extra Health Care Assistant/Nurse sessions. At the moment, the practice does not have the rooms available for this.

It is likely that the 61 dwellings will result in a high number of young families and will create increased workload. The practice cannot extend externally and therefore they need to carry out internal reconfiguration to provide additional GP and nursing time. The contribution would be used towards The practice plans to convert an existing office into a standard clinic room with vinyl flooring, infection control paint, clinical wash hand basin and equipment which would enable the practice to offer additional appointments to provide additional care and treatment options for new patients in a primary care setting.

It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Police

Leicestershire Police has provided detailed justification for a S106 request of £21,327.00. This would be split into £2,234.00 for start up equipment for a new police officer that would be required as a result of the development, £1,335.00 towards associated vehicle costs, £128.00 towards additional radio call capacity, £67.00 towards Police National Database additions, £147.00 towards additional call handling, £2,055.00 towards ANPR cameras, £375.00 towards mobile CCTV equipment, £14,864.00 towards additional premises and £122.00 towards hub equipment for officers.

It is considered that this contribution request is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the scheme 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 and the guidance as set out in the National Planning Practice Guidance. Overall it is not considered the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area, 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 principle of development is considered to be acceptable given that the borough does not currently have a five year supply of deliverable housing sites. 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 8 of the Core Strategy, should not be considered up to date. 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 at Paragraph 14 that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a sustainable location close to the centre of Desford which offers facilities and services. 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 material consideration that weighs in the balance of meeting the social sustainability requirements. The development would contribute towards meeting the borough's five year supply of deliverable housing sites which is a key material consideration and one that much weight should be given. The development would not harm ecology, archaeology or heritage and nor would it pose a flood risk. The impacts of the development on the local highway network have been considered and there would not be a highway safety issue.

The scheme is considered to be acceptable in terms of layout, scale, appearance, landscaping and other matters and does not give rise to any significant impacts upon residential amenity.

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

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

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):- Policies RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, BE16 and T5.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 8, 15, 16, 19 and 24.

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

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission and the development hereby permitted shall be carried in general accordance with the submitted layout details as shown on:-
 - 14016 - 01CH (Site Plan)
 - 14016 - 03B (Location Plan)
 - G13/PLANNING/01 (Single garage)
 - G14/PLANNING/01 (Double garage)
 - KEY_LAU/PLANNING/01 (Keyham_Launde House Type)
 - KEY_LAU/PLANNING/02 (Keyham _Launde House Type)
 - KEY_LAU/PLANNING/03 (Keyham _Launde House Type)
 - KEY_LAU/PLANNING/04 (Keyham _Launde House Type)
 - KEY_LAU/PLANNING/05 (Keyham_Launde House Type)
 - LAU/PLANNING/01 (Laughton House Type)
 - LAU/PLANNING/02 (Laughton House Type)
 - LOW/PLANNING/01 (Lovesby House Type)
 - LOW/PLANNING/02 (Lovesby House Type)
 - ROT/PLANNING/01 (Rothley House Type)
 - ROT/PLANNING/02 (Rothley House Type)
 - SOM/PLANNING/01 (Somerby House Type)
 - SOM/PLANNING/02 (Somerby House Type)
 - SPI/PLANNING/01 (Spinney House Type)
 - SPI/PLANNING/02 (Spinney House Type)
 - THO/PLANNING/01 (Thornton House Type)
 - THO/PLANNING/02 (Thornton House Type)
 - TIL/PLANNING/01 (Tilton House Type)
 - TIL/PLANNING/02 (Tilton House Type)
 - TWY/PLANNING/01 (Twyford House Type)
 - TWY/PLANNING/02 (Twyford House Type)
 - WES/PLANNING/01 (Weston House Type)
 - WES/PLANNING/02 (Weston House Type)
- 3 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.

- 4 Prior to the commencement of development, a Transport Management Plan (TMP) shall be submitted to and approved in writing by the local planning authority. The TMP shall set out details and schedule of works and measures to secure:-
 - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
 - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
 - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.
- 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.
- 6 No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 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.
- 9 Prior to the commencement of development a Tree Survey and Tree Protection Plan including trees and hedgerows to be retained shall be prepared in accordance with 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 approved details.
- 10 The development shall be carried out in accordance with the recommendations contained within the Ecological Appraisal prepared by FPCR Ltd. dated September 2014.
- 11 No development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching, (as detailed in ULAS' Written Scheme of Investigation for Archaeological Work ref. 14/726) has been submitted to

and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-

- a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- b) The programme for post-investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

12 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

13 No development shall take place until a detailed 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 in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:-

- a) Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to the mean annual greenfield rate for the site.
- c) Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- 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.

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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure the development is carried out in accordance with the submitted details, for the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 4 To ensure the protection of neighbouring residential amenity during construction and in the interests of highway safety to accord with Policy BE1 (criterion i) and Policy T5 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&10 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 11&12 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13&14 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 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: 06
Reference: 14/00654/FUL
Applicant: Mr Andrew Allen
Location: Land Adjacent Charnwood Poultry Farm Desford Road Desford
Proposal: Erection of 5.3MW solar farm and associated infrastructure

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a 5.3 MW photovoltaic solar farm. Electricity generated from the solar farm will be fed into the National Grid.

In addition to the photovoltaic panels, the proposed development includes associated infrastructure including inverter housings, access tracks, security fencing and other minor works.

Access is proposed from Desford Lane via the existing field access.

The solar farm would be connected by underground cables to the 11 KV underground power line at a point adjacent to the western side of the site entrance on Desford Lane where it would be connected to the local distribution network.

The solar panels would be set at 25 degrees and would be piled into the ground at a height of 2 metres. From the rows of panels cables would carry electricity to inverter cabins. Four cabins would be required and these would measure approximately 10 metres in length, 2.5 metres in width and 3 metres in height. They are proposed to be positioned within the rows of panels to minimise their visual impact.

A fence is proposed to surround the site. This would resemble deer fencing with wooden posts and mesh at a height of 2 metres.

Planning permission is sought for a 25 year period. After this period of time the site would be dismantled and returned back to its former agricultural use, unless permission is sought from the Local Planning Authority.

The Site and Surrounding Area

The site of the proposed solar farm is located within the countryside to the north of Desford Lane. The site itself consists of agricultural land and is approximately 9.7 hectares in size. The land is bounded by scattered trees and hedgerows. To the east of the site is Charnwood Poultry Farm which includes some large agricultural buildings. To the south is the Crown Crest employment site which includes a number of large industrial buildings. To the north is

an area of managed woodland and Woodlands Farm. To the west are agricultural fields bounded by mature hedgerows and trees.

The closest residential properties that may have a view are The Spinneys and Sparkenhoe Villa, approximately 40 metres south across Desford Lane from the site. Only the latter property will have a view of the site, from the upstairs windows. This view is of the east field, the west field being screened by hedgerow.

Views of the west field are possible from Woodlands Cottage, which sits approximately 200 metres southwest of the site and from further commercial units across Desford Lane, the east field being screened by hedgerows. Woodlands Farm lies approximately 270 metres north of the site. This property has views of a small section of the corner of the east field from its upstairs windows, the remainder of the site being screened by tall hedgerows and trees near the property.

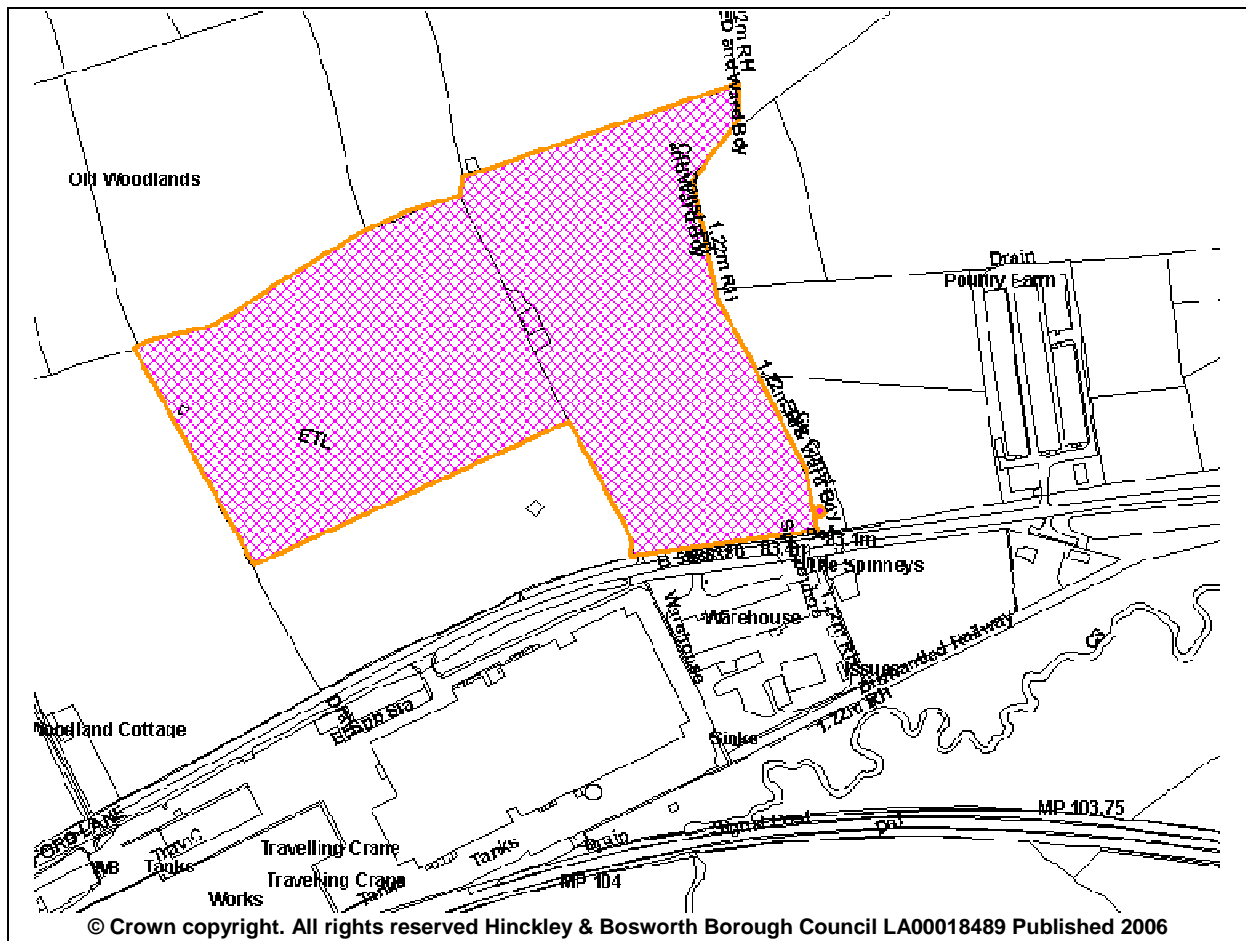
A public right of way runs north to south to the east of the site but is unaffected by the proposals.

Technical Documents submitted with application

Design and Access Statement
Landscape and Visual Impact
Ecology Report and Biodiversity Management Plan
Archaeology Report and Written Scheme of Investigation
Agricultural Land Quality Assessment
Flood Risk Assessment
Transport Statement
Heritage Statement
Tree Report
Construction Traffic Management Plan

Relevant Planning History:-

14/00212/SCOPE	EIA Screening Opinion relating to the erection of a PV Solar Farm (5.8 MWp to include a 2 metre high boundary fence, associated switchgear, transformers and access track)	EIA Not Required. 13.03.14
----------------	--	----------------------------



Consultations:-

No objections have been received from:-

- Environmental Health (Land Drainage)
- Environment Agency
- English Heritage (Heritage England)
- Leicestershire County Council (Ecology)
- Leicestershire County Council (Highways)

Neighbours notified, site notices were displayed and a press notice published.

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

- a) the solar farm would make flooding worse creating more surface water run off
- b) the B5380 Desford Road already floods and the Rothley Brook cannot take further development such as at Crown Crest
- c) the proposal would have a landscape impact and would cause harm to the National Forest
- d) the proposal would be an eyesore and would be seen from the road especially in autumn and winter when the hedges are bare.

One letter of support has been received for the proposal.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance 2014 (NPPG)
Environmental Impact Assessment Regulations 2011

Local Plan 2006 - 2026: Core Strategy (2009)

Spatial Objective 12: Climate Change and Resource
Policy 21: Development in the National Forest

Hinckley and Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside
Policy NE10: Local Landscape Improvement Areas
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Water and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
Policy BE14: Archaeological Remains
Policy BE15: Preservation of Archaeological Remains in Situ
Policy BE16: Archaeological Investigation and Recording
Policy T5: Highway Safety

Other Relevant Policy Guidance

Hinckley and Bosworth Landscape Character Assessment (2006)
Hinckley and Bosworth Renewable Energy Capacity Study (2013)

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development
- The Landscape and Visual Impact
- Ecology and Ornithology
- Heritage Assets, the Historical Landscape and Archaeology
- The Relationship to Nearby Residential Properties,
- Highway safety and Construction Traffic Management
- Flood risk
- Environmental Impact Assessment Regulations

Principle of Development

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

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

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

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

The National Planning Practice Guidance (NPPG) sets out that at Paragraph 13 of the Renewable and Low Carbon Energy guidance that, the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:-

- a) encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- b) where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
- c) that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- d) the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- e) the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- f) the need for, and impact of, security measures such as lights and fencing;
- g) great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- h) the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- i) the energy generating potential, which can vary for a number of reasons including, latitude and aspect;
- j) the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero;
- k) the site is greenfield agricultural land. Therefore consideration should be given to the quality of the agricultural land. The applicant has undertaken an assessment and has submitted an Agricultural Land Classification Report. This identifies that the majority of the land falls under Grade 3b. This is identified as moderate quality agricultural land which is defined as land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high

yields of grass which can be grazed or harvested over most of the year. Given the temporary nature of the proposal for a period of 25 years it is considered that the land could be used for agricultural after the solar farm has been removed. The proposal would involve planting a wildflower meadow between the panels which would encourage biodiversity by not being intensively farmed.

Given the agricultural quality of the land which is considered to be of moderate quality and not of best quality (Grades 1 - 2), the development is considered to be acceptable in principle in relation to the NPPF and NPPG and the aims and objectives of the Local Plan.

Landscape and Visual Impact

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design. Policy NE5 also requires development within the countryside to not have an adverse affect on the appearance or character of the landscape is in keeping with its surroundings and would be screened by landscaping.

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

Policy 21 of the Core Strategy seeks to ensure development does not create a harmful impact upon the National Forest, and the comments of the local residents are considered in relation to this policy. The NPPG also advises local planning authorities to consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges.

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

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

The NPPG advises that the cumulative visual and landscape impacts of the proposed solar farm should be considered. As there has only been one other solar farm granted consent within the Borough at Stoke Golding, and this is located some 12km from the site of the proposed solar farm it is not considered that any cumulative visual or landscape impact would occur.

The application is supported by a Landscape and Visual Impact Assessment which assesses the impact of the proposals on the local and wider landscape value. The Assessment notes that residential receptors are amongst those most susceptible to change. The relationship to residential properties are noted but due to the distance, other development (including agricultural buildings), and landscaping and screening the proposals the immediate landscape impact would be limited.

Views from the more distant villages of Desford, Kirkby Muxloe and Ratby are similarly screened by landform, intervening vegetation and elevated topography.

Perception that solar panels have the potential to create glint and glare impacts are noted; however, photovoltaic panels are designed to absorb sunlight (rather than reflect it), minimising potential impacts of glint and glare and therefore reducing the impact on the landscape.

The panels would be angled to a height of 2 metres set in rows facing south. Whilst the panels would be a relatively alien introduction to this rural landscape, due to the low height of the panels and existing landscape screening around the site in the form of mature hedgerows and trees that impact would be minimal. Further the industrial buildings of the Employment site opposite and large agricultural buildings to the east are also noted in this assessment. In mitigation to the proposals and in accordance with Local Plan policy, the applicant has submitted a landscape plan and planting scheme which identify gaps in the hedgerows that will be planted up to further screen the proposal and manage the visual impact on the wider landscape.

A fence would be erected to bound the site. This would be comparable to a deer fence and would be at a height of 2 metres. CCTV cameras were originally proposed on poles around the site. These were not considered to be acceptable due to the intrusive nature of such devices and height of the poles. As such the applicant now proposes the use of low level infra-red sensors within the boundary of the site that would alert a security company if they are triggered. No audible alarms or warning systems are proposed.

The site is located north of the Desford Lane, a fast flowing national speed limit highway. Given the relatively low level of the panels, combined with existing and proposed landscaping and fencing, it is considered that the panels would not be visually prominent within the landscape or from Desford Lane and as such there are not considered to be any adverse impacts arising from the siting of the development on either the character of the surrounding landscape or from the highway in terms of visual amenity.

The proposed development is therefore considered to be acceptable in relation to Policy BE1 (criterion a), NE5 and the guidance contained within the NPPF and NPPG.

Ecology and Ornithology

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

The applicant has submitted an ecology report and biodiversity management plan. The proposal has been considered by Leicestershire County Council (Ecology) who has raised no objections. Subject to conditions, it is not considered that the proposal would have an adverse impact upon sites of ecological importance or protected species. The proposals are considered acceptable in relation to the consideration of biodiversity.

Heritage Assets, the Historical Landscape and Archaeology

Paragraph 19 of the renewable and low carbon energy guidance as set out in the NPPG states that the significance of a heritage asset derives not only from its physical presence but also from its setting and careful consideration should be given to the impact of solar farms on such assets. This is reinforced by Paragraph 131 of the NPPF which states that in determining planning applications local planning authorities should take account of the positive contribution the conservation of heritage assets can make to sustainable communities. The NPPG also sets out guidance in respect of solar farms and that they can cause harm to the setting of heritage assets.

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.

Further, it is noted that there are no statutory designated heritage assets within the immediate vicinity of the site. English Heritage has commented that consideration should be given to the impact of the solar farm on the setting of Ratby Camp, a scheduled ancient monument and the scheduled Iron Age enclosure at Thurleston. The impact has been carefully considered and given the separation distance (approximately 650m to the nearest) from the two monuments the impact would not be significant. Further the nature of the proposed solar farm, due to the changes in the levels and visual impact, which would be relatively contained in respect of viewpoints and screening. It is considered that the solar farm would not have an adverse impact upon the setting of those heritage assets. The proposal would therefore be in accordance with Paragraph 131 of the NPPF.

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within an area of archaeological interest relating to prehistoric, Roman and medieval sites recorded in the vicinity. However, given the results of previous archaeological work in the adjacent development area, Leicestershire County Council (Archaeology) are satisfied that any archaeological remains present are unlikely to be of such significance to warrant refusal or redesign of the current proposals. Further archaeological investigation is required and has been secured by conditions. The submitted Written Scheme of Investigation by ULAS is considered to be an acceptable proposal for the initial phase of investigation, and the results of this work will determine whether any further investigation and recording is necessary in relation to the scheme.

Therefore subject to the conditions imposed requiring further on-site investigation and recording it is unlikely that the proposal would cause a detrimental impact to possible archaeological remains and the proposal is considered to be in accordance with Policies BE14 and BE16 and Paragraph 128 of the NPPF.

The Relationship to Nearby Residential Properties

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

It is noted that the nearest residential dwellings to the site are The Spinneys and Sparkenhoe Villa, approximately 40 metres from the site on Desford Lane. Given the distance from the site across Desford Lane, the amount of screening in the form of hedgerows and planting that is in place the impact on those property's would be limited. It is accepted that visually the solar farm would be more pronounced in the winter months when there is less vegetation but this impact would still be limited.

Woodlands Cottage is located approximately 200 metres to the south west of the site and Woodlands Farm is located approximately 270 metres to the north of the site. The views from these properties are limited and due to the distance, intervening vegetation and planting the impact to this property would be limited.

As such it is considered that the proposal is in accordance with Policy BE1 (criterion i) and the renewable and low carbon energy guidance as set out in the NPPG. The proposal is not considered to cause a detrimental impact upon residential amenity.

Highway Safety

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. The applicant has submitted a Construction Traffic Management Plan which details access to the site during construction, decommissioning and for routine maintenance during operation is proposed from Desford Lane via an existing farm access which would be upgraded. Visibility along Desford Lane is clear in each direction. Leicestershire County Council (Highways) has raised no objection to the proposal subject to condition relating to access improvements, construction traffic routing and details provided and agreed prior to the commencement of development.

Subject to the imposition of conditions, the proposal is considered to be in accordance with Policy T5 of the Local Plan and would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network.

Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The comments and concern of the local resident have been carefully considered.

It is noted that the Flood Zone is on the opposite side of the Crown Crest Employment site to the south of the application site and that levels rise away from the Flood Zone. The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency. The Environment Agency is satisfied that the applicant has included sufficient surface water drainage attenuation in the form of a swale to the southern boundary of the site. This would deal with surface water run-off from the proposed solar panels. The panels themselves would not greatly increase surface water run-off beyond the existing situation.

Having carefully considered the proposals in light of the concerns raised, and in accordance with the recommendations of the Environment Agency, subject to conditions requiring the surface water drainage to be captured via a swale the proposal is not likely to lead to a surface water flood risk and would be in accordance with Policy NE14 of the Local Plan and the NPPF.

Environmental Impact Assessment

Following a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 the local planning authority issued a Screening Opinion on 13 March 2014.

The proposed development falls within the description contained in paragraph 3(a) of Schedule 2 of the 2011 Regulations, Energy Industry: Industrial installations for the production of electricity, steam and hot water. The applicable thresholds and criteria state for the area of the development exceeds 0.5 hectares.

As the development area is 9.7 hectares this would exceed the applicable threshold. Therefore the development proposed is Schedule 2 development within the meaning of the 2011 Regulations and an assessment against the criteria outlined in the Regulations is required.

Having taken into account the criteria set out in Schedule 3 of the 2011 Regulations, that the proposed development would not be likely to have significant effects on the environment by virtue such as its nature, size or location. As such the proposed development is not considered to be EIA development within the meaning of the 2011 Regulations.

Conclusion

The NPPF supports the transition to a low carbon future in a changing climate by encouraging the use of renewable resources and the development of renewable energy and that local planning authorities should approve the application if its impacts are (or can be made) acceptable. The principle of development is therefore considered to be acceptable.

It is considered that the proposal would lead to a minimal landscape and visual impact, mitigated against by existing landscape screening, with proposed additions to build up gaps in the site boundaries. The solar farm would have a limited impact upon heritage assets, the historic landscape, flood risk and ecology.

It is also considered that the proposed solar farm would have a minimal impact upon residential amenity and would not create any highway safety issues.

Therefore, and after considering the issues discussed above and representations received from the local community, it is considered that the principle of development would be acceptable and there would be minimal landscape harm. The proposal is therefore considered to be in accordance with the development plan and the overarching intentions of the NPPF. In addition, regard has been had to the renewable and low carbon energy guidance as set out in the NPPG as a material consideration.

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, the proposal would not have significant detrimental visual or landscape impact, cumulative visual or landscape impact, would not impact upon ecology, flood risk, historic assets, residential amenity or highway safety.

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

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

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 accordance with the submitted applications details, as follows and received by the local planning authority 7 July 2014:-

Dwg No. 00011-35-100 Site Location Plan

Dwg No. 00011-35-102 Planning Layout

Dwg No. 00011-35-200 Proposed DNO Cabin

Dwg No. 00011-35-204 Proposed Fencing and Photoelectric Beam Detector

Dwg No. 00011-35-203 Proposed Solar Panels

- 3 Written confirmation of the date of the first export of electricity to the National Grid from the solar farm hereby approved shall be provided to the local planning authority within one month of the date of this taking place.
- 4 The planning permission hereby granted is temporary for a period of 25 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5.
- 5 Not less than 12 months prior to the expiry of this permission a Decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:-
 - a) The works for the removal of the solar panels, ancillary equipment and structures;
 - b) works for the restoration of the site;
 - c) the management and timing of any works;
 - d) a Traffic Management Plan;
 - e) an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats;
 - f) identification of access routes; and
 - g) a programme of implementation.

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme within 12 months of the expiry of this permission.

- 6 Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site restoration Scheme as per the requirements of Condition 5 shall be submitted to and agreed in writing by the local planning authority within 3 months of the end of the 6 months cessation period. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.
- 7 The development shall be fully implemented in accordance with the recommendations contained within the ecology report and biodiversity management plan prepared by Greenlight Environmental Consultancy dated 2 October 2014.
- 8 The development shall be fully implemented in accordance with the landscaping and planting scheme (and biodiversity management plan) (Dwg No.

GLEC/REN/DesLane/LPScheme Rev 1) prepared by Greenlight Environmental Consultancy dated 2 October 2014.

- 9 The approved landscaping scheme shall be fully implemented in accordance with the approved details in the first available planting season after the commencement of development. 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 at which time shall be specified in writing by the local planning authority.
- 10 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including site access signage details, wheel cleansing facilities and vehicle parking and turning 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.
- 11 Prior to the erection of any solar panels or fencing, the vehicular access and deliveries to the site shall be fully implemented in accordance with the detail contained within the submitted Construction Management Plan by Transport Planning Associates dated July 2014.
- 12 The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.
- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be fully implemented in accordance with the agreed details.
- 14 No development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching (as detailed in ULAS' Written Scheme of Investigation for Archaeological Work ref. 14/726), has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-
 - a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - b) The programme for post-investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

- 15 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 This permission is temporary and as such notification of commencement of the export of electricity to the National Grid is required to maintain proper record.
- 4 This permission is temporary for a period of 25 years following first export to the National Grid.
- 5 In the interests of visual amenity and to order to ensure the site is restored to a satisfactory appearance following decommission of the solar farm in accordance with Policy BE1 (criterion a) of the Hinckley & Bosworth Local Plan 2001.
- 6 To ensure the development is used for sustainable renewable energy generation in accordance with Paragraph 93 of the NPPF.
- 7 In the interests of biodiversity in accordance with Paragraph 109 of the Hinckley & Bosworth Local Plan 2001.
- 8 In the interests of providing landscaping to enhance visual amenity and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 9 In the interests of ensuring landscaping is in place to enhance visual amenity and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 10&11 In the interests of highway safety in accordance with Policy T5 of the Hinckley & Bosworth Local Plan 2001.
- 12 To ensure sustainable drainage is in place in accordance with Paragraph 100 of the National Planning Policy Framework.
- 13 To ensure contamination does not affect sustainable drainage in accordance with Paragraph 100 of the National Planning Policy Framework.
- 14&15 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 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: 07
Reference: 14/00878/FUL
Applicant: Mr Mark Seeman
Location: Holy Bones 10 Church Street Market Bosworth
Proposal: Erection of one new dwelling

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 five different addresses.

Application Proposal

This application seeks full planning permission for the erection of a detached three bedroom bungalow and associated parking. The bungalow has an 'L' shaped footprint and measures approximately 17 metres x 10.5 metres with an eaves height of 2.4 metres and ridge height of 5 metres. Access is via the existing driveway to 10 Church Street. The proposal includes the demolition of an existing timber double garage.

Amended plans have been submitted to address concerns raised in relation to the design and proposed external materials, loss of privacy from overlooking, parking arrangements, bin collection point and relationship to the setting of 10 Main Street. Re-consultation has been undertaken.

The Site and Surrounding Area

The site is located within the Market Bosworth Conservation Area and measures approximately 775 square metres. It currently forms part of the garden area to 10 Church Street, Market Bosworth, although it extends to the west across the rear of Nos. 6 and 8 Church Street. It is currently a grassed area and is enclosed by a mix of 1.8 metres high brick walls (along the access and around the north boundary) and mature hedgerows incorporating a variety of fencing (along the south boundary). There are a number of mature and semi-mature trees around the site. A new 1.8 metres high boundary treatment including gravel boards and timber panel fencing is proposed to enclose the west boundary. A mature hedgerow defines the east boundary, part is to be retained and part removed and replaced. Ground levels rise gradually from Church Street into the site and the site occupies an elevated position in relation to the communal garage site and associated terrace of dwellings located to the west.

Technical Documents submitted with application

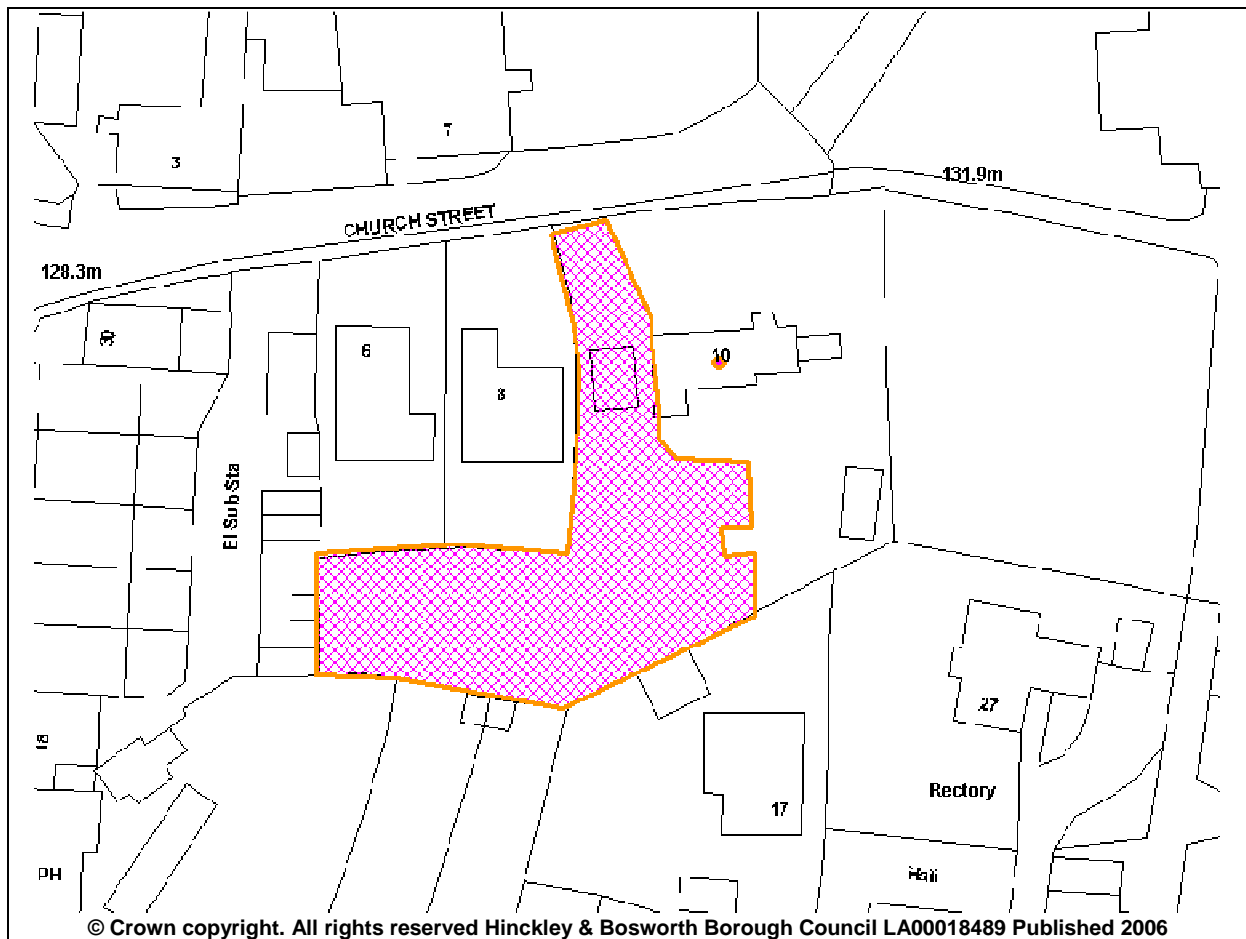
Design and Access Statement
Arboricultural Implications Assessment Report
Archaeological Desk Based Assessment Report
Ecology Survey Report

Relevant Planning History:-

90/0131/4

Residential development & erection of garage Approved

25.09.90



Consultations:-

No objection has been received from:-

- Leicestershire County Council (Ecology)
- Environmental Health (Drainage)
- Environmental Health (Pollution)

No objection subject to conditions has been received from:-

- Leicestershire County Council (Highways)
- Leicestershire County Council (Archaeology)
- Street Scene Services (Waste)
- Arboricultural Officer
- Borough Council's Conservation Officer

Market Bosworth Parish Council object on the following grounds:-

- a) unacceptable level of infill and out of keeping
- b) negative impact on green area, trees and ecology within Conservation Area
- c) invasion of privacy on nearby dwellings

- d) roof lights provide potential for dormer bungalow and additional loss of privacy
- e) inadequate parking provision and additional on-street parking
- f) additional traffic on a congested street
- g) queries the previous planning permission as claimed
- h) recently erected fencing is of unsatisfactory engineering construction - future safety and security issues.

Market Bosworth Society raises no objection in principle but raises concerns in respect of the following matters:-

- a) external construction materials, design and architectural features
- b) if approved, parking of construction vehicles should be within the site
- c) retention of trees and enhancement of landscaping of this important green space (MBCCA)
- d) loss of privacy to neighbouring properties.

Site notice and press notice were displayed and neighbours notified. Letters of objection have been received from six different addresses raising the following summarised concerns:-

- a) loss of privacy from overlooking
- b) potential for additional accommodation within the roof space
- c) garden grabbing, loss of green space, trees and wildlife in Conservation Area
- d) inadequate parking, increase in traffic congestion on narrow street
- e) pedestrian safety
- f) adverse impact on character of Conservation Area
- g) adverse impact on 10 Main Street
- h) overbearing impact due to higher ground levels
- i) surface water drainage
- j) lack of bin collection area
- k) inaccuracies within the submitted Design and Access Statement
- l) loss of protected vista identified in MBCAA
- m) overdevelopment
- n) loss of views from neighbouring properties

At the time of writing the report comments have not been received from Severn Trent Water Limited.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan (2001)

The site is located within the settlement boundary of Market Bosworth as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy BE8: Demolition in Conservation Areas
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE12: Landscaping Schemes
Policy T5: Highway Design & Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Supplementary Planning Documents

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

Other Material Policy Guidance

Adopted Market Bosworth Conservation Area Appraisal (MBCAA)
Emerging Market Bosworth Neighbourhood Plan (MBNP)

Appraisal:-

The main considerations with regards to this application are the principle of development, layout and design and the relationship to the character and appearance of the Market Bosworth Conservation Area, the amenities of neighbouring properties, highway safety, archaeology and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within the settlement boundary of Market Bosworth and within a reasonable distance of amenities and public transport. The proposal would contribute to the social role of sustainable development by providing additional housing to contribute to meeting the current shortfall of 43 dwellings in Market Bosworth (as at 1 April 2014) to meet the minimum requirement identified in Policy 11 of the adopted Core Strategy. The proposal would contribute in a small way to the economic role by the construction work in the development of the dwelling and to the environmental role by protection of the majority of the significant vegetation to the boundaries of the site.

However, whilst the site may be considered to be in a sustainable location, 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 located within the Market Bosworth Conservation Area should be considered against local policies to determine if it would harm the local area.

The Design and Access Statement submitted to support the application identifies a previous planning permission in 1990 for a single storey dwelling and garage on the site (reference 90/0131/4). Representations received have queried the validity of the permission as it did not appear within the planning history of the site. However, this was as a result of an error in the system and this has now been rectified. Notwithstanding this, the previous permission was

not implemented and the current proposal must be assessed on its own merits and in accordance with current policies and guidance.

Layout, Design and Relationship on the Character and Appearance of the Market Bosworth Conservation Area

The NPPF in paragraph 56 identifies design as a key aspect of sustainable development. Paragraph 64 states that permission should be refused for development of poor design that fails to improve the character of the area, however, paragraph 60 states that decisions should not attempt to impose architectural styles and should not stifle innovation, originality or initiative though unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to promote local distinctiveness.

Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features' with the intention of preventing development that is out of keeping with the character of the surrounding area. Policy BE7 of the adopted Local Plan requires new development to preserve or enhance the special character or appearance of the area and be in sympathy with the merits of neighbouring development. Policy BE8 of the adopted Local Plan requires that the loss of buildings in conservation areas is not detrimental to its character or appearance. The Council's adopted Supplementary Planning Guidance (SPG) on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings. The emerging Market Bosworth Neighbourhood Plan (MBNP) provides additional design guidance relating to the character of the area but can be afforded only limited weight at this stage in the determination of the application.

A number of objections have been received that the proposal is overdevelopment of an infill/backland garden site that will result in a loss of green space and vista identified within the Market Bosworth Conservation Area Appraisal (MBCAA) and that the proposal will be out of keeping and therefore have an adverse relationship to the character and appearance of the area and the host property, 10 Main Street. Concerns have also been raised in respect of the proposed design, architectural features and external construction materials.

The site lies to the rear of Nos. 6 and 8 Church Street and therefore the proposal will not benefit from any proper road frontage. Whilst such backland development may not be encouraged or particularly desirable, regard must also be had of the existing residential development at depth accessed off Park Street and located immediately to the south east of the site and to a lesser extent the previously approved 1990 planning permission for a bungalow on the site. Although its elongated shape suggests that the site is highly constrained, the site is of sufficient size to accommodate a single dwelling together with adequate amenity and parking areas to meet adopted guidance and serve the development, whilst retaining adequate provision for 10 Main Street. Notwithstanding that the site is identified in the MBCAA as a key green space and that the vista from the west should be protected, the site is private land, is well enclosed to the north, east and south by boundary walls, mature hedgerows and trees and occupies a ground level of approximately 1.5 metres higher than the garage site to the west such that the only views through or into the site are from a number of first floor rear windows in neighbouring properties to the west and north. Given the siting and scale of the development together with the retention and enhancement of the landscaping within the site it is considered that any impact on vista will be extremely limited and its designation as a 'key' green space is difficult to justify given the enclosed and secluded nature of the site.

Concerns have been raised in respect of the originally proposed external materials that included concrete roof tiles and uPVC window frames and that it lacked architectural detailing and features that are characteristic of the MBCA. An amended plan has been submitted that improves the design by virtue of the inclusion of a chimney and a glazed front entrance to the part of the north elevation where glimpses will be visible from Church Street in addition to the plinth detail, brick eaves detailing and brick headers and cills originally proposed. Additional windows have been added to the north elevation in lieu of roof lights which have been removed. The amended plan also proposes the use of plain roof tiles and, notwithstanding this, the use of appropriate external materials can be controlled by a planning condition. Plot sizes of surrounding dwellings are similar to the application site and 8 Church Street is a dormer bungalow with a relatively modern design. Therefore the scale and design of the proposal is not considered to be uncharacteristic of neighbouring development and the proposal is considered to complement surrounding development in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

Objections have also been received that the proposal will result in the loss of trees and wildlife habitat. However a majority of the area to be developed comprises a well maintained lawn with limited ecological value whilst important boundary trees and hedgerows that contribute to the quality of the environment are to be retained in accordance with Policy CE4 of the emerging MBNP and enhanced by additional landscaping that can be secured by a planning condition.

Notwithstanding the objections received, which have been carefully considered, by virtue of the single storey scale and backland position of the proposal, relative ground levels and the retention of important trees and existing boundary hedgerows and landscaping, the proposal will not be prominent within any street scene or result in any significant harm to the surrounding area. The proposal is therefore considered to preserve the special character and appearance of the MBCA in accordance with Policy BE7 of the adopted Local Plan and Policy CE1b of the emerging MBNP.

The scheme results in the subdivision of the existing garden of 10 Main Street which is a two storey cottage identified in the MBCAA as an important local building. By virtue of the existing well maintained 3 metres high hedgerow along the east boundary of the site, the proposed scheme will have only a limited impact on the setting of No. 10 as the site is already divided and appears as a separate area. The scheme includes the demolition of a double garage ancillary to the residential use of 10 Main Street. The structure is not of any particular architectural merit and it does not provide any significant contribution to the special character of the MBCA and therefore its demolition is acceptable and the proposal is considered to be in accordance with Policy BE8 of the adopted Local Plan.

Relationship to Neighbouring Properties

Policy BE1 (criterion (i) of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The Council's Supplementary Planning Guidance (SPG) on New Residential Development states that proposals should not have a detrimental impact on the amenities and privacy enjoyed by the occupiers of adjoining property.

Objections have been received that the scheme will result in adverse impacts on the amenity of neighbouring properties by reason of loss of privacy from overlooking, overbearing impact due to higher ground levels and loss of views from neighbouring properties. Concerns are also raised that additional accommodation in the roof could be provided.

The amended plans submitted include additional windows in the north elevation facing the rear of 8 Church Street but have removed the proposed roof lights on this elevation. The

amended plan includes a section through the site to demonstrate that by virtue of the existing 1.8 metres high boundary wall (which is to be retained) the windows in the north elevation will not result in any overlooking to the rear elevation windows or rear gardens of either 8 or 6 Church Street. In addition, notwithstanding the relative ground levels the section also demonstrates that the north elevation is approximately 11.7 metres from the rear of No. 8 and designed with a roof that hips away from the boundary therefore the proposal will not result in any overbearing relationship to No. 8. The north elevation gable is closer at approximately 7.4 metres but is off set from the rear elevation such that no overbearing relationship will result. The inclusion of roof lights is to provide more light to ground floor rooms and by virtue of the eaves and ridge height of the dwelling additional accommodation at first floor could not be provided with adequate headroom. Therefore concerns that the proposal could result in additional overlooking are considered to be unfounded. However, given the constraints of the site, if the application is approved, a condition to remove permitted development rights is considered to be reasonable and necessary in this case to control future extension and alteration of the dwelling in the interests of both residential and visual amenity.

A new boundary hedgerow on the east boundary with 10 Main Street is proposed to replace the part of the hedgerow lost and will protect the privacy and amenity of the host property and future occupiers of the proposed bungalow.

The dwellings to the south fronting Park Street are located approximately 25 metres to the south of the site boundary. Notwithstanding that the rear gardens back onto the site these are well screened by the existing mature hedgerows and occasional trees that define the boundary and are to be retained. Therefore by virtue of separation distances and existing landscaping, the proposal will not result in any loss of privacy or adverse overbearing relationship to the amenities of the occupiers of these dwellings.

A terrace of two storey dwellings fronting onto Main Street is located to the west of the site with a communal garage site located between. The windows in the proposed conservatory will be approximately 35 metres from the rear elevation windows of Main Street, however, relative ground levels are such that the site is approximately one storey higher than these dwellings and whilst no adverse overbearing relationship to these dwellings will result from the scheme, overlooking from the garden will be possible. Therefore the amended layout plan submitted proposes a new 1.8 metres high close boarded panel timber fence along the west boundary of the site to protect the rear windows and gardens of these dwellings from any loss of privacy from overlooking from the site.

Notwithstanding the objections received, which have been carefully considered, by virtue of the layout, single storey scale, separation distances and existing and proposed boundary treatments it is considered that the scheme will not result in any loss of privacy from overlooking or adverse overbearing relationship to any neighbouring properties and it is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan and SPG.

Loss of views from neighbouring properties is not a material planning consideration.

Highway Safety/Parking Issues

Policy BE1 (criterion (g)) 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.

Objections have been received on the grounds that the proposed scheme provides inadequate off-street vehicle parking and will result in additional traffic congestion and on-

street parking on a narrow road without adequate pedestrian footways where there is already a parking problem to the detriment of both highway and pedestrian safety.

The amended layout provides two off-street parking spaces to serve the proposed bungalow and two new hard-standing parking spaces within the front garden of 10 Church Street. It is acknowledged that there is a prevalence of on-street parking in Church Street and that the road is narrow, However, notwithstanding this, the level of provision is in accordance with adopted standards and given that the site is within a sustainable location close to services and facilities, one additional dwelling is unlikely to generate additional traffic on a scale that will have any material impact on highway or pedestrian safety. Church Street is not a through road and by its narrow nature and existing on-street parking traffic speeds are likely to be low. Leicestershire County Council (Highways) raises no objection subject to a condition to secure the proposed off-street car parking spaces to serve the existing and proposed dwellings. Notwithstanding that additional conditions were initially recommended to increase visibility from the existing access these have been withdrawn following consideration of the adverse impact that the removal of highway boundary hedgerow would have on the character and appearance of the street scene within the Market Bosworth Conservation Area.

Archaeology

The site is located within the historic core of the settlement and the Archaeological Desk-Based Assessment confirms the potential of the site to contain archaeological remains. Leicestershire County Council (Archaeology) therefore recommend standard conditions to ensure appropriate archaeological investigation and recording prior to any development commencing on site in the event that the application is approved to accord with paragraph 141 of the NPPF. The conditions are therefore considered to be reasonable and necessary in this case.

Other Issues

Play and Open Space Contributions

The application site is not within 400 metres of any designated area for public play and open space for children and therefore, notwithstanding the additional residential unit proposed, the scheme does not trigger a requirement for any contribution towards the provision or maintenance of such facilities as required by Policies IMP1, REC3 or the adopted SPD on Play and Open Space.

Drainage

Policy NE14 of the adopted Local Plan seeks to protect surface water and groundwater quality and requires adequate surface water and foul water drainage to be provided to serve developments. There is no evidence to suggest that the proposed soakaway drainage solution would not be satisfactory or that another solution for the disposal of surface water drainage could not be provided to serve the additional dwelling. Such details would be required to meet separate Building Regulations approval. Therefore, notwithstanding the objection received, which has been carefully considered, the lack of drainage details does not provide grounds for refusal of the application.

The amended plan includes a bin collection point close to the highway therefore a condition requiring a scheme to be submitted is not considered to be necessary.

Conclusion

The proposed scheme is considered to be a sustainable development in accordance with the overarching principles of the NPPF that would contribute to the current shortfall in housing supported by Policy 11 of the adopted Core Strategy. Notwithstanding that the scheme is a backland development of a garden area, there is existing development at depth adjacent to the site and a previous expired planning permission for a similar development on the site. In addition, by virtue of the highly enclosed nature of the site together with the single storey scale of the dwelling and relative ground levels it is considered that the proposal will not be prominent in and will therefore preserve the character and appearance of the Market Bosworth Conservation Area in accordance with Policies BE1 (criterion a), BE7 and BE8 of the adopted Local Plan. By virtue of the layout and single storey scale of the dwelling together with existing and proposed boundary treatments the proposal will not adversely affect the residential amenity of surrounding occupiers and is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan. The proposal is not considered to have any material adverse impact on highway or pedestrian safety and conditions can be imposed to satisfy off-street parking requirements and satisfactory archaeological investigation and recording in accordance with Policies T5, BE14 and BE16. The scheme 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 Market Bosworth Conservation 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 it would be a sustainable development and by virtue of the layout, scale, design and appearance would not have any adverse relationship to the character of the area and would preserve the character and appearance of the Market Bosworth Conservation Area, would not have any material adverse relationship to the amenities of neighbouring properties, highway safety, important trees or archaeology.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE7, BE8, BE14, BE16, NE12 and T5.

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

Emerging Market Bosworth Neighbourhood Plan (2014):- Policies CE1 and CE4.

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: Topographical Survey Drg. No. 1603-1 received 3 October 2014; Site Location Plan at 1:1250 scale,

Proposed Site Layout Plan & Section Drawing No. 03F and Proposed Floor Plan & Elevations Drawing No. 02D received by the local planning authority on 13 November 2014.

- 3 Notwithstanding the submitted details, no development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No work shall commence on site until trees and hedgerows to be retained on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction) and a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug.
- 5 No development shall commence until full details of 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) planting plans
 - b) written specifications
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) implementation programme.
- 6 The approved soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this five year period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 7 Prior to first occupation of the dwelling hereby permitted a new 1.8 metre high fence as detailed on the approved Site Layout Plan & Section Drawing No. 03F shall be erected along the west boundary of the site and once provided shall thereafter be maintained as such at all times thereafter.
- 8 Prior to first occupation of the dwelling hereby permitted, the four car parking spaces and the bin collection area indicated on Proposed Site Layout Plan Drawing No. 03F shall be provided and hard surfaced and once provided shall remain available for such use at all times thereafter.
- 9 The development shall be implemented in accordance with the ground and finished floor levels details submitted on Site Layout Plan Drawing No. 03F.

Reasons:-

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

- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area to accord with Policies BE1 (criterion b) and NE12 (criterion c) of the adopted Hinckley and Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with Policies BE1 (criterion e) and NE12 (criteria b and c) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 7 To protect the privacy and amenity of neighbouring properties to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that satisfactory off-street car parking facilities and bin collection points are available to serve the existing dwelling and proposed dwelling hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of visual amenity and to ensure that the development does not have an adverse relationship to the character of the area to accord with Policies BE1 (criterion a) and BE7 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Richard Wright Ext 5894

Item: 08

Reference: 14/00600/FUL

Applicant: Elmleigh Properties Limited

Location: The Boot And Shoe 27A Moore Road Barwell

Proposal: Demolition of existing public house and erection of 8 dwellings with associated access

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

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. The application was deferred by Planning Committee on 11 November 2014 to allow for officers to obtain additional information in respect of the viability of the public house and other issues surrounding the application. In this respect the following has been received.

Viability of the public house

The developer, Elmleigh Properties, has submitted accounts obtained from TTG Inns, the owner of The Boot and Shoe. These accounts cover the period between the year ending 31st March 2009 and 31st March 2014. The table below highlights the performance of the public house over the previous years:

	Turnover £	Overheads £	Profit (Loss) £
Year ending:-			
31st March 2009	65502	72219	(32212)
31st March 2010	7592	14999	(9179)
31st March 2011	76233	41146	(10437)
31st March 2012	131800	53556	10362
31st March 2013	100840	60905	(2158)
31st March 2014	73673	50803	(7314)

The developer has stated that the profit recorded in the year ending 31st March 2012 was due to capital expenditure of £140,000 which was spent on refurbishing and refitting the pub to attempt to increase trade and enhance the profitability of the business. This was successful for a period of time, however, decline subsequently continued. This was related to the wider issues resulting from the recession and changes in spending patterns, and reflects a wider situation whereby many pubs are becoming unviable.

The developer has stated that due to the lack of viability of the public house, it will close in the early part of 2015 if this development does not proceed. This is because the owner, TTG Inns, is in substantial debt and the bank requires this to be reduced or the public house will face foreclosure. It is considered that the presence of a derelict public house would have a significant detrimental impact on the amenity of the surrounding area.

Retaining the Public House

Members raised the point in the November committee that there are previous applications where the loss of a public house has been resisted. Policy 12 of the Core Strategy states the

loss of local facilities in rural areas should be resisted unless the facility can no longer operate viably. In addition, the NPPF supports the approach of resisting the loss of local facilities through Paragraph 28 which indicates that local plans should "promote the retention and development of local services and community facilities in villages, such a local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". Both policies, however, apply to rural not urban areas, and the fact that there are a number of other public houses within Barwell, within walking distance of the site means that there is no policy basis for resisting the loss of this public house.

It should also be noted that under the Town and Country Planning (General Permitted Development Order) 1995, Schedule 2, Part 31, the applicant would be able to apply for determination as to whether prior approval would be required to demolish the public house. Given that the public house is not listed or within a conservation area, prior approval would not be required and the applicant would be free to demolish the public house.

Advertising and Marketing of the Public House

Information from the director of Elmleigh Properties states that The Boot and Shoe was advertised as a going concern between November 2011 and February 2014 by both Paramount Investments and GA Select Public Houses. No successful response was received in respect of this. With regards to the untidy state to the rear of the pub, the agent of the applicant has stated that the area to rear of the public house is not visible from any public area and is well screened by 1.8 metre high close boarded fencing. The yard was not accessible to customers of the public house. Additional information from the applicant obtained from the agent states that 'on a limited budget (because of losses incurred) they [TTG Inns] developed an attractive garden area at the rear of the property with the dual objective of enhancing the pub for both potential customers and for marketing the business as a going concern. This obviously involved substantial equipment being brought in to renovate the area and all "rubble" was left at one side of the site and this was fenced off out of view of customers and the general public in the area.'

Licensing Applications

Concerns were expressed at the November Committee meeting that recent licensing applications implied that the public house was still in a position to continue operating. Licensing information submitted by the applicant has clarified that there were two licensing applications within the past 6 years. However, the most recent application, made on 20 January 2011, was only to change the name of the designated premises supervisor. A previous licensing application to increase the opening hours of the public house was made on 11 September 2008. As such, the recent licensing application is not an indicator of good financial health.

Petition

At the previous planning committee, members made reference to a petition which was submitted in respect of the application, protesting against the closure of the public house. This has been discussed with Democratic Services Officer who clarifies that there is no record of a petition being submitted to full council on this matter, nor does she have any recollection of it being handed in at any other time.

Other Issues

Following reconsultation on amended plans, comments were received from Barwell Parish Council on 19 November 2014.

Barwell Parish Council do not object to the application but state that:-

- “1 Section 106 monies MUST be given to Barwell Parish
- 2 Careful consideration of the Drainage System
- 3 Residents must be made aware of the 24hrs business running behind them
- 4 Ensure waste disposal and bin areas are sufficient
- 5 Consider the access for 26 vehicles onto a main road.”

In response to these points:-

- 1 A Section 106 agreement in the form of a unilateral undertaking has been entered into with the applicant to contribute towards the provision and maintenance of public play and open space facilities for children. This consists of a financial contribution of £10,006.40 which the Parish Council, as the owner of the Masefield Close site, will be responsible for.
- 2 A condition has been recommended which would secure drainage details incorporating sustainable drainage (SuDS) principles.
- 3 It is unclear which business is referred to, as the only non residential structures within the immediate vicinity are the Jubilee Community Hall which lies immediately to the rear of the public house and a scout hut which is behind this.
- 4 Provision has been made for storage of bins to the rear of the proposed dwellings on Moore Road, and to the front of the dwellings on Byron Close.
- 5 No objection has been received from Leicestershire County Council (Highways) in respect of the application in terms of parking or highways impacts, subject to conditions. As such, it is not considered that the proposal would result in any adverse impacts in relation to this issue.

There are no changes to the previous report recommendation.

Application Proposal

This application seeks full planning permission for the demolition of the Boot and Shoe public house and the erection of 8 dwellings.

The dwellings proposed would be semi-detached, two-storey properties. Three pairs of dwellings would front onto Moore Road. A pair of properties would be located to the rear of the site and would face west onto Byron Close.

The dwellings proposed are a mix of two and three bed properties. The three bed properties would feature a raised ridge height and a pair of dormer windows facing the front of the property to accommodate a room in the roof.

The dwellings would be of a modern style, featuring white painted render finish. The dwellings would also feature timber style boarding to the front and sides. The roof would feature concrete interlocking roof tiles. Windows would be grey and recessed into the dwelling.

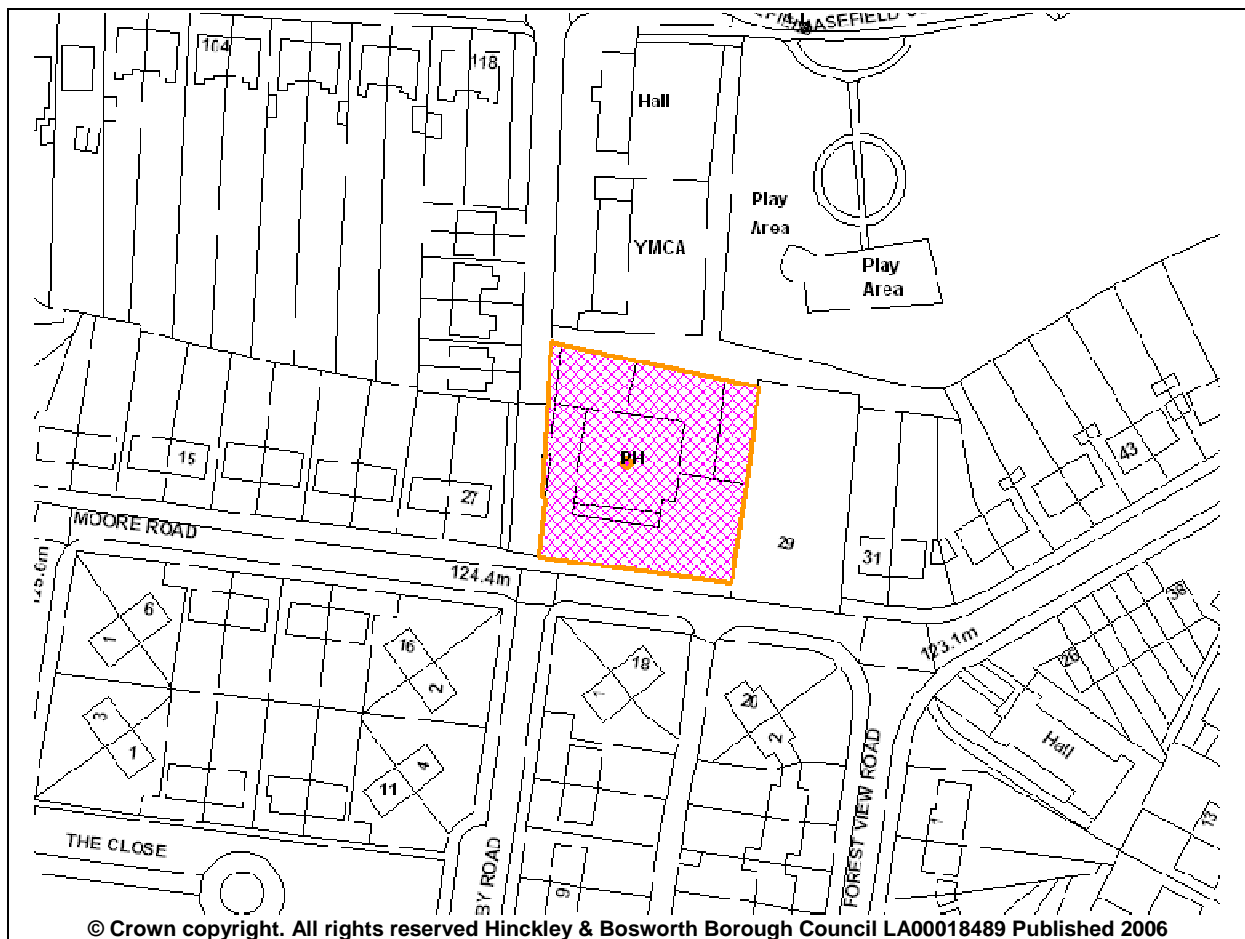
The Site and Surrounding Area

The surrounding area is largely characterised by semi-detached two-storey dwellings set in mid-sized plots, separated from the highway by front gardens, some of which have been converted to hardstanding to provide vehicle parking. The dwellings are characterised by a simple traditional design, with some finished in brick and others in white render. Along the north side of Moore Road, the dwellings occupy uniform front and rear building lines. Their layout, design and detail is typical of a 1930s/40s development.

To the north west of the site, along Byron Close, are dwellings of a modern design and appearance. To the north of the site is a thin strip of undeveloped land and beyond this a YMCA building and recreational field and children's play park. To the east of the site is an area of undeveloped land which was formerly the site of a care home.

Technical Documents submitted with application

Design and Access Statement



Consultations:-

No objections have been received from:-

- Leicestershire County Council (Ecology)
- Environmental Health (Drainage)
- Environmental Health (Pollution)
- Leicestershire County Council (Highways)
- Head of Business Development and Street Scene Services (Waste Minimisation)

A site notice was displayed. In addition, neighbours immediately adjoining the site were consulted.

Barwell Parish Council do not object but made the following comments:-

The Council must ensure contributions money comes to the Parish Council and that the drainage consultation be discussed with regards to Radford Park play area and Jubilee Hall.

Councillor H Smith has raised the following objections:-

- a) the pub has been in Barwell for many years, is well used and liked
- b) it is a family pub which is an important focus for the community, featuring many local charity fundraising events
- c) the deeds to the pub say it must remain as a public house or car park, and must be empty for two years before anything can be done to it.

Seven letters of objection from local residents have been received. Summary of comments received:-

- a) the Boot and Shoe is a warm and friendly pub
- b) it is the only pub in the area and provides a hub for elderly customers
- c) new houses are not needed in light of Sustainable Urban Extension
- d) loss of the pub will put people out of work
- e) the local primary school is already oversubscribed and this will worsen the situation
- f) loss of an important place for local people to socialise
- g) loss of community hub so developer can make a profit
- h) no requirement for new dwellings
- i) the deeds for steel houses state that there will always be a pub on the site.
- j) the public house is the last in the area.

In addition, one letter from of support has been received from a local resident. Summary of contents received:-

- a) The existing pub is an eyesore and new dwellings would enhance the area.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell
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 Barwell 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 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

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

Appraisal:-

The main considerations in determination of this application are:-

- the principle of development
- the siting, layout and design of the proposed dwellings
- impact on the character of the area and streetscene
- impact on the amenities of neighbouring properties
- impact on highway safety
- impact on ecology
- play and open space
- other matters

Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state 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, 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 Framework taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

The proposal would result in the loss of the public house. Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The applicant has submitted a statement as part of the application to state that they were approached in January 2014 by TTG Inns Limited who own the Boot and Shoe public house

to ascertain if they would consider developing their site as due to continued loss making, the public house would have to be closed down as it was not proving to be a viable business concern.

The applicant states that they were made aware that the public house had been advertised as a going concern, for just under 2 years, on the basis of a valuation by Paramount who are specialists in the Licensing Trade, and there had been no interested response whatsoever.

This has to be carefully balanced against a number of comments have been received from local residents, which highlight the significance of the public house in terms of its value as a community hub. However, the length of time it has spent on the market as an ongoing concern suggests that it is likely to be unviable from a business perspective. As such, it is considered that the redevelopment of the public house would be preferable to the site being derelict and an eyesore.

In reaching this view consideration has been given to the nature of the settlement of Barwell which has a number of other public houses within the settlement. For example, the Blacksmiths Arms and Cross Keys Inn are located within the centre of Barwell approximately 900 metres from the Boot and Shoe public house. As such whilst it is recognised that the public house will be seen as some in the community as an asset, it is not considered that the community would be significantly disadvantaged by its loss given the other public houses within the area.

The site is located within the settlement boundary of Barwell, as set out in the Local Plan Proposals Map.

Core Strategy Policy 3 supports development within Barwell to deliver a minimum of 45 residential dwellings in addition to the 2500 dwellings to be provided as part of the Sustainable Urban Extension to the west of the settlement. As of 9 April 2014, there is still a residual requirement to deliver 27 new dwellings within Barwell, and the proposed scheme would contribute to that need.

Policy RES5 of the Local Plan states that planning permission will only be granted for residential developments on sites not allocated for housing if the site lies within the settlement boundary and the siting, design and layout of the proposal does not conflict with relevant plan policies.

Furthermore, given that the Council does not currently have a five year supply of deliverable housing sites Paragraph 49 of the NPPF sets out that housing proposals should be considered in the context of the presumption in favour of sustainable development as per Paragraph 14. Therefore a balancing exercise must be undertaken in respect of the three aspects to sustainable development: economic, social and environmental.

The site is also considered to be previously developed (brownfield) land. Paragraph 111 of the NPPF states Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value.

The application site is located within a sustainable location, in close proximity to local amenities and public transport links. The proposed development would contribute to the housing shortfall in Barwell, thereby contributing to the social aspect of sustainable development.

The site is considered to be in a sustainable location close to local amenities and services, and is within the settlement boundary. The redevelopment of the public house, as previously

developed land, for residential development is therefore considered to be acceptable in principle.

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

Policy BE1 of the Local Plan seeks to ensure that developments are of a high standard in terms of design and enhance the existing environment. Criterion (a) of Policy BE1 seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, Paragraph 64 of the NPPF states that permission should be refused for development of poor design which does not take advantage of opportunities to enhance the character and quality of an area.

The surrounding area is largely characterised by the presence of semi-detached two storey dwellings set in mid sized plots, separated from the highway by front gardens, some of which have been converted to hardstanding to provide vehicle parking. The dwellings are characterised by a simple, traditional design with some dwellings finished in red brick and others in white render.

The proposed dwellings would be semi-detached, reflecting the style of the surrounding dwellings. 6 of the proposed 8 dwellings would front Moore Road. These would be set back slightly further from the highway than the existing dwellings to the east and west. However, the minor nature of this set back distance means that the units facing Moore Road would sit comfortably within the streetscene, and would reflect the existing building line.

The dwellings fronting Moore Road would be spaced apart by 3.35 metres, allowing space for car parking between them. They would feature garden plots to the rear of an appropriate size to reflect the surrounding area. The remaining two dwellings would sit along Byron Close, adjacent to a section of vacant land to the north and two dwellings to the west.

The dwellings proposed would be of a modern style, featuring white painted render finish with timber style boarding incorporated into the front and side elevations. Given the mixed character of properties within the surrounding area it is considered that the proposal is in accordance with Paragraph 64 of the NPPF, as it is considered that the development would result in a high quality design reflective of its surroundings.

As a result of the layout, scale and design of the proposal, it is not considered to have any significant adverse impacts on the character of the surrounding area and is therefore in accordance with Policy BE1 (criterion a) and would result in a high quality development as required by the NPPF.

Impact on the Amenities of Neighbouring Properties

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

Due to the siting and positioning of dwellings within the plot and separation distances from neighbouring dwellings on Moore Road and Byron Close, it is not considered that there would be issues with overlooking or overshadowing. The proposal would not result in any materially adverse impacts to neighbouring residential amenity.

As such, the proposal is in accordance with Policy BE1 (criterion i) of the Local Plan.

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.

The scheme proposes two off road parking spaces for each plot. The scheme has been considered by Leicestershire County Council (Highways) who raise no objection to the scheme.

Plots 1-6 would be accessed from Moore Road, while plots 7-8 would be accessed from Byron Close. There would be sufficient space within the curtilage of each dwelling to accommodate a satisfactory level of car parking provision, which would prevent an increase in on street parking as a result of the proposal.

In summary, Leicestershire County Council (Highways) has no objection to the scheme. As such, the scheme is considered to be in accordance with Policy T5 of the Local Plan

Impact on Ecology

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.

This application is accompanied by a protected species survey.

Leicestershire County Council (Ecology) does not object to the application and is satisfied with the survey conducted and that no bats or badgers are present on the site. As such, the proposal is not considered to have an adverse impact on protected species.

The proposal would result in the loss of two small trees that are located within the pavement along Moore Road. However, in order to provide access to the proposed driveways, these trees would need to be removed and would be replaced with three new trees within the curtilage of properties. A condition has been imposed to secure this and other landscaping details.

Public Play and Open Space Contributions

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

As the proposed development would result in 8 dwellings and as the site is within 400 metres of Masefield Close Public Open Space, a Local Equipped Area of Play, the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered in the Quality and Accessibility Audit of 2005 which awarded it a low quality score of 24.1%. The SPD on Play and Open Space sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain children's play facilities within this open space. The required contribution in this case would be £1250.80 per dwelling, a total of £10,006.40 (made up of £6542.40 provision element and

£3464.00 maintenance element). The size of the units proposed would appeal to families and given the very close proximity of the application site to this open space it is considered that the future occupiers of the development would use the open space, increasing wear and tear which would lead to increased maintenance and repair/replacement costs for equipment. Based on this, it is considered that the contribution requested is required for a planning purpose, is directly related to the development and fairly and reasonably related in scale and kind to the development. As such, the contribution is considered justified. A Unilateral Undertaking in respect of this has been secured for the planning obligation.

Other Matters

Environmental Health (Land Drainage) has recommended that surface water should be managed by sustainable drainage system. Accordingly a condition has been imposed to secure drainage details incorporating sustainable drainage principles.

Conclusion

The proposed loss of the public house as a community facility has been carefully considered and given the availability of other public houses within the settlement and given the lack of viability of the public house from a business perspective, its loss is considered to be acceptable.

The proposed dwellings would be located within the settlement boundary of Barwell where there is a presumption in favour of sustainable development subject to other planning matters being addressed. The development would not lead to any significant material impacts to the visual amenity of the area, occupiers of neighbouring dwellings or highway safety. The proposed dwellings are considered to be of a high quality design that would enhance the character of the surrounding area.

As such, the application is recommended for approval subject to the imposing of planning conditions and through securing the play and open space planning obligation through a S106 Agreement. In reaching this recommendation the views of local residents have been carefully taken into consideration.

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

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary of Barwell and by virtue of the siting, design, layout, mass and appearance would not have any adverse impact on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety, would incorporate appropriate landscaping and would contribute to public play and open space facilities.

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

Local Plan 2006-2026: Core Strategy (2009):- Policy 3, Policy 19 and Policy 24.

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: Dwg No. 6803P-02B Proposed House Type A 1:100; Dwg No. 6803P-03 Proposed House Type B 1:100; Dwg. No. 6803P-04 Proposed House Type C 1:100 Received by the Local Planning Authority 14 October 2014, and Dwg. No. 6803P-01B Site Plan 1:200, received by the Local Planning Authority 17 October 2014.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) means of enclosure
 - b) hard surfacing materials
 - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 6 Development shall not begin until surface water and foul water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or any order revoking or re-enacting that order with or without modification) development shall not be carried out under Part A, B, C or D of Part 1 of Schedule 2 of the above Order without the grant of planning permission by the Local Planning Authority.

Reasons:-

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

- 4 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion e and i) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that development is provided with a satisfactory means of drainage in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the national planning policy framework.
- 7 To ensure that existing standards of privacy and visual amenity are maintained in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001

Notes to Applicant:-

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

Contact Officer:- Samuel Hatfield Ext 5775

Item: 09
Reference: 14/00937/FUL
Applicant: Mr R Wynne
Location: 21 Shaw Lane Markfield
Proposal: Extensions and alterations to premises

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the proposal is a major application for industrial use where the site area exceeds 0.5 hectares and the proposed floor space exceeds 500 square metres.

Application Proposal

This application seeks full planning permission for extensions and alterations to an existing large scale industrial building used for the processing, distribution, storage and sales of steel sheeting and bespoke pallet manufacture. The proposal includes:-

- an extension to the north west side of the building covering an area of approximately 957 square metres (17.5 metres wide x 54.7 metres deep) with an eaves height of 7.9 metres and ridge height of 8.8 metres to house a new de-coiling and cutting line. This will necessitate the removal of an existing landscaping bund.
- two new cantilevered canopy extensions to the south west elevation over existing loading bays, one covering an area of approximately 192 square metres (30.5 wide x 6.3 metres deep with eaves height of 4.9 metres and ridge heights of 5.7 metres) and the other covering an area of approximately 113 square metres (22.2 wide x 5.1 metres deep with eaves heights of 5.6 metres and ridge height of 6.4 metres) to protect goods whilst loading;
- an extension to the south east elevation of the building covering an area of approximately 456 square metres (16 metres wide x 28.5 metres deep) with an eaves height of 6.2 metres and ridge height of 7.8 metres to house a new pallet making facility. This will result in the demolition of an existing smaller structure in this location.

The proposed extensions are to be constructed with a red brick plinth wall to a height of approximately 2 metres and insulated profiled metal sheet cladding and roof finished in dark green to match the appearance of the existing building.

The proposal also includes the reorganisation of the parking layout, the construction of a new tarmac access road adjacent to the north west boundary of the site to replace the access road lost and the removal of an area of part of an earth bund close to the south east corner of the site to extend the external yard area. Some existing trees to be removed are to be replanted elsewhere within the site.

The proposal aims to expand the business to meet market requirements and improve efficiencies and operations within the site to secure the long term viability of the business with potential additional employment in Markfield.

The Site and Surrounding Area

The application site covers an area of approximately 1.5 hectares and is located in the countryside to the north west of Markfield close to the junction of the A50 dual carriageway and Stanton Lane. The site comprises a conglomerate of industrial buildings measuring approximately 5475 square metres and associated parking, hardstanding yard areas and landscaped areas. The site is used to accommodate a long established business dealing in the processing and distribution of rolled steel and includes production cutting lines (x 5), stock storage, finished goods storage, distribution areas, offices and pallet manufacturing areas. The existing buildings are constructed with red facing brick plinths and insulated profiled metal sheet clad walls and roof finished in dark green.

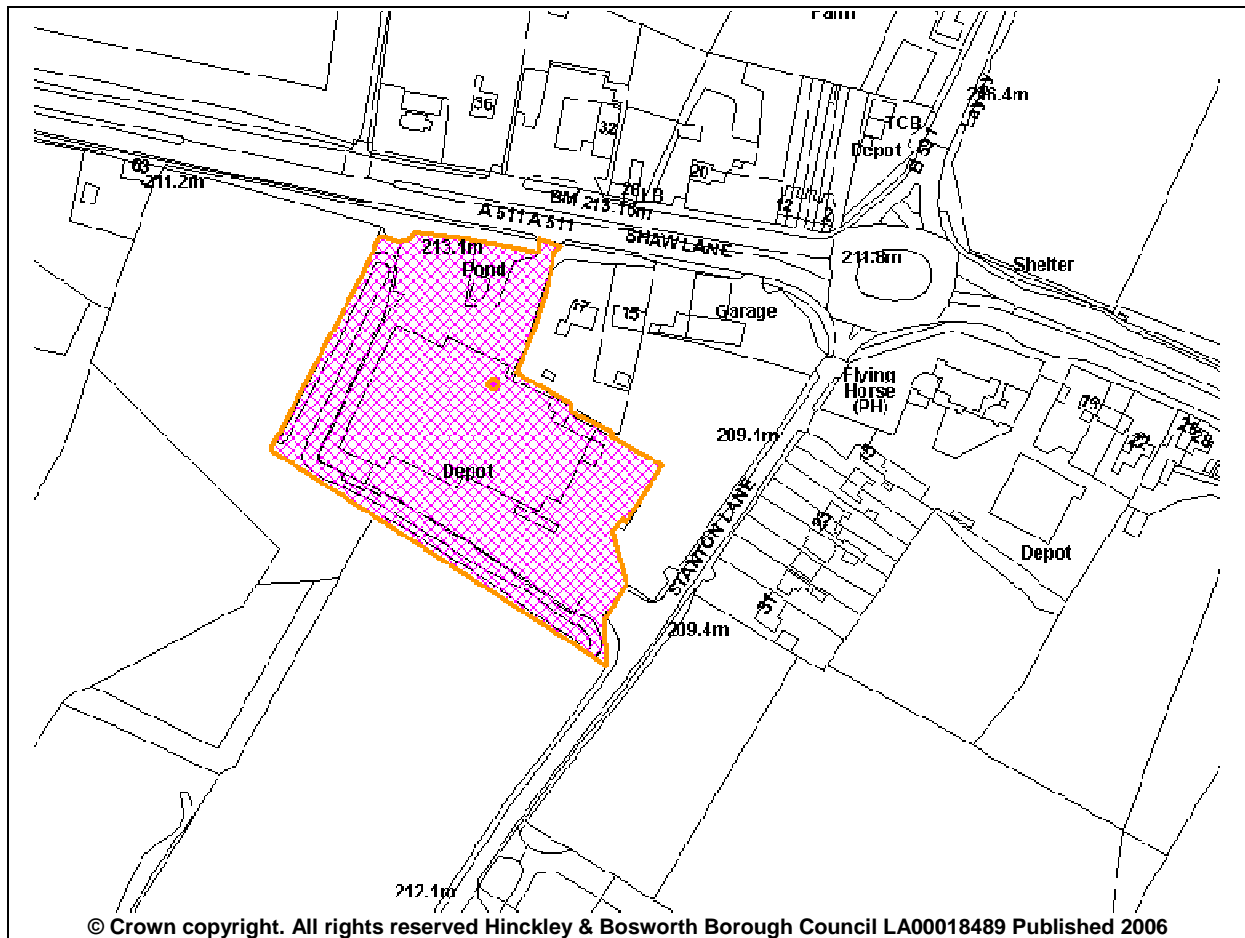
To the north lies the A50, two residential properties and a petrol station, to the east behind a landscaped area lies Stanton Lane, to the south lies open countryside and behind a landscaped bund to the west there is an area of established woodland. There are two accesses to the site, one off the A50 to the staff and visitor parking areas and another access off Stanton Lane used by HGV's and servicing vehicles.

Technical Documents submitted with application

Design and Access Statement
 Flood Risk Statement Report
 Landscape & Visual Appraisal
 Highway Statement
 Planning Statement

Relevant Planning History:-

14/00250/FUL	Erection of temporary building for pallet manufacture	Approved	02.06.14
10/00292/FUL	Extensions and alterations to offices	Approved	15.06.14
04/00908/FUL	Factory extension	Approved	06.12.04
00/01141/FUL	Erection of replacement canteen	Approved	11.01.01
99/01068/FUL	Construction of a canopy over existing loading bay area	Approved	31.05.00
96/00083/FUL	Erection of workshop extension and new offices, alterations to parking and servicing arrangements (Revised Scheme)	Approved	21.08.96
96/00038/CONDIT	To carry out the development approved by Planning Consent No. 95/00381/FUL without compliance with Condition 4	Approved	13.03.96



Consultations:-

No objection has been received from:-

Environmental Health (Pollution)
Street Scene Services (Waste)

No objection subject to conditions has been received from:-

Environment Agency
Environmental Health (Land Drainage)
Leicestershire County Council (Highways)

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

Severn Trent Water Limited
Police Architectural Liaison Officer
Markfield Parish Council
Press notice
Site notice
Neighbours

Policy:-

National Planning Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Policy 7: Key Rural Centres

Policy 8: Key Rural Centres Relating to Leicester

Policy 21: National Forest

Policy 22: Charnwood Forest

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy EMP2: Expansion of Existing Employment Uses

Policy NE5: Development in the Countryside

Policy NE12: Landscaping Schemes

Policy NE14: Protection of Surface Waters and Ground Water Quality

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are: the principle of development; layout, scale and design and relationship to the character and appearance of the surrounding countryside, the amenities of neighbouring properties, highway safety and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) in paragraph 14 provides a presumption in favour of sustainable development which for decision taking means approving development that accords with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would demonstrably outweigh the benefits. Paragraph 19 of the NPPF attaches significant weight to the need to support sustainable economic growth and paragraph 28 supports the expansion of all types of businesses in rural areas whilst paragraph 17 recognises the need to protect the intrinsic character of the countryside.

Policies 7 and 8 of the adopted Core Strategy seek to support additional employment provision within Markfield. Saved Policy EMP2 of the adopted Local Plan seeks to support extensions to existing premises where design, amenity and character is maintained. Saved Policy NE5 of the adopted Local Plan seeks to protect the countryside for its own sake but allows for certain forms of development, including that which is important to the local economy and cannot be provided within or adjacent to an existing settlement and for the extension of existing buildings subject to a number of design criteria being met. Since the publication of the NPPF and its presumption in favour of sustainable development this restrictive policy can now only be given limited weight other than the design criteria which are generally in accordance with the NPPF.

The proposal will contribute to the economic role of sustainable development by enabling the expansion of the business to meet market requirements and improve efficiencies and operations within the site. This will contribute to the aim of securing the long term viability of the business and existing and potential additional employment in Markfield as supported by Policies 7 and 8 of the adopted Core Strategy and Policy NE5 (criterion a) of the adopted

Local Plan. In addition both Policies NE5 (criterion b) and EMP2 support the expansion of existing firms in the countryside subject to meeting a number of design criteria.

Whilst the site is located within the countryside, the submitted Transport Statement identifies two regular bus services with stops within 200 metres of the site on both sides of the A50 dual carriageway and with controlled pedestrian crossing points to gain safe access. As such the site is considered to be in a location where sustainable travel is available.

Notwithstanding the sites location within the countryside, it is a long established employment site within an area comprising a number of both commercial and residential uses. Therefore the proposed extension to the premises are considered to be sustainable economic development in this case in accordance with the general principles of the NPPF, Policies 7 and 8 of the adopted Core Strategy and Saved Policies NE5 (criteria a and b) and EMP2 of the adopted Local Plan. The proposal is therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Layout, Design and Relationship to the Character and Appearance of the Surrounding Area

The NPPF states that good design is a key aspect of sustainable development. Policies 21 and 22 of the adopted Core Strategy require development to respect the character and appearance of the surrounding countryside and the National Forest and Charnwood Forest context. Saved Policy NE5 (criteria i, ii and iii) of the adopted Local Plan require that development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings and where necessary is effectively screened by landscaping. Saved Policy BE1 (criterion a) of the adopted Local Plan require development to complement the character of the surrounding area with regard to scale, layout, design and materials. Saved Policy EMP2 (criteria a and c) require extensions to existing firms to meet design, layout and landscaping requirements and protect the character, appearance and quality of the site and its immediate environment.

The proposed extensions are located entirely within the boundaries of the site and do not encroach into the countryside beyond. The proposed extension to the north west side of the building will result in the removal of a landscaped bund inside the boundary of the site, however, by virtue of the established semi-mature woodland adjacent to the site the building will still be well screened from the surrounding landscape and therefore notwithstanding the location of the site within the National Forest and Charnwood Forest Areas, the loss of the bund will not have any material adverse impact on the visual amenities or character of the area. The extension to the south east side elevation replaces an existing smaller structure. Both this extension and the proposed canopy extensions to the south west elevation are located within yard/servicing areas that are also well screened from the surrounding countryside by mature landscaping to the east boundary and a landscaped bund to the south boundary. The proposed extensions are either subordinate to, or of the same height as, the existing building and subordinate in terms of additional floor space. The proposals are of sympathetic design to the existing building and are to be constructed in matching materials of red brick and green insulated metal profiled cladding to ensure a unified appearance.

By virtue of the industrial/commercial character of the immediate area, the position of the proposed extensions to the sides and rear of the building, their sympathetic scale, design and appearance and existing mature landscaping that provides significant screening of the site from the surrounding landscape, the proposal will not be prominent or visually intrusive within the landscape and will complement the character and appearance of the existing industrial building and site and will have no material adverse relationship to the character or appearance of the surrounding countryside including the National Forest and Charnwood Forest. This view is supported by the Landscape and Visual Appraisal document submitted

to support the application which recommends some small scale supplementary planting to offset that lost. The proposal is considered to be acceptable in design terms and in accordance with Policies BE1 (criterion a) and EMP2 (criteria a and c) of the adopted Local Plan and Policies 21 and 22 of the adopted Core Strategy.

Relationship to Neighbouring Properties

Policy BE1 (criterion i) and Policy EMP2 (criterion b) require that development does not adversely affect the amenities of the occupiers of neighbouring properties.

The nearest residential properties are two bungalows located to the north of the site within extensive plots that back onto the application site. The proposed extensions are to be used for similar industrial processes that are already carried out within the site and by virtue of the separation distances of approximately 45 metres to closest extension, the low profile lean-to roof design and the existing mature landscaping that screens the north boundary of the application site it is considered that the proposal will not result in any adverse visually intrusive relationship or loss of residential amenity to the occupiers of these properties and is therefore in accordance with Policies BE1 (criterion i) and EMP2 (criterion b) of the adopted Local Plan. No objections have been received as a result of the site notice or neighbour consultation process.

Highway Safety

Policy BE1 (criterion g), Policy EMP2 (criterion a) and Policy T5 of the adopted Local Plan require development to ensure adequate access, highway visibility, off street parking and manoeuvring facilities.

A Transport Statement has been submitted to support the application. This suggests that the proposed extensions would not generate traffic on a scale that would have any material adverse impact on the local highway network or that the proposal would result in a demand for car parking over and above the proposed spaces to be provided within the site.

There are two existing vehicular accesses to the site. The first is to the north directly off the A50 for light vehicles and the second is to the east off Stanton Lane for HGV vehicles. Due to typing errors, the submitted Transport Statement advises that all vehicles exit the site via Stanton Lane, however, this is not the case. Light vehicles currently enter and leave the site via the Shaw Lane (A50) access to the north and HGV movements are restricted to the Stanton Lane access to the east. Leicestershire County Council (Highways) does not object to the scheme but recommends conditions to enforce the one-way system suggested in the Transport Statement. This is not how the site currently operates and is not desirable to the company who wish to separate light vehicles and HGV movements as far as possible. This issue is ongoing and the views of the Highway Authority on the implications of retaining the current access and egress arrangements are not known at the time of writing this report. The outcome will be reported as a late item to this agenda.

An amended site layout plan has been submitted that provides 74 vehicle parking spaces including 11 new spaces adjacent to the southern boundary to replace those lost to the north of the building as a result of the reorganisation of the parking area. This results in no loss of existing parking provision within the site. The application does not provide additional parking spaces commensurate with the increase in floor space proposed, however, the current provision is considered to be acceptable to Leicestershire County Council (Highways) and there is access to regular bus services in the vicinity of the site. A condition requiring secure cycle parking facilities to be provided within the site is recommended to increase alternative transport choice in the interests of sustainable development and is considered to be reasonable in this case. There are extensive hardstanding areas to the south of the building

for parking and manoeuvring of HGV's. This is to be extended with the removal of a small section of bund in the south east corner of the site.

Leicestershire County Council (Highways) also recommends a condition requiring the submission for prior approval of a construction management plan to avoid detritus on the surrounding roads and ensure that the development does not result in additional on-street parking during construction in the interests of highway safety. Given the proximity of the A50 dual carriageway and the volume of traffic movements this condition is considered to be reasonable in this case.

Subject to the outcome of the outstanding access/egress issue, the scheme is considered to be satisfactory in respect of highway safety and therefore in accordance with Policies BE1 (criterion g), Policy EMP2 (criterion a) and T5 of the adopted Local Plan.

Other Issues

The Environment Agency raises no objection to the proposal subject to a condition to protect the water environment from risk from any potential, unidentified land contamination within the site that may be discovered during development in accordance with Policy NE14 of the adopted Local Plan and paragraph 109 of the NPPF. Without this condition the proposal would be unacceptable to the Environment Agency. In addition, surface water run-off from vehicle parking areas should be passed through trapped gullies or an oil/petrol separator.

The Environmental Health (Land Drainage) consultant raises no objection subject to a condition requiring full details of a scheme for the disposal of surface water drainage to be submitted for prior approval in accordance with the suggested drainage strategy contained within the Flood Risk Statement Report submitted to support the application in order to mitigate against any potential flood risk as a result of additional roof areas and hardstanding.

Conclusion

Notwithstanding the countryside location, the proposal will complement the existing industrial uses of the site. The proposal represents a sustainable form of rural economic development within an established employment site of long standing and is therefore considered to be acceptable in principle. By virtue of the sympathetic layout, scale, design and appearance the proposal will complement the character and appearance of the existing building and site, By virtue of the existing mature landscaping surrounding the site, supplementary planting and separation distances the proposal will have no adverse relationship to the character or appearance of the surrounding landscape or the amenities of neighbouring residential properties. Conditions can be imposed to control potential risk to surface and ground water quality and flooding. Therefore, subject to no significant objections being received from Leicestershire County Council (Highways), the proposal is considered to be in accordance with Policies BE1 (criteria a and i), NE5 (criteria a, b, i, ii, iii and iv), NE12 (criteria b, c and d), NE14, EMP2 (criteria a, b and c) and T5 of the adopted Local Plan, Policies 7, 8, 21 and 22 of the adopted Core Strategy together with 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 of the National Forest and Charnwood Forest, 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 economic development within an established employment site, would complement the scale, design and appearance of the existing building and by virtue of mature landscaping both within and surrounding the site would have no adverse relationship to the visual amenities or character of the surrounding landscape including the National Forest and Charnwood Forest areas, the amenities of neighbouring residential properties, highway safety or the environment.

Hinckley and Bosworth Local Plan (2001) :- Policies BE1 (criteria a and i), NE5 (criteria a, b, i, ii, iii and iv), NE12 (criteria b, c and d), NE14, EMP2 (criteria a, b, and c) and T5.

Local Plan 2006-2026: Core Strategy: Policies 7, 8, 21 and 22.

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 Drawing No. 6637P-01; Site Survey Drawing No. 6637P-02; Existing Plans & Elevations Drawing No. 6637P-03 Revision a; Proposed Site Layout Plan Drawing No. 6637P-04 Revision A and Proposed Floor Plan & Elevations Drawing No. 6637P-05 Revision a received by the local planning authority on 9 October 2014.
- 3 The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing building.
- 4 Notwithstanding the submitted details, no development shall commence on site until full details of a scheme for the disposal of surface water drainage from the site, in accordance with the drainage strategy identified in the submitted Flood Risk Statement Report (reference 20604/05-14/3626 dated May 2014), has been submitted to and approved in writing by the local planning authority. The drainage scheme shall then be implemented in accordance with the approved details prior to the completion of the development.
- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall then be implemented as approved.
- 6 The development hereby permitted shall be implemented in accordance with the recommendations contained within Section 7 (paragraphs 7.3 to 7.8 inclusive) of the submitted Landscape and Visual Appraisal by Ian Stemp Landscape Associates (Report No. 013.1081.R1A dated 27 June 2014) during the first available planting season following commencement of development.

- 7 The approved 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.
- 8 The vehicle parking and turning facilities as detailed on approved Proposed Site Layout Plan Drawing No. 6637-04 Revision B shall be provided, hard surfaced, marked out and made available for use before the extensions hereby permitted are first brought into use and once provided shall be permanently so maintained for parking at all times thereafter.
- 9 Before any development commences full details of a scheme to provide secure cycle parking facilities within the site shall be submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall be completed in accordance with the approved details prior to first use of the extension hereby permitted.
- 10 No development shall commence on the site until 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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure satisfactory provisions are made for surface water drainage of the site and to reduce the possibility of creating or exacerbating a flooding problem to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 5 To protect the natural and local environment from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution as a result of the development in accordance with Policy NE14 of the adopted Local Plan and the overarching principles of the National Planning Policy Framework in paragraph 109.
- 6 To enhance the appearance of the site to accord with Policy NE12 (criteria b and c) of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that adequate off-street parking and turning provision is made to serve the development hereby permitted to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 9 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.
- 6 In respect of Condition 4, the details shall include the provision of trapped gullies or oil/petrol interceptors for all surface water drainage from parking and hardstanding areas, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor .

Contact Officer:- Richard Wright Ext 5894

Item: 10
Reference: 14/00857/FUL
Applicant: Mr Tony Clarke
Location: 26 Main Road Sheepy Magna Atherstone
Proposal: Erection of a dwelling (revised proposal)

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 five addresses.

Application Proposal

Full planning permission is sought for the subdivision of plot and the erection of one dwelling and car port to the rear of Vine Cottage, 26 Main Road, Sheepy Magna.

The proposed dwelling would be a two storey detached three bedroom property. The dwelling would be positioned to the west of Vine Cottage positioned to the rear of detached dwellings which front onto Main Road, Sheepy Magna. The proposed dwelling would be north facing with the proposed car port situated against the northern boundary of the site. Access to the proposed dwelling would be obtained from the existing turning head on Brookside Place.

The existing boundary fence would be removed and access would be obtained from the existing turning head.

The Site and Surrounding Area

The site is located to the rear of the property known as Vine Cottage, 26 Main Road, Sheepy Magna, and is approximately 0.14 acres in size. The site is located close to the centre of the Sheepy Magna and is predominantly surrounded by residential development constructed in the 1970s. Abutting the southern and western boundaries of the application site are flat roof functional garages and parking area which serve the surrounding residential dwellings accessed from a short cul-de-sac from Brookside Place.

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

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

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

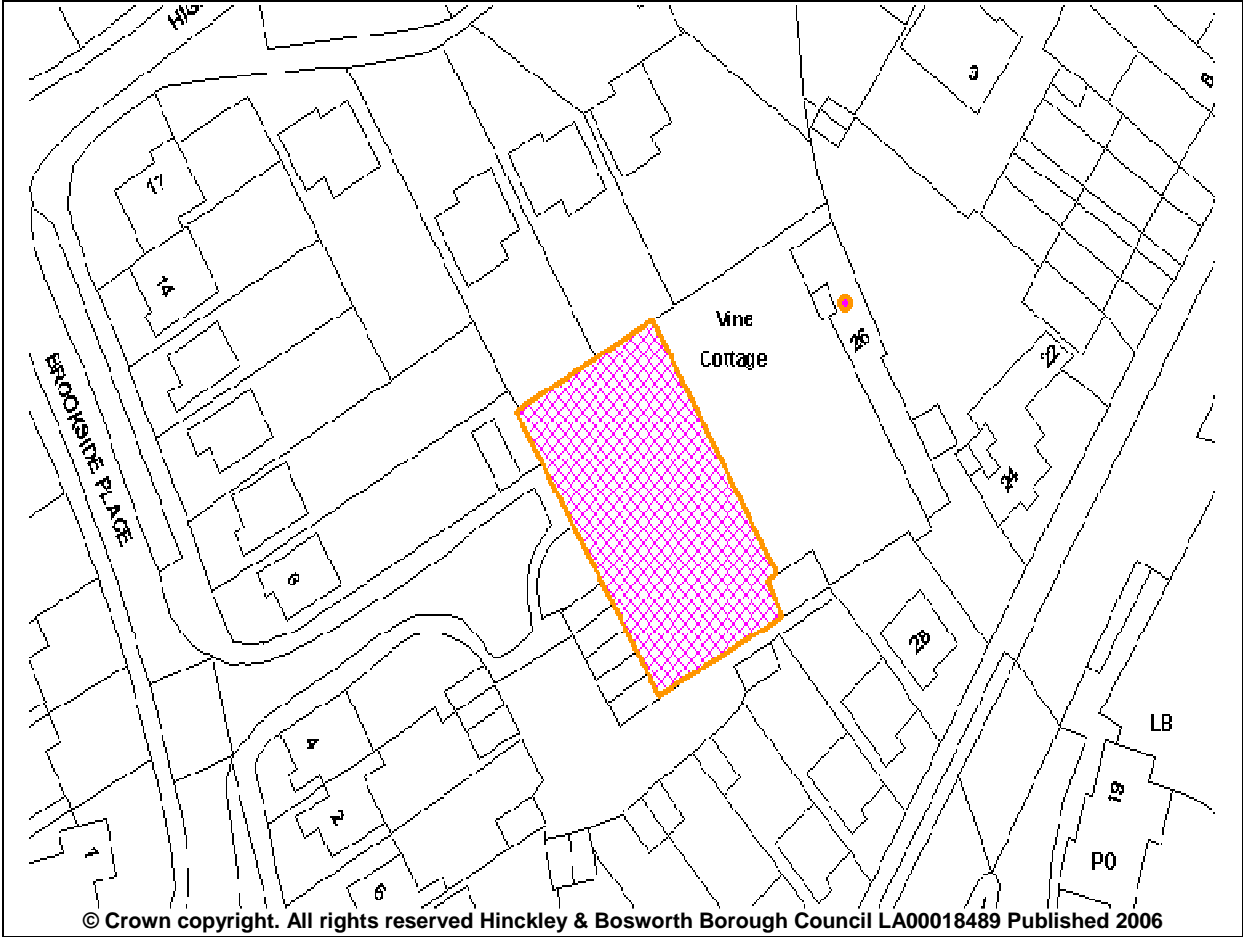
The site is located within the settlement boundary for Sheepy Magna, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with the application

- Design and Access Statement
- Planning Statement
- Urban Morphology and Physical Character: An overview

Relevant Planning History:-

13/00794/FUL	Erection of two dwellings Appeal Dismissed on grounds that the proposed development would cause significant harm to the area's established character. Matters of neighbouring amenity, highway safety, parking and flood risk were not upheld.	Refused	13.11.13
--------------	---	---------	----------



Consultations:-

No objections have been received from:-

Leicestershire County Council (Highways)
Environmental Health (Land Drainage)
Environmental Health (Pollution)

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

- a) proposal is garden grabbing
- b) flooding and drainage issues
- c) loss of a street light
- d) The proposed dwelling would not make a significant contribution to local housing needs
- e) existing parking and access problems
- f) overdevelopment and impact on the character and appearance of the area
- g) proposed dwelling would result in overshadowing and loss of privacy
- h) impact on wildlife
- i) noise and disturbance
- j) plans are misleading and do not account for the change in levels.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Play and Open Space (SPD)

Appraisal:-

The main considerations in determination of this application are:-

- The Principle of Development
- Siting, design of the proposed dwelling and impact on the character and appearance the area,
- Relationship to neighbouring residential properties,
- Highway safety and Parking Provision

- Flood Risk
- Contributions towards Play and Open Space provision.
- Other matters

Principle of Development

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

Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Policy 12 of the Core Strategy states that within the defined settlement boundary for rural villages such as Sheepy Magna housing development will be supported. The one dwelling proposed would contribute towards the twenty dwellings identified as a minimum to be provided on allocated sites within the current plan period. As of 1 April 2013 Sheepy Magna has a residual of 16 dwellings to be provided.

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

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

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

The concerns of the residents are carefully considered particularly with regard to the design, appearance and the impact the proposal would have on the appearance of the area. 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 its own merits. The conclusions of the previous appeal have also been taken into account although the impact of two dwellings in the local context would be greater than the current application proposal.

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. Furthermore, Paragraph 53 states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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

A previous application for the erection of 2 dwellings was previously refused (ref: 13/00794/FUL) and the refusal was upheld on appeal as the Inspector concluded that the proposed development would not have reflected the character of the surrounding area and would not sit harmoniously in the particular site context, owing to an isolated and incongruous development, which would detract from the existing character of the its immediate surroundings which was poorly related to the existing development. The previous scheme proposed a pair of dwellings set behind and to the rear of Vine Cottage, and the scheme sought to create a new frontage to Brookside Place by facing the dwellings into the cul-de-sac. In response the applicant has proposed a revised scheme for the erection of one dwelling and provided an urban morphology and physical character statement. The statement seeks to provide evidence concerning the character of the area in response to the previous appeal decision related to the application site. A number of conclusions can be drawn from the assessment:-

- Sheepy Magna is a village which has distinct areas of character; this is due to the variety, ages, shapes and styles of buildings which have emerged over the years as the village evolved.
- Large gardens and farmyards have been subdivided and developed, which has resulted in the present urban form being compact.
- The proposed single dwelling seeks contribute to the diversity and visual richness of that particular part of the village, through the revised siting and quality of the proposed dwelling.
- The private garden of Vine Cottage is bound by hard and soft landscaping, this proposal would seek to contribute positively to an area which otherwise would lead to private parking area.

Vine Cottage is an old elongated narrow building, which historically was a pair of small cottages and stables which were converted to form a single dwelling. The associated land was combined to help support the home, in the form of an orchard and vegetable garden, thus the disproportionately large curtilage. Views of Vine Cottage from the surrounding streetscene are limited partly due to mature planting and close boarded fencing, and the narrow frontage onto Main Road, due to the introduction of 1960/1970s style dwellings to the southern boundary which reduced distances between properties, concealing the character of Vine Character to the wider area. The surrounding dwellings provide a contrast in character to that of Vine Cottage which draws from the once agricultural rich settlement where the residents lived and worked within the surrounding wider area, with cottages being afforded their own kitchen gardens.

The proposed dwelling would be situated to the rear of the dwellings which face onto Main Road, Sheepy Magna within the ground of Vine Cottage which is positioned to the east of the proposed dwelling. Due to the positioning and orientation of the proposed dwelling the proposal would allow open views from Brookside Place into grounds of Vine Cottage, which is currently concealed by a 2 metre close boarded fence.

The introduction of one new dwelling accessed off Brookside Place would create an opening in an otherwise blind cul-de-sac, which is currently lacks natural surveillance. A detached double car port would be positioned to the north of the access drive adjacent the northern boundary, which benefits from a mature tree lined boundary. The proposed car port would be

south facing with an overall height of 4 metres, constructed sympathetically from timber it would unobtrusive and functional.

The proposed dwelling would be positioned to the south of the proposed access and drive which would extend the width of the proposed application site. The proposed dwelling would be part two storey and part single storey with a ground to ridge height of 8 metres. The surrounding built form mostly comprises of two storey detached dwellings and therefore the scale of the proposed dwelling would be appropriate in relation to the existing surroundings. The dwelling is orientated to face north with the proposed rear garden extending towards the rear gardens of the existing dwelling situated on Main Road.

The design of the proposed dwelling is traditional in appearance and is reflective of its immediate surroundings, which mostly comprises 1960s/1970s style dwellings with Vine Cottage facing onto the proposed dwelling immediately to the east. The proposed dwelling would be constructed from brick with a plain tile roof, architectural features such as dentil coursing to the eaves and arched soldier courses to window heads are also incorporated, and a condition has been imposed requiring material samples prior to the commencement of development to ensure the final details will relate appropriately to the surrounding context. It is considered that the design of the proposal responds to its immediate setting of Vine Cottage, and blends with the character of the surrounding area.

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

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

Relationship to neighbouring residential properties

The concerns of residents 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 Local Plan states that development should not adversely affect the occupiers of neighbouring properties.

The SPG states that where a principal window of a habitable room faces a similar window of a neighbouring dwelling, the distance between them should be a minimum of 25 metres. There are 4 windows proposed within the first floor rear elevation, 3 of the proposed windows are serving non habitable rooms for en-suites, dressing rooms and the landing. The dormer window positioned towards the western end of the proposed dwelling would serve a bedroom and looks directly south towards the rear elevations of properties No. 30, 32, 34 and 36 Main Road. This said, the separation distance of the proposed window serving the habitable room (bedroom) from the rear elevation of No. 34 would be 27 metres in which the window looks directly towards. At the narrowest point of separation between the proposed dwelling and the rear elevations of the properties which front onto Main Road the separation distance achieves 25 metres, which would meet the guidance as set out in the SPG and the

separation distances would be greater than that considered acceptable at the previous appeal.

The front elevation of the proposed dwelling also contain first floor level windows serving habitable rooms such as bedrooms and as such the standard set out in the SPG is relevant. The distance between the front elevations to the rear elevation of the dwellings along Highfield Close, would be approximately 28 metres which is in excess of the guidance. Therefore it is not considered that a significantly harmful impact would occur from overlooking.

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

Highway Safety and Parking Provision

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

Concern has been raised by neighbouring residents in relation to parking issues along Brookside Place and access to the existing garages. This matter was also considered in relation to the previous appeal for two dwellings. Due to sufficient parking being proposed within the site to serve the dwellings it is considered that the proposal would not impact upon highway safety or the satisfactory functioning of the local highway network and is in accordance with Policy T5 of the Local Plan.

Flood Risk

Concern has been raised by local residents and in terms of flood and drainage issues on the site and within the surrounding area. No objection has been raised to the proposal by Environmental Health (Land Drainage) or the Environment Agency.

The applicant has also provided additional clarification on the matter within a Planning Statement submitted as part of the application. The application site is identified as being within Flood Zone 1 in the current Environment Agency flood risk maps, however it is not positioned within a fluvial flood risk area, and there is no evidence that flooding is an issue that cannot be mitigated with appropriate conditions. To the northern edge of the site it is acknowledged that some water does lie after a significant rain fall, however this is due to the presence of an existing brick culvert in that area.

Having taken into account the comments of Local Authority Drainage Officers and the Environment Agency, and having regard to the concerns raised, it is not considered that the proposal would exacerbate any existing problems in respect of drainage or flooding.

Contributions towards Play and Open Space

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

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

Within the Green Space Strategy 2005 - 2010, Sheepy Magna was found to have sufficient areas of equipped open space (-0.04 hectares) for its population when compared with the National Playing Fields Standard. However, the quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Brookside Place a quality score of only 38.9%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would total £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 dwelling on such facilities. Given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear on facilities. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. The applicant is in the process of completing a Unilateral Undertaking to enable contributions to be secured.

Other Matters

Objections have been received on the grounds that the plans and information submitted are misleading in that the ground levels are not shown when it is at least 1.5meters lower than the turning space that is proposed as the entrance to the site. Officers have carried out a site visit and noted the change in levels as part of the assessment of the proposals.

Concerns about the loss of wildlife have also been considered. The proposals are not in an identified wildlife site and comprise existing garden development. Natural England use Standing Advice in such circumstances. Having carefully considered the site characteristics there are no identified protected species or designated natural environment assets in close proximity to the site that would be adversely affected by the development. Appropriate landscaping within the proposed garden for the dwelling would mitigate any impact.

Conclusion

In conclusion, the principle of development has been demonstrated to be in compliance with the adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework. As a result of the siting, scale and design of the dwellings it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site or the surrounding area. It is considered that the proposal would not have a detrimental impact upon highway safety or the satisfactory functioning of the local highway network and would provide appropriate parking provision. The proposal would be of sufficient distance from neighbouring residential properties to not have a detrimental impact upon residential amenity and an obligation is in the process of being secured for open space. Considerations of the levels, flood risk and local wildlife have also been carefully considered.

The proposals are considered to be in accordance with adopted Core Strategy Policy 12 and Local Plan Policies RES5 BE1 (criterion a and i) and T5 together with the overarching principles of the NPPF and is 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 the principle of development is considered to be acceptable, the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding area, highway safety or residential amenity.

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

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

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 accordance with the submitted applications details, as follows:- Site Location Plan Job no. 7360 Drawing No 100 (Scale 1:1250), Proposed Site Plan Job no. 7360 Drawing No 150E (Scale 1:200), Proposed Elevations Job No. 7360 Drawing No. 250B (Scale 1:50) received 29 August 2014.
- 3 Prior to the commencement of development, details of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 4 Prior to the commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details should include:-
 - a) Means of enclosure and boundary treatments;
 - b) Hard surfacing materials;
 - c) Schedules of plants, species, sizes, planting plans and densities; and
 - d) An implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 6 Prior to the first occupation of the dwelling hereby permitted the access shall be provided and surfaced with tarmacadam, concrete or other similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.
- 7 Prior to the first occupation of any dwelling hereby permitted the car parking and turning facilities shall be provided and shall thereafter be permanently retained available for this purpose.
- 8 No development shall commence until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collections points should be implemented prior to the first occupation of the dwellings to which they serve.
- 9 No development shall commence until such time as the existing 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.
- 10 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4&5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6&7 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 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.
- 9 To ensure the development is compatible with the character and appearance of surrounding development, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley

& Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.

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: 14/00295/FUL
Applicant: Mr Darren Price
Location: Land East Of Heath Road Bagworth
Proposal: Proposed livestock building with associated landscaping

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in at the request of Cllrs O'Shea and Boothby on highway safety grounds, lack of agricultural need and the size and mass of the building in the countryside.

Application Proposal

This application seeks full planning permission for the erection of a new livestock building and associated landscaping on a roughly rectangular piece of land to the east of Heath Road, Bagworth. The proposed building is to be located close to the northern boundary of the application site and close to the existing field access off Heath Road to the west. The proposed building would measure 15 metres in width x 10 metres in depth (150 square metres of floor space) with a ridge height of 5.8 metres and eaves height of 3.4 metres. The building also has a 2 metres deep roof overhang to the front elevation. The building is to be constructed of steel frames with external walls of low level (1.5 metres high) concrete panels and spaced timber boarding above, green steel sheet roof panels. The building is open to the south elevation but with a steel feed barrier and feed trough and two sheeted steel access gates to the west and east elevations. The proposals also include landscape planting within a 50 metres long x 5 metres wide belt to the south of the proposed and existing buildings.

This application is a resubmitted scheme following a number of previously refused or withdrawn applications and a dismissed appeal for an agricultural/livestock building on the site in 2012 (see planning history below).

During the course of the application amended plans have been received which reduce the size of the building and decrease its height.

Site and Surrounding Area

The application site is located in the countryside to the south west of Bagworth. The land holding extends to approximately 4.04 hectares and slopes from north to south. It consists of two fields divided by a post and wire fence and laid to grass. There is a hard surfaced (loose cinders/ash) area in the north west corner of the land holding enclosed by timber post and rail fencing and gates. Within this enclosure there is a lean-to type building constructed of timber frames and profiled cladding sheets. This structure has open sides to the east elevation. The building measures approximately 11 metres in length, 6 metres in depth and 3 metres in height. The associated land holding is laid to grass and is bounded by a hedgerow of varying height to the west fronting Heath Road and by Heath Woods to the north and east. To the south of the site lies a small lake and wetland habitat.

Vehicular access is via two existing field gates off Heath Road located along the western boundary of the site. The northern most access leads into the enclosure area and has been subject to recent, unauthorised alterations including the setting back of the access gates, widening of the access, associated fencing, hard surfacing, additional dropped kerbs and removal and reduction in height of the boundary hedgerow.

Technical Documents submitted with application

Design and Access Statement
 Planning Statement
 Extract copies of 77 equine passports
 Letter from agent
 Photomontage images

Relevant Planning History:-

13/00827/FUL	Proposed livestock building with associated landscaping	Withdrawn	13.12.13
13/00048/FUL	Proposed Livestock building with associated Landscaping	Withdrawn	12.04.13
11/00635/FUL	Proposed agricultural building	Refused Appeal Dismissed	13.10.11 15.05.12
11/00166/FUL	Agricultural building for livestock and storage of hay	Withdrawn	19.05.11
10/00770/FUL	Erection of agricultural building	Refused	05.01.11
10/00650/FUL	Erection of agricultural building	Withdrawn	15.09.10
10/00448/GDO	Erection of barn for the purpose of storing hay	Refused	23.07.10
10/00308/GDO	Erection of an agricultural building	Refused	20.05.10



Consultations:-

No objection has been received from:-

- Environment Agency
- Environmental Health (Pollution)
- Environmental Health (Land Drainage)

No objection subject to Standing Advice and reference to the previously suggested conditions for application 13/00048/FUL has been received from The Director of Environment and Transport (Highways).

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

- a) horses are kept on site and currently have no shelter. Therefore the proposal is a good idea. Following recent problems with horses on Fosse Park, where horses died due to awful conditions, it is important to look after the needs of horses.

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

- a) field hedgerow has suffered severe damage and has been dumped in the field
- b) no justification provided that the building would be used of animals
- c) gypsy horses do not require such a building as proposed
- d) unjustified intrusion into the open countryside
- e) it has taken a long time to get the owner to clear the caravan and rubbish off the site
- f) stop the development on site and clear all the existing buildings.

Councillors O'Shea and Boothby object to the application on the following grounds:-

- a) scale, design and mass of the building
- b) entrance and exit onto a dangerous road
- c) no evidence of the applicant being a livestock trader or owning any livestock.

No response has been received from Bagworth & Thornton Parish Council.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy

Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance

Design of Farm Buildings (SPG).

Appraisal:-

The main considerations in determination of this application are:-

Whether those issues that resulted in the dismissal of the earlier appeal have been overcome. The main issues considered were:-

- a) Principle of Development
- b) Highway Safety
- c) Impact on the Character and Appearance of the Countryside
- d) Other issues
- e)

Principle of Development

Whilst both national government guidance in the NPPF and Policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural or other land based activities which require a countryside location, are generally acceptable in principle.

In this case, the planning history of the site includes a number of applications by the same applicant for a similar building on the site but proposed to be required for a number of different purposes including only the storage of hay and more recently for the breeding and rearing of cattle and cob horses. Previously the applicant had failed to provide satisfactory

evidence with the applications to justify the erection of a building of the size and scale proposed or for the purposes proposed.

The applicant has stated that he requires the building is to shelter his horses. The applicant has many horses which are currently grazed across the Borough of Hinckley and Bosworth and North West Leicestershire. The applicant breeds the horses, keeping the mares and fillies and selling off the colts/geldings. The applicant has confirmed that this is the only field that he owns and that much of the land he rents has (or is in the process of) being sold off for large scale housing development. He has confirmed that, as with cattle, his horses would be sheltered in a similar way and that the modern agricultural buildings make cleaning, feeding and watering duties far simpler. Further, similar to cattle, it is common place for horses of this type to live in herds similar to cows. During the site inspection the Officer was taken to see the applicants' horses within the Borough and also to an identical building in Bagworth (owned by the applicant's friend) which is used for the same purpose and is operated in the same way as the proposed building. The applicant further stated that unless there was a 'need' for a building of such a type, he would not be willing to purchase a building of such considerable expense. Based on the site inspection, it is considered that there is a justified need for an agricultural building of the type proposed on the site. The horses viewed within the existing building appeared content and well cared for and the building operated successfully. The building is considered to be of a commensurate size to the numbers of livestock it is to house, and has been designed and constructed to suit its end purpose. However, to ensure that the building is used to house livestock, a condition would be imposed on the application to restrict its use to such.

In accordance with the NPPF, the siting of an agricultural building with countryside is considered acceptable in principle, subject to it being adequately justified. Based on the information provided with the application and the site inspection, it is considered that the applicant has adequately justified the building and thus, that there is a need.

Highway Safety

On the first main issue, the Inspector (ref: APP/K2420/A/11/2166992) considered that the proposed development would result in an unacceptable increased risk to those using this part of Heath Road due to the restricted visibility afforded to the access by roadside vegetation and the significant increase in vehicular trips to and from the site as a result of the intensification of use of the site. The Inspector considered that the harm to highway safety could not be overcome by the imposition of reasonable planning conditions and that the proposal would conflict with Policies T5, BE1(c) and BE1 (g) concerning safety.

Since the appeal decision was issued alterations have been carried out to the access. These include the pruning back and reduction in height of the hedgerows either side of the access and removal of a section of hedgerow to the south side of the access to increase the width of the access to 13 metres at the highway boundary. In addition the access gates have been set back approximately 9 metres from the highway boundary. It should be noted that the access is on a straight stretch of Heath Road and that the use of the site for agricultural purposes in itself, including the keeping of beasts, is unrestricted and would not require planning permission. The Director of Environment and Transport (Highways) considers that whereas prior to the alteration works being carried out visibility in either direction was virtually non-existent, the works have resulted in a significant improvement to visibility with splays of 2.4 metres x 60 metres to the north and 2.4 metres x 75 metres to the south. Whilst these are still substandard in terms of the County Council's own design guidance, taking into account the significant improvement made, the nature of the proposed development and the infrequency of turning movements on Heath Road, on balance, the Director of Environment and Transport (Highways) considers that the proposals are now acceptable from a highway safety point of view subject to the imposition of a number of conditions in respect of the

future maintenance of the hedgerows either side of the access and the provision of on-site turning facilities and satisfactory surfacing of the access. In respect of the suggested conditions, in respect of parking provision, there is considered to be adequate parking provision existing on site, and thus the recommended condition requiring such provision is not considered necessary.

In conclusion, the issue of highway safety is considered to have been addressed and is no longer recommended as a reason to refuse the current proposal. The application is therefore considered to be in accordance with Policies T5, BE1 (criteria c and g) of the adopted Local Plan.

Impact on Character and Appearance of the Countryside

On the second main issue, the Inspector found that the proposal would harm the character and appearance of the area contrary to Policy BE1 (criterion a) of the adopted Local Plan. The Inspector considered that the proposed building would, by reason of its siting and size, erode the openness of this part of the countryside, and so would harm the landscape. The Inspector also considered that there was insufficient evidence submitted to provide a convincing case that the likely benefits of the proposal to the enterprise and to the rural economy would outweigh the harm to the rural landscape.

The restrictive criteria a - c inclusive of Policy NE5 of the adopted Local Plan can be given little weight since the NPPF has provided a presumption in favour of sustainable development. However, the design criteria i - iv inclusive of Policy NE5 are considered to be in general accordance with the overarching principles of the NPPF and can therefore be given weight in the determination of the application. Policy NE5 (criteria i, ii and iii) require that development in the countryside does not have an adverse impact on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and is effectively screened by landscaping.

Since the appeal decision, the size and height of the proposed building has been reduced and further justification has been received in respect of the end use of the site. The proposed building would now measure 15 metres in width x 10 metres in depth (150 square metres of floor space) with a ridge height of 5.8 metres and eaves height of 3.4 metres as oppose to 17.9 metres in width x 12.2 metres in depth (234 square metres of floor space) with a ridge height of 5.8 metres. Since the appeal decision was issued the applicant has removed or reduced the height of a significant amount of the previously existing roadside hedgerows either side of the access that screened the site from public views. The woodland areas to the north and east still provide some screening however, the hedgerow to the highway boundary north of the access has been reduced and has exposed the existing shelter and new 2 metres high close boarded timber fencing to the highway. In addition, the removal of hedgerow to enable the unauthorised widening of the access to the south and the significant reduction in height of the hedgerow to the south of the access to a height of approximately 1 metre for a considerable distance has exposed the top half of the site to the public highway where only very limited views were previously available. As a result the proposed building would be visible from the highway to the west and the recreation area to the south.

Accordingly it must be considered as to whether the reduced height and scale of the building, along with the additional justification received would overcome the concerns raised within the previous appeal decision in respect of impacts on the countryside. Impacts must also be considered in respect of the large amount of boundary treatment removed.

Despite the alterations made, the proposed building would remain of a considerable scale and would be of modern construction and materials, which can be problematic to assimilate

within a rural landscape. This said, the building is not different from many other agricultural buildings sited within remote locations within the countryside. The specific siting of the building has been chosen to capitalise on the existing area of hard surfacing and its proximity to the site access and the existing building. The proposed location is considered to be the most practical, would result in a grouping of the built development and would therefore not result in any further encroachment into the undeveloped surrounding countryside. If the building were to be sited within a less visually prominent location further within the site, this would involve additional ancillary works such as a formalised access track, possible installation of services and a further area of hard-standing. It is considered that notwithstanding the fact that the building may be less visually prominent, the erection of the building, plus the ancillary works would adversely impact upon the undeveloped character and appearance of the area.

Officers consider there is a justified need for the building and that the size of building proposed is commensurate with that need. Accordingly although a landscape impact would remain, on balance and based on the amended plans and additional justification received, the proposed building is not considered to have a significantly adverse impact on the character of the surrounding landscape and thus, this previously raised issue is considered to have been overcome.

The applicant has indicated a proposed planting belt within the site to mitigate the impact of the building on the countryside when viewed from the south, however, no details of the type of planting to be implemented have been submitted and the proposed narrow planting belt would appear as an unnatural feature within the landscape. The site is located within the National Forest where Policy 21 of the adopted Core Strategy applies. No comments have been received from The National Forest Company, however in response to the earlier application they commented that the width of the planting belt would be unlikely to be sufficient to provide effective screening and it should be increased to 15 metres in width. Conditions recommended by the Director of Environment and Transport (Highways) in order to make the development acceptable in highway safety terms would prohibit further landscaping close to the access or the increase in height of the existing hedgerow either side of it.

Based on the above, although the building would be visible when viewed from the south and west, the size and scale of the building has been considerably reduced and livestock buildings are common sites within the countryside and given the buildings position on an area of existing hard standing adjacent to the northern boundary of the site, and within close proximity to another building, it could not be argued that the building would compromise the openness of the area and thus would have a significantly adverse impact upon the character of the surrounding countryside. The proposal is therefore considered in accordance with policies NE5 (criteria i, ii and iii) and BE1 (criteria a) in this respect.

Other Issues

Within the letter of neighbour objection it has been stated that:-

- a) it has taken a long time to get the owner to clear the caravan and rubbish off the site
- b) stop the development on site and clear all the existing buildings.

In response to these concerns, the development proposed is determined on its merits and previous enforcement issues have no bearing on the planning merits of this case. It is acknowledged that enforcement can sometime take a long time to achieve the necessary results. For the reasons stated above, there are currently no planning grounds or justification to prevent development on site or to clear the existing buildings.

Conclusion

Based on the additional justification provided and the site inspection, the proposed livestock building is considered to have been adequately justified and is therefore acceptable in principle. The previous highway safety concerns have been overcome resultant of the considerable works undertaken to the access and by virtue of the siting of the building, it is not considered to result in any significantly adverse impacts on the openness or character of the surrounding landscape.

Accordingly, in the opinion of the local planning authority, the proposed development is considered to be in accordance with the overarching principles of the NPPF and Policies NE5 (criteria i, ii and iii) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.

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 development is considered to have been adequately justified and is therefore acceptable in principle, and would not have a significantly adverse impact in terms of highway safety or upon the character of the surrounding countryside or landscape.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (a), NE5, T5 and NE12.

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

In dealing with the application, through ongoing negotiation and the receipt of additional justification, 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: Drg Refs:- Proposed Livestock Building Scale 1:100 received by the Local Planning Authority on 14 November 2014.
- 3 No Development shall take place unless and until the access drive has been surfaced with tarmacadam, concrete or similar hard bound porous material (not loose aggregate) from the highway boundary to the existing gates and shall be so maintained at all times.
- 4 The building hereby approved shall be used only for the housing of livestock.
- 5 Notwithstanding the details provided, before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing

by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

- a) means of enclosure
 - b) hard surfacing materials
 - c) existing trees and hedgerows to be retained
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - e) implementation programme.
- 6 The approved soft landscaping scheme shall be carried out in accordance with the approved details in the first available planting season after the commencement of the development hereby approved. The hard landscaping scheme shall be completed prior to the first use of the development hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 7 Before the development hereby permitted is brought into use, the hedge fronting the site to the north of the access shall be maintained in perpetuity at a maximum of 0.6 metres above the level of the adjacent carriageway. Any new or replacement hedge shall not be set with, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent carriageway and thereafter shall be so maintained.
- 8 Before the development hereby permitted is brought into use, the hedge fronting the site to the south of the access shall be maintained at the highway boundary. Any new or replacement hedge shall not be set with, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent carriageway and thereafter shall be so maintained.

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 reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 4 As the application is within the countryside where other, unjustified uses may not be acceptable. In accordance with Policy NE5 of the Hinckley and Bosworth Local Plan and the overriding intentions of the NPPF.
- 5 To enhance the appearance of the development and to protect the privacy and amenity of neighbouring properties to accord with Policies NE12 (criteria a - d) and BE1 (criteria a) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criteria a) of the adopted Hinckley & Bosworth Local Plan.
- 7 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway

safety. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 8 To 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.

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: 14/00355/FUL
Applicant: Carlton House Farm
Location: Land To The West Barton Road Market Bosworth
Proposal: Change of use of land, formation of a new vehicular access, footpath bridges and internal access roads, erection of 12 timber holiday lodges and construction of lakes

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the site area exceeds 0.5 hectares and in addition objections have been received from more than five addresses.

Application Proposal

This application seeks full planning permission for the change of use of land to a leisure and recreational use, including the siting of twelve timber lodges, the construction of lakes, footpath bridges, internal access roads and the formation of a new vehicular access. Short term holiday lets.

The proposed lodges would be 12 metres in length and 8.5 metres wide, and would be one and half storeys in height. Each lodge would provide self catered accommodation with four bedrooms. Each lodge would provide two parking spaces, and would be of timber construction, centred around the proposed lake.

Access to the site would be from Barton Road with secondary accesses proposed within the site to the lodges.

The lake would cover approximately 7 acres of the application site with the excavated material being used within the site.

The Site and Surrounding Area

The site lies to the north of Market Bosworth outside the defined settlement boundary for Market Bosworth, which is situated approximately half a mile to the south of the application site. The application covers an area of approximately 8.3 ha of agricultural land, situated to the west of Barton Road. The site is bound by a mature hedgerow running parallel to Barton Road to the west which includes a number of mature trees.

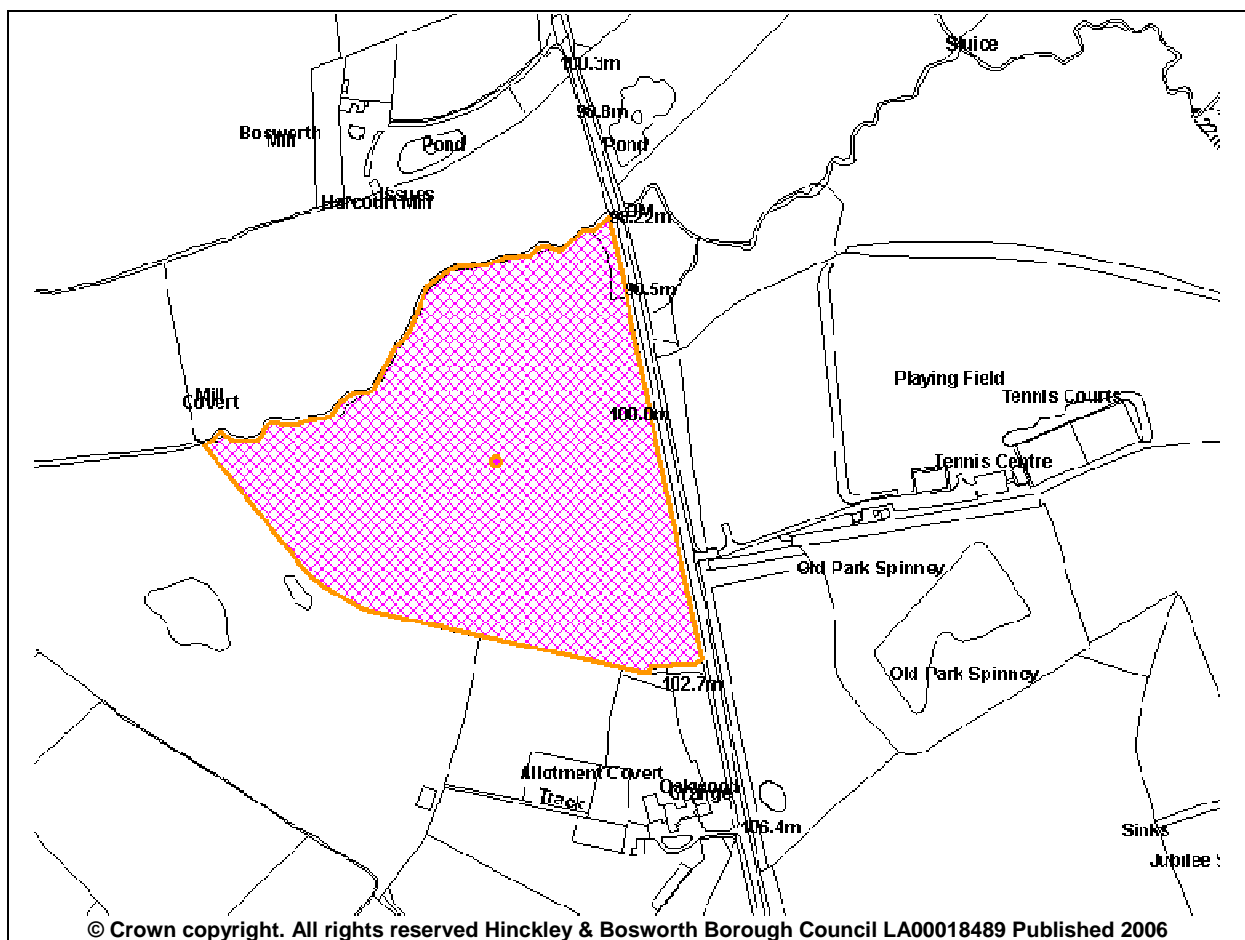
The site slopes gently to the north. Stoney Brook crosses the site to the north. To the north the site is immediately bordered by agricultural land and to the south there is a wooded spinney known as Allotment Covert within the grounds of Oakwood Grange. Kings Golf Course located to the west and public footpath S69 runs north to south through to the centre of the site.

The nearest dwelling to the north of the application site is Harcourt Mill, and is located approximately 70 metres from the northern site boundary. Oakwood Grange is located approximately 100 metres to the south of the site.

Technical Documents submitted with the application

The application is accompanied by a detailed site layout plan, elevations of the proposed lodges, an indicative landscaping scheme and a Design and Access Statement that explains how the proposal will contribute towards sustainable tourism and economic development within the borough by increasing the variety of tourist accommodation available.

Flood Risk Assessment
Ecology Report
Archaeology Report
Great Crested Newt Survey



Consultations:-

No objection subject to conditions received from:-

- Leicestershire County Council (Highways)
- Leicestershire County Council (Rights of Way)
- Leicester Country Council (Archaeology)
- Environmental Health (Land Drainage)
- Environmental Health (Pollution)
- Environment Agency

Leicestershire County Council (Ecology
Street Scene Services (Waste Minimisation)

Market Bosworth Parish Council has raised the following comments:-

- a) the developer has not participated in the neighbourhood plan process
- b) application should be deferred pending the completion of the Neighbourhood Development Plan and therefore this application is premature
- c) would support the boosting tourism
- d) maximum stay should not be more than 28 days
- e) concerned over the impact the development would have on the countryside
- f) reservations as to if this development would encourage further business
- g) creates an infill between Market Bosworth and Carlton
- h) inaccuracies and omissions within the application submission
- i) lodges should be scaled down and a range of sizes
- j) detailed landscaping required to accord with Core Strategy Policy 23
- k) more detail required on how the site will be managed and maintained
- l) detail on waste storage and collection
- m) detail for the proposed foul water treatment is required
- n) detail on heating systems required
- o) concerns regarding the financial viability of the proposal
- p) recommends developer contributions are sought.

Market Bosworth Neighbourhood Forum raises the following objections:-

- a) the developer has not participated in the neighbourhood plan process Application should be deferred pending the completion of the Neighbourhood Development Plan and therefore this application is premature
- b) development would not blend with the existing low lying landscape
- c) would result in infill development between Market Bosworth and Carlton
- d) does not take into account the characteristics highlighted in the Landscape Character Assessment 2006
- e) this application contravene draft policies within the Neighbourhood Plan
- f) no new pedestrian or cycle linkages provided
- g) developer contributions should be sought.

Market Bosworth Society raise the following objections:-

- a) one style of lodge proposed
- b) construction management, a delivery route should be required and hours of work
- c) detailed landscaping plan, implementation and maintenance required
- d) A 40 metre wide 'green corridor' should be provided along the approach road
- e) how will the 28 day occupancy be controlled
- f) motor sports on the lake should be resisted
- g) further archaeological investigations should be carried out
- h) concerned sewage could be allowed to enter Stoney Brook.

A site notice was displayed and neighbours notified.

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

- a) impact on the character and appearance of the area, can not assimilate into the landscape
- b) conflicts with key policies (Core Strategy 23) regarding views and vistas

- c) contrary to the Hinckley Landscape Strategy
- d) could set a precedent for a housing estate
- e) decision should be deferred pending the completion of the Neighbourhood Development Plan
- f) access is inadequate
- g) risk of sewage from the lodges with no main drainage
- h) application lacks detail
- i) will result in the infill of greenbelt between Market Bosworth and Carlton
- j) there is no obvious need in the area for accommodation
- k) no footpath or cycle link
- l) no direct benefit of the site to local people
- m) land is within a flood plain
- n) increased traffic.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy (2009)

Spatial Objective 1: Strong and Diverse Economy
 Policy 11: Development in Market Bosworth
 Policy 14: Rural Areas - Transport
 Policy 23: Tourism Development

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy T5: Highway Design and Vehicle Parking Standards
 Policy NE2: Pollution
 Policy NE5: Development in the Countryside
 Policy NE12: Landscaping Schemes
 Policy NE13: The Effects of Development on Natural Watercourses
 Policy NE14: Protection of surface waters and ground water quality

Emerging Market Bosworth Neighbourhood Plan (October 2014) (Emerging MBNP")

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development and the Emerging MBNP,
- Siting, Design and Impact on the Character and Appearance of the Countryside
- Relationship to Nearby Residential Properties
- Highway Safety and Public Rights of Way
- Drainage and Flood Risk
- Archaeology
- Ecology and Biodiversity
- and other issues

Principle of Development and the Emerging MBNP

The site is located outside the settlement boundary of Market Bosworth and Carlton, 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.

Paragraph 17 of the NPPF promotes sustainable economic development that is of a high quality design that conserves and enhances the natural environment. 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.

Spatial Objective 1 of the Core Strategy seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism. This is supported by Policy 23 which states that new tourism development for new visitor attractions and holiday accommodation including bed and breakfast, holiday lodges and tenting fields 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. Policy 11 of the Core Strategy states that the Council will support the role of Market Bosworth as a tourist destination in its own right. In addition, Policy NE5 of the adopted Local Plan is supportive of development that is important to the local economy and where it is for recreation purposes.

To ensure that the development is viable and that the applicant has a robust financial strategy in place, the applicant has been asked to submit a business plan to demonstrate financial projections and that the proposed tourist accommodation would be suitable locally and likely to be marketable. The applicant has contacted tourist accommodation providers who have confirmed that the lodges are likely to be well received by the local and regional market and would help encourage spending and economic development within the borough. In addition, the proposal would help support existing visitor attractions within the locality such as Twycross Zoo, Bosworth Battlefield and Heritage Centre, Ashby Canal, Mallory Park and Desford Tropical Bird Garden for example. The proposed lake would also be stocked for fishing to encourage visitors who wish to enjoy the tranquillity of the countryside. It is also considered that the proposed lodges would support the existing attractions and facilities within Market Bosworth itself.

To ensure that the lodges are only used for tourist purposes a condition has been imposed requiring that the lodges cannot be occupied by any single occupant for no more than four weeks in a year, and cannot re-occupy the accommodation within a period of two weeks following the end of that previous occupation. This will ensure that the accommodation remains for tourist purposes and is not used for permanent residential accommodation.

The Emerging MBNP has been submitted to the Council. At this stage the weight that can be afforded to is limited. The objections to the scheme from the Neighbourhood Forum have been carefully noted particularly in respect of the view that the application would be premature to the Emerging MBNP being adopted.

In considering the submitted version of the Emerging MBNP the site itself is not allocated for any particular form of development the NDP encourages the sustainable development of

tourism as a driver to support the local economy e.g. visitors to the town centre, markets, festivals, Bosworth Water Trust, the Country Park, railway, canal and marina development.

The Emerging MBNP is silent in respect of any particular specific designation or allocation for this site and does not propose to allocate any new tourism facilities. As such each case must be determined on the merits of the allocation and detailed policy consideration. For example, Policy CE5 of the Emerging MBNP does refer to the landscape of the wider parish and that outside of the settlement boundary built or other forms of development will only be permitted where there is no adverse effect on the appearance or character of the landscape. This policy states that provision may be made for limited small scale development for employment and leisure uses providing any adverse effects on the landscape can be mitigated. Therefore given that this proposal is for a small scale tourism development it would be in general conformity with the Emerging MBNPP.

The failure of the applicant to engage or be part of the MBNP process does not affect the planning merits of the proposed scheme.

It is considered that by virtue of the proposal being for tourism purposes, it would enhance the range of visitor accommodation available within the locality which will in turn benefit and increase the competitiveness of the local economy and that of the borough as a whole. The proposal would result in an expansion of, and complement the existing tourism/leisure facilities within the borough. Furthermore by providing holiday accommodation in this location, the site would complement Market Bosworth's popularity with visitors and tourists, which is a position supported by the Emerging MBNP.

Accordingly the development is considered acceptable in principle, subject to all other planning matters being adequately addressed.

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

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

Policy BE1 of the Local Plan seeks to ensure a high standard of design. More specifically, criterion (a) is supportive of development which complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

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

The Landscape Character Assessment 2006 describes the site as being within the Market Bosworth Parkland Character Area. This states that the rural setting of the town is particularly important, and highly sensitive to change. Fingers of green open land which penetrate towards the market place should be retained and enhanced. This is supported by the Emerging MBNP which seeks to protect green fingers and views into the town centre (Policy CE5).

The land immediately to the north of the application site is open agricultural land with views of the wider countryside and agricultural fields beyond. The west of the application site abuts

an existing golf course, and a dwelling known as Oakwood Grange to the south which features a belt of mature trees breaking up the continuation of views towards the south.

The siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. The site is relatively flat and level and is bounded to the west by a mature hedgerow interspersed with trees.

The proposed cabins are well spaced in their own setting and therefore the limited visual impact of the proposals would not result in development that would harm important views into or vistas out of Market Bosworth as indicated in the NDP. Whilst only one type of cabin is proposed, their individual setting would allow for each cabin to have individuality.

In terms of wider visual impacts, the proposed timber lodges are to be located to the west of Barton Road which is bound by hedgerows and trees. The site would also be subject to an extensive landscaping scheme for a proposed woodland area to be created, the details of which would be subject to condition to ensure adequate planting and implementation scheme is provided. Whilst there would be seasonal changes to the landscape cover it is considered that views are likely to be limited once the proposed landscaping has matured rather than open long distance views and it is considered that the proposed timber lodges would not be visually prominent within the countryside setting of Market Bosworth.

In summary, by virtue of the siting, scale, design and existing landscaping features on site, it is considered that the proposal would assimilate into the countryside and are appropriate within this rural setting and the principles of the Emerging MBNP. The presence of a lake in this location would not appear out of keeping within this countryside setting. The scheme does not give rise to any significant impact upon the visual appearance and amenity of the surrounding countryside and would not create an infill between Market Bosworth and Carlton due to the continuation of the landscape setting.

The scheme is considered to be in accordance with, Policy 23 of the adopted Core Strategy and Saved Policies NE5 and BE1 of the adopted Hinckley and Bosworth Local Plan. Furthermore, it is not considered that the proposal would harm or impact upon the green fingers or rural setting of Market Bosworth and would be in accordance with the principles of the Emerging MBNP.

Relationship to Nearby Residential Properties

Criterion i of Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties.

The residential dwellings nearest to the site would be those immediately situated to the north and south of the application site. The nearest dwelling to the north of the application site is Harcourt Mill, and is located approximately 70 metres from the northern site boundary. With development of the site primarily proposed to the southern part of the site it is considered there is adequate distance to ensure that there would not be any significant adverse impacts upon the occupiers of this neighbouring dwelling.

Oakwood Grange is located approximately 100 metres to the south of the site, which would be an adequate distance to ensure that there would not be any significant adverse impacts upon this dwelling. The dwelling would be separated from the proposed development by a belt of woodland known as Allotment Covert which exists between the Oakwood Grange and the application site.

As a result of the distance between this property and the proposed application site it is not considered that the proposed would give rise to overlooking or disturbance to the amenity of

this property. As such is it not considered that the proposal would have an adverse impact on neighbouring residential amenity and is considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Highway Safety and Public Rights of Way

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.

An unmade vehicular access road exists from Barton Road serving the land, the scheme proposes to upgrade the existing access and construct a metalled surfaced access and road into the site, with unbound private secondary roads serving each lodge. Vehicle parking for two cars is proposed to be provided adjacent to each holiday lodge which is considered to be acceptable. The scheme has been considered by Leicestershire County Council (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions.

Leicestershire County Council, Rights of Way Officer has made comments in respect of an existing footpath S69 which passes through the application site north to south. Although the proposal seeks to maintain the existing general line of the footpath. Two bridges would be constructed on embankments across the lake.

In summary, Leicestershire Country Council (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. The comments of the local residents and the concerns raised have been carefully considered.

A limited part of the north of the site is situated within Flood Zone 2 and 3 with the majority of the site within Flood Zone 1. There is a small watercourse which runs along the northern boundary of the site (Stoney Brook) and no formal drainage network within the site boundary, and naturally any heavy rain fall drains towards Stoney Brook watercourse.

The proposed excavation of the lake would result in associated ground works with the land remodelled to accommodate the proposal. Development and ground works are limited to areas considered to be Flood Zone 1, and there are no proposed changes to the existing ground levels to area classed as Flood Zone 3, where the Stoney Brook is considered to pose the most significant flood risk. It is proposed that all surface run-off would discharge into the proposed lake which will in turn discharge to Stoney Brook. The Flood Risk Assessment demonstrates that the proposed outfall from the lake can achieve a discharge rate of approximately 8.85 l/s. which would not exceed the greenfield run-off rates. As such the proposed development subject to conditions requiring the mitigation measures to be fully implemented prior to first use of the development would not pose any additional flood risk.

In respect of foul water drainage the scheme proposes to ultimately discharge into Stoney Brook, after passing through a foul treatment plant and reed bed, the final details would be

required to be submitted and approved prior to consultation to ensure an adequate scheme is proposed.

No objection has been raised by the Environment Agency subject to appropriate conditions requiring mitigation measures to be fully implemented prior to first use of the development.

In summary, the Environment Agency has 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 Leicestershire County Council (Archaeology) who raises no objection subject to conditions for an appropriate programme of archaeological mitigation, due to the potential for Bronze Age remains to be present on site given its location adjacent to the Stoney Brook. Therefore it is recommended that Written Scheme of Investigation shall be undertaken prior to commencement of the 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 in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

Ecology and Biodiversity

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 Report and a Great Crested Newt Survey. Leicestershire County Council (Ecology) has considered the accompanying proposals and has confirmed they are satisfactory and recommends that a condition be imposed that prior to commencement a biodiversity management plan for all retained and created habitats is submitted and approved, with the lakes to be designed to maximise biodiversity opportunities.

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.

Environmental Impact Assessment

The development has been considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The proposed development falls within the description contained in paragraph 10(b) of Schedule 2 of the 2011 Regulations, Urban Development projects. The applicable thresholds states that the

area of the development exceeds 0.5 hectares. The site area would exceed the applicable thresholds, and therefore the development proposed is Schedule 2 development within the meaning of the 2011 Regulations.

Having taken into account the criteria set out in Schedule 3 of the 2011 Regulations that the proposed development would not be likely to have significant effects on the environment by virtue such as its nature, size or location and would not be in a sensitive location. Having considered the relevant legislation, case law and guidance the proposed development is not considered to require an Environmental Statement under the meaning of the EIA Regulations.

Other Matters

Concern has been raised by Market Bosworth Parish Council in respect of the proposed management of the scheme. The applicant has indicated that a manager would be employed locally to manage visitors when 'checking in' and 'checking out'. This person would be based off-site and would visit the site as and when necessary through arranged times to hand over keys.

Concern has also be raised by the Parish Council and Neighbourhood Forum that developer contributions should be sought towards providing a cycle path between Market Bosworth and Carlton as sought by Policies 11 and 14 of the Core Strategy. However, this would unreasonable to secure from this scheme given the fact that there is an existing footpath connecting the site to the town centre and that the application site covers a limited area between Market Bosworth and Carlton. Therefore contributions in this instance could not be considered to be CIL compliant as they would be considered to be unnecessary and unreasonable.

A number of additional comments have been highlighted by consultation responses relating to details relating to the implementation of landscaping, management and waste collection. The use of planning conditions is an appropriate mechanism for obtaining the precise detail whereas the submitted plans provide sufficient details for the basis of the planning decision.

It is also noted that concern over the proposals being a precedent for housing development. The matters of this application relate clearly to a tourism development relating to a specific need and short-term occupancy. A housing development would be a different to that proposed and would need to be considered on its own merits.

Conclusion

The NPPF and Core Strategy support the development of tourist accommodation proposals in rural areas. As a result of the siting, scale and design together with the materials proposed it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding countryside. The proposal would be sufficient distance from the nearest neighbouring property to not have a detrimental impact upon residential amenity. The proposals are therefore in accordance with adopted Core Strategy Polices 21 and 23 and Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a, g and i) and T5 together with the overarching principles of the NPPF and 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 the principle of development is considered to be acceptable, the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding area, highway safety or residential amenity.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, T5, NE5, NE12, NE13 and NE14.

Local Plan 2006 - 2026: Core Strategy (2009):- Spatial Objective 1, Policies 11, 25 and 23.

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 (Scale 1:1000), Block Plan (1:2500) elevation of proposed footpath (scale 1:50) Cross Section along the line of footpath a-a, Cross Section B-B, Proposed Lodge Layout Drawing No 04177-14-1a (Scale 1:500), Finlodge 3, General Plans Elevation sheet (Scale 1:50) received by the Local Planning Authority on the 25 June 2014.
- 3 The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.
- 4 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) Biodiversity management plan
 - e) Maintenance schedule;

- f) Implementation programme;
 - g) Treatment of hard surfaced areas (including the footway access and road layouts and proposed footbridges).
- 5 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details in the first available planting season following the commencement of development. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
 - 6 No 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.
 - 7 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.
 - 8 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.
 - 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 approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
 - 10 Development shall be carried out in accordance with the submitted Flood Risk Assessment dated October 2012, Ref C1448/FRA/RH undertaken by hsp and the following mitigation measures:-
 - a) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 20% (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
 - b) Provision of development of development, lake, lodges and septic tanks outside of the fluvial flood plain (FZ2 and FZ3)
 - c) Finished floor levels are not set no lower than 300mm above the highest 100 year plus allowance for climate change fluvial food level (established by the submitted Flood Risk Assessment) 98.0m to Ordnance Datum (AOD).
 - 11 No development shall commence until a scheme for foul water disposal treatment to reed bed 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.

- 12 The development hereby permitted shall not commence until such time as a scheme dispose of lake overflows via a soakaway/wetland and not a pipe has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance.
- 13 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.
- 14 Before first occupation of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 5 metres over a distance of at least 7 metres behind the highway boundary; the access shall thereafter permanently maintained.
- 15 Before first occupation of the development hereby permitted, the vehicular access to the site shall be provided with 4 metre control radii on both sides of the access.
- 16 Before occupation of the development hereby permitted, the access and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be maintained at all times.
- 17 Before the development hereby permitted is first brought into use, the off street car parking provision shall be provided in accordance with proposed layout plan Drawing No. 04177-14-1a, and shall be maintained thereafter.
- 18 The development hereby permitted shall be carried out in accordance with the Great Crested Newt Survey Report and mitigation strategy Ref 11434 by Indigo Surveys dated 15/07/2011 and Ecology Assessment Report Ref 11434 by Indigo Surveys.

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 prevent the occupation of holiday accommodation on a permanent basis which would be considered unsustainable as per Paragraph 55 of the National Planning Policy Framework.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 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.

- 8 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 9 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.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 11&12 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.
- 13 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.
- 14-16 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To ensure a satisfactory standard of off-road vehicle parking 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.

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: 13
Reference: 14/01024/FUL
Applicant: Twycross Zoo
Location: Twycross Zoological Park Burton Road Norton Juxta Twycross
Proposal: Erection of an aviary enclosure and associated visitor lobby (retrospective)

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 and visitor lobby 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 and visitor lobby.

The application follows a previously withdrawn retrospective application (14/00573/FUL) for the erection of an aviary enclosure. The main alteration from the previous application constitutes the additional erection of a visitor lobby that would attach to the north east corner of the proposed aviary enclosure.

The aviary 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 visitor lobby which relates to the aviary consists of an L-shaped single storey structure, with a part lean-to roof and part flat roof. The structure would measure 13.7 metres by 14.7 metres, with a maximum roof height of 2.8 metres. The development constitutes a total built area of approximately 663 square metres.

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).

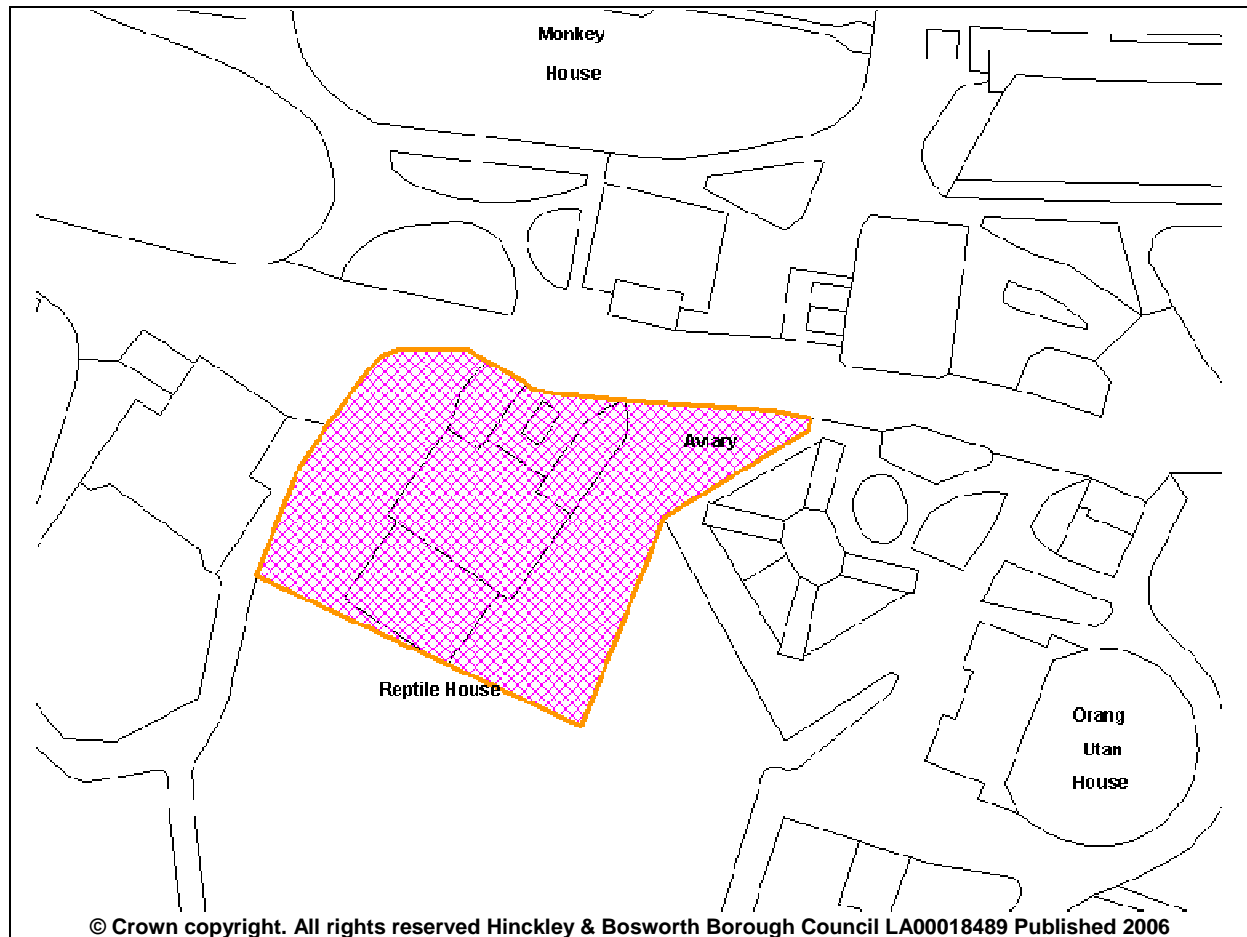
The site of the zoo has an area of approximately 40 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village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

Technical Documents submitted with the application

Design and Access Statement
Planning Statement

Relevant Planning History

12/00098/GDOD	Demolition of buildings		28.03.12
14/00573/FUL	Erection of an aviary enclosure (retrospective)	Withdrawn	18.08.14



Consultations:-

No comments or objections have been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Leicestershire County Council (Highways).

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy (2009)

Spatial Objective 1: Strong and Diverse Economy
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 aviary enclosure 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. Additionally, the visitor lobby would soften the appearance of the enclosure within the zoo, as well as provide a suitable means of access into the enclosure. The proposed pine materials to be utilised are considered to be sympathetic to the main enclosure, and would enhance the zoo facility.

Overall the siting and design of the aviary are in keeping with the existing zoo architecture and will add to the modernisation of the zoo as a tourist and conservation facility.

Other Matters

The scheme does not propose any alterations to the parking or access arrangements. The proposal is not considered to result in any significant changes to the local highway network, and Leicestershire County Council (Highways) have no 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, is regarded as 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:- T67.1-003 A and T67.1-004 A received by the Local Planning Authority on 3 November 2014.

Reasons:-

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

Contact Officer:- Sarinah Farooq Ext 5603

Item: 14
Reference: 14/00899/FUL
Applicant: HSSP Architects Limited
Location: Anfield Field Way Earl Shilton
Proposal: Erection of one new dwelling

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been called in by Councillor Allen to give the Committee the opportunity to consider the issue of the proposed access to the site.

Application Proposal

This application seeks full planning permission for the erection of a two bedroom detached bungalow, on a corner plot on Field Way, Earl Shilton.

The proposal is situated on garden land to the north west of the existing dwelling Anfield, Field Way, Earl Shilton. The proposed new dwelling would have a GIA (gross internal area) of 70 square metres, and is located within a proposed site area of 240 square metres. The proposed dwelling would be single storey in height with a maximum eaves height of 2.1 metres, with a maximum ridge height of 5.275 metres. The proposed dwelling would incorporate a pitched roof, with a subordinate gable projecting off the front elevation of the dwelling.

The proposed layout would include a blocked paved driveway to the front of the property to provide 2 car parking spaces and turning, and a south facing private garden to the side of the house of approximately 70 square metres. The garden would be bound by a boundary wall along the existing drive, and a high timber fence along the southern boundary of the site, both measuring 1.8 metres in height. The existing mature hedging to the rear of the site would be retained.

The proposed access is from private road Field Way, accessible from Hinckley Road. The house would be set back from Field Way by approximately 6.9 metres.

Site and Surrounding Area

The application site is currently a private garden to the existing bungalow Anfield, situated to the north of the dwelling. The site is bound to the north, west and east by a combination of high timber fencing measuring (1.8 metres in height) and mature hedging.

Field Way is a private drive accessible off Hinckley Road. The drive serves as access to at least eight dwellings and potential secondary access to the rear of dwellings fronting Hinckley Road. To the north of the application site are open playing fields serving Heathfield High School, bound by metal fencing measuring 1.8 metres in height. To the eastern side of the application site are individually designed detached dwellings, many single storey in

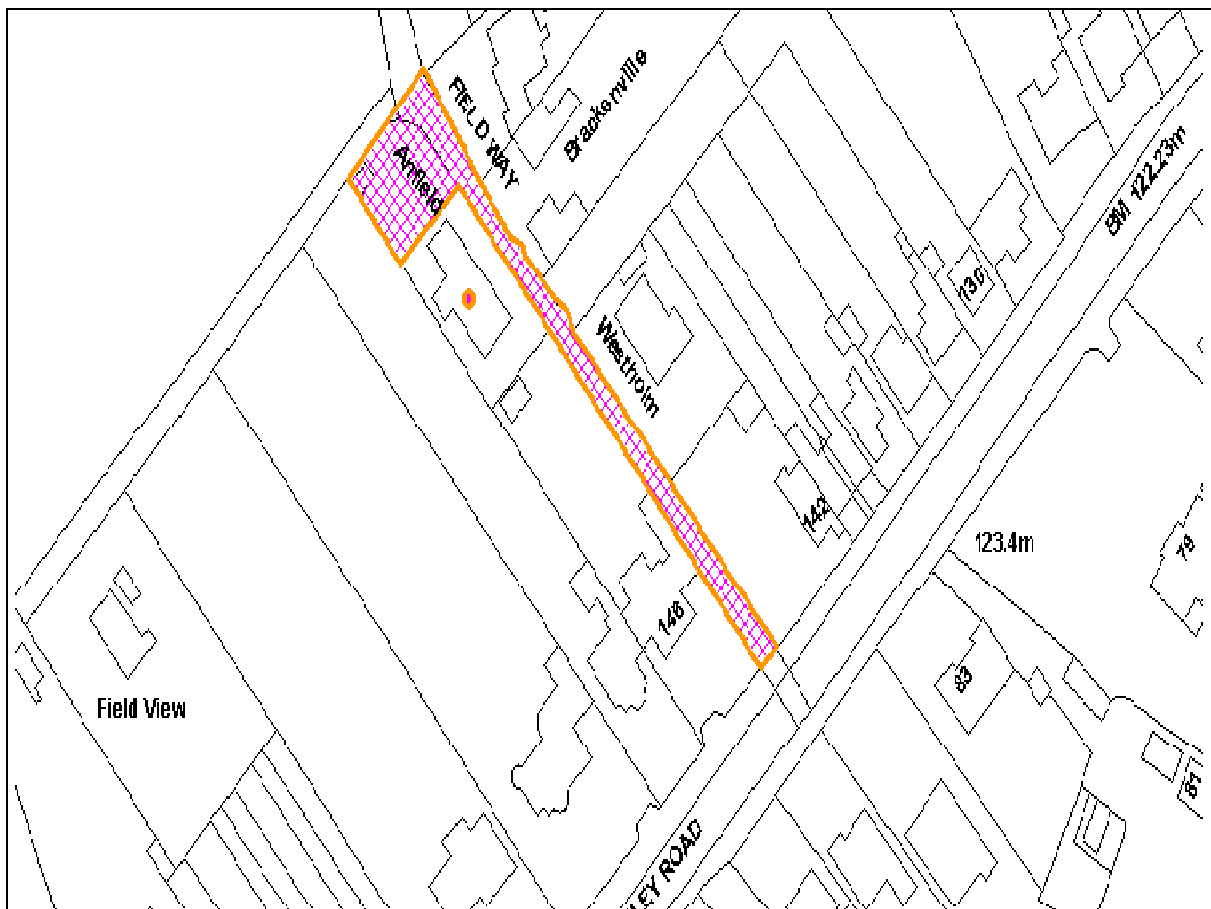
nature. To the west of the site are rear gardens of large detached dwellings along Hinckley Road, and to the south is the dwelling known as Anfield.

Technical Document submitted with the application

Design and Access Statement

Relevant Planning History:-

74/01311/4	Erection of 2 detached chalet bungalows	Withdrawn	
12/00146/HOU	Extensions and alterations to bungalow and erection of detached garage	Approved	29.05.12
13/00801/FUL	Erection of one new dwelling	Withdrawn	12.11.13
14/00003/FUL	Erection of one new dwelling	Withdrawn	21.02.14
14/00504/FUL	Erection of a bungalow with Associated parking and landscaping	Withdrawn	26.08.14



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objections subject to conditions have been received from Street Scene Services (Waste)

No objection has been received from:-

Environmental Health (Drainage)
Environmental Health (Pollution)

Leicestershire County Council (Highways) recommends refusal of the application on highway safety grounds:-

- a) the proposal would lead to the intensification in use of an access substandard in width and would be likely to lead to vehicles waiting within the highway detrimental to the free flow of traffic
- b) the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development
- c) the proposal could create a precedent for similar proposals and lead to a further increase in traffic using a substandard access.

Councillor Allen has submitted the following comments in support of the application:-

Leicestershire City Council (Highways) have previously had no issues with the proposed access to the site from Field Way - it is only in light of recent proposals for "back garden" developments (which would have been accessible from the narrower extension to Field Way) that they have had objections to development off Field Way.

- a) strays from the principle of considering each application on its own merits
- b) access from Field Way should be considered differently to those accessed from the extension.

One letter of representation has been received, raising the following objections:-

- a) overdevelopment of the plot
- b) not enough open space provided for landscaping and private use
- c) not in keeping with the surrounding properties (intensive use of the site), is contrary to the established pattern and character of development in the locality, and would thus be detrimental to the character of the area
- d) legally, residents have the right to insist for Field Way to be widened by 36 feet (as specified in their title deeds). This would be instigated should more than half of the current residents request for this. Therefore, should the road be widened, the proposed dwelling as well as the existing dwelling at Anfield would lose their allocated parking space, with no space for relocation
- e) sewers on Field Way are privately owned, and all owners would need to give consent for a further connection. This consent would not be given, on the basis that the sewers serving the existing properties are at capacity
- f) current property has a covenant against it, stating that only one property may be built on the site (being the existing dwelling Anfield).

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 2: Development in Earl Shilton

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy RES5: Residential Proposals on Unallocated Sites

Policy REC3: New Residential Development - Outdoor Play Space for Children

Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Play and Open Space Guide (SPD)

Leicestershire County Council 6C's Design Guide

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development,
- Relationship to the character and appearance of the surrounding area,
- The relationship to the neighbouring properties,
- Highway safety, and
- Other considerations

Principle of Development

The NPPF provides a presumption in favour of sustainable development. The application site is located within the settlement boundary of Earl Shilton as defined in the adopted Local Plan, where there is a presumption in favour of residential development subject to all other planning matters being satisfactorily addressed. It is also within a reasonable distance of services and facilities including alternative modes of transport and therefore considered to be in a sustainable location.

Adopted Core Strategy Policy 2 supports development within Earl Shilton to deliver a minimum of 10 new residential dwellings within the settlement boundary in addition to 2000 new dwellings in a Sustainable Urban Extension (SUE) to the south of Earl Shilton. Whilst the minimum number of other dwellings supported by Policy 2 has been surpassed (at 1 April 2014 a surplus of 33 additional dwellings had been approved), the Barwell SUE has not yet received formal planning permission and therefore the proposed dwelling would contribute to the overall requirement and the social role of sustainable development.

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. The site is within the settlement boundary however, this policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development.

Whilst the site may be considered to be in a sustainable location, paragraph 53 of the NPPF states that inappropriate development of existing residential gardens should be resisted. Paragraph 58 states that decisions should aim to ensure that developments respond to the

local character of an area. Given that the application is for the redevelopment of the residential garden of Anfield, the proposal should be assessed on its own merits, against the adopted local policies.

Relationship to the Character and Appearance of the Surrounding Area

Policy BE1 (criterion a) 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. Additionally, the Local Authority's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, and is well integrated into the surrounding area.

The area is predominantly characterised by dwellings fronting Hinckley Road to the south east which have long rear gardens projecting to the north west. Field Way consists of mainly single storey dwellings, situated predominantly on the eastern side of the access. Two dwellings are located to the western side, a two storey detached property known as Field View fronts onto the narrow spur off Field Way and Anfield, the host property which is a detached bungalow fronts directly onto Field Way. The front and rear gardens from dwelling No's 142 and 146 Hinckley Road extend along the Field Way entrance with Heathfield High School playing fields located to the north and north west.

The dwellings fronting Field Way are characterised by their individual designs, open frontages, and large garden plots to serve each house. The scheme proposes a relatively open frontage however, in order to provide a sufficient private garden area part of the frontage would be enclosed by a 1.8 metre high boundary wall which is set back from the road in order to provide visibility for vehicles.

The garden area, 70 square metres would be in accordance with the space requirements set out in the SPG in regards to the provision of private amenity space to a 2 bedroom dwelling. However, in the context of the surrounding area, this amount of space would be considerably lesser than the amount of garden space provided for existing dwellings along the access, and would thus be considered out of character. Additionally, it would significantly reduce the private amenity space provided to the existing dwelling Anfield which would be without a meaningful garden or useable area. This would be contrary to the requirements of the SPG, which indicates that the overall size of the garden area for a dwelling should be in proportion with the type of house and the general character of the area. The proposed and remaining gardens would be cramped and poorly laid out and leave an unsatisfactory relationship between the two properties.

In relation to the proposed design of the dwelling, the dimensions of the house are relatively small, with an approximate floor area of 70 square metres. The internal layout and constrained nature of the site will result in non habitable rooms within limited outlook and light. The proposed materials for the dwelling would be acrylic render, with incorporated cedar cladding and dark grey UPVC windows. Given the variety of house styles and designs existing along Field Way, this would not be considered out of character with the area.

Overall the proposals would be out of keeping with the character of the area and represent an overdevelopment of the plot.

Relationship to and between Neighbouring Properties

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

The proposed dwelling would face towards the private access Field Way, opposite neighbouring dwelling Sandy Lodge. By virtue of the separation distance of approximately 22.5 metres between the two dwellings, it is considered that the proposal would have no material adverse impacts on this neighbour, in terms of overbearing, overshadowing or loss of privacy.

To the rear of the dwelling is the back garden of No. 148 Hinckley Road. The nature of the proposal would result in the erection of a bedroom window facing the rear garden of the property. However, due to the siting of the window, the existing boundary treatment between the two dwellings and the extensive length of the rear garden of No. 148, any overlooking impacts into the neighbouring property would be limited. Additionally, by virtue of the single storey nature of the dwelling, it is not considered that the proposal would result in any overbearing or overshadowing impacts to this neighbour.

The proposed dwelling is sited at a distance of approximately 4.9 metres from the common boundary with the dwelling Anfield. By virtue of the single storey nature and siting of the proposal, the dwelling would not result in any overbearing or overshadowing impacts to this neighbour. However, the space that would separate the two dwellings includes a garden area for the proposed dwelling, and a separation distance of 1.1 metres of Anfield from the common boundary. The development would result in a loss of privacy to the proposed garden area, and impact on the amenity of the residents of both properties.

The kitchen, lounge and private garden have been situated to the south and south east of the dwelling in to receive maximum sunlight. Bedroom 1 is located to the north of the house, with an east facing bay window to the front of the property. Bedroom 2 is located to the north west of the house with a west facing window, which would face the existing boundary between the site and the neighbouring dwelling to the rear of the property No. 148 Hinckley Road. By virtue of the separation distance of 0.9 metres from the boundary as well as the existing boundary treatment (mature hedging), the amount of sunlight entering Bedroom 2 would be limited, particularly as there are no other windows to serve this bedroom.

Therefore, the proposal would not result in any overbearing or overshadowing impacts to the surrounding neighbours, by virtue of the siting, design and separation distances of the proposal on balance. However, it would potentially result in a loss of privacy and an unsatisfactory relationship to the neighbouring property Anfield, and would be contrary with Policy BE1 (criterion i) of the adopted Local Plan, as well as the Council's SPG on New Residential Development.

Highways Safety

Policy BE1 (criterion g) of the adopted Local Plan 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. The car parking provision of two spaces as proposed would be an appropriate level of car parking.

The proposed access to the application site is from Field Way, a private drive accessible off Hinckley Road. The drive currently provides access to at least eight dwellings. At present, width of the drive is substandard, and would not allow for vehicles to pass one another.

Therefore, this leads to vehicles waiting on the main highway (Hinckley Road), or backing out from the drive onto the highway. The proposal would therefore lead to an increase in traffic along this drive, and would thus be detrimental to both Field Way and Hinckley Road, in respect of highway safety and traffic flow.

As stated above, Leicestershire County Council (Highways) have objected to the proposal on the grounds that it would lead to an intensification in use of an access that is substandard in width and would be likely to lead to vehicles waiting within the highway or potentially vehicles backing out of Field Way into the highway. This would be detrimental to the free flow of traffic along Hinckley Road and would not be in the interests of highway safety. Highways have also objected on the basis that the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development, and the proposal, if permitted, would consequently result in an unacceptable form of development leading to dangers for road users. Additionally, concerns were raised regarding the fact that should the proposal be permitted, it could create a precedent for similar undesirable proposals which would be difficult to resist and lead to a further increase in traffic using a substandard access which would not be in the interests of highway safety.

The proposal is considered to be likely to result in adverse impacts on highway and pedestrian safety and is therefore considered to be contrary to Policy T5 of the adopted Local Plan. A refusal of the application on highway safety grounds would be consistent with the recent refusal of a similar proposal to the rear of 178 Hinckley Road (reference 14/00174/OUT) and a previous appeal decision in respect of another plot off Field Way (appeal reference APP/K2420/A/93/225073 relating to planning reference 93/0387/4).

Other Considerations

An objection has been received with regards to the private ownership of the foul sewer, and the lack of spare capacity. However, there is no evidence to suggest that an alternative satisfactory solution for the disposal of foul water drainage could not be provided to serve the additional dwelling and such details would be required to meet separate Building Regulations approval. Therefore, notwithstanding the objection which has been carefully considered, future drainage of the site can be controlled and this issue does not provide grounds for refusal of the application in this case.

Head of Street Scene Services (Waste) recommends a condition requiring the submission and approval of a scheme for the provision for waste and recycling storage and collection for the proposed dwelling. Collection is generally from the public highway, however, there are a number of existing dwellings along the private road which must have some form of collection arrangement and therefore is not considered to be necessary in this case for details to be submitted and in any case, this would not form a reason for refusal.

Policy 24 of the Adopted Core Strategy requires new residential development within Earl Shilton to be constructed to a minimum of Code Level 4 of the Code for Sustainable Homes unless it would make the development unviable. No information has been submitted to demonstrate that the proposed dwelling cannot be constructed to Code Level 4 as set out in Policy 24. This standard could be secured by the imposition of a condition should the application be recommended for approval. However, in view of the current review being undertaken in respect of the Code, the reasonableness of such a condition would need to be established.

The application site is not within 400 metres of any designated area for public play and open space for children and therefore, notwithstanding the additional residential unit proposed, it is not within a reasonable distance of such facilities and the scheme does not trigger a

requirement for any contribution towards the provision or maintenance of such facilities as required by Policies IMP1, REC3 or the adopted SPD on play and Open Space.

The objection raised in relation to the future maintenance of the private access Field Way cannot be given weight as it is not a material planning consideration.

The objection raised in relation to the covenant placed on the application site cannot be given weight, as it is not a material planning consideration.

Conclusion

The application site is situated in a sustainable location within the settlement boundary of Earl Shilton within an existing residential area. However, by virtue of the proposed allocated garden area, and separation distances from the site boundaries, it is considered as overdevelopment of the plot, and would be contrary to Policy BE1 of the adopted Local Plan, as well as the SPG on New Residential Development. Additionally, the dwelling would have an unsatisfactory relationship with the dwelling Anfield, and would be detrimental to the occupants of both dwellings. The proposed access Field Way is considered to be substandard in width, and as the proposal would result in an intensification of use of this access, it is considered that the proposal would not be in the best interests of highway safety or pedestrian safety, and would be contrary to Policy T5 of the adopted Local Plan. Further, if permitted, the development would set a precedent for similar development which would be difficult to resist, and would lead to a further increase in traffic using a substandard access. As a result, the proposal is not considered to be in keeping with the overarching principles of the NPPF and is therefore recommended for refusal.

RECOMMENDATION:- Refuse planning permission.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposals would have a detrimental impact on the amenity of the occupiers of the existing and proposed dwellings due to their proximity and poor relationship. The provision of a bedroom window in close proximity to a mature hedge would lead to an oppressive internal environment. The proposals would be contrary to the aims of the National Planning Policy Framework in requiring high quality design and Policy BE1 of Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, by reason of the size of the proposed plot, the relationship to neighbouring residential properties and the proposed design and layout, the proposed development would result in overdevelopment of the plot due to the inadequate amount of useable garden space for the existing and proposed dwelling, and would be out of character with the surrounding area.. The proposals would be contrary to the aims of the National Planning Policy Framework in requiring high quality design and Policy BE1 of Hinckley and Bosworth Local Plan.

- 3 In the opinion of the Local Planning Authority, Field Way is a narrow, substandard private drive without passing points and with a junction off Hinckley Road not having sufficient pedestrian or highway visibility. There are at least 8 dwellings already accessed off the highway which is above the recommended standards. The proposals would lead to an intensification in use of Field Way and would potentially lead to vehicles waiting within the highway in order to enter the site, reversing long distances, which would be an additional source of danger for road users, would be detrimental to the free flow of traffic and not in the interests of highway and pedestrian safety. The proposals would be contrary to T5 of Hinckley and Bosworth Local Plan and the Leicestershire County Council 6C's Design Guide.

Notes to Applicant:-

- 1 The plans used in the determination of this application are:- Drg No's: 6780A - 02 (Block plan), 6780P - 01 (Ground floor plans), 6780P - 02 (Elevations) and 6780P - 03 (Elevations) received by the Local Planning Authority on 29 October 2014.

Contact Officer:- Sarinah Farooq Ext 5603