

PLANNING COMMITTEE

31 March 2015

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: 01
Reference: 14/01205/OUT
Applicant: Davidsons Homes
Location: Land To The South West Of Lutterworth Road Burbage
Proposal: Residential development for up to 80 dwellings, open space and associated works (outline - access only)

RECOMMENDATION:- Grant subject to conditions and S106 agreement.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application that has attracted community interest and the Chief Planning & Development Officer considers it necessary to be determined by Planning Committee.

Application Proposal

Outline planning permission is sought for residential development of up to 80 dwellings with associated access and open space. All other matters are reserved.

20% affordable housing is proposed which, based on 80 dwellings, would provide 16 affordable units.

Vehicular access is proposed from Lutterworth Road to the east of the site via an existing private unmade road between No's. 120 and 122 Lutterworth Road.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered by the rear of dwellings along Lutterworth Road to the east, allotments to the north, Workhouse Lane to the west and a separate parcel of land and the M69 motorway to the south. The site is approximately 3.3 hectares in size. It lies adjacent to, but beyond existing residential development to the west of Lutterworth Road. The site is mostly flat and level. A mature and well established hedgerow with mature trees effectively splits the site in half. This landscaping belt runs from north east to south west across the site.

The centre of Burbage is located approximately 800 metres from the site.

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

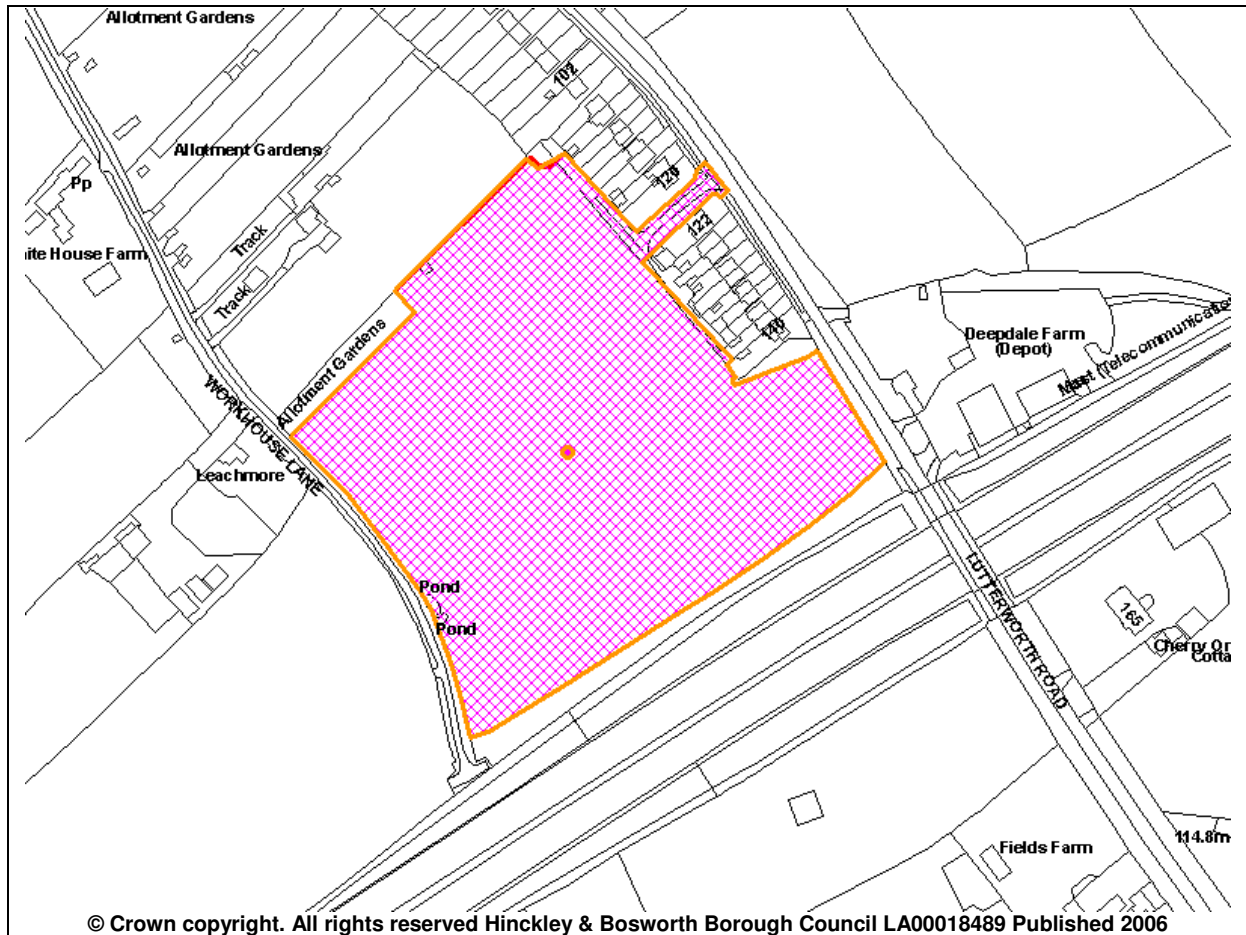
Technical Documents submitted with application

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

Heritage Statement
Transport Statement
Arboricultural Assessment
Noise Report
Landscape Appraisal
Statement of Community Involvement

Relevant Planning History:-

None relevant.



Consultations:-

No objection subject to conditions has been received from:-

- Leicestershire County Council (Flood Risk)
- 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)
- Highways Agency
- Arboricultural Officer
- Environment Agency
- Severn Trent Water Limited

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

Burbage Parish Council has raised the following objections:-

- a) the site is outside of the defined settlement boundary, is a greenfield site and contrary to Burbage Village Design Statement and borough planning policy
- b) the individual character of the village should be maintained and the rural vista should be protected to meet the leisure and recreational needs of the community
- c) residents feel strongly that the existing settlement boundary should be maintained and the remaining green fields around the village should be retained
- d) the proposed development would result in an adverse urbanising effect on the landscape resulting in harm to the intrinsic character and beauty of the countryside contrary to the requirement of Saved Policy NE5 of the Local Plan and Paragraph 17 of the NPPF
- e) the development would extend the settlement boundary toward the M69 resulting in an unacceptable reduction of the buffer strip between the M69 and the existing settlement boundary
- f) the development close to the busy road network would create a polluted area that is unsatisfactory for habitation
- g) the strategies as set out in the Landscape Character Assessment suggest that the local distinctiveness of Burbage should be protected and that the landscape structure which separates the village from the M69 corridor should be enhanced
- h) there are a number of serious highway concerns as the access/egress is onto a dangerous section of very busy commuter road that is notorious for speeding traffic. The single access point to the site is potentially a point for major hold ups caused by cars entering and leaving the site. There are also a significant amount of on street parking on Lutterworth Road in the vicinity of the proposed access junction at all times of the day and night. Vehicles parking close to the junction will restrict the visibility splay for drivers intending on exiting the site onto Lutterworth Road which will increase the risk of pull-out collisions. The vehicular traffic associated with the proposed development will also result in an unacceptable adverse impact upon the amenities of occupiers of dwellings on Lutterworth Road and especially those immediately adjacent to the access road.

Councillor Michael Mullaney has objected for the following reasons:-

- a) the proposal was originally for 50 dwellings and this has now risen to 80
- b) there have been numerous planning applications passed in Burbage recently, often being imposed on the area by the decision of Planning Inspectors, after the applications have been opposed by Hinckley and Bosworth Borough Council
- c) with so many planning applications being submitted for Burbage it is putting huge pressure on the infrastructure and roads in the village.

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

- a) the development would increase traffic onto the A5 which would be dangerous
- b) access is narrow and cars are parked either side of it
- c) Lutterworth Road is already narrow and has cars parked along it, creating a situation where vehicles have to wait and queue
- d) proposal does not calm speeding traffic
- e) The traffic data was collected when the junction with Lutterworth Road and the A5 was closed
- f) Burbage has exceeded the 295 dwellings in the Core Strategy.
- g) the Burbage Neighbourhood Plan is due to be submitted in its draft form and this application should be considered premature
- h) loss of greenfield site

- i) would result in loss of transition between urban and rural fringe through built development
- j) loss of views
- k) doctors oversubscribed and the development would further impact on this
- l) drainage is very poor
- m) the fields contain ridge and furrow
- n) noise emanating from the M69 will be excessive and impact on future residents
- o) impact on ecology
- p) the development would be contrary to the Burbage Village Design Statement
- q) the site is open and spacious in character which would be lost by this development
- r) the development would impact upon the amenity of existing residents on Lutterworth Road
- s) water pressure is already low and this development would make this worse
- t) development would result in an increase in crime
- u) schools in Burbage are at capacity
- v) there are other existing sites in Burbage that have been granted permission for development.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
 The National Planning Practice Guidance (NPPG) 2014
 The Community Infrastructure Levy (CIL) Regulations 2010
 Environmental Impact Assessment Regulations 2011

Hinckley & Bosworth Core Strategy 2009

Policy 4: Development in Burbage
 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 NE2: Pollution
 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
- Impact on the character and appearance of the area
- Siting, design and layout
- Housing mix
- Affordable housing
- Impact on neighbouring residential properties
- Highway considerations
- Flood risk and drainage
- Archaeology
- Ecology & trees
- Noise
- Pollution
- Infrastructure obligations

Principle of Development

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

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

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

Core Strategy

Policy 4 of the Core Strategy states that in Burbage land will be allocated for the development of a minimum of 295 dwellings. As of 1 October 2014, the residual requirement has been exceeded by 62 dwellings. However, it is important to note that this policy is expressed as a minimum to allow the delivery of further housing to meet shortfalls in housing supply.

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 were received and a modification consultation document was published in December 2014. The DPD is to be submitted to the Secretary of State for examination in public at the end of March 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. However, once submitted to the Secretary of State it would be appropriate to have regard and weight to those emerging policies. 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.

The residual housing requirement within Burbage 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.

As of 1 October 2014 the Council considered that it had a five year supply of housing sites, based on the 'Liverpool' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan and a 5% buffer and thus that the housing supply policies contained within the Core Strategy were up-to-date.

On the 11 March 2015 appeal decision ref: APP/K2420/A/12/2181080 Land East of Groby Village Cemetery was received. This was for the erection of 91 dwellings and associated ancillary development. This decision is a material consideration in the determination of this application.

The Inspector in this appeal gave consideration as to the most suitable method of housing supply calculation and to whether a 5% or 20% buffer should be applied. In his determination, the Inspector considered recent appeal decisions within the borough at Sketchley House, Burbage, Stanton Under Bardon Primary School and Ashby Road, Hinckley. The Inspector acknowledged there had been some variation in the conclusions drawn within each appeal in relation to the calculation of housing land supply. However, based on the most up-to-date evidence and the delayed delivery of the SUE's, he concluded that the supply of housing would be best served by making up the existing undersupply in the shorter term, in accordance with the 'Sedgefield' methodology. The Inspector found that the Council was not a persistent under deliverer and a 5% buffer would achieve the planned supply.

Based on the evidence submitted at this appeal by the appellant and the Council, the Inspector calculated that the Council does not currently have a 5 year supply of deliverable housing sites.

This latest appeal decision strongly indicates that the Council does not have a five year housing supply and therefore, in accordance with Paragraphs 49 and 14 of the NPPF, planning applications for new housing development 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 Burbage, 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 seek to guide development to appropriate; sustainable locations, and ordinarily, residential development would normally be restricted outside of settlement boundaries in the countryside.

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.

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 north and north 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, the NPPF states that in the absence of a five year supply of housing sites, which the Groby Road appeal decision strongly suggests is now the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

This application for 80 dwellings would help boost the supply of housing, contributing towards the Council's five year supply position.

The location of the site on the edge of the existing settlement of Burbage 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.

Impact on the Character and Appearance of the Area

As discussed above the site in policy terms lies outside of the defined settlement boundary for Burbage 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 remain generally relevant to development within the countryside. 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 M69 motorway to the south east, linear residential development along Lutterworth Road to the north east, allotments to the north and agricultural fields to the west of Workhouse Lane. The proposal would involve building on a greenfield site on land beyond the settlement boundary.

The proposal would result in a degree of conflict with criterion (a) of Saved Policy NE5 of the Local Plan in so far as the development would have an adverse effect on the appearance and character of the landscape in this location by introducing built residential development into an area of current open countryside. Therefore when considering the environmental dimension to sustainability as set out in the NPPF the proposal would result in a degree of harm to the landscape setting of Burbage by eroding the amount of open countryside to the south of the village.

Notwithstanding the above, 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 site is bound by mature hedgerows interspersed with trees which provide a degree of landscape screening, which would help to soften the impact of the development proposed.

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 north and east 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, appearance and layout of the scheme are reserved matters however from the indicative masterplan submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.

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 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 40 dwellings to the hectare to be achieved within urban areas unless individual site characteristics indicate otherwise.

The density of dwellings proposed would be 30 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 and bungalows in a range of 1, 2, 3, 4 and 5 bedroom homes as indicated in the Design and Access Statement, including both private market and affordable units which would comply with the requirements of Policy 16.

Affordable Housing

As the scheme is within an urban area, Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on the 80 dwellings, the provision would be for 16 affordable units; 12 units for social rent and 4 for intermediate tenure.

It is considered that there is a need for affordable housing in this area and the Affordable Housing Officer 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 Burbage 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 would be required to be spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.

There is a demand in Burbage for affordable properties. The applicant is proposing to deliver 20% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy. The delivery of 20% 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.

Impact on Neighbouring Residential Amenity

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 are located to the north east along Lutterworth Road. The rear gardens of those properties would back directly onto the site. The detailed design and layout of dwellings would be considered carefully at the reserved matters stage to ensure the dwellings proposed would not directly overlook or impact upon the amenity of neighbouring dwellings.

No's. 120 and 122 Lutterworth Road directly sit adjacent to the existing unmade access track that runs to the rear of dwellings along Lutterworth Road. This access track would be upgraded to a road to serve the proposed dwellings. Whilst these two properties would see an increase in the number of vehicles entering and exiting the site it is not considered that this would result in a significant degree of noise or disturbance to 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 has been considered by Leicestershire County Council (Highways) who state that the traffic generation and distribution proposed by the development is acceptable. The applicant has demonstrated that there are no capacity concerns at the Church Street/Lychgate Lane/Lutterworth Road (B578)/Windsor Street junction. The footway on the southern side of Lutterworth Road ends near Britannia Road, making a crossing of the road necessary to access services in the village. In addition bus users have to cross Lutterworth Road to access buses travelling in a southerly direction or to return to the site after getting off the bus. A crossing point with additional footway provision is required and this could be provided adjacent to numbers 102/104 Lutterworth Road, with an additional length of footway provided on the eastern side to connect with the existing footway. A condition to require these works has been imposed.

The site is within a reasonable walking distance of schools and facilities within Burbage 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. On this basis, 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 and Leicestershire County Council (Flood Risk) have raised no objection to the proposed development subject to conditions relating to surface water and the improvement foul water drainage.

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.

Severn Trent Water have raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. 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.

Leicestershire County Council (Archaeology) have raised no objection and consider that the site would be unlikely to contain any significant archaeological remains.

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 ecological assessment was submitted with the application, which has been considered by Leicestershire County Council (Ecology). 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. The central hedgerow running through the site should be incorporated as part of the open space as opposed to private gardens through the detailed design and layout of the scheme. A biodiversity management plan for all retained and created habitats including SUDs has conditioned to be submitted to ensure long term future maintenance.

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.

The Tree Officer has commented that the site layout will be amended at the reserved matters stage to allow greater distance from dwellings to the root protection areas of several veteran trees on site. Otherwise the proposal would retain as many of the existing trees on site as possible in the interests of biodiversity and visual amenity. A condition has been imposed requiring details of a full and updated tree constraints plan and tree protection plan prior to the commencement of development.

Noise

Policy BE1 (criterion h) seeks to ensure occupiers of dwellings due not suffer from noise disturbance. Due to the proximity of the site to the M69 motorway the applicant has submitted a noise report which has been considered by Environmental Health (Pollution), who raises no objection and states that modelled predictions show that without mitigation guideline noise levels will be exceeded both internally and in garden areas. The suggested mitigation includes a 3 metre fence to the boundaries of the site with views to the motorway (the entire eastern boundary extending to the western boundary). The report assumes the masterplan used in the report will be the final form and includes separation distances provided by an internal roadway between the M69 and the proposed dwellings and an area of open space in the noisiest area of the site.

Internal noise levels are predicted to be exceeded with windows partially open and as such Environmental Health (Pollution) recommends acoustic ventilation. Where indoor noise criteria are not able to be met with windows partially open mechanical ventilation should be used to allow purging of rooms without the need to open windows. Mechanical ventilation should be provided to habitable rooms facing the M69 and those properties on the western boundary. A scheme for protecting the proposed dwellings from noise from the M69 has been conditioned.

The built form of the dwellings (used as a noise barrier) should provide adequate attenuation in respect of external noise levels, provided that they are carefully planned so that external guideline noise levels are met. However the final design will be required to be agreed and modelled to ensure that this is the case. A condition has been imposed requiring a scheme to protect occupiers of the proposed properties from noise from the M69 to ensure residents are protected from significant noise disturbance.

Pollution

Saved Policy NE2 seeks to prevent the risk of pollution through development. 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.

Infrastructure Obligations

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon 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 Britannia Road Recreation Ground, 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 80 dwellings this would total £46,944.00. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the recreation ground. 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.

As there is no equipped children's play space within 400 metres of the site an onsite play space is required to be provided on the basis 5 square metres per dwelling which for 80 dwellings would equate to 400 square metres of equipped play space. In addition, 15 square meters per dwelling is required to be provided on site of informal children's play space which for 80 dwellings would equate to 1,200 square metres. Should the developer elect for the parish or borough council to adopt and maintain the provided on site equipped play space and informal play space the cost would be £1,130.00 or £90,400.00 for 80 dwellings. This would be for a 20 year maintenance period. Alternatively the developer may wish to elect to manage and maintain the open space and equipped play space through a management company.

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.

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 £232,300.99 is sought for primary education. The site falls within the catchment area of Burbage Church of England Infant School and Burbage Junior School and Burbage Hastings High School. A contribution of £143,009.36 is sought for high school provision and £98,383.66 for upper school provision.

The total education contribution request is £473,694.01. 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 £2,410.00 for use of provision and enhancement of library facilities at Burbage 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 £3,962.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 22 tonnes of waste generated by the development and given that the total waste collected is 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 (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Bus passes at two per dwelling for a six month period are required 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 stops on Lutterworth Road (to provide bus shelters) at £4,908.00 per stop. Information display cases for each stop are required at £120.00 per case. Real Time Information systems are also sought at £5,150 to provide a high quality public transport facility to the nearest bus stops to the site. 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 residents and an enhancement in the facilities for public transport users. A contribution of £6,000.00 is required for a Traffic Regulation Order at the new access to control existing on street parking and ensure the new access and Lutterworth Road is not obstructed. 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 £63,251.76 for Burbage Surgery. The list size of this practice has already grown and the practice has very limited space to manage any increases. The practice is at capacity and this development will create increased workload. The contribution would be used towards expanding existing treatment rooms and increasing capacity to 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 £27,286.00. This would be split into £2,939.00 for start up equipment for a new police officer that would be required as a result of the development, £1,750.00 towards associated vehicle costs, £168.00 towards additional radio call capacity, £88.00 towards Police National Database additions, £193.00 towards additional call handling, £2,055.00 towards ANPR cameras, £375.00 towards mobile CCTV equipment, £19,558.00 towards additional premises and £160.00 towards hub equipment for officers.

It is considered that this infrastructure 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.

Other Matters

Concern has been raised by neighbouring residents that the proposal would be contrary to the emerging Burbage Neighbourhood Plan. The neighbourhood plan is currently at an early stage and has not yet been submitted to the Council. The NPPG and Paragraph 216 of the NPPF states that an emerging neighbourhood plan may constitute a material consideration depending on the stage and level of unresolved objections. The neighbourhood area has

been designated and the Parish Council have circulated a questionnaire to residents. At this stage given that the neighbourhood plan has no clear policies or way of assessing any objections or how they may be resolved the weight that can be afforded to it is limited.

Conclusion

In conclusion, the principle of development is considered to be acceptable given that the recent Groby Road appeal decision strongly indicates that the Council no longer has 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 4 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 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 Burbage 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 20%, 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 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 subject to the required traffic calming works that have been conditioned would not post a highway safety concern.

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 S106 agreement.

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 be a sustainable development, 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 & Bosworth Core Strategy (2009):- Policies 4, 15, 16, 19 and 24.

Hinckley & Bosworth Local Plan (2001):- Policies RES5, IMP1, REC2, REC3, NE5, NE2, NE14, BE1, BE16 and T5.

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

Conditions:-

- 1 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:-
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.
- 3 This permission and the development hereby permitted shall be carried out generally in accordance with the submitted layout details as shown on:- Dwg No. 14-164-02B Lutterworth Road, Burbage - Masterplan.
- 4 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 5 No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan 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.
- 6 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.
- 7 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.
- 8 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.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this 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 The development shall be carried out in accordance with the recommendations of the Ecology Report by Aspect Ecology dated November 2014.
- 11 A biodiversity management plan for all retained and created habitats including SuDs has conditioned to be submitted to submitted to ensure long term future maintenance.
- 12 Notwithstanding the arboricultural report prepared by Aspect Arboriculture dated November 2014, prior to the commencement of development an updated full Arboricultural Implications Assessment and Tree Protection Plan to BS5837 2012 to include hedgerows will be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) November 2014 undertaken by Rodgers Leask and the following mitigation measures detailed within the FRA:-
- 1) Section 3.5.4. It is proposed to attenuate flows within an outline balancing lagoon, located to the south east of the site, with the outfall from the pond taking the form of a short length of culvert. It is proposed to design the pond in line with the recommendations contained within CIRIA C697.
 - 2) Section 3.5.5. Consideration would be given to providing appropriate landscaping and permanent wet areas within the pond, to increase the amenity value and biodiversity.
 - 3) Section 3.6.2. Where practicable, it is proposed to incorporate features such as swales within the available green space, ultimately discharging to the online pond before out-falling to the existing local watercourse.
 - 4) Section 3.6.3. Water treatment will generally be provided via swales, permeable block paved driveways (tinkered), filter strips and trapped gullies/ drainage channels.
 - 5) Maintenance scheme in place for the life time of the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 14 No development shall commence until a scheme for the improvement of the main foul water sewer system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of

dwellings approved by this permission shall occur until the improvement scheme has been completed.

- 15 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M69 has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed prior to the occupation of any dwelling. Where the "reasonable" standard specified in Table 5 of BS8233:1999 (Sound insulation and noise reduction for buildings-code of practice), can only be met with windows closed, habitable rooms will be fitted with acoustically attenuated active ventilators approved for use under the Noise Insulation Regulations 1975 or alternative ventilation systems of equal acoustic and cooling performance.
- 16 Prior to commencement of development, the scheme for an acoustic barrier, window specifications and ventilation shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the plots where the measures are proposed.
- 17 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 18 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 19 Prior to first occupation of the development hereby permitted, visibility splays of 2.4 metres by 73 metres shall be provided at the junction of the access with Lutterworth Road. These shall be in accordance with the standards contained in the current Leicestershire County Council design guide and shall thereafter be permanently so maintained.
- 20 No development shall commence until details of off-site highway works being to provide a new crossing point across Lutterworth Road with additional footway (adjacent to No's 102 to 104 Lutterworth Road) and an additional length of footway provided on the eastern side of Lutterworth Road to connect with the existing footway, is approved in writing by the local planning authority. No dwelling shall be occupied until that scheme has been constructed in accordance with the approved details.
- 21 No development shall commence until details of design for off-site highway works being the site access and traffic calming proposals in general accordance with Rogers Leask (plan no P14-296 SK100 rev. B) have been approved in writing by the local planning authority. No dwelling shall be occupied until that scheme has been constructed in accordance with the approved details.
- 22 Prior to the commencement of development details of the routing of construction traffic shall be submitted to and approved by the local planning authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

- 23 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
- 24 Prior to first occupation details of a Residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. The plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the plan shall be subject to regular monitoring and review reports to the local planning authority and, if invoked, to the implementation of the specified additional measures.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3 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.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure 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.
- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 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.
- 9 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.
- 10-12 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 13 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.

- 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.
- 15&16 In the interests of protecting the amenity of future occupiers to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 17&18 In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 20 To ensure a safe and convenient pedestrian access is provided to the nearest bus stops and services in the village centre to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 21 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 22 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 23 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 24 To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety in accordance with the National Planning Policy Framework.

Notes to Applicant:-

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

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

Contact Officer:- Simon Atha Ext 5919

Item: 02
Reference: 14/01274/OUT
Applicant: J H Hallam & Son Limited
Location: Land Beech Drive Thornton
Proposal: Residential development of up to 49 dwellings (Outline - access)

RECOMMENDATION:- Grant subject to conditions and S106 agreement.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application that has attracted community interest and the Chief Planning & Development Officer considers it necessary to be determined by Planning Committee.

Application Proposal

This is an outline application for the erection of up to 49 dwellings at land to the south of Beach Drive and the south west of Main Street, Thornton. All matters are reserved with the exception of access which is for consideration.

Access to the site is to be taken from an existing agricultural access off Beach Drive. Indicative plans have been provided which illustrate a mix of residential units arranged around an internal 'U' shaped road. An equipped children's play space is proposed in the southern corner of the site.

The application proposes 41% affordable housing, which would be distributed in two parcels across the development.

The application initially proposed to divert public right of way R85 along the route of the proposed eastern internal access road. Following significant concerns being raised by local residents and an objection from Leicestershire County Council (Footpaths) an amended plan has been received illustrating the right of way in its original position. (along the eastern boundary of the site)

Site and Surrounding Area

The site covers an area of 2.15 hectares and comprises of a single pastoral unit. The site has a steep topography, sloping down towards the south west and is enclosed to all elevations by mature native hedgerow and a belt of trees along the south western side.

The post war residential estate of Hawthorn/Beach Drive lies to the north west of the site and Main Street is to the north east.

Thornton is a small, linear settlement which has developed through ribbon development along Main Street. Although modern infill developments and modernisations have taken place along Main Street, the majority of modern development has been towards the southern fringe of the village.

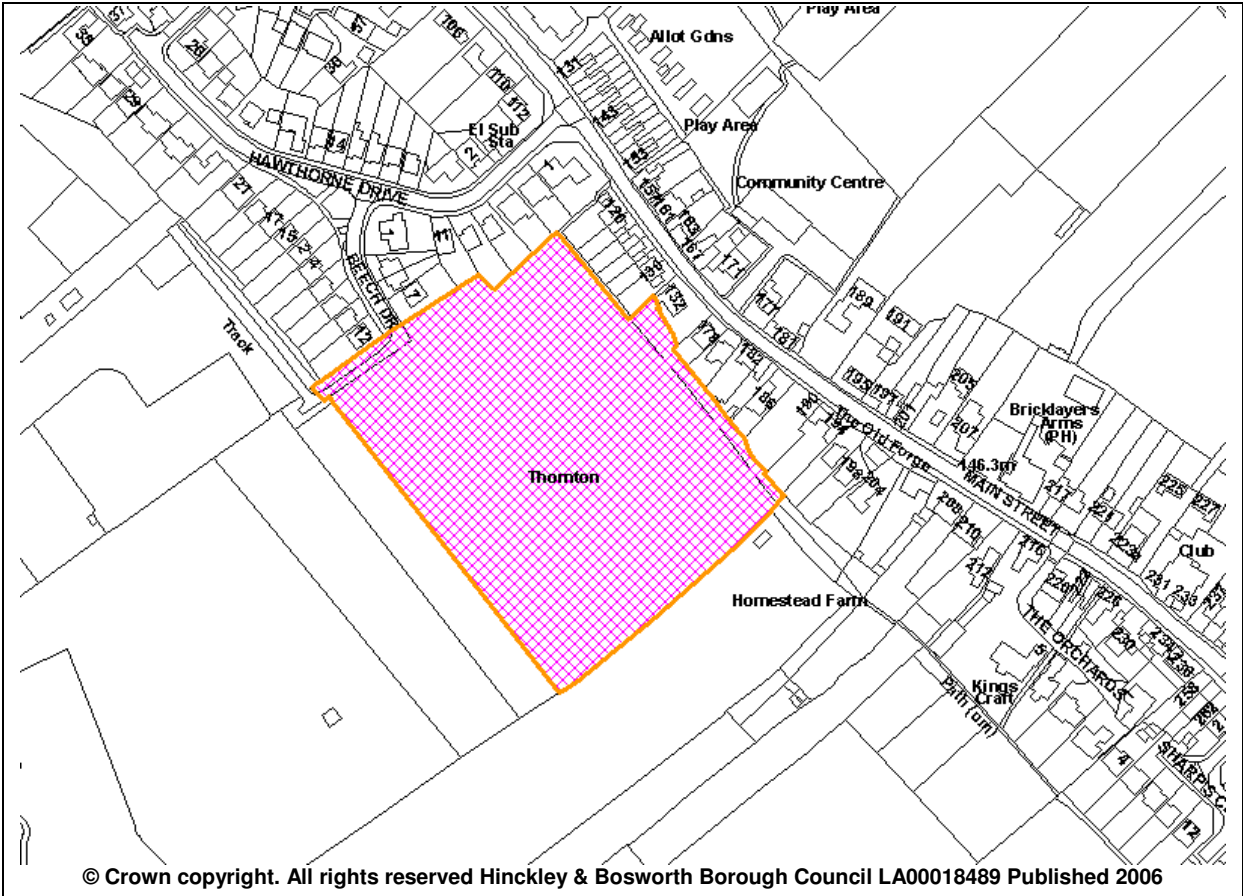
The site falls outside of, but adjacent to the settlement boundary of Thornton as defined by the adopted Hinckley & Bosworth Local Plan proposals map (2001).

Technical Documents submitted with the application

- Planning Statement
- Design and Access Statement
- Topographical Survey
- Flood Risk Assessment
- Transport Statement
- Ecology Survey
- Heritage and Archaeology
- Environmental Statement
- Landscape Review
- Arboriculture Report
- Archaeology Assessment
- Drainage Strategy

Relevant Planning History:-

04/00516/GDO	Formation of agricultural access way	GDO	19.05.04
10/00712/COU	Change of use from existing agricultural land to pony paddock and the erection of a stable	Approved	01.12.10



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Consultations:-

No objection has been received from:-

Leicestershire County Council (Drainage)
Leicestershire County Council (Ecology)

No objection subject to conditions has been received from:-

Leicestershire County Council (Highways)
Street Scene Services (Waste)
Environmental Health (Pollution)
Environmental Health (Drainage)

Leicestershire County Council (Footpaths) initially objected to the scheme, however the route of the footpath has subsequently been amended and the concerns initially raised have been resolved. objects to the scheme on grounds that the proposal would prevent access along Public Right of Way R85

As a result of the Developer Contribution consultation, the following requests have been made:-

- a) Leicestershire County Council (Civic Amenity) requests £3204
- b) Leicestershire County Council (Education) requests £119,054.26 (primary), £122,451.76 (secondary) and £26,092.67 (Post 16)
- c) NHS England requests £24,897.18
- d) National Forest requests 20% Woodland Planting

Bagworth and Thornton Parish Council have objected to the application on the following grounds:-

- a) The development proposal is premature
- b) The site is within the countryside
- c) Traffic and highway concerns and concerns over the accessibility of the site for emergency vehicles
- d) The proposal will place additional pressures on the local infrastructure and services
- e) The public consultation undertaken by the developer has been inadequate
- f) There are capacity issues with the local foul sewage disposal system
- g) Potential impacts in terms of Ecology and Archaeology have not been adequately explored.

Site notices and a press notice were displayed and neighbours notified.

129 letters of neighbour representation have been received in relation to the scheme. These raise the following concerns:-

- a) highway and pedestrian safety concerns
- b) objections to the footpath diversion
- c) development is too large a scale for the settlement of Thornton
- d) the primary school is over capacity
- e) principle of residential development in the countryside
- f) the local infrastructure could not cope with the additional pressures placed upon it by this development
- g) the site is visually prominent and the development would have an adverse impact on the character of the countryside

- h) there are inadequate services within the Thornton to support the residents of the future proposal
- i) the Site Allocations document does not allocate any land within Thornton for residential development
- j) ecological concerns have not been adequately addressed
- k) concerns raised over the steep gradient of the site
- l) there are currently houses for sale in Thornton which have not sold and therefore this illustrates that there is not additional demand in the village for housing.
- m) the bus service within the village is inadequate and the post office within Markfield would only be accessible by car
- n) loss of view of the countryside
- o) the application has been rushed through
- p) the site can not be accessed by emergency vehicles
- q) the proposal will de-value surrounding properties
- r) the site is well used by dog walkers and its loss would prevent access to the surrounding countryside
- s) the proposal would have a detrimental impact on the local tourist industry
- t) the local highway infrastructure is over capacity, with additional strain placed on it by the new housing developments within adjacent settlements
- u) the proposal would have a detrimental impact on existing trees
- v) there are existing high voltage power cables that cross the site, there is no record of this included within the application documents
- w) there is an over provision of affordable housing within the village
- x) the development would constitute over development of the village
- y) little reference has been made to 'Shadow Zones' and the blight that these will have on dominant houses
- z) the proposal does not constitute sustainable development due to the limited services within the village
- aa) concerns that the developer will go into liquidation and the site will be left part developed.
- bb) the density of development is too low and therefore contrary to the intentions of the Core Strategy
- cc) the scheme could lead to additional similar development of this kind
- dd) the proposal would result in additional adverse impacts in terms of noise and pollution
- ee) the development would have an adverse impact on the residential amenity of surrounding properties.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
 The National Planning Practice Guidance (NPPG) 2014
 The Community Infrastructure Levy (CIL) Regulations 2010
 Environmental Impact Assessment Regulations 2011

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
 Policy 10: Key Rural Centres within the National Forest
 Policy 14: Rural Areas: Transport
 Policy 15: Affordable Housing
 Policy 16: Housing Density, Mix and Design
 Policy 19: Green Space and Play Provision
 Policy 20: Green Infrastructure
 Policy 21: National Forest
 Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) - February 2014
Green Space Strategy: Landscape Character Assessment (2006)

Appraisal:-

The following considerations in determination of this application are:-

- Principle of development
- Character and impacts on the countryside
- Highway considerations
- Residential amenity
- Infrastructure obligations and viability
- Drainage and flood risk
- Archaeology
- Ecology
- Pollution
- Agricultural land

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).

At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to this, economic, social and environmental which give rise to the planning system to perform a number of roles. These roles are mutually dependant; therefore to achieve sustainable development, such gains should be sought jointly and simultaneously.

Paragraph 14 of the NPPF sets out that to deliver the presumption in favour of sustainable development, for decision taking this means:-

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

Core Strategy

Policy 7 of the Core Strategy provides the overarching policy for Key Rural Centres. Specifically it supports housing development within settlement boundaries that provide a mix of housing types and tenures as set out in Policies 15 and 16 of the Core Strategy.

Policy 10 of the Core Strategy seeks to transform the former mining settlements of Bagworth and Thornton into 'Forest Settlements'. The provision of services in Bagworth is the priority of this policy. This will be secured through (amongst other things) the allocation of land for the development of a minimum of 60 new homes in Bagworth.

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 were received and a modification consultation document was published in December 2014. The DPD is to be submitted to the Secretary of State for examination in public at the end of March 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. However, once submitted to the Secretary of State it would be appropriate to have regard and weight to those emerging policies. 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.

No sites have been allocated within the Emerging Site Allocations and Development Management Policies DPD in Thornton 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.

As of 1 October 2014 the Council considered that it had a five year supply of housing sites, based on the 'Liverpool' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan and a 5% buffer and thus that the housing supply policies contained within the Core Strategy were up-to-date.

On the 11 March 2015 appeal decision (application ref: 12/00250/FUL) Land East of Groby Village Cemetery was received. This was for the erection of 91 dwellings and associated ancillary development. This decision is a material consideration in the determination of this application.

The Inspector in this appeal gave consideration as to the most suitable method of housing supply calculation and to whether a 5% or 20% buffer should be applied. In his determination, the Inspector considered recent appeal decisions within the borough at Sketchley House, Burbage, Stanton Under Bardon Primary School and Ashby Road, Hinckley. The Inspector acknowledged there had been some variation in the conclusions drawn within each appeal in relation to the calculation of housing land supply. However, based on the most up-to-date evidence and the delayed delivery of the SUE's, he concluded that the supply of housing would be best served by making up the existing undersupply in the shorter term, in accordance with the 'Sedgefield' methodology. The Inspector found that the Council was not a persistent under deliverer and a 5% buffer would achieve the planned supply.

Based on the evidence submitted at this appeal by the appellant and the Council, the Inspector calculated that the Council do not currently have a five year supply of deliverable housing sites.

This latest appeal decision strongly indicates that the Council does not have a five year housing land supply and therefore, in accordance with Paragraphs 49 and 14 of the NPPF, planning applications for new housing development 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 Thornton, 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 seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. Policies RES5 and NE5 seek to guide development to appropriate; sustainable locations, and ordinarily, residential development would normally be restricted outside of settlement boundaries in the countryside.

Status of Local Plan Policy

Paragraph 14 of the NPPF indicates that; where a development plans is absent, silent or out of date, then permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 49 of the NPPF requires housing applications to be considered in accordance with the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if a local planning authority can not demonstrate a five-year supply of deliverable sites.

When taking into consideration the conclusions of the Inspector at the Groby Road appeal, the Council is unable to demonstrate that it has a five-year supply of deliverable housing sites. On adopting this position, Policies 7 and 10 of the Core Strategy and Policy RES5 and then initial part of Policy NE5, which relate to the supply of housing, in accordance with Paragraph 49 are considered to be out-of-date.

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 defines the three dimensions of sustainable development as follows:-

Economic

It is acknowledged that the proposed scheme would contribute towards the wider economy, through construction related employment and the purchasing of materials and services. Further, the development would secure financial contributions for the provision and future maintenance of local infrastructure and would help sustain employment opportunities within the surrounding area.

Social

The delivery of both market and affordable housing is a social benefit. There is a primary school and a public house within the settlement, which would cater for some social needs of the development, however other than these there are few other services and facilities within Thornton. Consequently residents of this development would be highly reliant upon the car to access facilities such as shops and doctors within adjacent, larger settlements. In this respect the settlement of Thornton cannot be considered as providing comprehensively for the social needs of the development and cannot be considered the most sustainable location. That said, such deficiencies must be balanced against the contribution the proposal would make to the provision of housing within the borough. The benefits associated with the schemes contribution towards meeting the established housing needs, in this case would override the harm caused by developing in this relatively unsustainable location. Furthermore the development would be supportive of existing services within the adjacent settlements and would contribute towards the vitality and vibrancy of the wider rural area. The development would also secure improvements to play provision, education, health facilities and green infrastructure within the locality.

Environmental

The site falls within the countryside, where residential development is restricted by Local Plan Policies NE5 and RES5. Accordingly harm to the countryside must be balanced against the benefits of the scheme.

The site comprises of a single pastoral unit. Although the land could be farmed for livestock grazing, due to the size and topography of the site, benefits associated with this, and thus the sites contribution to the rural economy would be relatively small.

Whilst the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built at a relatively low density to reflect the rural character of the area and the scheme would incorporate areas of tree planting in accordance with the National Forest Planting Strategy and would be landscaped to help it assimilate within its rural setting. Through the development there would be opportunities to enhance the local biodiversity and the dwellings would be built in accordance with the latest energy efficiency standards.

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 accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, the NPPF states that in the absence of a five year supply of housing sites, which the Groby Road appeal decision strongly suggests is now the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

This application for 49 dwellings would help boost the supply of housing, contributing towards the Council's five year supply position.

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

Character and Impact on the Countryside

Criterion i - iii of saved Policy NE5, constitutes design criteria which seeks to ensure that new 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 surrounds, and where necessary is effectively screened.

Paragraph 109 of the NPPF states that the natural and local environment should be enhanced, by protecting and enhancing valued landscapes, geological conservation interests and soils.

Within the Landscape Character Assessment 2006, Thornton is defined as being within the Forest Hills Character Area. This area's key characteristics include its undulating rural landscape, large scale field pattern, with groups of smaller fields surrounding settlements and linear settlements of former mining villages. The landscape strategy for this area seeks to ensure that the siting and design of new development complements the existing settlement pattern of the area. However, the wider area is more resilient to change due to the evolving nature of the landscape.

The site comprises a parcel of agricultural land, with an area of 2.15 hectares. The land is currently in pastoral use and comprises a single field. The north eastern and north western boundaries are adjacent to existing residential development along Main Street and Beach Drive.

Historically Thornton comprised of a linear settlement. However two post war housing estates have been developed to the south of Main Street; Hawthorn/Beach Drive and Highfields/Oakwood/Warwick Close and St Peters Drive, which have altered the development pattern. The application site is situated directly adjacent to Hawthorn/Beach Drive and would provide a continuation of this to the south east. Land between the two existing developments has been sub-divided into smaller pastoral units, resulting in a structured field pattern and further varying the historic field pattern.

The site rises to the south east, which limits long distance views and there is a belt of woodland tree planting along the south western boundary of the site, which once mature, will limit views in this direction. From the south, the site would be viewed against the context of existing development within the settlement. Accordingly the site is visually and physically constrained and is not viewed prominently within the context of the wider landscape.

The indicative details seek to retain and enhance the existing vegetation and tree planting along the southern and south western boundaries of the site, and a belt of informal landscaping is proposed along the width of the northern boundary. The indicative layout suggests that the development would be inward facing, with rear gardens acting as a further buffer between the built development and the surrounding countryside.

The surrounding residential properties vary in terms of their siting and design, although density of development is relatively low, with most dwellings occupying large plots.

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 and requires at least 30 dwellings to the hectare to be achieved within rural areas unless individual site characteristics indicate otherwise.

The indicative layout is generally acceptable, although the density proposed is low (23dph). This is considered acceptable as it reflects the site's edge of settlement position. This said, design improvement would be required in respect of the plots abutting the countryside and the specific boundary treatment details in this sensitive location. Further work is also required in relation to the siting and parking arrangements for the affordable units. The layout would be discussed in further detail within any subsequent reserved matters application.

The mix of properties has also been influenced by the surrounding developments with a mixture of detached, semi-detached and terraced two storey developments. These design details would be considered in more depth at reserved matters stage.

The proposed landscaping would help to frame and preserve the rural setting of the site and would act as a natural buffer between the open countryside and the development.

The proposed access would continue from an existing spur off Beech Drive. The layout of the development has been carefully considered to demonstrate that the road layout would be achievable given the gradient constraints on the site. The access would be gently graded to minimise the extent of hard engineering required to deliver the access in accordance with the technical highway standards.

Although the development would urbanise this historically rural area, subject to acceptable and sensitive landscaping, design and layout, the consequential impacts are not considered to result in detrimental harm to the character of the area. The scheme has the potential to enhance the local landscape and provide increased opportunities for biodiversity and environmental upgrade.

The proposal is considered in environmental terms to be sustainable development. Furthermore, the supporting information has demonstrated that it is likely that a design solution is likely to be achievable, in accordance with the design criteria of Saved Policies NE5 and BE1.

Affordable Housing

In rural areas, Policy 15 of the Core Strategy requires that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The scheme proposes 49 dwellings resulting in a requirement for 20 of those proposed to be affordable.

There is a recognised need for affordable housing in this area. If Committee support the recommendation to grant permission, it will be necessary as part of 106 negotiations to ensure that applicants for affordable housing to have a local connection to the parish of

Thornton in the first instance and in the second instance the borough of Hinckley and Bosworth.

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

There is a demand in Thornton for affordable properties. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy. 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.

Access and Highway Considerations

Policies T5 and BE1 (criterion g) of the Local Plan seek to ensure that new developments have adequate visibility, parking and turning facilities and that the highway design standards within the Leicestershire County Council's "Highways Requirements for Development" are achieved.

Chapter 4 of the NPPF promotes sustainable transport. Paragraph 34 suggests that developments which generate significant vehicle movements should be located where the need to travel would be minimised and the use of sustainable transport modes could be maximised and Paragraphs 37 and 38 recognise and promote the benefits of mixed used developments.

Given the scale of this proposal, it has been accompanied by a Transport Statement. This has taken account of existing traffic conditions, accessibility, sustainable modes of transport, accident records and vehicular impacts.

The illustrative masterplan shows 49 dwellings arranged around three interconnecting roads. The layout of the development has been examined in detail to demonstrate that the road layout would be achievable given the gradient constraints on the site.

Vehicular access would be from an extension of Beech Drive, which is a 5.5m wide adopted residential road with 1.8m wide footways on both sides. These dimensions would be carried into the development, so that it would also have a 5.5 metre wide carriageway, with footways on both sides.

Pedestrian access would be via the public footpath that currently runs into the site and then along the backs of the houses fronting Main Street (eastern boundary). Upgrading of the footpath with a tarmac surface is proposed.

Beech Drive comes from Hawthorne Drive. Between them they serve around 63 houses, connected via a T-junction to Main Street. With the additional 49 dwelling proposed by this application, the number served from this junction would increase to 113 houses. This number would be in accordance with guidance which identifies the numbers of dwellings served from a single point of access.

The Transport Statement concludes that the development would not materially alter the conditions on the local highway network. However it has been noted that the visibility for vehicles emerging from Hawthorne Drive is substandard and that the development would add extra traffic past the school on Main Street. To respond to this concern the application proposes to add a junction table at the Main Street/Hawthorne Drive junction.

It is considered that this solution would assist pedestrian crossings of the road and would reducing speeds at all times to around 20mph. This will have a secondary benefit that the required visibility splay to the right for vehicles emerging from Hawthorne Drive will reduce in length and the achievable distance will be more than is required.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. On this basis, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and guidance contained within the NPPF.

The development is not considered to result in a severe highway impact in accordance with Paragraph 32 of the NPPF. Accordingly subject to the recommended conditions and the construction of a junction table at the Main Street/Hawthorne Drive junction, the scheme is considered acceptable in terms of highway safety.

Impacts upon Residential Amenity

Criterion (i) of Policy BE1 of the Local Plan seeks to ensure that development does not adversely affect the occupiers of neighbouring properties.

In respect of criterion (i), as appearance, layout and scale are not for consideration at this time, impacts in terms of privacy, overshadowing and the development being of an overbearing form can not be comprehensively considered at this stage.

By virtue of its scale however, the development would result in some impacts in terms of noise and disturbance, both from vehicle movements and the development itself. The dwellings most likely to be affected would be those adjacent to the sites northern and eastern boundaries.

A Noise Impact Assessment accompanies the application. This assesses potential noise impacts from construction and traffic. The report been considered by Environmental Health (Pollution) and no objections on such grounds have been received.

Infrastructure Obligations

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

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis.

A Primary School contribution request of £119,054.26 has been made for Thornton Primary School. The School has a net capacity of 140, and 152 pupils are projected on the roll should this development proceed; a deficit of 12 pupil places (of which 2 are existing and 10 are created by this development). Accordingly a claim for an education contribution for the 10 deficit pupil places created by the development is considered to be justified.

A Secondary School contribution request of £122,451.76 has been made for South Charnwood High School.

The School has a net capacity of 695 and 821 pupils are projected on roll should this development proceed; a deficit of 126 pupil places (of which 119 are existing and 7 are created by this development). This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at South Charnwood High School.

A Post 16 sector contribution request of £26,092.67 has been made for Groby College. The College has a net capacity of 291 and 358 pupils are projected on roll including the demand created by this scheme. Two pupil places are being funded at this school from S106 agreements for other developments in this area which reduces the total deficit for this school to 65 . 63 of these places are existing and two would be created by this development.

The education requests are 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.

Civic Amenity

A contribution request has been made from Leicestershire Shire County Council Environmental Services for £3,204 for enhancing the waste facilities at Coalville Civic Amenity Site. It is estimated that there would be an additional 13 tonnes (approx.) of waste generated by the development and given the total waste collected is 5,898 tonnes per annum, it would be difficult to argue that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Health

A contribution request of £24,897.18 has been received from NHS England. Justification for this is on the basis that the proposal could result in an increased patient population of 119. The application site falls within the catchment of the Markfield GP Practice. The practice has indicated that an increase in GP sessions would be required and that presently the surgery has no spare capacity. The practice has identified that the surgery premises would need to be extended. The site has the capacity to accommodate an extension. The contribution requested would go towards the premises development which is attributable to the proposed population increase.

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.

National Forest

The application site extends to 2.15ha therefore, as required by Core Strategy Policy 21, the development would be required to incorporate 20% woodland planting and landscaping. This would equate to 0.43ha in this instance.

There is adequate space within the areas of informal play space and landscaping to deliver this requirement. The National Forest Company has therefore suggested that a condition be imposed to ensure that at reserved matters stage, the identified requirement for woodland planting is illustrated on the proposed plans. This requested is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and will therefore be requested.

Play and Open Space

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

The site is located within 1km of Main Street/Thornton Reservoir Local Open Space This facility would fall within the remit of Policy REC2. Policy REC2 applies which states a contribution of £28,753.20, as set out in the Play and Open Space SPD would be required for the development. This would be subdivided into £15,817.20 for provision and £12,936.00 for maintenance. 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.

The indicative site plan illustrates that the development would provide the following play and open space facilities and green infrastructure:- 1000 square metres of Formal play space, comprising of a children's play area and 2120 square metres of informal play space and landscaping.

The onsite play and open space would be required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council; otherwise the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £141,400.00 total. The maintenance contribution for the informal on-site play space would be £22,472.00. These amounts are as set out in the Play & Open Space SPD.

Contributions would be secured through the S106 Agreement if the applicant elects for the Borough Council or Parish Council to adopt any play and open space. Alternatively the applicant may wish to secure the maintenance of the play and open space through a management company.

Drainage and 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 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 and Leicestershire County Council (Flood Risk) have raised no objection to the proposed development subject to conditions relating to surface water and the improvement foul water drainage.

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.

Severn Trent Water has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. 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.

Leicestershire County Council (Archaeology) have raised no objection and consider that the site would be unlikely to contain any significant archaeological remains.

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

Paragraph 109 of the NPPF states that the planning system should seek to minimise impacts on biodiversity and provide net gains in biodiversity, continuing the government's commitment to halt the overall decline in biodiversity.

The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). It has been commented that the survey did not note any species of more than local significance that would be impacted upon by the development. However, the hedgerow along the south eastern boundary, the plantation along the south western boundary and a veteran Oak (T3) sited within the south eastern boundary have been considered as important and worthy of retention. Accordingly, conditions are proposed to secure this.

Pollution

Saved Policy NE2 seeks to prevent the risk of pollution through development. 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.

Agricultural Land

Although the application would result in the loss of agricultural land, in accordance with Paragraph 112 of the NPPF, the site does not comprise of the most versatile agricultural land and therefore this would not weigh against the scheme in this instance.

Other Matters

Queries have been raised in respect of foul sewage disposal. A condition, requiring such detail has been requested by Severn Trent Water This would ensure that there were satisfactory methods in place to cater for foul water disposal.

Concerns have been raised regarding pedestrian and emergency vehicle access within and around the site and in relation to the design of the proposed dwellings. As appearance and layout are not for determination at this stage, full details have not been provided. These matters would be subject for consideration at the reserved matters stage.

It has been suggested that there are high voltage power cables which cross the site. To ensure these will not be impacted upon by the proposal, Western Power have been consulted on the application. Any comments received will be reported as a late item.

Concerns have been raised that the existing trees along the site boundaries would result in an unacceptable level of overshadowing to the proposed dwellings, which would result in pressure for their removal. This concern would be addressed through the layout of the development, in the determination of the subsequent reserved matters application. Further, appropriate tree protection has been secured by way of condition on this application.

Conclusion

In conclusion, the principle of development is considered to be acceptable given that the recent Groby Road appeal decision strongly indicates that the council no longer has 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 Policies 7 and 10 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 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 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 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 subject to the required condition would not post a highway safety concern.

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 S106 agreement.

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 be a sustainable development, 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 & Bosworth Core Strategy (2009):- Policies 7, 10, 15, 16, 19 and 24.

Hinckley & Bosworth Local Plan (2001):- Policies RES5, IMP1, REC2, REC3, NE5, NE2, NE14, BE1, BE16 and T5.

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

Conditions:-

- 1 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including the provision of 20% Woodland Planting, treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.
- 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 No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan 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 The development shall be carried out in accordance with the recommendations of the Ecology Report by Aspect Ecology dated November 2014.
- 8 Notwithstanding the arboricultural report dated 7th October 2014, prior to the commencement of development an updated full Arboricultural Implications Assessment and Tree Protection Plan to BS5837 2012 to include hedgerows will be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9 A properly designed and robust surface water drainage system, in accordance with the SuDs principles shall be designed for the development and submitted to the Local Planning Authority for approval at reserved matters stage. The system should be designed to make allowances for climate change so as to reduce the risk of flooding in the future.
The approved drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 10 No development shall commence until a scheme for the improvement of the main foul water sewer system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the improvement scheme has been completed.
- 11 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 12 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 13 The access should have a minimum width of 4.8 metres wide for at least the first 5 metres behind the highway boundary. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall be maintained thereafter

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3&4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7&8 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 9&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 Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11&12 In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

- 5 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent water to discuss your proposal further. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Contact Officer:- Eleanor Overton Ext 5680

Item: 03
Reference: 15/00074/COU
Applicant: Mr Kamal Ullah
Location: The Pantry 102 Rugby Road Hinckley
Proposal: Change of use from ground floor hot food takeaway (Use Class A5) to Bangladeshi meeting centre (Use Class D1) and alterations to front elevation (revised proposal)

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee at the request of the Chief Planning & Development Officer.

Application Proposal

This application proposes to change the use of the ground floor of the property from a hot food takeaway (Use Class A5) to a meeting centre (Use Class D1) for community, cultural and religious activities. The application also proposes alterations to the front elevation at ground floor including the removal of the existing shop front window and its replacement with a new front entrance door and two small windows. Eight car parking spaces are proposed to the rear of the premises with access off Willowbank Road. The application relates to approximately 73 square metres of the ground floor of the premises and would provide a community room, meeting room and kitchen and toilet facilities. A ground floor kitchen and staircase leading to the first floor would be accessed by a separate entrance.

The application has been submitted following the refusal of planning permission for a similar use, described by the previous applicant as a Muslim prayer room/community centre in 2014 (reference 14/00648/COU) that would have served a wider section of the community. The previous application was refused on the grounds that the scheme would result in a change in the profile of the premises such that the proposed use would result in higher levels of congregation outside the premises and intensification of traffic, parking and manoeuvring around the premises that would have adverse impacts on the amenities of neighbouring and nearby residents.

This application seeks to overcome the previous reason for refusal by seeking to provide a meeting centre facility for a much smaller section of the community, specifically the local Bangladeshi community, and by amendment to the parking layout within the rear yard area to aid manoeuvring and access and by retention of existing landscaping around the parking area.

The Planning Statement submitted to support the application states that whilst the premises would be open from 8.00am to 8.00pm it is not expected that it would be in constant use. It further states that the premises would provide a focal point for a small section of the community (between 80 - 100 people) to meet on irregular but structured occasions with others with the same cultural roots. Examples of meetings could include:-

- Assistance to new residents moving to the area
- Language classes for children

- Discussion about cultural matters
- Prayer meetings

The applicant has subsequently stated that there are 13 households in Hinckley and Burbage with Bangladeshi origins which comprise approximately 60 - 70 people. He also states that the number of people using the facility at any given time would not exceed 30 people and that would be for the peak usage for Friday prayers. The Bangla language classes would be held mainly for children which do not number more than 15. The applicant has also confirmed that there is no intention for any music to be played at the premises.

The applicant has stated that the adjoining residential property is within his ownership jointly with his business partner. It has also been confirmed that internal soundproofing works have been undertaken as part of the previous planning permission for the hot food take-away use on the ground floor.

The applicant has stated that the adjoining residential property is within his ownership jointly with his business partner. It has also been confirmed that internal soundproofing works have been undertaken as part of the previous planning permission for the hot food take-away use on the ground floor.

The Site and Surrounding Area

The premises are located within the settlement boundary of Hinckley at the junction of Rugby Road and Willowbank Road and currently comprises a semi-detached two storey building that has been extended to the south side elevation at ground floor. The ground floor of the premises currently accommodates a hot food take-away business together with linked residential use in the extension and to the first floor. It is attached to the north to a semi-detached two storey house (100 Rugby Road). The site is located to the south of Hinckley town centre in a predominantly residential area with dwellings located to the north, west and south. There are other uses in the vicinity including small employment/commercial units to the rear (east) on Willowbank Road, an offices complex approximately 65 metres to the south (Hinckley Hub) on Rugby Road accommodating local government services and a dog grooming parlour and off-licence and local shopping arcade approximately 45 and 60 metres to the north respectively.

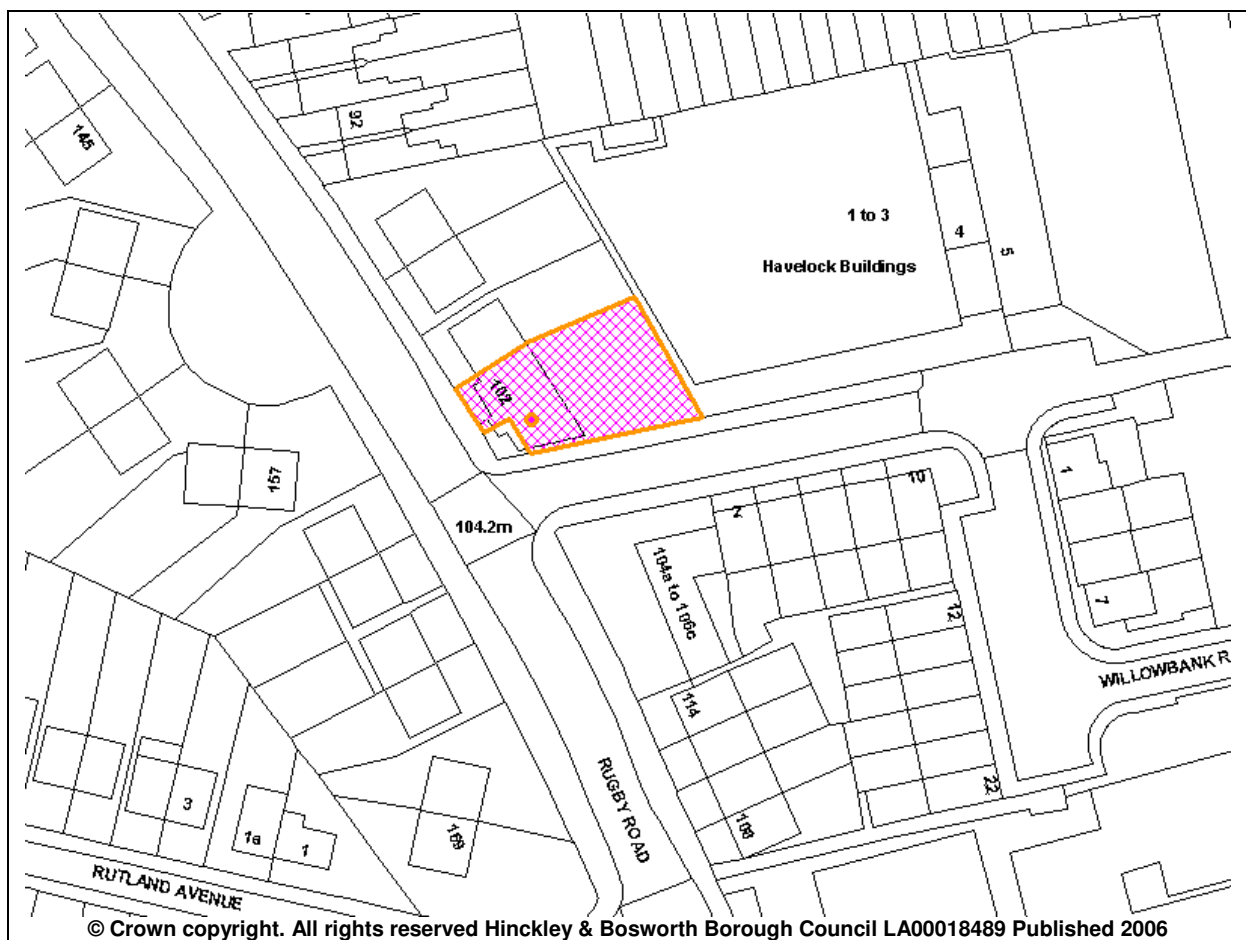
Technical Documents Submitted with the application

Planning Statement

Relevant Planning History:-

14/00648/COU	Change of Use of ground floor From A5 (hot food takeaway) to D1 religious community centre	Refused	22.09.14
13/00958/FUL	First floor extension to create two flats with external staircase	Approved	29.01.14
12/00749/CONDIT	Variation of condition 4 of planning permission 10/00908/COU to vary opening hours to 07:30- 21:00 for one year	Refused Appeal Allowed	17.10.12 22.04.13
12/00475/CONDIT	Variation of condition 4 of planning permission 10/00908/COU to vary opening hours to 07:30- 23:00	Refused	25.07.12

10/00908/FUL	Change of use from retail (Class A1) to hot food takeaway (Class A5) & retention of an external extractor flue (retrospective)	Refused Appeal Allowed	06.01.11 02.09.11
10/00241/FUL	Change of use from retail to hot food takeaway and retention of external extractor flue (retrospective)	Refused Appeal Dismissed	17.05.10 08.10.10
09/00755/CLU	Certificate of lawful existing use of A3 hot food takeaway and restaurant	Refused	15.12.09



Consultations:-

No objection subject to conditions has been received from:-

- Leicestershire County Council (Highways)
- Environmental Health (Pollution)

42 representations have been received, two of which are not considered or reported due to their discriminatory nature. The remaining 40 objections are made on the following (summarised) grounds:-

- a) the premises are not in a suitable location for the proposed use
- b) the premises are not suitable for the proposed use
- c) there is no need for the proposed use, there are other meeting rooms available in the town
- d) inadequate parking will be provided within the site to serve the premises and there are parking restrictions on the road in the vicinity of the site. The use will exacerbate existing serious on-street parking problems in the area
- e) potential noise pollution and disturbance to residential properties from the number of visitors using the premises, traffic movements and indiscriminate on-street parking in neighbouring residential streets
- f) adverse impact on other local businesses as a result of traffic congestion
- g) loss of retail unit
- h) proposed alterations to the frontage would not be in keeping with the surrounding area.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (NPPG) (2014)
Equality Act 2010

Hinckley & Bosworth Core Strategy (2009)

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan (2001)

The site is located within the settlement boundary of Hinckley as defined on the Proposals Map in the adopted Hinckley & Bosworth Local Plan

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

Supplementary Planning Documents

Hinckley Town Centre Area Action Plan (2011)
Policy 7: Rugby Road/Hawley Road

The site is located within the boundary of the Hinckley Town Centre Area Action Plan but has no allocation. The site is approximately 60 metres from the boundary of the allocated Rugby Road Shopping Centre (Policy 14b) and 150 metres from the boundary of the Town Centre.

Appraisal:-

The main considerations in determination of this application are:-

- the principle of development
- the relationship to the character of the surrounding area
- the relationship to neighbouring properties and their amenities

- highway safety
- other issues

Principle of Development and Character of the Area

The National Planning Policy Framework (NPPF) in paragraph 14 provides a presumption in favour of sustainable development and in paragraphs 17 and 70 supports the delivery of community and cultural facilities and services to meet local needs. The site is located within the settlement boundary of Hinckley, approximately 150 metres from the boundary of the Hinckley Town Centre, as defined on the adopted Hinckley and Bosworth Local Plan Proposals Map and the Hinckley Town Centre Area Action Plan. Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development complements or enhances the character of the surrounding area and is considered to have limited conflict with the intentions of the NPPF and should therefore be given weight in the consideration of the application.

Objections to the application have been submitted on the grounds that the premises are not suitable in size or in a suitable location for the proposed use. Concerns have also been raised that there is no need for the facility as there are other meeting rooms available in the town.

By virtue of the proximity of the premises to Hinckley Town Centre the site is in a sustainable location. The change of use of the ground floor of the building from a hot food takeaway to a meeting centre for community, cultural and religious activities and the proposed alterations to the front elevation of the building to remove the shop frontage would not have any significant adverse impact on the mixed character or appearance of the area. Buildings in the vicinity of the site comprise residential properties immediately adjacent to the application premises as well as small industrial/employment units, a variety of retail units and a large office complex (Hinckley Hub) nearby along with a major retail redevelopment project currently under construction on the Crescent/Bus Station site.

In respect of concerns raised over the size and need for the facility, the applicant has identified a need for a dedicated facility to serve a small section of the community which does not currently exist within Hinckley. Whilst it is recognised that space within the building is relatively small, the applicant considers that it is suitable for their needs.

Notwithstanding the objections received, which have been carefully considered along with planning policy context, by virtue of the sustainable location of the site and the previous commercial use of the premises it is considered that the proposed use for a meeting centre would not conflict with adopted land use policies of the area and would therefore be considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed.

Site History and Relationship to Neighbouring Properties

The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the amenities of the occupiers of neighbouring properties and is considered to have limited conflict with the intentions of the NPPF and should therefore be given weight in the consideration of the application.

Objections have been received that the proposal would have an adverse impact on the amenities of neighbouring properties from noise pollution and disturbance to the occupiers as a result of the use of the premises and the potential number of visitors using the premises, additional traffic movements and indiscriminate on-street parking in neighbouring residential

streets. Concerns have also been raised that the application does not address or overcome the reason for refusal of the previous application.

The ground floor of the premises has planning permission for and has operated as a hot food take-away following a successful appeal in 2011 following refusal of planning application ref. 10/00908/FUL. The appeal decision included a condition requiring soundproofing to be installed to the adjoining dwelling (100 Rugby Road) to mitigate noise impacts from the proposed use and these works have been implemented. The appeal decision limited opening hours of the premises to 7:30 am to 6:00pm Mondays to Saturdays to address potential noise and disturbance to neighbouring occupiers. A subsequent successful appeal decision in 2013 following refusal of planning application reference 12/00749/CONDIT allowed the permanent extension of the opening hours from 7:30am to 9:00pm Mondays to Saturdays with the Inspector concluding that this would not be likely to give rise to any appreciable noise or disturbance to nearby residents.

As stated above the site has also been subject to a recent planning application for a similar religious community centre (Class D1) use (reference 14/00648/COU) which was refused for the following reason:

'The proposals would result in a change in the profile of the premises such that the proposed use would result in a higher level of congregation outside the premises, causing noise and disturbance to neighbouring and nearby residents, queuing and manoeuvring out of the rear yard and parking area and indiscriminate parking. The proposals also seek to intensify the rear parking area to a level that would leave insufficient manoeuvring and turning space. This would cause an impact on the amenities of neighbouring and nearby properties by reason of noise and disturbance, inability to access parking spaces and an unsatisfactory relationship with insufficient landscaping. As such, the proposals would be contrary to policies BE1 and T5 of the Local Plan (2006-2026) and Policy 1 of the Hinckley and Bosworth Core Strategy (2009)'.

The supporting information suggests that the ground floor of the premises would serve a small section of the community (of between 60 - 100 people) in the Hinckley and Burbage area and provide a focal point for members of that community to congregate for general community, cultural and religious purposes. It suggests that the centre would be open and available for use between 8.00am to 8.00pm but that it would not be in constant use during this period of time because of the small number of community members that it seeks to serve. The applicant has confirmed that people who visit the centre will sit and discuss general and cultural issues and engage in prayer but that no music would be played at the premises. He has also suggested that the maximum number of people visiting the premises at any one time is estimated to be 30, for the Friday prayers meeting.

By virtue of the use of the ground floor as a hot food take-away, existing soundproofing within the property and the low level of noise that is likely to be generated within the building from the proposed use, it is considered that the current proposal is not likely to give rise to unacceptable levels of noise and/or disturbance within the premises to the detriment of the residential amenity of neighbouring occupiers. Environmental Health (Pollution) suggests that a condition to prevent the playing of music should be considered if the application is approved.

The proposed use of the ground floor of the premises as a meeting room is likely to result in a significant intensification in use of the premises at certain times compared with the former hot food take-away where visits are spread out and transient in nature. There is the potential for both ground floor rooms to be fully occupied for the various cultural / religious activities and if the application is approved, it would be very difficult to control numbers of visitors. Furthermore, the proposed use is likely to lead to significant increases in vehicle and

pedestrian activity outside of the premises as people arrive at, congregate and subsequently leave the premises at the start and finish of organised meetings. This is different to the activity associated with the lawful hot food take-away use where people would arrive at different times. It is considered that this intensity of activity, including the level of dropping-off (including the banging of car doors), would result in inevitable noise and disturbance in the vicinity of the site and surrounding area which includes densely populated residential streets where parking is already restricted and in short supply. For those visitors that drive to the premises, parking would also be more long term than the short term pick up of food associated with a hot food takeaway use.

The objections received, including those from neighbouring residents, in respect of concerns over noise and disturbance have been carefully considered together with the reason for refusal of the similar previous application. Notwithstanding that the supporting information submitted suggests that numbers of visitors to the premises would be less intensive than previously envisaged, the section of the community that the premises seeks to serve is still substantial for the small size of the premises and the Council would have no effective means of control over the number of visitors to the premises at any one time. Notwithstanding the amendments to the rear yard parking area and retention of existing landscaping, on balance, the current scheme is not considered to address the fundamental reason for refusal of the previous scheme in respect of the adverse impact on the amenities of neighbouring properties in the vicinity of the site and therefore this application can only be recommended for refusal on similar grounds.

Highway Safety

Policies BE1 (criterion g) and T5 of the adopted Local Plan seek to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These saved policies are considered to have limited conflict with the intentions of the NPPF and should therefore be given weight in the determination of this application.

Objections have been received that the scheme provides inadequate parking within the site to serve the proposed use, that there are existing parking restrictions on the road in the vicinity of the site therefore the proposal would exacerbate existing, serious on-street parking problems in the area. Concerns have also been raised that the safety of pedestrians visiting the premises would be adversely affected by HGV traffic movements to and from neighbouring employment/industrial units.

Leicestershire County Council (Highways) have raised no formal objection to the scheme on highway safety grounds but comment that the highway authority "would normally have concerns in connection with a proposed use that fails to demonstrate that an appropriate level of off-street parking will be provided and that could lead to an increase in traffic using a substandard access. However, taking into consideration the existing potential for on-street parking in undesirable locations under the current uses, and the existing potential for traffic using the access, it is unlikely that it would be possible to sustain a reason for refusal on grounds of highway safety in the event of an appeal".

The scheme proposes 8 vehicle parking spaces to the rear of the premises and the retention of a majority of the existing landscaping, other than the removal of a section of conifers and hedgerow on the Willowbank Road boundary to provide the relocated access.

Leicestershire County Council (Highways) advise that the proposed parking and turning layout provides inadequate turning and manoeuvring space within the site and is therefore not in accordance with adopted highway design guidance and would not be acceptable. Any amendment to the parking layout to comply with highway design guidance in respect of

turning and manoeuvring standards is likely to result in a reduction to six available off-street parking spaces to serve the premises, including the existing residential use at first floor. The aspirations of the applicant in terms of providing satisfactory parking within the site to serve the proposed uses clearly exceed the site's constraints in this respect and could result in queuing and reversing onto Willowbank Road where on street parking is already a problem and where there are HGV movements. In addition, there are parking restrictions in place within the wider surrounding area. Double yellow lines restrict parking immediately to the front of the application site and there are parking bays further along Rugby Road with parking allowed between 8.30am-5.30pm for 30 minutes (no return within 30 minutes). Given the lack of satisfactory parking within the site this is likely to result in additional on-street vehicle parking and manoeuvring in the surrounding densely populated residential areas where parking is already inadequate.

Notwithstanding that Leicestershire County Council (Highways) raise no formal objection, the level of traffic movements and nature of the parking required by the proposed use is likely to be materially different than that of the approved use. Whilst a highway safety reason for refusal of the application would be difficult to justify, the impact of parking and traffic movements and on-street manoeuvring and potential additional indiscriminate parking and potential queuing and reversing onto Willowbank Road is likely to have a detrimental impact on the amenity of the area, particularly for neighbouring occupiers.

The objections and concerns of neighbouring residents in respect of parking and traffic movements have been carefully considered along with the formal comments of Leicestershire County Council (Highways). It is considered that the proposed use would not result in any demonstrable or significant impacts upon highway safety. However, proposed use raises concern that the impact on neighbouring residents and businesses from the change in character of the use and potential traffic congestion in the surrounding area is sufficient to cause a material objection to the application. Therefore the proposal as submitted is considered to be contrary to Policies BE1 (criterion g) and T5 and of the adopted Local Plan.

Other Issues

An objection has been received that the proposal would result in the loss of a retail unit. However, the current use is for a hot food take-away (Use Class A5), not retail (Use Class A1) and there are a number of other similar uses in close proximity to the site within the local shopping arcade. Therefore there would be no adverse impacts from its loss.

It is considered that the applicant's offer (within the submitted Planning Statement) to accept revocation of the previous planning permission for the conversion and extension of the first floor of the premises to form two separate flats without compensation does not materially affect the overall assessment as to the unacceptability of the current application.

Conclusion

The application is for the change of use of the ground floor of a building to Class D1 community purposes and the application premises are located in a sustainable location within the settlement boundary of Hinckley and close to the Hinckley Town Centre boundary within an area of mixed uses. Notwithstanding this, for the reasons discussed in the main body of the report relating to the proposals relationship to the amenities of neighbouring residents and parking, traffic movement and manoeuvring issues, it is considered that the current scheme does not address the fundamental reason for refusal of the previous scheme and that therefore, on balance, the development would cause material harm to the amenities of the occupiers of neighbouring dwellings in the surrounding area and that the proposal is

therefore contrary to the development plan. The scheme is therefore recommended for refusal of planning permission for the following reason.

RECOMMENDATION:- Refuse planning permission.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Reasons:-

- 1 In the opinion of the local planning authority, the proposals would result in a change in the profile of the premises such that the proposed use would result in a higher level of congregation outside the premises, causing noise and disturbance to neighbouring and nearby residents from the increase in the intensity of activity, traffic movements, manoeuvring in and around the rear parking area that fails to provide satisfactory parking to serve the proposed use and would result in queuing and indiscriminate parking on surrounding residential streets where there is already insufficient parking to serve existing residents. The proposal is therefore contrary to Saved Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 This application has been determined in accordance with the following documents and plans submitted with the application:- Planning Application Form; Planning Statement; Site Location Plan Drawing No. B13/22/L01A; Existing Site Plan, Floor Plans and Elevations Drawing No. B13/22/E01C and Proposed Site Plan, Floor Plans and Elevations Drawing No. B13/22/B010 received by the local planning authority on 11 February 2015.

Contact Officer:- Richard Wright Ext 5894

Item: 04

Reference: 14/01258/FUL

Applicant: Mrs Brenda Featherstone

Location: Land At Little Markfield Farm Forest Road Markfield

Proposal: Erection of 1 No. wind turbine (up to 76 metres in hub height and up to 100 metres in tip height) with associated infrastructure including access track, turbine foundations, crane hardstanding, substation, associated underground cabling and temporary meteorological mast

RECOMMENDATION:- Refuse planning permission.

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a single wind turbine with a maximum height to blade tip of 100 metres. The maximum generating capacity of the turbine would likely to be 500 kilowatt (kW).

An area of hardstanding is proposed around the turbine to provide a stable base for the turbine components to be erected during construction. Associated infrastructure includes a new access track, turbine foundations, crane hardstanding area, substation, underground cabling and temporary meteorological mast.

The turbine would be connected by underground cables to the transformer kiosk and then to the grid connection point, where it would be connected to the local distribution network.

Planning permission is sought for a 25 year period.

Access to the site by HGVs during construction and for routine maintenance during operation is proposed from the existing gate from Forest Road, to the west of the main farm entrance, which would be upgraded accordingly. A permanent access track would run from the site entrance to the turbine itself measuring 964 metres in length and 4 metres in width.

The Site and Surrounding Area

The site of the proposed turbine is located within the countryside approximately 220 metres to the south west of the M1 and 1km to the north east of the A50. The site itself consists of an agricultural field. The land is bounded by open fields, scattered trees, rocky outcrops, hedgerows and a forest. To the west of the proposed site is a school; while to the north west of the site are a number of farms. The turbine is proposed to be sited to the south of the field 2.8 metres from the field boundary.

The site itself is mostly level and flat, although it gently slopes towards the east of the site towards the M1, and land levels and topography varies within the wider vicinity to give a prominent skyline of Markfield. The nearest settlements in relation to the proposed turbine are Markfield 716 metres to the north east, Stanton under Bardon 1.5km to the north west,

Thornton 2.0km to the south west and Bagworth 3.1km to the south west. Thornton Reservoir is located to the south of the site, and Hill Hole Quarry as well as the Alter Stones are located to the north of the site.

A network of public footpaths surround the site, the closest one being the Leicestershire Round footpath which is located within 130 metres and which links Thornton to Markfield via a tunnel under the M1 motorway. A National Cycle Route (No. 63) passes within 2km of the site.

The residential properties that are located closest to the proposed turbine are Markfield Lodge Bungalow, and Markfield Lodge 492 metres to the north west; Fox Covert Farm 567 metres to the north, Vine Cottage 705 metres to the north east; Heath Lodge Farm 721 metres to the south east and Oak Farm Park 722 metres to the north.

Technical Document Submitted with Application

Environmental Appraisal

Figures and Visualisations

Archaeological Impact Assessment

Description of the Curtailment of an ENERCON E-48 Wind Energy Converter to 500kW

Enercon Wind Energy Converters E-48/800kW

Decommissioning and Reinstatement Plan

Relevant Planning History:-

None relevant.



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Consultations:-

No objections have been received from:-

Ministry of Defence Safeguarding
East Midlands Airport
Highways Agency
Environment Agency
NERL Safeguarding
Environmental Health (Pollution)
Leicestershire County Council (Ecology)
Leicestershire County Council (Public Rights of Way)
Leicestershire County Council (Highways)
Ratby Parish Council
Stanton Under Bardon Parish Council
Bagworth and Thornton Parish Council
Groby Parish Council
Charnwood Borough Council
North West Leicestershire District Council
National Forest Company
Ramblers Association
The Friends of Charnwood Forest
Joint Radio Company
English Heritage
RSPB

Objections have been received from:-

NATS Safeguarding
Leicester County Council Archaeology

Site notices were displayed, and neighbours notified.

26 letters of objection has been received. Summary of comments:-

- a) the turbine is an eyesore
- b) wind turbines are not an efficient energy source
- c) noise and shadow flicker to nearby dwellings
- d) distraction to drivers on the M1
- e) once this turbine is approved more are likely to follow
- f) harm to the National Forest
- g) would impact on the views and enjoyment of people using the adjacent foot paths and cycle routes
- h) loss of views and vista from nearby recreational facilities
- i) did not consult the community effectively
- j) would impact upon property values
- k) the turbine would impact upon the ecology with the loss of birds and other important species
- l) the turbine would have an overbearing visual dominance on the landscape
- m) the proposed turbine would interfere with radio signals
- n) would significantly reduce the ability of people to get TV signals
- o) detrimental effect on local business.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy (2009)

Core Strategy Spatial Objective 12

Hinckley & Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE12: Scheduled Ancient Monuments and Nationally Important Archaeological Sites.
Policy BE27: Wind Power
Policy T5: Highway Safety
Policy NE5: Development in the Countryside

Other Relevant Policy Guidance

Hinckley & Bosworth Landscape Character Assessment (2006)
Hinckley & Bosworth Renewable Energy Capacity Study (2013)
The Assessment and Rating of Noise from Wind Farms (ETSU-R-1997)
National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

Appraisal:-

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

Principle of Development

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

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

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

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

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

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

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

The proposed wind turbine is therefore considered to be acceptable in principle in relation to the NPPF, and the Planning Practice Guidance for Renewable and Low Carbon Energy and Local Plan Policy BE27 subject to all other material planning considerations being satisfactorily addressed.

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 regards to scale, layout, mass and design. In addition, Policy BE27 requires wind turbines to be sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in view from important viewpoints.

Furthermore, Policy NE5 of the Local Plan seeks to protect the countryside for its own sake. Whilst this phrase is not considered to be compliant with the NPPF the general aims and objectives of this policy are as paragraphs 17 to 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 NE5 states that development will be permitted in the countryside where (a) it is important to the local economy and cannot be provided within or adjacent to an existing settlement; or (b) for the change of use, reuse or extension of existing buildings, particularly those of historic value; or (c) for sport or recreational purposes. In addition only where the following criteria are met: (i) it does not have an adverse effect on the appearance of character of the landscape, (ii) it is in keeping with the scale and character of existing buildings and the general surroundings, (iii) where necessary it is effectively screened by landscaping or other methods and (iv) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

It is considered that in relation to this proposal criterion (i), (ii) and (iv) are applicable to this development for a wind turbine.

The submission is based upon a candidate turbine with a maximum tip height of up to 100 metres height, and the proposed wind turbine model is an Enercon E-45.

The site is defined in the Hinckley and Bosworth Landscape Character Assessment as being in close proximity to the National Forest, while the linear historic core of Markfield village is covered by Conservation Area status. The key characteristics of this area are gently undulating landforms with small plateaus on higher ground, with large areas of public open space, and restored areas of former quarries and rocky outcrops. 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 historic quarrying past, and its mature ancient woodland, new National Forest plantations and hedgerow/hedgerow trees. 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 falls within the National Forrest and Charnwood Forest, and the open space linkages, particularly to the west, are of importance to the historic context of the village.

In addition figure 5.1 within the Hinckley and Bosworth Renewable Energy Capacity Study (2013) categorises the Charnwood Fringe Character Areas of having undulating landforms, which are steep in places, with rocky outcrops and former quarry sites, and prominent skylines. Due to having some of the highest land in the Borough, there is a prominent skyline, which is characterised in the Renewable Energy Capacity Study as having a moderate to high sensitivity to large scale turbines, such as the one being proposed.

In respect of the topography of the area this varies significantly. The land surrounding the turbine sits on a high plateau and to the north, east, south and west the land level falls away towards the M1. The turbine would therefore be located in a relatively elevated position when viewed from certain viewpoints within the immediate and wider landscape (less than 5km). The applicant has submitted various photomontages from a number of viewpoints to help aid the likely landscape and visual effects of the proposal.

The submitted Environmental Appraisal details a visual amenity assessment that has been undertaken by the applicant. As the Landscape Visual Impact Assessment (LVIA) states wind turbines tend to give rise to effects within the landscape by virtue of a number of attributes specific to their individual form. Such as: their strong vertical form, movement, grouping within the landscape and the relationship with the scale and nature of the existing landscape. The study area for the LVIA extends to 15km.

The LVIA has selected ten viewpoints from within the Zone of Theoretical Visibility (ZTV). The view points selected have been chosen from locations that cover a range of landscape character areas, distances and orientations from the site and landscape and visual receptor types. The following viewpoints were selected with distance indicated from the proposed turbine:-

- 1) Road bridge over M1 Motorway (Forest Road, Markfield) - 825m
- 2) Road bridge over M1 Motorway (Thornton Road) - 925m
- 3) London Road/ Ratby Lane, Markfield - 1.5km
- 4) Public footpath, west of Kirby Muxloe - 5.9km
- 5) Public footpath, to rear of Woodlands Drive, Groby - 3.9km
- 6) Public footpath, recreation ground, Thornton - 2.0km
- 7) Community Centre, Bagworth - 3.4km

- 8) Public footpath, Meadow Lane, Stanton under Bardon - 1.5km
- 9) Bardon Hill, Coalville - 4.4km
- 10) Beacon Hill, Woodhouse Eaves - 6.3km

Essentially the viewpoints demonstrate that within the immediate locality it is considered that the proposed turbine would result in a high magnitude of change and that whilst there would be major/moderate effects at some of the residential properties closest to the proposed turbine. Within 1km of the site there are several dwellings and a school located to the west of the site. These properties would face significant visual sensitivity to the turbine and in some cases a high degree of impact.

Between 1km-2.5km from the turbine the effects would start to increase given the changes in topography towards Bagworth and Thornton to the south west, Markfield to the north and Stanton Bardon to the north west. Beyond 2.5km the turbine would still be visible due to the topography of the landscape, within some parts being significantly affected.

It is therefore considered that the introduction of a turbine of this scale and size would bring a significant change and a significant degree of impact upon the visual character of the immediate area surrounding the site. As the distance from the site increases the landscape is subject to some existing industrial/urban features such as masts and poles. As the distance from the turbine increases the turbine is likely to be viewed in the context of a rural, hilly, landscape, with open views across the surrounding countryside, therefore its impact within the landscape would be significant.

In conclusion, wind turbines have to be tall structures to be efficient and located away from features which could interfere with the wind speed and flow across the site, which often results in them being prominent within the landscape. It is considered that the proposed wind turbine, due to its scale would be inevitably result in significant visual impacts, particularly when seen from the nearest residential properties on the edge of Markfield, to the north and south west of the proposed turbine, from surrounding roads and the adjacent public rights of way and from views from Thornton Reservoir. The proposed wind turbine would have significant visual impacts particularly in the area immediately surrounding the turbine; the significance of such impacts does depend upon an individual's perception of the acceptability of wind energy development in landscape terms. Whilst it is accepted that the visual impacts from some locations would be significant, such impacts will need to be weighted in the balance against the other impacts and benefiting results from the development.

The proposed wind turbine is therefore considered to be contrary to the NPPF and Local Plan Policy BE27 due to its significant visual impact, prominence in the landscape, and dominating view from important viewpoints.

Cumulative Visual and Landscape Impact

With regard to the cumulative impacts of wind turbines, consideration has been given to Paragraphs 22 and 23 of the renewable and low carbon guidance as set out on the NPPG. This states that cumulative landscape impacts and cumulative visual impacts are best considered separately.

The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable and low carbon guidance as set out in the NPPG. This states that cumulative landscape impacts are cumulative visual impacts are best considered separately.

The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed

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

The applicant has submitted a plan showing all other turbines both existing (operational) and consented (has planning permission). The closest operational turbine at Lindbridge Farm is sited 4.2km to the south, while a turbine is consented for Merrylees Road which is located 4.3km to the south west, while the wind turbine at Stonehaven is consented and lies 4.5km to the south west.

The supplied photomontages and ZTV plans adequately demonstrate that the applicant has met the requirements to inform a landscape and visual impact assessment, as per the requirements of Paragraphs 22 and 23 of the renewable and low carbon energy guidance as set out in the NPPG.

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

It is not considered that this statement is an accurate reflection of the cumulative impact of the proposed turbine with other existing consented turbines and the harmful affect this proposal would have on the landscape.

It is considered that the proposed turbine at its tip height of up to 100 metres would be of a large scale and would be a noticeable addition in its own right and that within the local landscape the proposed turbine, combined with existing and consented turbines in the area, would be a notable element detrimentally impacting upon the character and appearance of the area. The introduction of the proposed turbine into the landscape would significantly change the landscape to a harmful level.

Due to the number, distance and scale of the existing consented turbines from the application site it is considered that the introduction of a single turbine at 100 metres to the tip in this location would generate a negative and harmful cumulative visual impact in relation to the existing consented turbines in the area. Whilst turbines have been permitted and some implemented within the wider area of the site, it is considered that this turbine would contribute to a significant cumulative impact upon the landscape. As such the proposal is would not comply with Local Plan Policies BE27 and BE1, the NPPF and the 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. Paragraph 118 of the NPPF states that applicants may provide opportunities to incorporate features into the design of the wind turbine which are beneficial to wildlife such as incorporating roosting opportunities for bats or the installation of bird nesting boxes.

The NPPG recognises that wind turbines can have ecological impacts such as a risk of collision between moving blades, birds and bats. Other risks include disturbance and displacement of bird and bat habitats. Due to the drop in air pressure close to the blades

there is a risk of barotraumas (lung expansion) in bats which can be fatal. These risks are generally low, however in some situations, such as in close proximity to important habitats used by birds or bats the risk can be greater.

The turbine would be sited at least 60 metres from an ecological features that could be used by bats as per Natural England guidance. The immediate area surrounding the site is well wooded, and has new sapling planting in relation to the nearby National Forest. Natural England, Leicestershire County Council (Ecology) and the RSPB have raised no objection to the scheme and it is not considered that the proposal would have a significant detrimental impact on ecology.

The proposal is considered to be in accordance with Paragraphs 109 and 118 of the NPPF.

Impact upon Heritage Assets and the Historical Landscape

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 wind turbines 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, while Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through development within a heritage assets setting and any harm or loss to significance should require clear and convincing justification, so that further environmental gain through the continued conservation of heritage assets so that their heritage value and significance can be enjoyed by this and future generations (NPPF, paragraph 17).

The Renewable and Low Carbon Energy study states that 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 wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of that asset.

Local Policy BE5 seeks to preserve the setting of a listed building, while Local Policy B12 seeks to protect Scheduled Ancient Monuments and Naturally Important Archaeological sites.

English Heritage have advised that there are 8 Scheduled monuments, 79 Listed Buildings (8 grade I and II*), 1 Registered Park and Garden (Grade II) and 5 Conservation Areas within 5km of the proposed turbine, and highlight that this application potentially affects scheduled monuments, listed buildings and conservation areas, and that considerable weight should be given to the desirability of preserving the listed building and its setting.

Leicestershire County Council (Archaeology) has confirmed that there are heritage assets within the immediate vicinity of the site, for example Anglo-Saxon pottery, and Ridge and Furrow fields. The submitted Environmental Report states that a Grade II listed building (Markfield Farm and its barns) will be slightly affected by the proposed turbine.

The Conservation Officer has requested more views from heritage assets to fully appreciate the level of potential harm.

Due to the visual prominence and scale of the turbine and its effect upon the landscape, the proposed turbine is therefore likely to result in an unacceptable level of impact to heritage

assets, and the historic landscape, and is therefore contrary to Policy BE5, B12, and Paragraphs 17, 128, 131 and 132 of the NPPF.

Relationship to Residential Amenity

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

Paragraph 20 of the renewable and low carbon energy section of the NPPG states that shadow flicker and reflected light can be an issue under certain combinations of geographical position and the time of day. The sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off which is known as shadow flicker. Only properties within 130 degrees either side of north, relative to the turbine can be affected as turbines do not cast long shadows on their southern side. It is generally accepted that the potential for shadow flicker to occur is seriously diminished at a distance of ten times the rotor diameter of the turbine in question. In this instance the diameter of the rotor would be 48 metres or 480 metres in distance when multiplying by ten. There are two properties within 480 metres from the south east of the proposed turbine. Whilst it is unlikely that an issue would occur it is possible that during the winter months when the sun is lower that shadow flicker could be a nuisance for up to half an hour a day.

In relation to objections based on noise, the proposed turbine is stated in the Environmental Appraisal as producing from 24.3 dB (L A90) to 34.1 dB (L A90) in wind speeds up to 10ms⁻¹, and is therefore compliant with the Department of Trade and Industry (1996) ETSU-R-97 Guidance. Environmental Health (Pollution) have considered the potential for noise impacts and have raised no objection.

The proposed wind turbine is therefore compliant with Local Policy BE1 (criterion i) in terms of residential amenity in relation to shadow flicker and noise.

Impact on Highway Safety and Public Rights of Way

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Furthermore, Policy BE27 states the turbine should be located a minimum distance that is equal to its own height away from any public highway. Access to the site by HGVs during construction, decommissioning and for routine maintenance during operation is proposed from Forest Road via the existing farm access which would be upgraded. A Transport Statement would be required to be provided and agreed prior to the commencement of development given the logistical issues that would entail with the delivery of turbine components to site.

There are a network of public footpaths surrounding the site, and passing through the 5km detailed study area. The turbine will be situated on land to the south of Public Footpath R28, and to the north west of Public Footpath R2. The location of the proposed turbine and its tip height of 100 metres means that it complies with the required separation distance from those public rights of way.

In relation to the vehicular access track serving the turbine, the Rights of Way Officer has commented that if it is proposed to erect fences to segregate the vehicular access track from the adjoining fields, gaps of a width of not less than 1.2 meters should be provided where the fences are intersected by the public footpaths. Additionally, the finished surface of the vehicular access track would require to be blinded off with 6mm to dust to a depth of 20mm for a width of at least 2 meters, so that it is a comfortable passage for pedestrians. Furthermore if the access track is to be elevated, public footpaths should be graded.

The Rights of Way Officer has recommended that during the construction of the vehicular access track, marshals should be located at crossing points to ensure the safe passage of pedestrians, and has highlighted that particular attention needs to be given to signage and marshalling along the section of the vehicular access track which will share Footpaths R2, R26 and R28, when passing underneath the M1 Motorway, as the width of the underbridge is likely to be restricted, thus increasing the potential risk of conflict between pedestrians and vehicles.

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 subject to appropriate measures to minimise disruption to users of public rights of way during construction.

Impacts upon Aviation

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

Electromagnetic Interference

It is recognised in the NPPG that wind turbines can potentially affect the electromagnetic transmissions. The proposal has been considered by the Joint Radio Company (on behalf of Western Power Distribution and National Grid Gas Networks) who have raised no objection. It is therefore considered that the proposal would not cause electromagnetic interference.

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 the local planning authorities should approve the application if its impacts are (or can be made) acceptable. The principle of development would ordinarily therefore be considered to be acceptable. However it is considered that the proposed turbine would bring significant landscape and visual impact from surrounding receptors including most notably the settlements of Markfield and Thornton. The proposed turbine would also result in a potentially significant negative impact on heritage assets, and their setting. Furthermore NATS have objected to the proposal as it conflicts with their aviation safeguarding criteria.

Therefore on balance, whilst considering the principle of development and benefits renewable energy can bring in moving towards a low carbon future, it is considered that the matters of landscape harm, cumulative impact and aviation safeguarding would significantly and demonstrably outweigh the benefits when considering the proposal as a whole. Careful consideration has also been given to the views of the local community in reaching this recommendation. The proposal is therefore considered to be contrary to adopted Local Plan Policies BE1, BE5, B12, BE27, T5 and NE5 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:- 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 proposal is considered to be in conflict with the development plan and the application has been refused.

Reasons:-

- 1 The size, scale and position of the proposed turbine is considered to be detrimentally harmful to the landscape and visual character of the local area. The proposal would therefore be contrary to Saved Policy BE1 (criterion a), Saved Policy BE27, B12 and Saved Policy T5, of the adopted Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the National Planning Policy Framework in so far as it seeks to achieve sustainable development.
- 2 The proposed turbine would result in a cumulative visual and landscape impact with other existing and consented turbines within the area leading to an overall harmful change and effect on the landscape and character of the area contrary to Saved Policy BE1 (criterion a), and Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the National Planning Policy Framework in so far as it seeks to achieve sustainable development.
- 3 The proposed turbine would conflict with national aviation safeguarding criteria and could potentially disrupt civil aviation traffic. As such the proposal is considered to conflict with the aviation safeguarding criteria as set out in the National Planning Practice Guidance and National Planning Policy Framework.

Contact Officer:- Helen Hancox Ext 5809

Item: 05
Reference: 14/00924/FUL
Applicant: Plesvale Ltd
Location: Land West Of Dodwells Road Hinckley
Proposal: Erection of two storey "drive-through" restaurant with associated parking and 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 is an application that has attracted community interest and the Chief Planning & Development Officer considers it necessary to be determined by the Planning Committee.

Application Proposal

This application seeks full planning permission for the erection of a drive through restaurant located to the west of Dodwells Road, Hinckley.

The proposal comprises of the erection of a drive through restaurant located towards the south west of the application site. The restaurant would consist of a two storey flat roofed building with an overall height of 7.2 metres. The proposed building would be a rectangular building measuring 27 metres in length by 13 metres in width. The proposed restaurant would include a mix of both A3 and A5 uses, with the sale of food and drink for consumption both on and off the premises . Associated car parking and access is located to the north of the restaurant and a small outdoor seating area is proposed to the west of the restaurant.

Amended plans have been submitted that removes a proposed egress directly onto the A5. The proposed drive through restaurant would utilise the existing access onto the A47 Dodwells Road. The amended plans seek to include a ghost right hand turn to be provided within Dodwells Road itself. An additional 10 day consultation has been carried out.

The Site and Surrounding Area

The application site consists of an existing vacant car park located to the north of the A5 and west of Dodwells Road, on the southern perimeter of the Dodwells industrial estate. The site had been formally used as a service repair centre associated with Trinity Motors, however since new occupiers have taken over the unit to the north, the parking area is now redundant and underused.

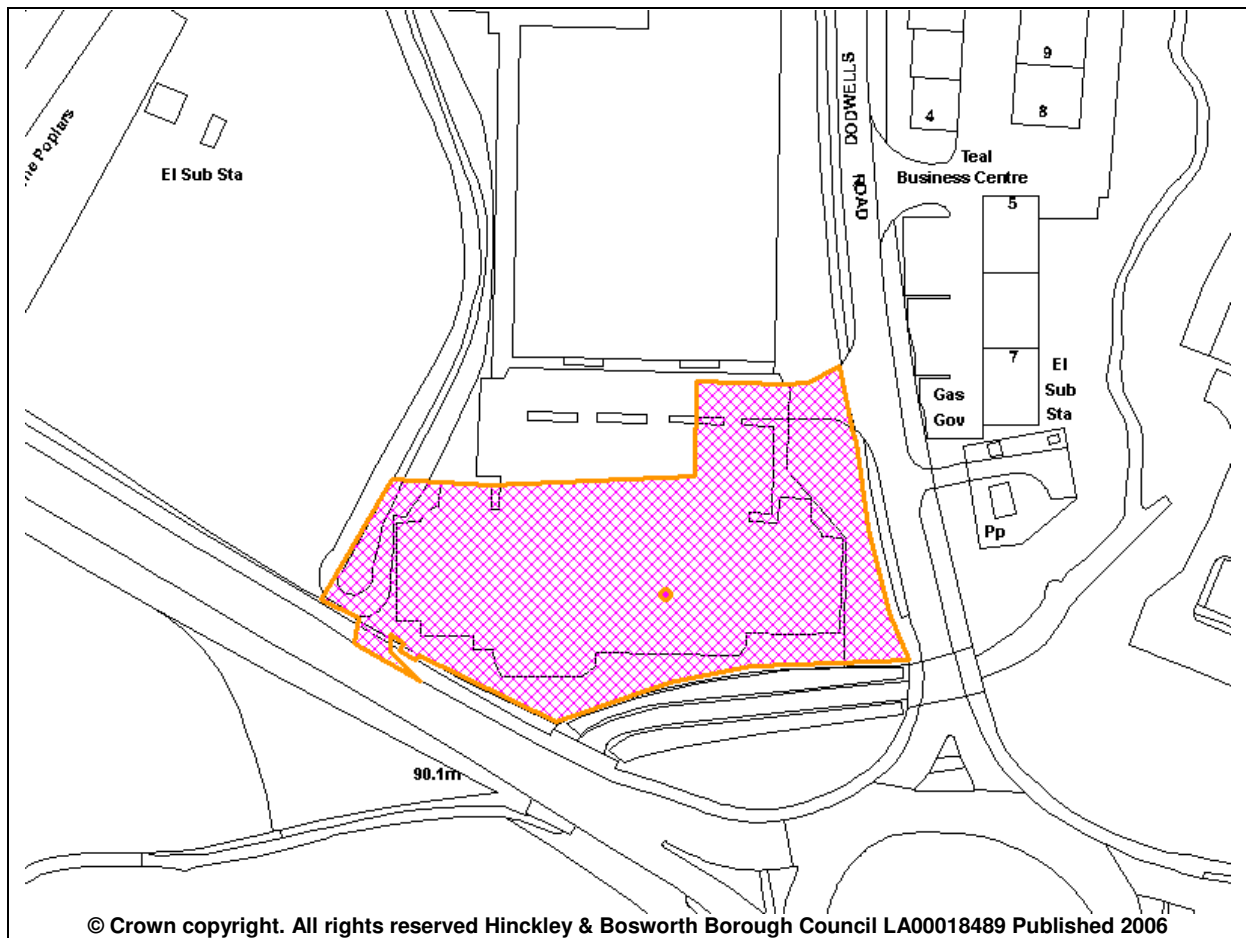
The site is surrounded to the south east and west by 1.8m high palisade fencing. To the south of the site Dodwells Brook separates the site from Dodwells Island, the Watling Street A5 trunk road beyond which is open countryside and the Borough boundary. There is existing landscaping to the perimeters of the site including mature willow trees to the Dodwells Brook and individual poplar trees to the west. To the east of the site there is a palisade fence with landscaping beyond. To the north are the buildings that comprise the industrial estate, which are generally flat roofed buildings with powder coated aluminium cladding.

Technical Document submitted with application

Transport Statement
Sequential Matrix
Flood Risk Assessment
Tree Survey and Constraints Report
Bat Activity Survey Report
Extended Phase 1 Habitat Survey Report
Heritage Statement
Planning Statement
Design and Access Statement

Relevant Planning History:-

12/01141/FUL	Erection of car service and repair centre and restaurant with drive-thru facilities and associated parking, access and landscaping	Refused	22.05.13
12/00112/FUL	Erection of car service and repair centre and restaurant with drive-thru facilities and associated parking, access and landscaping	Withdrawn	15.05.12
01/00866/COU	Change of use to vehicular repairs centre with ancillary uses	Approved	29.10.01



Consultations:-

No objection subject to conditions has been received from:-

- Waste Minimisation Officer
- Tree Officer
- Highways Agency
- Environment Agency
- Severn Trent Water Limited
- Leicestershire County Council (Ecology)
- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Highways)
- Environmental Health (Drainage)
- Environmental Health (Pollution)

An objection has been received from Cyclist Touring Club stating that cars leaving the site would affect the free flow of cycle paths at the junction.

West Clarendon Neighbourhood Forum has objected on the following grounds:-

- a) McDonalds already exist within a mile from the proposed application site
- b) existing business located adjoining the application site would be lost through relocation
- c) the existing road network is inadequate to cater for the proposed business.

Saxon Paddock Residents Association has objected on the following grounds:-

- a) the proposed McDonalds would result in a greater flow of traffic onto a busy road
- b) McDonalds already exist less than a mile away from the application site
- c) the proposal would result in an existing business relocating.

A site notice and a press notice was displayed and neighbours notified.

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

- a) the cycling network should be protected
- b) the proposed road layout is dangerous
- c) the plans have no provision for pedestrians and conflict with the cycleway
- d) Dodwells Island is very busy at peak times and this development will only make this worse
- e) the existing industrial building which shares the access would relocate and therefore business would be lost.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley & Bosworth Local Plan 2001

Policy EMP1: Existing employment sites
Policy BE1: Design and siting of development
Policy BE16: Archaeological investigations and recording
Policy NE2: Pollution
Policy NE12: Landscaping schemes
Policy NE14: Protection of surface waters and groundwater quality
Policy T5: Highway design and vehicle parking standards

Other Material Policy Guidance

The Employment Land and Premises Study (2013)

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development
- Layout, design and appearance of the building
- Highway safety
- Landscaping
- Ecology
- Archaeology
- Drainage

- Pollution (Noise/Contamination/Air Quality) and impact on neighbours
- Other matters

The Principle of Development

The site is located within the settlement boundary of Hinckley as defined on the proposals map of the adopted Local Plan. The site is allocated as an existing employment site. Policy EMP1(a) seeks to actively retain the site for employment purposes. This is also supported by the Employment Land and Premises Study 2013 which seeks to retain the site for employment uses. Policy 1 of the Core Strategy seeks to ensure there is a range of employment opportunities within Hinckley. The proposed restaurant with drive through is not a use that falls within use classes B1, B2 or B8 and therefore the principle of this use needs to be balanced against the NPPF and Local Plan.

Paragraph 17 of the NPPF identifies a number of core planning principles which seeks to pro-actively drive and support economic development; encourage the effective re-use of land; promote mixed use developments and actively manage patterns of growth. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.

Paragraph 23 of the NPPF seeks to create competitive town centre environments, and Annex 2 of the NPPF defines drive-through restaurants as a main town centre use. Paragraph 24 requires applications that are considered to be main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, to apply a sequential test. The application has been submitted with a sequential assessment in support of the application, which focuses primarily on sites within the town centre. This concludes that whilst some of the available units could accommodate a restaurant, it would be either impractical or unviable for the units to be converted for use as a drive-through restaurant. Having considered the assessment and the local knowledge of available sites, these conclusions are considered reasonable and acceptable.

The Employment Land and Premises Review 2013 identifies that the borough has an employment land supply surplus of 26.36 ha when measured against long term land take-up, and therefore as such there is not a need for the Council to identify further land for allocation in the emerging Site Allocations DPD. The application site consists of a 0.6 ha hard surfaced area within a designated employment area. The proposal would not result in the loss of an existing employment building and would result in the re-use of an area which is currently underused and vacant, and due to the relatively small site area, would be unlikely to come forward for development within an industrial use class.

Whilst the Council seeks to protect the availability of employment sites where practical, the proposal must be considered on its merits. The application appropriately demonstrates that there are no other sequentially-preferable sites within Hinckley town centre and the use is economic development which the NPPF seeks to support. The proposal would also result in the creation of 65 full and part time jobs. Accordingly the development is considered to be acceptable in principle, subject to all other planning matters being adequately addressed.

Layout, Design and Appearance

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 proposed building is to be sited towards the south west corner of the application site, with the front elevation of the building facing west to address the A5, parking and access into the application is located to the north of the application site, with the drive-through being served from the south elevation of the proposed building as vehicles circulate around within the site. This arrangement means that the building would have a prominent position within the streetscene fronting the A5 and given the existing landscaping along the south of the application site, this would help screen any direct views as you approach the site from the east. The building would be prominent on the approach into Hinckley from the south west, and would also be visible on the approach from the north when viewed from Dodwells Road.

The proposed two storey flat roofed building has been orientated to maximise solar gain incorporating features such as a top awning to aide natural solar shading over the eaves of the building during the summer months. The contemporary design of the building would use a pallet of materials such as natural stone and timber effect aluminium, to give a more natural appearance and interest within the elevations of the proposed building. Glazing is proposed to be used extensively within the elevations of the building, particularly within the west elevation, where the ground floor and first floor are denoted by full length glass with a horizontal break and stacking of materials between vertically glazed elevation features. The use of glazing will not only allow the building to benefit from natural solar gain but would also create an active edge along the A5 with views both into and out of the restaurant, thus adding a greater degree of natural surveillance over the outdoor areas and gives the building a higher quality appearance.

The application proposes an outdoor eating area between the west elevation of the building and the pedestrian access serving the application site from the A5. This area would be set away from the proposed car parking and would be naturally well surveyed by the restaurant.

Whilst the design and appearance of the proposal does not reflect the buildings within the immediate surrounding area, which is characterised by large steel clad industrial buildings, the proposal is positioned on the edge of an industrial estate facing towards the A5. This stretch of the A5 contains a range of commercial buildings featuring strong corporate identities, accordingly given its location on the edge of an industrial estate it is considered that the design and appearance of the restaurant would not harm the overall character and appearance of the area.

Brief details of landscaping of the site have been supplied however these are not specific to this development and are not considered sufficient and as such a condition has been imposed requiring further landscaping details.

The application site is located within a designated employment area where the buildings are typical industrial buildings consisting of steel framed buildings with profile cladding. The proposal is considered to respect the character and appearance of the surrounding employment development and accordingly is considered to comply with the requirements of Policy BE1 (a) of the Local Plan.

Highways

Saved Policy T5 of the Local Plan 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.

Following the submission of amended plans, the proposed restaurant and drive through are proposed to be accessed via an existing vehicular entrance off Dodwells Road that provides access to the application site. The existing access is located approximately 75 metres to the north of Dodwells Island.

In light of the submitted amended plans, which have removed the egress from the application site directly onto the A5, The Highways Agency has raised no objection to the proposal. Discussions have been carried out between the applicant and Leicestershire County Council (Highways), which has resulted in a mitigation proposed consisting of a ghost right hand turn into the site. This would require the widening of the Dodwells Road carriageway by utilising the existing verge strip between the edge of the carriageway and the existing footpath to allow its implementation. The proposed ghost right hand turn would allow traffic travelling towards Dodwells Island to flow freely without being held up by traffic waiting to turn right into the site.

The proposed works within Dodwells Road would have to be secured through a traffic regulation order (TRO), which is implemented under separate legislative controls, however without a TRO or other suitable scheme, the proposal would not be acceptable and would be likely to result in increased congestion within the highway network. A condition has therefore been imposed to ensure the required highway works are undertaken prior to the proposed restaurant being brought into first use.

The application site is located on the cycle network and the NPPF seeks to encourage alternative forms of transport other than the private car. It is considered that the provision of cycle racks is in accordance with Policy T5 and the objectives of the NPPF. The concerns raised by the CTC have been carefully noted; however it is considered that the access to the restaurant would not impede the function of the cycle path as there would be an appropriate crossing at the entrance to the site.

A footpath link from the A5 into the application site is proposed along the south west boundary of the application site, this would connect the site with the bus stops along the A5, aiding connectivity of the application site.

The proposal provides 56 car parking spaces including 2 designated disabled parking spaces. This is considered to be sufficient off street parking for the site.

It is considered that subject to a scheme proposing a ghost right hand turn it would not detrimentally affect highway safety and therefore complies with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Landscaping

Saved Policy NE12 seeks to ensure that the proposals take into account the existing landscaping features of the site, and should provide provision for further landscaping where appropriate.

The proposal would result in the loss of several trees within the application, which are not subject to Tree Preservation Orders (TPO), and are considered to be of poor specimens which impede on the growth of surrounding trees. The Council's Tree Officer has raised no objection to the proposal, however it is recommended that the loss of trees is compensated for by additional landscaping to other parts of the site. A condition has been imposed to secure this.

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.

Leicestershire County Council (Ecology) has raised no objection to the scheme but has requested that any external lighting does not shine on the Dodwells brook corridor as this would discourage bats from foraging. A condition has been imposed to secure this.

Archaeology

Saved Policy BE14 of the Local Plan and 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 raise no objection to the scheme, however has stated that application site lies within an area of archaeological interest at the junction between the Watling Street (A5), and Coventry Road. A condition has been imposed to ensure that appropriate archaeological investigations are carried out and should any remains be found appropriate recording is undertaken in accordance with Section 12 of the NPPF and Policy BE16 of the Local Plan.

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 of the Local Plan.

Drainage

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

Severn Trent Water have raised no objection but have requested details of the foul and surface water drainage to be secured by a condition. Environmental Health (Land Drainage) and the Environment Agency have requested conditions requiring drainage details and for the proposal to be carried out in accordance with the submitted Flood Risk Assessment. This is to ensure that that water run off is dealt with in a sustainable manner and does not result in pollution of the nearby water courses.

Pollution (Noise/Contamination/Air Quality) and Impact on Neighbours

Saved Policy NE2 (criterion a) of the Local Plan states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil. Policy BE1 (criterion i) of the Local Plan states that proposals should not adversely affect the occupiers of the neighbouring properties.

The site is located on the edge of an industrial estate and adjacent to the A5 Trunk Road. The nearest residential property is located 130 metres to the north-west (The Poplars, Watling Street). Due to the separation distance between this property and the application site it is not considered that the proposal in terms of noise would detrimentally affect the amenities of these residents. Furthermore Environment Health (Pollution) have raised no

objection to the proposed development, however have requested a condition is imposed to ensure that the odours and noise from the proposed restaurant do not result in a loss of amenity to the surrounding area.

Accordingly due to the separation distance from the neighbouring property, it is not considered that the proposal would result in any additional adverse material impacts in terms of noise or odour. Therefore subject to the imposition of conditions the proposal would be in accordance with Policy BE1 (criterion i).

Other Matters

Concern has been raised in relation to the fact there is an existing McDonalds within 2 miles of the proposed application site and therefore there is no need for a further drive through restaurant in this location. The proposal seeks to offer comfort and refreshment breaks to passing traffic along the A5.

Objections have been raised that if the land was to be developed the existing company adjoining the application site would relocate out of the area, due to the increase of traffic which would be experienced using the shared access. The application has proposed appropriate highway mitigation measures, which would improve the access for the existing and proposed use, through the addition of a ghost right hand turn.

Conclusion

The proposal seeks consent for the redevelopment of a car parking area to provide a restaurant including a drive through facility. Whilst a restaurant is not strictly an employment use the applicant has satisfactorily demonstrated that there are no appropriate sites within the town centre and on balance it is considered that the proposed restaurant would not harm the employment capacity of the designated employment site. The proposal would not detrimentally affect the free movement of traffic on the Dodwells Road subject to the implementation of the proposed ghost right hand turn into the site. The proposed use is not considered to detrimentally affect the amenities of neighbouring residents nor the character or appearance of the area. The proposal is therefore in accordance with Core Strategy Policy 1 and Local Plan Policies EMP1, BE1, NE2, NE14 and T5 together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposed restaurant with associated drive through has adequately demonstrated that there are no suitable alternative sites in the town centre and that the proposal would not detrimentally affect the existing employment capacity of the area. The proposed design and appearance is not considered to detrimentally affect the character and appearance of the area, and subject to the appropriate conditions the proposal is not considered to detrimentally affect highway safety.

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

Hinckley & Bosworth Local Plan (2001):- Policies EMP1, BE1, BE16, NE2, NE12, NE14 and T5.

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

Conditions:-

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

Site Location Plan; Block Plan H8443 -02 Rev B; Proposed Building Plan H8443 -07 Proposed Elevations H8443 -05 Rev A; Proposed Elevations H8443 -04 Rev A; Flood Risk Assessment (FRA) revision A, dated July 2014, Ref: KRP/LEM/37319-001 Received by the Local Planning Authority on 13 October 2014.

Site Layout Drawing H8443-03 Rev C; Site Finishes Drawing H8443-06 Rev D Received by the Local Planning Authority on 27 January 2015.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) hard surfacing materials
 - b) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - c) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - g) implementation programme.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 5 Prior to the commencement of development , details of any external lighting, shall be submitted to and approved in writing by the Local Planning Authority, This information shall included a layout plan with beam orientation, schedule of equipment proposed (including luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

- 6 No development shall commence until a scheme for the ventilation of the restaurant, which shall include the installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use and thereafter maintained.
 - 7 Prior to the commencement of development details of the proposed cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall then be implemented in accordance with the approved details prior to the use first brought into use.
 - 8 Development shall not begin until a surface after drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- The scheme shall include:-
- a) 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 existing site and not increase the risk of flooding off site
 - b) provision of sufficient surface water run-off attenuation storage to accommodate the difference between the existing allowable discharge rate and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm
 - c) details of how the scheme shall be maintained and managed after completion.
- 9 The development hereby permitted shall not commence until 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 in accordance with the approved details prior to the first use of the site.
 - 10 No development shall take place until a programme of archaeological work (Archaeological Attendance during groundwork's) including a Written Scheme of Investigation has been submitted to approved in writing. The development shall then be undertaken in accordance with the approved scheme.
 - 11 The development hereby approved shall not be brought into use until the highway works shown on JWA Architects Limited Proposed Layout Drawing No H8443-03 Rev C, has been completed and made available for use.

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 enhance the appearance of the development and to ensure that adequate replacements for the removed trees are proposed to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.

- 5 To ensure that any external lighting from the proposal does not detrimentally affect the bat foraging route or result in a nuisance in accordance with Section 11 of the NPPF in particular paragraph 109 and 110.
- 6 To protect the amenities of nearby residents in accordance with policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of sustainability of the of he development to encourage alternative transport choice in accordance with Section 4 of the NPPF in particularly paragraph 30.
- 8 To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 9 To prevent pollution of the water environment in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that any archaeological remains are suitably preserved or recorded in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of Highway safety and the free flow of traffic along Dodwells Road 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:- Jenny Brader Ext 5620

Item: 06
Reference: 14/01084/FUL
Applicant: Executors & Trustees Of Cynthia Fogerty Deceased
Location: 20 Rookery Lane Groby
Proposal: Partial demolition of, and extensions and alterations to, an existing dwelling and erection of two new dwellings, alterations to access and erection of a new boundary wall

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 occupiers of more than four addresses.

Application Proposal

This application seeks full planning permission for:-

- the demolition of a single storey extension to the existing two storey cottage
- extensions and alterations to the existing two storey cottage (Unit A)
- the erection of a new 1½ storey dwelling with road frontage to Rookery Lane (Unit B)
- the erection of a new 1½ storey dwelling to the rear of the existing cottage (Unit C)
- formation of new off-street parking and turning areas to the front (Unit A) and rear (Units B and C)
- alterations to the existing vehicular access onto Rookery Lane
- the erection of new 0.45 metre high dry stone walls to the front boundary of Unit B and either side of the access

Unit A

The existing single storey extension to the south east side elevation would be demolished and the external wall made good. A two storey extension with a subordinate link is proposed to the north west side elevation with accommodation at first floor and an entrance lobby and under-croft parking at ground floor. A first floor extension is proposed to the rear elevation. Proposed materials are rough cast rendered walls, interlocking concrete roof tiles and uPVC windows to match the existing dwelling and heritage profile rainwater goods. Alterations include the removal of the ground floor bay windows on the front elevation, modification to the openings and replacement with narrower flush timber frames windows.

Unit B

The proposed three bedroom dwelling is located immediately to the south east of Unit A on the same building line with road frontage to Rookery Lane. The proposed dwelling is 10.6 metres in width x a maximum of 6.8 metres in depth with a ridge height of approximately 5.85 metres and eaves height of approximately 3.9 metres. The design includes a traditional pitched roof with half dormer windows at first floor to the front elevation, feature chimney to the side elevation, brick plinth, arched headers and brick eaves. Proposed materials include rendered walls with a brick plinth, natural slate roof, timber framed windows and doors,

conservation type roof lights and heritage profile rainwater goods. Two parking spaces are provided to the rear. New steps are proposed for access to the elevated rear garden.

Unit C

The proposed three bedroom dwelling is located to the rear of Units A and B with the main elevations facing south east (front) and north west (rear). The proposed dwelling is 10.3 metres in width x a maximum of 9.8 metres in depth. It is designed with a traditional steep pitched roof with front and rear gables with a (main) ridge height of 6.6 metres and eaves height of 3.9 metres and a subordinate wing with a ridge height of 5.8 metres and eaves height of 2.9 metres. The design includes a bay window and canopy porch to the front elevation, cat-slide roof to the rear elevation, feature chimney to the side elevation, headers and brick eaves. Proposed materials include red brick and timber clad walls, natural slate roof, timber framed windows and doors, conservation type roof lights and heritage profile rainwater goods. Two parking spaces are provided to the rear. A stone/brick and slate outbuilding located in the southern corner of the site is to be retained for use as a shed with Unit C.

Access

The existing 3 metres wide access is to be increased in width to 4.6 metres and provided with 2 metres x 2 metres visibility spays on both sides. The existing pillars and access gates are to be removed and replaced with new 0.45 metre high dry stone walls either side of the access and across the road frontage of Unit B.

Amended plans have been submitted to change the design and layout of the scheme and provide additional sections through the site. Re-consultation has been undertaken in respect of the amended plans.

The Site and Surrounding Area

The site measures approximately 0.14 hectares (1420 square metres) and is located within the settlement boundary of Groby and within the Groby Conservation Area. It is roughly square in shape measuring approximately 38 metres in width and depth. It comprises a two storey cottage with single storey extensions and a detached garage located in the north corner of the site. It is constructed with white painted rough cast rendered walls and brown concrete interlocking roof tiles. There are extensive/elevated gardens to the rear containing a number of trees of varying species, age and height and other landscaping. There is an attractive stone/brick and slate outbuilding located in the southern corner of the site. The site is enclosed by the brick walls of an adjacent commercial building (north west), a metre high dry stone wall with various fencing over (south west), a 1.8 metres high timber panel fence (south east) and a 3 metre high hedgerow across the site frontage. There is a 3 metre wide vehicular access off Rookery Lane close to the east corner with 3 metres high rendered pillars either side framing a pair of black painted iron railing gates of similar height. There is a Grade II Listed Building (26 Rookery Lane) that backs on to the south east boundary of the site. The commercial building to the north west is occupied and uses air conditioning units. There are modern two storey semi-detached dwellings to the north east on Rookery Lane and the rear gardens of modern two storey detached dwellings that front onto Crane Ley Road to the south west.

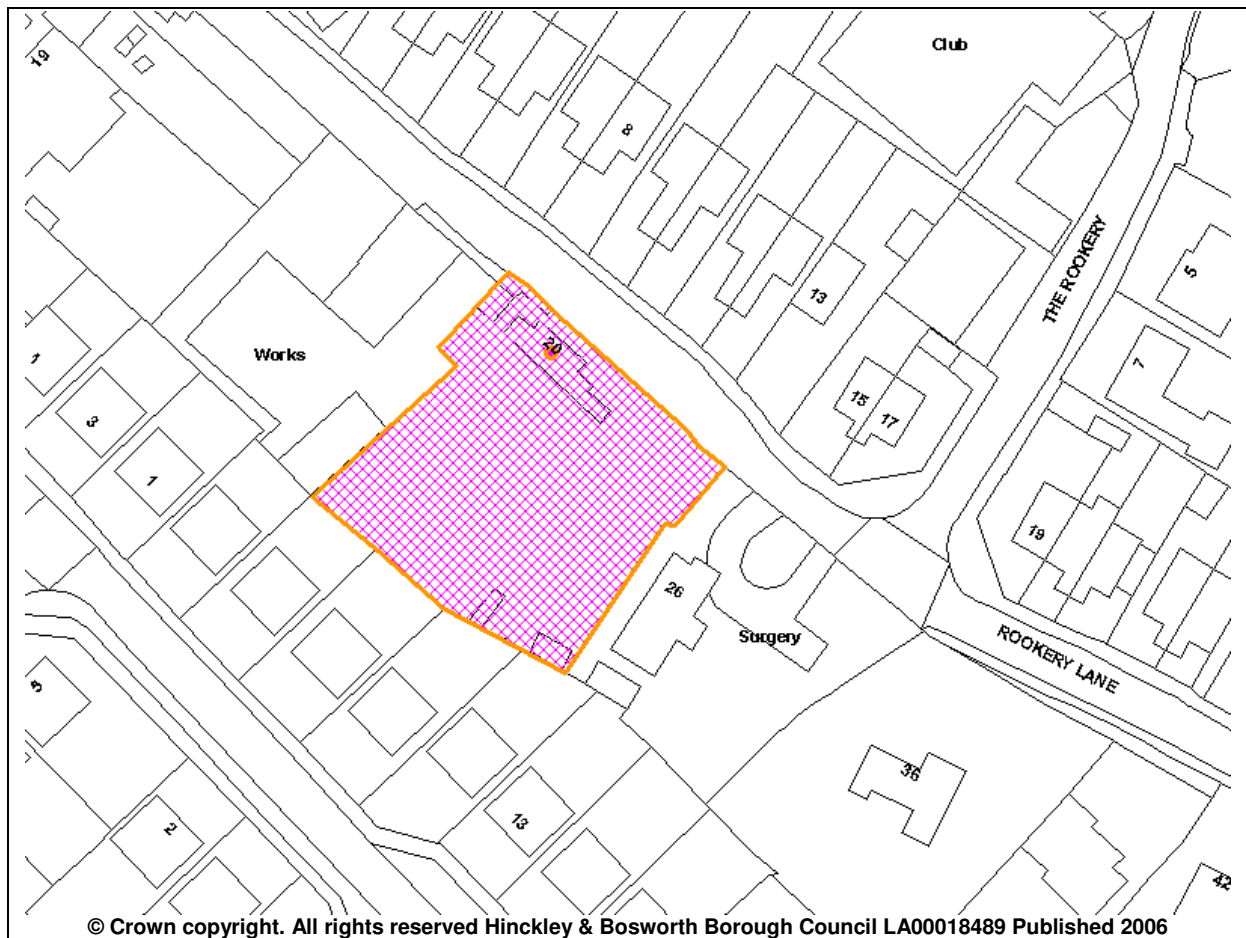
There are significant ground level changes within the site and in the surrounding area. The ground levels of the site rise steeply to the rear of the existing cottage to a level approximately 3 metres higher than the highway. The site itself is approximately 1 metre lower than the ground levels of the dwellings on Crane Ley Road to the south west. Site sections have been submitted with the application.

Technical Documents submitted with the Application

A Planning and Heritage Statement and Arboricultural Report have been submitted to support the application.

Relevant Planning History:-

02/00721/OUT	Erection of two bungalows	Refused	12.09.02
00/00562/FUL	Single storey extension to dwelling	Approved	11.07.00



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Highways)
- Street Scene Services (Waste)
- Arboricultural Officer

Groby Parish Council object to the application on the following grounds:-

- a) application site is within a Conservation Area
- b) wish to retain current trees
- c) houses being built too close to the rear boundary wall which should be retained
- d) access - highway safety.

Groby Village Society object to the application on the following grounds:-

- a) new dwellings do not enhance or conserve the visual amenity of the Conservation Area
- b) the dwelling to the rear will appear as a two storey dwelling due to rising ground and attic rooms
- c) existing trees add greatly to the overall appearance of the area
- d) inadequate off-street car parking leading to additional on-street parking problems in the area.

Groby Heritage Warden raises the following issues and concerns:-

- a) proximity of the development to listed buildings
- b) suggests proper archaeological investigation of the existing cottage should be undertaken to reveal its construction which is hidden by render
- c) tiled roof should be replaced by Welsh slate in the absence of availability of Groby slate
- d) Unit 3 is too close to a traditional dry stone wall and should be relocated further away
- e) would retained trees survive the building operations without serious damage?
- f) access - highway safety.

Site notice posted and neighbours notified, objections have been received from six different addresses. A summary of the objections/issues/concerns raised are as follows:-

- a) Unit C is too close to the rear boundary dry stone retaining wall and would potentially result in damage and lack of access for future maintenance
- b) proximity of Unit C to rear boundary and its proposed height would be overbearing and restrict outlook/views from rear windows and garden of dwellings fronting onto Crane Ley Road
- c) loss of privacy from overlooking to the rear gardens of dwellings fronting onto Crane Ley Road
- d) overlooking to the front of properties on Rookery Lane
- e) overshadowing/loss of light to the rear gardens of dwellings fronting onto Crane Ley Road
- f) lack of privacy fencing to the rear gardens of dwellings fronting onto Crane Ley Road
- g) potential additional parking problems
- h) loss of property value
- i) inaccuracies on the plans
- j) inadequate parking
- k) highway safety in respect of the access position close to a blind summit
- l) loss of trees/view.

No response has been received from Historic Buildings Panel.

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

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy (2009)

Policy 8: Key Rural Centres Relating to Leicester
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

The site is located within the settlement boundary of Groby and within the Groby Conservation Area as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in Conservation Areas
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy T5: Highway Design and 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/Documents

Groby Conservation Area Appraisal and Map (2010)
Play and Open Space (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)

Appraisal:-

The main considerations in determination of this application are:-

- the principle of development
- layout and design
- impact on the character and appearance of the Groby Conservation Area
- impact on the setting of the adjacent listed building
- impact on archaeology and existing trees
- the amenities of neighbouring properties
- access and highway and pedestrian safety
- developer contributions
- other issues

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. This is set out within paragraphs 49 and 14 of the NPPF. For decision taking this means:

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

Policy RES5 of the adopted Local Plan supports housing development on unallocated sites within the boundaries of urban areas.

The application site is located within the settlement boundary of Groby as defined on the Proposals Map of the adopted Local Plan where residential development is generally acceptable in principle and in a sustainable location within a reasonable distance of services and facilities.

Policy 8 of the adopted Core Strategy supports the allocation of land for a minimum of 110 new dwellings for Groby. As at 1 October 2014, a further 86 dwellings are required to meet that requirement and the proposal would therefore contribute an additional two dwellings to meet the minimum requirement for Groby.

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. As of 1 October 2014 the Council considered that it had a five year supply of housing sites, based on the 'Liverpool' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan) and a 5% buffer and thus that the housing supply policies contained within the Core Strategy were up-to-date. However, a more recent appeal decision has been received on 11 March 2015 (application ref. 12/00250/FUL) in respect of Land East of Groby Cemetery for the erection of 91 dwellings. The Inspector in this appeal, based on the most up-to-date evidence and the delayed delivery of the SUEs, concluded that the supply of housing would be best served by making up the existing undersupply in the shorter term, in accordance with the 'Sedgefield' methodology with a 5% buffer to achieve the planned supply. The Inspector calculated that the Borough's current housing land supply would equate to approximately 4.34 years and therefore policies for the supply of housing land cannot be considered up to date. The additional dwellings proposed would therefore contribute to the shortfall in housing within the Borough and the settlement of Groby.

In addition to contributing to the social role of sustainable development by providing two additional dwellings towards meeting the current shortfall, the proposal would contribute to the economic role through the construction/development of the site and support the vitality and viability of the village from the occupation of the dwellings. The proposal is therefore considered to be a sustainable development in accordance with the overarching principles of the NPPF, Policy 8 of the adopted Core Strategy and Policy RES5 of the adopted Local Plan. The proposal is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Notwithstanding the current shortfall in housing land supply and that 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 former residential garden/allotment should be considered against local policies to determine if it would harm the local area.

Layout, Design & Relationship to the Character and Appearance of the Groby Conservation Area (GCA), the Setting of the Adjacent Listed Building, Archaeology and Existing Trees

In addition to paragraph 53 above, the NPPF in paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings. One of the core planning principles identified in paragraphs 17 and 126 of the NPPF include the conservation of heritage assets in a manner appropriate to their significance.

Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the GCA by incorporating locally distinctive features. Policy BE1 (criterion a) of the adopted Local Plan and the Council's adopted SPG on New Residential Development seek 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 and is well integrated into its surroundings. Policy BE1 (criterion b) of the adopted Local Plan seeks to avoid the loss of open spaces, important gaps in development and vegetation and features that contribute to the quality of the local environment. Policy BE5 of the adopted Local Plan requires that development preserves or enhances the setting of listed buildings through the control of the scale, form, siting and design of the proposal in relation to the listed building and the preservation of trees. Policy BE7 of the adopted Local Plan requires the siting and design of new development to preserve or enhance the special character and appearance of the conservation area and be in sympathy with the merits of neighbouring development. Policies BE14 and BE16 of the adopted Local Plan require that appropriate archaeological evaluation, investigation and recording is undertaken where necessary. These policies are considered to have a high degree of conformity with the NPPF and can therefore be given weight in the determination of the application.

Unit A (Existing Cottage)

The GCA Map identifies the existing cottage 20 Rookery Lane as an important historic building but the GCA Appraisal does not refer specifically to Rookery Lane or provide any additional information to support the historic importance of the cottage. It is located on the edge of the GCA adjacent to a listed building and both are surrounded by 'weak' areas of modern housing and commercial units.

The unsympathetic bow windows to the front elevation and concrete roof tiles dilute the traditional character and appearance of the cottage. The amended scheme proposes the replacement of the bow windows with flush windows of appropriate proportions which would enhance its appearance. The more modern single storey extension does not have any historic or architectural merits and therefore its demolition is not unacceptable in principle. The proposed extension to the north west side (as amended) is considered to be sympathetic to the cottage in terms of its design, scale and proportions and would be visually distinct by virtue of the subordinate/set back link. The extension would also benefit the visual amenities of the GCA by the demolition of the existing flat roof garage and obscuring of views of the commercial building behind it. Whilst the use of more sympathetic materials would be desirable, the proposed use of matching materials on the cottage extension is not unacceptable in policy terms. By virtue of the layout, scale, design and the use of matching

materials the scheme for Unit A is considered to enhance the character and appearance of the dwelling and the wider GCA and to preserve the setting of the adjacent listed building.

Objections have been received on the grounds that the new dwellings (Units B and C) do not enhance or conserve the visual amenity of the GCA, are too close to nearby listed buildings and the dry stone boundary wall to the rear of the site and would result in the loss of trees that contribute to visual amenity. Groby Village Society also raises concerns that Unit C will appear as a two storey dwelling due to rising ground and attic rooms.

Unit B

The replacement of the existing single storey extension with a well designed 1½ storey cottage would continue the linear form of development and frontage onto Rookery Lane already established by Unit A. The proposed layout maintains an adequate degree of open space and separation (approximately 15 metres) to the listed building to the south east such that it is considered to preserve its setting. The scale of Unit B also respects that of the adjacent cottage and listed building and takes into account the rising ground level within the street scene. The design includes a feature chimney to the side elevation, brick plinth, half dormer windows, arched brick headers and brick eaves that are architectural features found elsewhere within the GCA and add to the quality of the design. The proposed use of render, red brick, natural slate, timber windows and conservation roof lights would result in a satisfactory appearance within the GCA. By virtue of the layout, scale, design and the use of sympathetic materials the scheme for Unit B is considered to enhance the character and appearance of the GCA and to preserve the setting of the adjacent listed building. The proposed removal of the frontage hedgerow and its replacement with a sympathetic low level dry stone wall across the frontage would enhance the character and appearance of this part of the GCA.

Unit C

The GCA Appraisal and Map identifies the garden area to the rear of the cottage as a green space but provides no specific details to support its importance and it is not identified as an open area of special character protected by Policy BE19 of the adopted Local Plan. The majority of the rear garden has an elevated position (approximately 3 metres) in relation to Rookery Lane and is partly screened by the dwelling and its existing extension. As a result, other than the larger trees within the site which contribute to the visual amenities of the GCA, this green space is considered to make only a limited contribution to the GCA.

Notwithstanding that the siting of Unit C would result in back-land development, in this case the adjacent listed building to the south east of the site is set well back from the highway and has a similar orientation almost at right angles to the highway. In addition, to the north west there is a commercial unit that extends built form to the rear boundary of the application site. Therefore, whilst back-land development is not generally encouraged, in this particular case it is considered that the amended layout would not result in any significant harm to the character of the area. In addition, notwithstanding the elevated ground levels, by virtue of the amended layout and 1½ storey scale of Unit C it would be largely screened from public areas by the frontage development and the retention of the larger trees. An additional site section has been submitted to satisfactorily demonstrate the relationship of the dwelling to the street scene and address the concern raised that it would be prominent as a result of its elevated position and scale.

The amended layout has relocated the footprint of Unit C increasing the separation distance to the dry stone wall to approximately 2.5 - 3 metres to minimise any potential adverse impact on the wall during construction and address objections received on this issue. The amended layout also provides separation distance of 23 metres between Unit C and the

blank rear elevation of the listed building which, together with the proposed retention of the larger trees (which would continue to contribute to the visual amenities of the GCA), would preserve the setting of the listed building.

The design includes a bay window and canopy porch to the front elevation, cat-slide roof to the rear elevation, feature chimney to the side elevation, headers and brick eaves that are architectural features found elsewhere within the GCA and add to the quality of the design. Proposed materials include red brick and timber clad walls, natural slate roof, timber framed windows and conservation roof lights would result in a satisfactory appearance within the GCA. By virtue of the layout, scale, design and the use of sympathetic materials the scheme for Unit C is considered to preserve the character and appearance of the GCA and the setting of the adjacent listed building.

The amended layout provides adequate private amenity areas for each dwelling in excess of SPG design standards. There are a number of trees within the site that contribute to the visual amenities of the Groby Conservation Area. The proposed layout indicates the retention of the more significant trees. The Borough Council's Arboricultural Officer has visited the site and has no objection to the scheme subject to conditions requiring the submission of an arboricultural method statement and tree protection plan for prior approval and the implementation of protection measures before and during construction. These conditions are considered to be reasonable and necessary to protect and ensure retention of the significant trees within the site in view of the proximity of proposed Unit C.

Groby Heritage Warden suggests that proper archaeological investigation of the existing cottage should be undertaken to reveal its construction method which is hidden by render and that the tiled roof should be replaced by slates.

Leicestershire County Council (Archaeology) has visited the site and has no objection in principle to the scheme. However, they consider that the works to the existing cottage have the potential to impact on historic fabric and reveal details of heritage interest and therefore they recommend a condition to secure a programme of historic building inspection and recording to include monitoring of the alterations. This should also include the stone outbuilding which is to be retained. In addition, they consider that there is a likelihood of archaeological remains being present within the site and therefore a condition is recommended to secure a programme of archaeological work in the form of archaeological attendance during ground-works to investigate and record any remains encountered. These conditions are considered to be reasonable and necessary to ensure satisfactory archaeological investigation and recording in accordance with paragraphs 137 and 141 of the NPPF.

The Borough Council's Conservation Officer raises no objections to the amended scheme subject to conditions to control external materials and proposed new boundary treatments.

Notwithstanding the objections received, which have been carefully considered, by virtue of the layout, scale, design and appearance of the amended scheme, which are considered to be acceptable, together with the retention of the larger trees within the site and subject to archaeological investigation and recording the proposal is considered to preserve the historic fabric and significance of the existing cottage, preserve the character and appearance of the wider GCA and the setting of the adjacent listed building and would result in a scheme that would be well integrated into its surroundings. The scheme is therefore considered to be in accordance with Policies BE1 (criteria a and b), BE5, BE7 (criteria a, b, c and d), BE14 and BE16 of the adopted Local Plan, the SPG on New Residential Development and the overarching principles of the NPPF with particular reference to paragraphs 53, 137 and 141.

Relationship to the Amenities of Neighbouring Properties

The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy BE1 (criterion (i) of the adopted Local Plan and SPG on new Residential Development require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

Objections have been received that proposed Unit C, by reason of its height and proximity to the rear garden boundaries of the dwellings that front onto Crane Ley Road would result in an adverse overbearing/overshadowing impact on the rear elevation windows and rear gardens, would result in a loss of privacy from overlooking and lack of adequate boundary treatments. An objection has also been received that Unit B would result in overlooking to the front of the dwellings on Rookery Lane.

The dwellings on Crane Ley Road that back onto the site are two storeys in height and occupy an elevated position of approximately 1.2 metres above the ground level of the application site. Boundary treatments are varied and currently relatively low level and currently unsubstantial.

The amended layout has relocated Unit C further into the site from the rear boundary wall and now provides a separation distance of between 11.5 metres and 13 metres to the nearest dwelling, 7 Crane Ley Road, and approximately 3 metres to the rear garden boundary. The Council's SPG on New Residential Development suggests that a separation distance of 12 metres to a single storey or 14 metres to a two storey blank elevation is acceptable. Taking into account the relative (lower) ground level of the application site the proposed separation distance is considered to be acceptable in terms of the SPG. In addition, by virtue of the amended design of Unit C, the closest part is an end gable only 5 metres in width with an effective ridge height (taking into account the lower ground level of the site) of approximately 4.6 metres and eaves height of approximately 1.7 metres. By virtue of the increased separation distance and amended design together with the relative ground levels, it is considered that Unit C would not result in any significant adverse overbearing/overshadowing relationship to the rear elevation windows or rear gardens of the adjacent dwellings. Notwithstanding that the amended design has removed the dormer windows of the original scheme it now includes roof lights to serve bedrooms within the roof space. However, only oblique views would be available as there are no windows that face directly into the rear gardens of the adjacent dwellings.

The lack of substantial fencing along the rear boundaries of the adjacent neighbouring dwellings is the choice of the current occupiers and privacy could be protected by the erection of standard boundary fencing within their curtilage to address any potential loss of privacy as a result of the development of the application site. The proposal includes the erection of an elevated close boarded timber fence (stained dark green) above part of the existing dry stone wall that defines the boundary to enclose the rear garden of Unit C and protect the privacy and amenity of the future occupiers and existing occupiers on Crane Ley Road. This solution would not obscure the existing dry stone wall which is an attractive and historic feature to be retained and would not obstruct its future maintenance but would still provide a privacy screen and take into account the relative ground levels of the site and neighbouring gardens as indicated on the submitted Site Section drawing.

Unit B faces across the public highway towards the dwellings on the opposite side of Rookery Lane and by virtue of the separation distance of approximately 23 metres to the front elevation windows would not result in any adverse relationship to these dwellings from either overbearing/overshadowing impact or loss of privacy from overlooking.

Notwithstanding the objections received, which have been carefully considered, by virtue of the siting, scale, design and separation distances it is considered that the amended scheme would not result in any adverse relationship to any neighbouring properties or result in any adverse overbearing/overshadowing impacts or undue loss of privacy from overlooking. The amended scheme is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF in this respect.

Access, Parking 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.

Objections have been received that the access to Rookery Lane is inadequate to serve additional dwellings and the scheme provides inadequate off-street vehicle parking to serve the development and would therefore result in additional on-street parking both to the detriment of highway safety. An objection has also been received that the access is too close to the brow of a hill and would result in added dangers to road users.

The existing access serving 20 Rookery Lane is only 3 metres in width and has no visibility splays being framed on either side by 3 metres high pillars and frontage hedgerows. The scheme includes alterations to the access to increase its width to 4.6 metres (in excess of LCC Highways design standard) and provide 2 metres x 2 metres visibility splays on both sides. The existing pillars, access gates and frontage hedgerow that restrict visibility are to be removed and replaced with new 0.45 metre high dry stone walls either side of the access and across the road frontage of Unit B. Notwithstanding that the achieved visibility splay in a south east direction (towards the brow of the hill) is still not in accordance with LCC Highways design standard the proposal provides a significant improvement to the access and visibility that outweighs any additional impact from the increase in its use by the proposed additional unit. The level of additional traffic generated by the additional dwelling using the access is not considered to be on a scale likely to result in any significant adverse impact on highway safety. In addition, adequate parking (two car spaces for each dwelling) and turning is provided within the site in accordance with LCC Highways design standards to enable vehicles to enter and leave the site in a forward direction which is not currently the case.

The scheme has been considered by Leicestershire County Council (Highways) who consider that the residual cumulative impacts of the development can be mitigated and are not considered to be severe and therefore raise no objections on highway safety grounds subject to a number of conditions to ensure provision of the proposed alterations/improvements to the vehicular access, provision of parking and turning, satisfactory surfacing, access gradient, visibility splays, drainage and gate restriction.

Notwithstanding the objections received, which have been carefully considered, the scheme is not considered to result in any demonstrable adverse impact on highway or pedestrian safety and is therefore in accordance with Policies BE1 (criterion g) and T5 of the adopted Local Plan.

Developer Contributions

Policies IMP1 and 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 for children. The request for any developer 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. However, on 28th November 2014 the Secretary of State announced revisions to s.106 and CIL contributions and the NPPG. Following the announcement of the Secretary of State, the Council's ability to request affordable housing and other s.106 contributions on smaller sites has been removed. Contributions can not now be sought on developments less than 10 dwellings and therefore no contribution has been pursued in this case.

Other Issues

Policy NE2 of the adopted Local Plan requires that development should not suffer material harm from existing or potential sources of air pollution.

Environmental Health (Pollution) advise that there are air conditioning units on the adjacent commercial premises close to Unit C of the scheme. However, no complaints have been received from existing residential premises and following a site visit it is considered that impacts from noise are not likely to be significant. However, it is suggested that potential mitigation measures, such as some form of noise barriers at source, should be discussed with the owner of the adjacent commercial premises and a note to applicant is recommended to this effect.

Street Scene Services (Waste) recommend a condition requiring a scheme for the provision of a waste and recycling collection point adjacent to the highway. As there is enough space for additional bins from the proposed dwellings to be presented for collection at the highway boundary a condition is not considered to be necessary in this case.

Inaccuracies on the submitted Site Section drawing were addressed by the submission of an amended plan and re-consultation has been undertaken.

Objections have been received that the scheme, if approved, may lower adjacent property values but this is not a material planning consideration.

Conclusion

Paragraphs 14 and 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Borough is currently unable to demonstrate a five year housing land supply and the application site is in a sustainable location within the settlement boundary of Groby where residential development is generally acceptable in principle and would contribute to the current shortfall of additional new dwellings identified for Groby in the adopted Core Strategy. Notwithstanding the objections received, which have been carefully considered, the layout, scale, design and appearance of the amended scheme, are considered to be acceptable and together with the retention of the significant trees within the site, the proposal is considered to preserve the historic fabric and significance of the existing cottage, preserve the character and appearance of the wider GCA and the setting of the adjacent listed building and to result in a scheme that would be well integrated into its surroundings.

By virtue of the layout, scale, design and separation distances the amended scheme would not result in any adverse relationship to any neighbouring properties or result in any adverse overbearing/overshadowing impacts or loss of privacy from overlooking. It is considered that the proposed scheme would significantly improve access and egress to and from the site that would outweigh any impact from additional traffic as a result of the additional unit proposed and therefore the scheme would not result in any adverse impacts on highway or pedestrian

safety. Archaeological issues raised can be adequately mitigated by the imposition of appropriate planning conditions.

Therefore, the proposal is not considered to result in any significant or demonstrable adverse impacts that would weigh against the presumption in favour of sustainable housing development supported in paragraphs 14 and 49 of the NPPF. The scheme is considered to be in accordance with Policy 8 of the adopted Core Strategy, Policies BE1 (criteria a, b, g and i), BE5, BE7 (criteria a, b, c and d), BE14, BE16, NE2, RES5 and T5 of the adopted Local Plan, the Council's SPG on New Residential Development and the overarching principles of the NPPF. The application 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 Groby Conservation Area and the setting of nearby listed buildings, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development within the settlement boundary of Groby which would contribute to the current shortfall in housing supply in Groby. In addition, by virtue of its layout, scale, design and appearance the proposal is considered to preserve the significance of the existing cottage, preserve the character and appearance of the wider Groby Conservation Area and the setting of the adjacent listed building and would not result in any adverse impacts on significant trees, archaeology, the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Core Strategy:- Policy 8.

Hinckley & Bosworth Local Plan (2001):- Policies BE1 (criteria a, b, g and i), BE5, BE7 (criteria a, b, c and d), BE14, BE16, NE2, RES5 and T5.

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

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:- Site Location Plan drg.no. S115 (LP) 01 Rev A, Existing Plans drg.no. S115 (EX) 01, Existing Elevations drg.no. S115 (EX) 02 Rev A, Existing Site Plan drg.no. S115 (EX) 03 received by the local planning authority on 17 November 2014; Site Plan as Proposed drg.no. S115 (PL) 01 Rev A and Site Section drg.no. S115 (PL) 04 received by the local planning authority on 17 February 2015 and Elevations & Sections Units A & B as Proposed drg. No. S115 (PL) 02 Rev B and Units A & B Floor Plans and Unit C Floor Plans, Elevations and Section drg.no. S115 (PL) 03 Rev C received by the local planning authority on 23 February 2015.

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the new dwellings, and front boundary wall hereby permitted shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials. The external materials to be used on the extensions and alterations to 20 Rookery Lane hereby permitted shall match the corresponding materials of the existing dwelling.
- 4 Before any development commences, full details of the window style, reveal, cill and header treatment, doors and conservation roof lights shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.
- 5 Before any development commences, full details of the design and construction method of the new front boundary wall shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.
- 6 The development hereby permitted shall be implemented in accordance with approved proposed ground levels and finished floor levels submitted on Site Plan as Proposed drg.no. S115 (PL) 01 Rev A and Site Section drg.no. S115 (PL) 04 received by the local planning authority on 17 February 2015.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) retained historic landscape features and proposals for restoration, where relevant
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) 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.
- 9 No demolition/development shall take place/commence until a programme of archaeological work (Historic Building Inspection and Recording and Archaeological Attendance during ground-works) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment
 - c) provision to be made for analysis of the site investigation and recording
 - d) provision to be made for publication and dissemination of the analysis and records of the site investigation

- e) provision to be made for archive deposition of the analysis and records of the site investigation
 - f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 10 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 9.
 - 11 No new dwelling shall 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 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
 - 12 Before first occupation of any new dwelling hereby permitted, the access shall be widened to a minimum of 4.6 metres and provided with 2 metres x 2 metres visibility splays on both sides of the access at the junction with Rookery Lane in accordance with the details shown on Site Plan as Proposed drg.no. S115 (PL) 01 Rev A. The access shall be surfaced with tarmacadam, block paving or 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 thereafter.
 - 13 No walls, planting or fences shall be erected or allowed to grow on the highway boundary of the site exceeding 0.6 metres in height above the level of the adjacent carriageway.
 - 14 The two proposed car parking spaces to serve Unit A as shown on Floor Plan drg.no. S115 (PL) 03 Rev C shall be provided and surfaced with tarmacadam, block paving or similar hard bound material (not loose aggregate) prior to completion of the extensions and alterations to Unit A and once provided shall not be obstructed and shall thereafter be permanently so maintained.
 - 15 Before first occupation of any new dwelling hereby permitted, the vehicle parking and turning facilities to serve Units B and C shall be provided, hard surfaced and made available for use within the site in accordance with Site Plan as Proposed drg.no. S115 (PL) 01 Rev A. The vehicle parking and turning areas so provided shall not be obstructed and shall be so maintained at all times thereafter.
 - 16 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
 - 17 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
 - 18 Before first occupation of either of the new dwellings hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and once provided shall be so maintained at all times thereafter.
 - 19 Before any development is commenced on the site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

- 20 Before development commences on the site, including site works of any description, trees T1, T2, T3, T4, T6, T7 and T27 indicated to be retained on Site Plan as Proposed drg.no. S115 (PL) 01 Rev A shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B.S. 5837: 2012 erected in a circle round each tree at a radius from the bole in accordance with the root protection areas identified in section 4 of the submitted Arboricultural Report by John Crawshaw dated 14 July 2014. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, equipment, machinery, or temporary buildings or surplus soil shall be placed or stored thereon.

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 In the interests of visual amenity and to preserve the character and appearance of the Groby Conservation Area to accord with Policies BE1 (criterion a) and BE7 (criteria b and d) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the development has a satisfactory appearance, in the interests of visual amenity and to protect the amenities of neighbouring properties to accord with Policies BE1 (criteria a and i) and BE7 (criterion b) of the adopted Hinckley & Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with Policies BE1 (criterion e), BE7 (criterion c) and NE12 (criteria a, b and c) of the adopted Hinckley & Bosworth Local Plan.
- 8 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.
- 9-11 To ensure satisfactory archaeological investigation and recording to accord with Policies BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and paragraph 137 and 141 of the National Planning Policy Framework.
- 12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To afford adequate visibility at the access/junction in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 14 To ensure that adequate off-street parking facilities are available to serve Unit A and to reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
 - 15 To ensure that adequate off-street parking and turning facilities are available to serve Units B and C in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
 - 16 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
 - 17 To enable a vehicle to stand clear of the highway in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
 - 18 To reduce the possibility of surface water from the site being deposited in the highway in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 19&19 To ensure that 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), BE5 and Policy NE12 (criterion c) 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 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- 6 The access drive, parking and turning area, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving,

discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

- 7 The applicant is reminded that the collection point for refuse and recycling is from the public highway and satisfactory arrangements will have to be made by the future occupiers of the site to present the relevant containers in a suitable position on collection days.
- 8 The applicant's attention is drawn to the proximity of Unit C of the scheme to the air conditioning units on the adjacent commercial premises whose typical hours of operation are 6am-6pm Monday to Friday and 6am-10am Saturday. There is potential for the air conditioning units to be audible in bedrooms with windows open. Mitigation against impact would be most effective at source (for example barriers adjacent to the air conditioning units to deflect sound away from Unit C. The developer should therefore consider approaching the commercial premises informally to discuss undertaking this work to protect the amenity of the future occupiers.
- 9 The applicant's attention is drawn to the consultation response of Leicestershire County Council (Archaeology). It is suggested that the historic building survey and recording includes the separate outbuilding that is to be retained within the site.
- 10 In relation to Condition 19, the Arboricultural Method Statement will need to secure, in advance, appropriate access facilitation pruning. The Tree Protection Plan should also detail underground service routes.

Contact Officer:- Richard Wright Ext 5894

Item: 07

Reference: 15/00014/FUL

Applicant: Mrs Sheila Bennett

Location: 61 Burbage Road Burbage

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

RECOMMENDATION:- Refuse planning permission.

Introduction:-

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

Application Proposal

This is re-submitted full application which seeks planning permission for the demolition of a garage, other alterations to 61 Burbage Road and the erection of two detached dwellings on garden land to the rear including the formation of parking areas and a new shared access from Burbage Road. Planning permission for a similar previous application (14/00571/FUL) was refused in August 2014 by virtue of the back-land nature of the development having an adverse impact on the established linear character of the area and because the development would have had an adverse impact on the residential amenity of 61 Burbage Road.

61 Burbage Road is an extended detached dormer bungalow. It is proposed to demolish the detached flat roofed garage and the sitting room and conservatory on the south eastern side of the dwelling to provide a new vehicular access to the rear of the property. A new gable end with low pitched roof is proposed to make good this elevation. The north east facing rear wing is to be reduced in length by approximately 4.2 metres and made good with a new gable end with low pitched roof. The internal layout of the dwelling is to be reconfigured to include the provision of a new sitting room. The existing 'hobbies' room would be converted to a garage and a new single garage door would replace an existing window on the south west facing front elevation. A new 1.8 metres high garden wall would be constructed to enclose the remaining rear garden of the existing dwelling.

This re-submitted application initially proposed 2 x two storey dwellings that were proposed to be sited on garden land to the rear of 61 and additional land in the applicant's ownership to the rear of 63 Burbage Road. However, during the course of the application amended plans have been submitted that now propose 2 x detached bungalows (Plot 1 - 3 bedrooms and Plot 2 - 2 bedrooms). Plot 1 is 13.6 metres in width x a maximum of 11.2 metres in depth with an eaves height of 2.2 metres and a main ridge height of 5.3 metres. Plot 2 is 12.7 metres in width x a maximum of 9.2 metres in depth with an eaves height of 2.2 metres and a main ridge height of 5.5 metres. The proposed bungalows have a similar, but not identical, design and include hipped roof form, subordinate projections, feature chimneys and bay windows to the front elevations that face towards Burbage Road which add interest to the design. The proposed layout includes five vehicle parking spaces to the front of the proposed dwellings and private rear gardens.

Site and Surrounding Area

The application site measures approximately 0.2 hectares (2000 square metres) and comprises an extended detached dormer bungalow set well back from the highway within the 18 metre wide plot. The bungalow has a gable fronted design with subordinate extensions with low pitched roof design to the south east side and rear and a detached flat roof garage is located within the front garden. The plot is approximately 76 metres in length and has double width for the rear most half of the plot by virtue of incorporating additional land located to the rear of 63 Burbage Road. The majority of the site is laid to lawn, interspersed by a number of small trees (predominantly fruit), a hedgerow and sheds. The site is enclosed by a mix of close boarded timber fencing and mature hedgerows and other vegetation. The land level falls gently towards the rear boundary of the site adjacent to which is a public footpath.

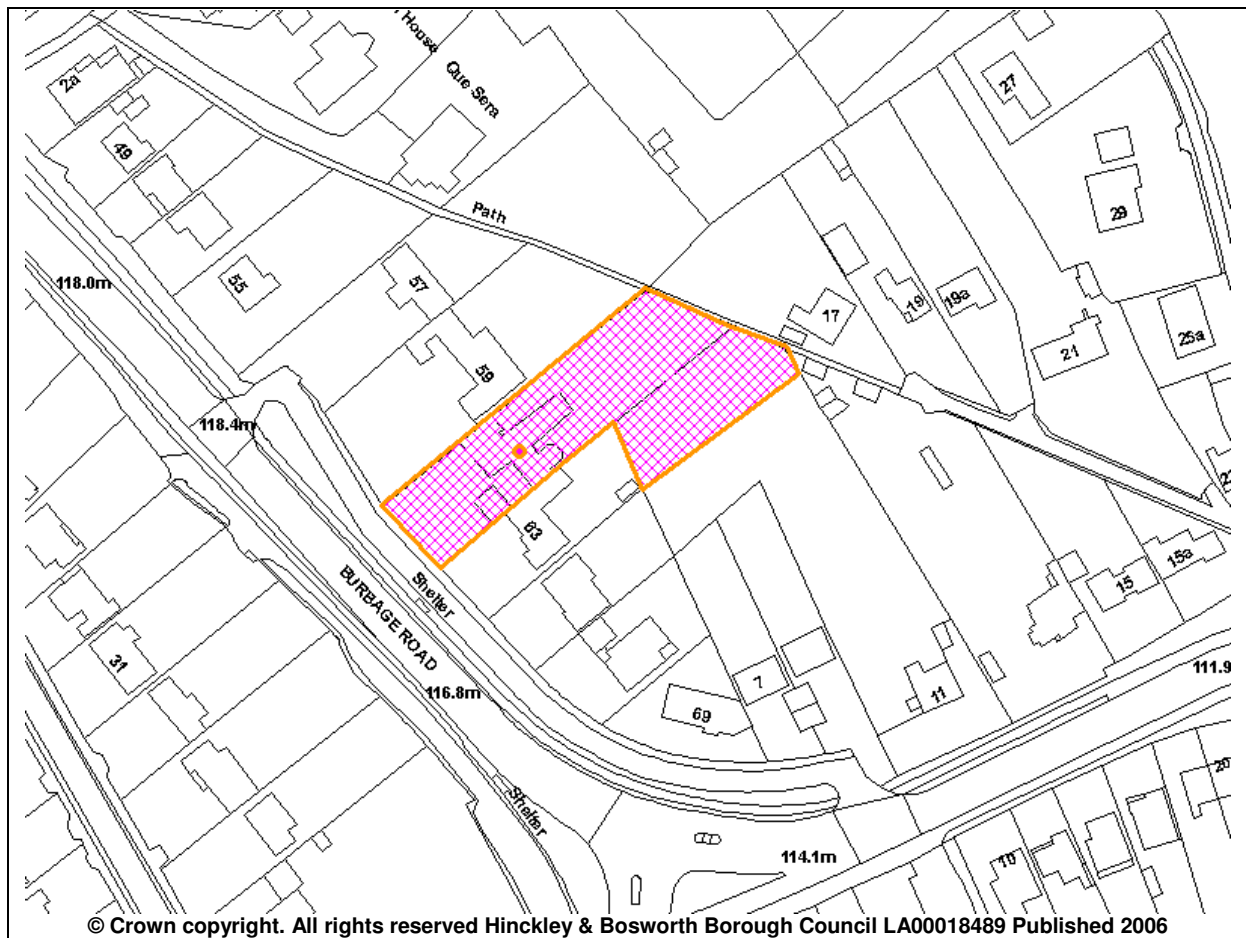
This section of Burbage Road is accessed from a service road running parallel with Burbage Road which curves round to join Sapcote Road. The neighbouring dwellings all front onto the service road but are set well back from the highway frontage with large front gardens. They are all detached but vary in terms of design and style and are set within large wide plots. To the rear of the site, north east of the public footpath there are other detached dwellings served by a private drive off Sapcote Road but here there is no definable pattern of development and little uniformity or definable character.

Technical Documents submitted with the Application

Design, Access & Planning Statement

Relevant Planning History:-

14/00571/FUL	Erection of two dwellings including demolition of existing garage & alterations to existing bungalow creating a new shared vehicular access	Refused	21.08.14
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Consultations:-

No objection has been received from:-

- Leicestershire County Council (Public Rights of Way)
- Environmental Health (Drainage)
- Street Scene Services (Waste)

No objection subject to conditions has been received from:-

- Leicestershire County Council (Highways)
- Environment Agency
- Environmental Health (Pollution)

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

- a) will have an unsatisfactory relationship with neighbouring properties
- b) will have a detrimental impact on residential amenity - loss of privacy, disturbance, overbearing effect
- c) back-land siting will result in an incongruous and uncomplimentary form of development contrary to Local Plan Policy BE1 (a), paragraphs 53 and 64 of the NPPF and Burbage Village Design Statement Guidance Notes GN1 and GN2 2.6
- d) inappropriate siting of two storey dwellings at the rear of bungalows which does not complement the character of the surrounding built form in relation to roof-scape, orientation and density contrary to SPG on New Residential Development and House Extensions

- e) overdevelopment of the site due to density and remaining sub standard garden area of No. 61 detrimental to the character of the area and future occupiers
- f) parking provision and width of narrow access is inadequate and does not provide safe and convenient access.

Neighbours notified, objections have been received from occupiers of eight different addresses raising the following (summarised) issues/concerns:-

- a) no need for additional housing in Burbage, Borough has a five year housing land supply and minimum number of properties for Burbage has been significantly exceeded
- b) incongruous and uncomplimentary form of back-land development
- c) does not complement or enhance the established linear character of the surrounding area, plot size, building siting or building form
- d) would violate and be contrary to the Co-operative Society covenant requirement of one dwelling per plot in this area
- e) other examples of back-land development submitted to support the application are not comparable to this case
- f) inappropriate scale and design, out of character with neighbouring properties
- g) resubmitted/amended schemes do not address the previous reasons for refusal
- h) will set a precedent for similar applications on other sites
- i) overbearing/overshadowing impact on neighbouring properties due to height and proximity of development
- j) loss of privacy to neighbouring properties from overlooking due to two storey scale and higher ground levels of the site
- k) adverse impact on amenity and tranquillity from noise, disturbance, smells, light pollution and vibration from the use of the dwellings, new access road and parking areas and immediate proximity to adjacent dwellings and gardens
- l) ground instability issues on this former landfill site and potential structural damage and subsidence to neighbouring dwellings from vehicle weight and vibration
- m) adverse impact on amenity from noise pollution and disturbance during the construction phase of the development
- n) adverse impact from loss of security to neighbouring dwellings
- o) contrary to article 8 of the Human Rights Act which concerns privacy and family life
- p) inadequate boundary treatments
- q) adverse impact on highway and pedestrian safety from additional traffic movements and on-street parking within the service road which has inadequate width
- r) loss of open space, trees and wildlife habitat for protected species
- s) concerns regarding foul drainage disposal and potential pollution of neighbouring properties
- t) contrary to the Burbage Village Design Statement and premature to the future Burbage Neighbourhood Development Plan.

No response has been received at the time of writing this report from the Ramblers Association.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 4: Development in Burbage
Policy 24: Sustainable Design

Hinckley & Bosworth Local Plan 2001

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

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

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations in determination of this application are:-

- the principle of development
- the siting, layout and design of the proposed dwellings and impact on the character of the area
- the amenities of neighbouring properties
- access and highway safety
- developer contributions
- other issues

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. This is set out within paragraphs 49 and 14 of the NPPF. For decision taking this means:

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

The site is located within the settlement boundary of Burbage as defined on the adopted Local Plan Proposals Map. Policy RES5 of the adopted Local Plan supports housing

development on unallocated sites within the boundaries of urban areas subject to acceptable siting, design and layout. Policy 4 of the adopted Core Strategy supports the allocation of land for a minimum of 295 new dwellings.

Objections have been received that the minimum number of dwellings allocated in the Core Strategy for the settlement of Burbage has been significantly exceeded and that there is no identified need for additional housing in Burbage.

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.

As of 1 October 2014 the Council considered that it had a five year supply of housing sites, based on the 'Liverpool' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan) and a 5% buffer and thus that the housing supply policies contained within the Core Strategy were up-to-date. However, a more recent appeal decision has been received on 11 March 2015 (application ref. 12/00250/FUL) in respect of Land East of Groby Cemetery for the erection of 91 dwellings. The Inspector in this appeal, based on the most up-to-date evidence and the delayed delivery of the SUEs, concluded that the supply of housing would be best served by making up the existing undersupply in the shorter term, in accordance with the 'Sedgefield' methodology with a 5% buffer to achieve the planned supply. The Inspector calculated that the Borough's current housing land supply would equate to approximately 4.34 years and therefore policies for the supply of housing land cannot be considered up to date. The additional dwellings proposed would therefore contribute to the shortfall in housing within the Borough.

Notwithstanding that the minimum allocation for Burbage has been exceeded, the allocation is a minimum figure and the proposal is for only two new dwellings and therefore the proposal would not have any material effect on the spatial vision for the settlement. As well as contributing, albeit on a small scale, to the social role of sustainable development by providing additional housing, the proposal would contribute to the economic role through the construction/development of the site and sale of the dwellings. Notwithstanding the objections received, which have been carefully considered, the proposal is therefore considered to be a sustainable development in accordance with the overarching principles of the NPPF and Policy RES5 of the adopted Local Plan that supports residential development within settlement boundaries. The proposal is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Notwithstanding the current shortfall in housing land supply and that the site may be considered to be in a sustainable urban location, within a reasonable distance of services and facilities and would contribute to the current shortfall of housing land supply within the Borough, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

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

In addition to paragraph 53 above, the NPPF in paragraph 64 states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. 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, materials and architectural features

with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings. These policies are considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of the application.

Objections have been received that the proposal would result in an incongruous, inappropriate and uncomplimentary back-land development that fails to respect the linear pattern of development and character of the area with reference to plot size, building siting, building form, roof-scape and orientation. Objectors also consider that the resubmitted and subsequently amended schemes do not address the previous reasons for refusal and that the other examples of back-land development submitted to support this application in the supporting information are not directly comparable to this case. Objections have been received that the proposal would result in high density and overdevelopment of the site with inadequate private amenity space remaining for the existing dwelling. Objections have been received that two storey dwellings are inappropriate and the design is out of character with neighbouring properties.

The dwellings along this section of Burbage Road accessed via the service road (numbers 57 - 73 Burbage Road) have a strongly defined linear development pattern. They follow the curvature of the road and notwithstanding that they are set well back from the road within their plots, resulting in a wide, open character, they retain a strong relationship with the street scene due to their uniform orientation. There are no examples of back-land development within the immediate vicinity and the existing dwellings are detached and predominantly occupy spacious plots. Notwithstanding that the resubmitted amended scheme proposes bungalows rather than two storey dwellings, the two new bungalows proposed would still be sited to the rear of Nos. 61 and 63 Burbage Road and due to their back-land position and limited relationship with the street scene would fail to complement or enhance the strongly defined linear development pattern of the surrounding area and would not be well integrated with surrounding development or the open, green character of the immediate vicinity. It is therefore considered that the amended resubmitted scheme fails to overcome the first reason for refusal of the previous scheme and is still considered to result in an incongruous and uncomplimentary form of back-land development contrary to the established linear development pattern and character of the area and Policy BE1 (criterion a) of the adopted Local Plan.

The supporting information refers to two cases where development to the rear of existing dwellings has been permitted, however, neither case is considered to be directly comparable to this case. There are a number of existing examples of back-land development to the rear of the dwellings fronting onto Leicester Road in the vicinity of the site referred to, unlike in this case. The other case referred to relates to a site on the edge of a rural settlement where there is not such a strong linear character as in the case of this application.

By virtue of its siting and layout, the amended proposal remains contrary to Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and Burbage Village Design Statement (GN1 in respect of building siting and GN2: 2.6). In addition, as the proposal for the development of this residential garden would result in significant harm to the character of the local area the amended resubmitted scheme is also contrary to the intentions of paragraphs 53 and 64 of the NPPF. The scheme is therefore recommended for refusal on these grounds.

The proposed plot sizes, single storey design, building form and roof-scape are not considered to be significantly out of keeping with surrounding development therefore these aspects of the scheme are not unacceptable. Objections in respect of overdevelopment of

the site are considered to be unfounded by virtue of each new plot and the existing dwelling having in excess of the Council's adopted SPG standard of 80 square metres of private amenity space, and a minimum of two off-street vehicle parking spaces and turning areas to serve each dwelling to meet LCC Highway Authority vehicle parking and turning standards. The amended scheme now proposes bungalows rather than two storey houses and the layout provides adequate separation distances to neighbouring dwellings.

Amenities of Neighbouring Properties

The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy BE1 (criterion (i) of the adopted Local Plan and the Council's adopted SPG on New Residential Development require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties and offers a good standard of security and amenity to future residents

Objections have been received that the development would have an unsatisfactory relationship with neighbouring properties. Objections raise concerns that the scheme:-

- a) would be detrimental to residential amenity in terms of overbearing/overshadowing impacts due to height and proximity of the proposed dwellings
- b) would result in loss of privacy from overlooking
- c) would result in loss of amenity from noise, disturbance, light pollution and smells in connection with the construction and occupation of the dwellings, vehicular activity from the use of the new access road (including vibration) and parking and turning in immediate proximity to adjacent dwellings and gardens

The second reason for refusal of the previous scheme for 2 x two storey dwellings related to unacceptable impacts in terms of privacy and overbearing form as a result of the proximity between Plot 2 and 61 Burbage Road. No other significant adverse impacts on the amenities of neighbouring properties were identified.

61 Burbage Road

61 Burbage Road is a detached bungalow with subordinate single storey extensions to the side and rear elevations located to the south west of Plot 2. The amended resubmitted scheme now proposes 2 x new bungalows to the rear and includes alterations to 61 Burbage Road to reduce the projection of the rear extension. The Council's SPG on New Residential Development suggests that in the case of single storey dwellings, provided privacy is maintained by suitable screening, the minimum separation distance standard of 25 metres between habitable room windows can be relaxed subject to the minimum garden area being maintained. By virtue of the single storey scale of the amended dwelling on Plot 2, the increase in separation distance between Plot 2 and the rear of 61 Burbage Road to over 18 metres and the provision of a new 1.8 metre high brick boundary wall around the adequately sized remaining rear garden of 61 Burbage Road to protect privacy, the proposed amended scheme is not considered to result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to 61 Burbage Road and is therefore considered to overcome the second reason for refusal of the previous scheme.

Given that the proposed access would be immediately adjacent to the side of No. 61, there would be limited adverse impacts in terms of noise and disturbance resulting from vehicle movements associated with the use of the access. However the assessment of the previous scheme did not consider this to be of a level or intensity that would warrant refusal of planning permission on these grounds and therefore the resubmitted scheme is also considered to be acceptable in this respect.

63 Burbage Road

63 Burbage Road is a detached bungalow with a single storey rear projection located to the south west of Plot 1. By virtue of the single storey scale of the proposed new dwellings, separation distances to habitable room windows (which are in excess of the SPG design standard of 25 metres) and retention of the existing, substantial 2 metre high hedgerow to the rear garden boundary of No. 63 to protect privacy, the proposed amended scheme is not considered to result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to 63 Burbage Road.

Given that the proposed access would be immediately adjacent to the external side elevation wall of No. 63, there would be limited adverse impact in terms of noise and disturbance resulting from vehicle movements associated with the use of the access. However the assessment of the previous scheme did not consider this to be of a level or intensity that would warrant refusal of planning permission on these grounds and therefore the resubmitted scheme is also considered to be acceptable in this respect.

59 Burbage Road

59 Burbage Road is a detached bungalow located to the west of Plot 2. By virtue of the amended single storey scale of Plot 2, the set back separation distance of approximately 18 metres between Plot 2 and the rear elevation of No. 59, the 2.5 metre set in from the side boundary and subject to the retention of existing boundary treatments or the provision of satisfactory new boundary treatments to protect privacy (which could be secured by a planning condition), the proposed amended scheme is not considered to result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to 59 Burbage Road. Notwithstanding that Plot 2 would have two secondary windows facing the rear garden of No. 59, these would be ground floor and any adverse impact from overlooking could be adequately mitigated by satisfactory boundary treatments to protect the privacy of the occupiers.

65 Burbage Road

65 Burbage Road is a detached bungalow located to the south west of Plot 1. By virtue of the single storey scale of the proposed new dwelling, set back separation distances to habitable room windows (which are in excess of the SPG design standard of 25 metres), the 2.2 metre off set from the side boundary and the retention of the existing, substantial 2 metre high hedgerow to the side garden boundary of No. 65 to protect privacy, the proposed amended scheme is not considered to result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to 65 Burbage Road. Notwithstanding that Plot 1 would have two bathroom windows facing the rear garden of No. 65, these would be ground floor and any adverse impact from overlooking could be adequately mitigated by the use of obscure glazing and/or the retention of the satisfactory existing boundary hedge to protect the privacy of the occupiers.

7, 9 and 11 Sapcote Road

These dwellings are located in excess of 50 metres to the south east of the application site boundary with another garden (65 Burbage Road) between. By virtue of the single storey scale of the proposed new dwelling on Plot 1 and separation distances, notwithstanding any relative increase in the ground level of the application site in relation to these dwellings, the proposed amended scheme would not result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to Nos. 7, 9 or 11 Sapcote Road. Notwithstanding that Plot 1 would have two bathroom windows facing these dwellings these would be ground floor and any adverse impact from overlooking could be adequately

mitigated by the use of obscure glazing and/or the retention of the satisfactory existing boundary hedge to protect the privacy of the occupiers.

17 Sapcote Road

17 Sapcote Road is located to the east of the application site with a public footpath running between. By virtue of the single storey scale of the proposed new dwellings, separation distances and subject to the retention of existing boundary treatments or the provision of satisfactory new boundary treatments to protect privacy (which could be secured by a planning condition), the proposed amended scheme is not considered to result in any significant adverse overbearing/overshadowing impacts or loss of privacy or amenity to 17 Sapcote Road.

Notwithstanding the objections received which have been carefully considered, the amended resubmitted scheme is not considered to result in any significant adverse overbearing/overshadowing impacts, loss of privacy from overlooking or unacceptable noise, disturbance, light pollution or smells from the normal occupation of the proposed new dwellings or use of the new access and turning areas by vehicles given the scale of the development for only two additional dwellings. No objections have been received from Environmental Health (Pollution) in this respect. Noise and disturbance during the construction phase is temporary in nature and would not give rise to a sustainable reason to refuse the application. The amended resubmitted scheme is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF in this respect.

Access and Highway Safety

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. These policies are considered consistent with the intentions of the NPPF and can be given weight in the determination of this application.

Objections have been received that the access lacks adequate width to provide safe and convenient access or to cater for additional traffic movements and that inadequate parking provision is provided within the site to serve the dwellings leading to potential additional on-street parking within the service road to the detriment of highway and pedestrian safety.

The proposed new access is 4.25 metres wide with 3 metre radii and adequate pedestrian visibility on either side at its junction with the service road off Burbage Road. This is in accordance with the Highway Authority design standard for a private drive serving up to 5 dwellings. The layout provides three parking spaces for the 3 bedroom bungalow and 2 parking spaces for the 2 bedroom bungalow together with adequate turning space and this level of provision is also in accordance with Highway Authority design standards. The existing dwelling retains in excess of three parking spaces within the front garden therefore the scheme would not result in any additional parking congestion on the service road. The proposed layout would therefore provide a safe and convenient access and satisfactory off-street car parking and turning to serve the development and would not generate additional traffic movements on a scale that would result in any adverse impacts on highway or pedestrian safety. Leicestershire County Council (Highways) raise no objection to the scheme on highway or pedestrian safety grounds subject to the imposition of a number of standard highway related planning conditions should the application be approved.

Notwithstanding the objections received, which have been carefully considered, subject to the imposition of the recommended conditions, the amended resubmitted scheme for two dwellings is not considered to result in any demonstrable adverse impacts on highway or pedestrian safety and is therefore in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

Developer Contributions

Policies IMP1 and 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 for children. The request for any developer 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. However, on 28th November 2014 the Secretary of State announced revisions to section 106 and CIL contributions and the NPPG. Following the announcement of the Secretary of State, the Council's ability to request affordable housing and other tariff based section 106 contributions on smaller sites has been removed. Contributions can not now be sought on developments less than 10 dwellings and therefore no contribution has been pursued in this case.

Other Issues

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that between the years of 2013 - 2016 all residential developments within Burbage will be required to comply with Code Level 4 of the Code for Sustainable Homes. While it is recognised that the requirement for Code 4 is becoming out of date, the principle of requiring sustainable construction features in the design of new development remains important, as is recognised within the NPPF, which supports the move to a low carbon future (paragraph 95). If the application were acceptable in all other regards, the applicant would be required to demonstrate how the construction and operation of the dwellings would minimise energy consumption.

The Environment Agency and Environmental Health (Pollution) have no objection to the scheme subject to conditions requiring the investigation of potential land contamination and landfill gas and satisfactory mitigation measures where necessary to be incorporated into the scheme. The site is within a former landfill area and therefore the conditions would be reasonable and necessary to protect the future occupiers of the site if the scheme were otherwise considered to be acceptable.

Environmental Health (Land Drainage) has recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Notes to the applicant to this effect would be included if the application were recommended for approval.

Objections on the grounds of precedent can be given only limited weight as each application must be considered on its own planning merits.

Objections have been received that the proposal is premature to the emerging Burbage Neighbourhood Plan however this document is not at a stage where any weight can be given.

Objections have been received that the proposal would violate and be contrary to the original Co-operative Society covenant requirement of one dwelling per plot in this area. Such covenants do not constitute material planning considerations.

Objections have been received on the grounds that there are ground instability issues/subsidence on this former landfill site and that it may result in potential structural damage and subsidence to neighbouring dwellings from vehicle weight and vibration. The construction of the scheme is not a material planning consideration but would be subject to separate Building Regulations approval which would ensure that the development, if approved, would be constructed in a suitable and safe manner based on specific ground conditions. Adverse impacts on amenity from noise pollution and disturbance during the construction phase of the development would be temporary in nature and would not constitute a sustainable reason to refuse the application.

Objections have been received on the grounds that the proposal would result in a loss of open space, trees and wildlife habitat for protected species. There is no evidence to suggest that the site provides any significant wildlife habitats and protected species are protected by separate legislation.

Objections have been received on the grounds that the proposal would result in a loss of security to neighbouring properties and that there are inadequate boundary treatments. There is no evidence to suggest that the scheme would result in security concerns and satisfactory boundary treatments could be secured by a planning condition if the scheme were to be approved.

Objections have been received that the scheme would be contrary to article 8 of the Human Rights Act which concerns privacy and family life. Impacts in respect of residential amenity have been discussed earlier in the report.

Concerns have been raised in respect of foul drainage disposal and potential pollution of neighbouring properties. The scheme would be subject to separate building regulations approval which would control this issue and ensure satisfactory foul drainage of the site.

Conclusion

Paragraphs 14 and 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Borough is currently unable to demonstrate a five year housing land supply and the application site is in a sustainable location within the settlement boundary of Burbage where residential development is generally acceptable in principle subject to all other planning matters being appropriately addressed.

However, in this case, the back-land siting of the dwellings proposed is considered to result in an incongruous form of development that would fail to complement or enhance the established linear character of the area. The proposal for the development of this residential garden would result in significant harm to the character of the local area which would outweigh any benefits. This resubmitted amended proposal therefore remains contrary to Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and Burbage Village Design Statement (GN1 in respect of building siting and GN2: 2.6). In addition, as the amended resubmitted scheme is also contrary to the intentions of paragraphs 53 and 64 of the NPPF. The scheme is therefore recommended for refusal on these grounds.

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 has 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 proposed development remains in conflict with the development plan and is therefore unacceptable.

Reasons:-

- 1 In the opinion of the local planning authority the back-land siting of the dwellings proposed would result in an incongruous form of development that fails to complement or enhance the established linear character of the area. The development is therefore contrary to Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and paragraphs 53 and 64 of the National Planning Policy Framework (2012).

Notes to Applicant:-

- 1 This application has been determined in accordance with the following submitted details and plans:- Planning Application Form; Design, Access & Planning Statement (January 2015); Site Location Plan drwg no. B13/24/L01; Site Plan as Existing drwg no. B13/24/E01; Site Plan as Proposed drwg no. B13/24/P01B; Bungalow as Existing drwg no. B13/24/E02A; Bungalow as Proposed drwg no. B13/24/P04A; Plots 1 & 2 Proposed Floor Plans and Elevations drwg no. B13/24/P05.

Contact Officer:- Richard Wright Ext 5894

Item: 08
Reference: 15/00032/COU
Applicant: Mr David Alex Longwill
Location: Ivy House Farm Hall Lane Odstone
Proposal: Change of use of agricultural building for the storage of farm machinery and vehicles

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 the occupiers of more than four different addresses.

Application Proposal

The application seeks planning permission for the change of use for one of the barns from agricultural use to the storage of farm machinery and vehicles not ancillary to the agricultural use of the site. The permission does not seek permission for the running of a contractors business to undertake repairs and sales from the premises.

The site itself is still a working farm; however the applicant previously diversified his agricultural enterprise to run other operations from the site including a scrap metal merchant and the selling/repairing of motor vehicles. This was subject to an enforcement notice issued in 1990. A commercial enterprise is not operating from the site to date, however some machinery and vehicles not ancillary to the agricultural are stored within the open countryside of the farm.

The site is located in the hamlet village of Odstone, and accessed via a single track road which serves a small number of other properties such as Odstone Hall, Odstone Barn, Rosings Hall, The Woodlands and Woodlands House.

Relevant Planning History:-

78/01329/4	Change of use to agricultural contracting and hiring	Refused	22.08.78
93/00050/4	Continued use of land and buildings for agricultural contracting and sales	Refused	24.2.93

Summary of Planning Enforcement History

The property has extensive enforcement history and is subject to an enforcement notice which took effect from the 28 March 1990. At the time, the reasons for issuing the notice were that, since June 1978 the land had been the subject of enforcement proceedings in connection with various areas of agricultural and to secure the cessation of the unauthorised use by the applicant for purpose of agricultural contractor and hire, also the standing, storage and parking of vehicles, machinery, equipment and scrap materials.

At the time prior to serving the enforcement notice a survey was undertaken in March 1989, where there was in excess of 160 tractors plus large numbers of vehicles, agricultural machines, implements and equipment and large amount of scrap metal. This amount of vehicles on an agricultural enterprise was unacceptable and subsequently an enforcement notice was served on the 19 February 1990 which required the following:-

- a) Ceasing the use of the land for the purpose of agricultural contractor and hire, for the storage of vehicles, equipment implements, scrap metal and objects of a like kind for the purpose of the business of buying and selling agricultural vehicles and spare parts also unrelated to the agricultural use of the land.
- b) Remove from the land all vehicles, equipment, implements, scrap metal, machinery, spare parts and objects of like kind the use of storage of which is not ancillary to the agricultural use of the land.

During the 1990s and indeed into this decade several attempts have been made to secure compliance with the Enforcement Notice by High Court proceedings. These have included applications for committal for contempt of court. The applicant has previously served a prison sentence for contempt in respect of a High Court Order.

In 1998 an Arbitrators Award was appointed to decide what agricultural equipment could be stored on land at Ivy House Farm as being ancillary to the main agricultural use of the land.

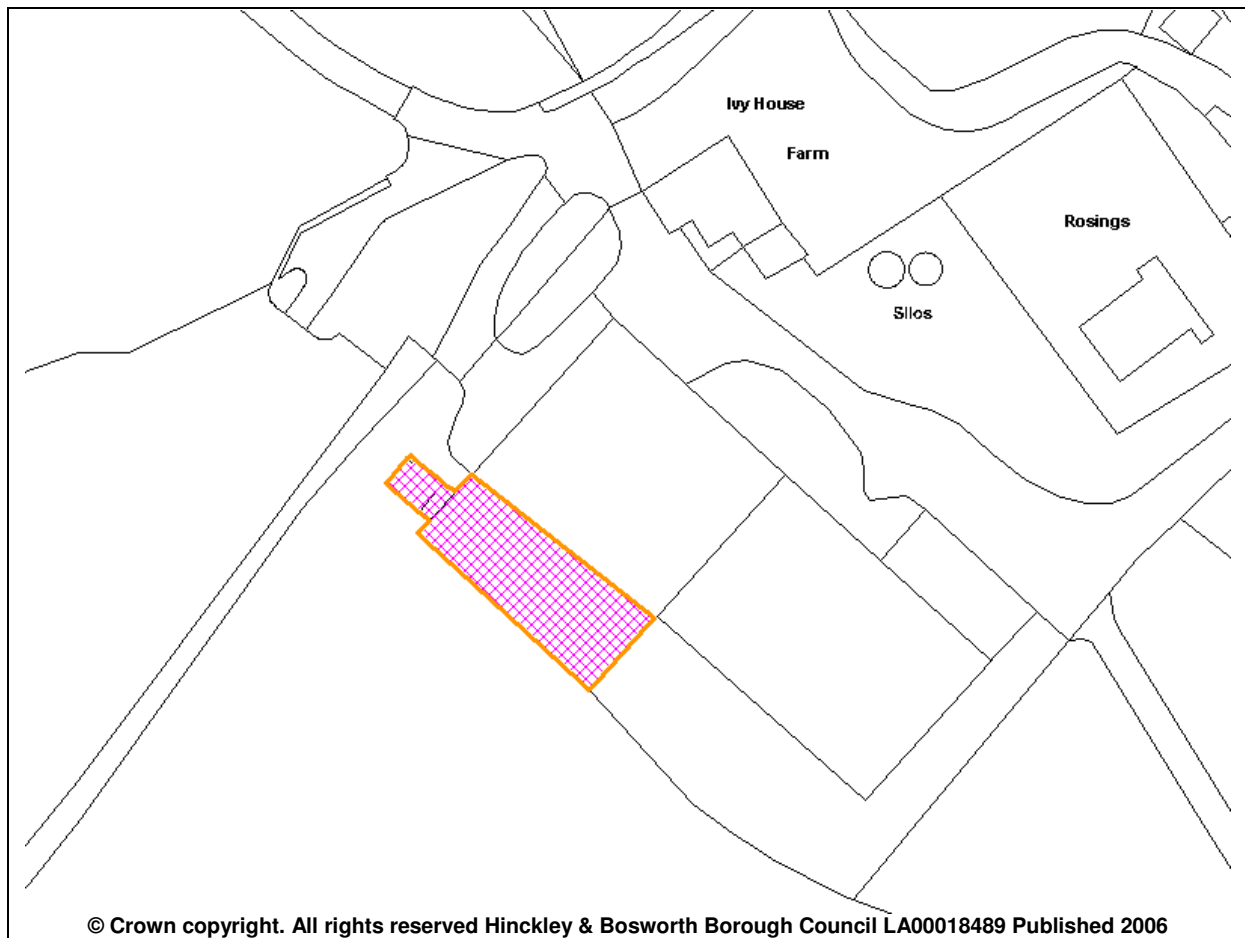
Initial concerns were raised again in August 2009 when it was evident that there were significant amounts of cars being stored on the land which were not ancillary to the farm enterprise. Following informal action the land was subsequently cleared of unauthorised stored cars in December 2009.

Following a site visit on the 1 March 2010 a further breach of the enforcement notice was identified, as cars had been brought back onto the farm and were being stored for a business not ancillary to the agricultural use. Monthly visits to Ivy House Farm continued and further evidence gathered.

On the 1 July 2010 evidence was submitted to and heard at Hinckley Magistrates Court, and the case was adjourned until the 5 August 2010. On the 5 August 2010 the applicant pleaded guilty to the Section 179 Offence of Town and Country Planning Act 1990 (as amended) and was fined and ordered to pay costs.

The previous business uses related to the applicant buying and selling vehicles from the land with adverts displayed within local and national newspapers. Since the applicant pleaded guilty to the above offence the site has been monitored and there has been no evidence to suggest a breach of the enforcement notice has occurred again. The amount of vehicles and activity on the site has reduced significantly and therefore an application has been submitted to regularise the matter to ensure that some items on the land are stored within an agricultural barn to reduce the visual impact on the area.

This application does not seek the authorised change of use of the land for the running of a contractors business and the main principal of the land is for agricultural purposes. In the future if the land is used for storage purposes it would still be subject to the enforcement notice, high court orders and arbitrators lists issued in the 1990s.



Consultations:-

No objection has been received from:-

Environmental Health (Pollution)
Leicestershire County Council (Highways)

Shackerstone Parish Council objected to the application stating that they understand there is a long and extensive planning enforcement history on the site and have concerns that the owner will push the limits of permitted development rights to have a more extensive use on the land.

The Council for the Protection of Rural England have objected to the application for the following reasons:-

- a) there is an active enforcement notice restricting activity on the land
- b) Odstone is a country hamlet where countryside policies strictly apply
- c) a commercial sales business would only be suited to larger settlements, this location is unacceptable
- d) the traffic generated would have an impact on the rural roads
- e) a Public Right of Way runs alongside Ivy House Farm, access to and from this right of way to the buildings for this application would result in danger to the general public
- f) there would be a possible obstruction of access for walkers and horse riders.

A site notice was displayed and neighbours consulted on the application. There has been a total of five objections received for the application and are summarised below:-

- a) there is an active enforcement notice on the site restricting the owner from storing items on the land
- b) granting planning permission would not be in accordance with government guidance or Council's adopted enforcement policy
- c) current unauthorised storage on open areas is an intrusion into open countryside
- d) traffic generated from proposed B8 storage usage and sales would be detrimental impact on the local roads and highway safety. Hall Lane is extremely narrow and has poor visibility
- e) HGV's entering the site cannot leave in a forward gear due to the amount of clutter and lack of space on the site
- f) usage of access onto Barton Road also unacceptable for highway safety reasons
- g) no agricultural justification to give permission for storage of any other items than those goods already deemed necessary to farm the landowner's holding
- h) the storage of machinery and vehicles will have a detrimental impact on the character of the neighbourhood and there will be a loss of existing views from neighbouring properties
- i) the increase in traffic to the site will have an adverse effect on the setting of Odstone Hall which is a Grade II Listed Building adjacent to the proposed location.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 13: Rural Hamlets

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE20: Reuse and Adaption of Rural Buildings
Policy NE5: Development in the Countryside

Appraisal:-

The main considerations in determination of this application are:-

- Principle of development
- Impact of the development in the countryside
- Impact on residential amenity
- Highway issues
- Enforcement issues

Principle of Development

Paragraph 6 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental.

Within the economic role there is aspiration to contribute to a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right

places and at the right time to support economic growth. Paragraph 18-20 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy the local planning authority should promote the development and diversification of agricultural buildings and other land based rural businesses.

The second dimension of determining sustainable development is to ensure that a strong, vibrant and healthy community is created for the needs of present and future generations. Paragraph 69 of the NPPF states local planning authorities should promote safe and accessible developments, containing clear and legible pedestrian routes.

Within the environmental role there is aspiration to contribute to protecting and enhancing our natural, built and historic environment. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 126 of the NPPF goes on to state local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses.

Given that there is both a requirement to strengthen economic development in rural areas and to protect the character of the countryside there is a need for any issues of harm to be carefully balanced against the economic benefits. It is important to consider the storage of machinery and vehicles not ancillary to the agricultural use to be stored within a building will reduce the visual amenity of the area and improve the environmental role of sustainability. This in turn will create a more vibrant and healthy community with it having less of an impact on the open countryside.

As the application site has an extensive planning enforcement history, Paragraph 207 of the NPPF has been considered which states that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Initially in the 1990s the site had an excess amount of vehicles on the land which was causing a detrimental impact on the amenity of the area. The application does not seek permission to change the use of the land but only one of the agricultural barns so agricultural machinery and vehicles not ancillary to the agricultural enterprise can be stored within the barn. It is considered that this application will regularise the breaches of planning control and given that the number of vehicles and agricultural machinery on site has been reduced, storing these items in the barn will reduce the visual impact to the amenity of the area.

The proposal is considered to be sustainable development and the proposed use of the barn for storage purposes would enhance the character of the countryside in accordance with the overarching principles of the NPPF. The proposal is therefore considered acceptable in principle subject to all other planning matters being addressed.

Impact of the Development on the Countryside

Policy NE5 of the Local Plan states that planning permission will be granted for built and other forms of development in the countryside provided that the development is for the change of use, reuse of an existing building. Therefore the proposal should not have a significantly harmful affect on the appearance or character of the landscape, be in keeping with the scale and character of the existing buildings and the proposal should not generate traffic likely to exceed the capacity of the highway.

The proposal would result in an enhancement to the surrounding area as currently some of the farm machinery and vehicles not ancillary to the agricultural use are stored in the open countryside leading to a detrimental affect on the visual amenity of the area. Therefore by storing the items within the existing agricultural building this will enhance the surrounding area and be in accordance with Policy NE5 of the adopted Local Plan.

As Policy NE5 and the NPPF states that local planning authorities should promote agricultural diversification, the proposal to store vehicles within a barn is considered to be acceptable as it is promoting rural diversification and is in keeping with the surrounding area, in accordance with Policy NE5 of the adopted Local Plan and the NPPF.

Impacts on Residential Amenity

The proposal seeks the re-use of a rural building, Policy BE20 of the adopted Local Plan states that planning permission will be granted for the re-use and adaptation of rural buildings unless it fails to meet one of the criteria listed within the Local Pan. The application seeks permission for the storage of machinery and vehicles not ancillary to the agricultural enterprise; therefore with items being able to be stored within the building this will reduce the visual impact on residential properties and will enhance the character of the area. Therefore the proposal is considered in accordance with Policy BE20 of the adopted Local Plan.

The Borough Council will seek to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment, planning permission will only be granted where the development does not adversely affect the occupiers of neighbouring properties. With some items been currently stored around the farm yard this is causing a nuisance to neighbouring properties. However, with the use of a building to store agricultural machinery and vehicles not ancillary to the agricultural enterprise this will enhance the character of the area. The proposal will reduce the nuisance caused on the neighbouring properties and is in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

The proposal needs to ensure that the development complements or enhances the character of the surrounding area. With items stored within a building this will reduce the amount of vehicles currently stored within the open countryside and will improve the visual amenity of the area. The proposal is in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

Highway Issues

A number of objections have been received in relation to the proposal leading to an increase in traffic to the site and the narrow nature of the existing access track. Leicestershire County Council (Highways) has raised no objection to the proposal and the traffic movements associated with the storage of vehicles within the barn is considered to be minimal. The proposal is considered to be in accordance with Policy T5 of the Local Plan and would not lead to a detrimental impact upon highway safety.

Enforcement Issues

In taking enforcement action a local planning authority has to be proportionate. When the local planning authority issued an enforcement notice in 1990 the land was being used for an excessive amount of open storage which was having an effect on the character and appearance of the locality of the area. However, over the years the site has become less of an impact with fewer vehicles on the site and is no longer affecting the amenity of the area therefore it is deemed appropriate in accordance with the NPPF to consider possible ways by

the way of conditions to make the proposal acceptable to resolve the breach of planning control.

When the enforcement notice was first issued in the 1990s the site was having a detrimental impact on the visual amenity of the area and was an unacceptable change of use of the land. Over the years the amount of vehicles has reduced significantly and is causing less of an impact on the site. Therefore, the purpose of the application is to ensure that one building can be used to store agricultural machinery and vehicles not ancillary to the agricultural enterprise to improve the visual amenity of the area. This application will ensure that items are stored within the building and will subsequently reduce any nuisance caused to neighbouring properties. Any items stored on the land that are not deemed for agricultural use the local planning authority will continue to monitor the site and determine at any opportunity to determine if it is expedient to pursue formal enforcement action.

The Council has taken a number of enforcement proceedings against the applicant; however, the owner has complied with requests made by the Council recently and is willing to co-operate with the local planning authority. It is important to understand that the enforcement notice issued in the 1990s is still active and therefore if the applicant does increase the amount of open storage then the local planning authority can take enforcement proceedings against the owner.

Impact on Heritage Assets

Policy BE5 of the adopted Local Plan states that the settings of listed buildings will be preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal. The proposal is for the re-use of a rural building and is not affecting the character of the area. The proposal will reduce the amount of open storage and will enhance the character of the listed building.

Conclusion

The NPPF(policy 28) supports the sustainable growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land-based rural businesses. The proposal seeks to change the use of a barn for the storage of farm machinery and vehicles not ancillary to the agricultural use of the site. The storage will reduce the amount of machinery stored in open countryside and therefore will enhance the character and appearance of the locality.

The proposal is in accordance with Policy BE1, BE5, BE20 and NE5 of the adopted Local Plan together with the overarching principles of the NPPF.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development, would complement the character and appearance of the open countryside.

Hinckley & Bosworth Core Strategy (2009):- Policy 13.

Hinckley & Bosworth Local Plan (2001):- Policies BE1 (criterion i), BE5, BE20 and NE5.

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 be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan (Scale 1:2500) received by the Local Planning Authority on 26 January 2015.
- 3 The building (outlined in red on the approved plan) shall be used for the storage of agricultural machinery and vehicles and for no other purpose including any other purpose in Class B8 or B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (amended) (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 8 of the Town and Country Planning (General Permitted Development) Order 1995 (amended) (or any Order revoking and re-enacting that Order with or without modification), no enlargement or extension to the building outlined in red on the approved plan shall be erected or carried out except in accordance with plans showing the siting and design of such enlargement or extension which shall previously have been submitted to and approved, in writing, by the local planning authority.
- 5 When the premises cease to be occupied by Mr David Alex Longwill, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.
- 6 No vehicles of any description, including caravans, shall be displayed on the site for sale or sold from the site.
- 7 No repairs shall be undertaken or carried out on any agricultural machinery or vehicles stored in accordance with this permission.

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 building is only used for storage purposes and is in accordance with Policy BE20 and NE5 of the Hinckley and Bosworth Local Plan.
- 4 To ensure that the use does not expand into open countryside and is restricted to the area defined in the plan in accordance with Policy NE5 of the Hinckley and Bosworth Local Plan.
- 5 To ensure that the site does not become a source of annoyance to nearby residents in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan.

6&7 To ensure that the development remains ancillary in use in accordance with Policy BE1, NE5 and BE20 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Craig Allison Ext 5700