

**Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer**



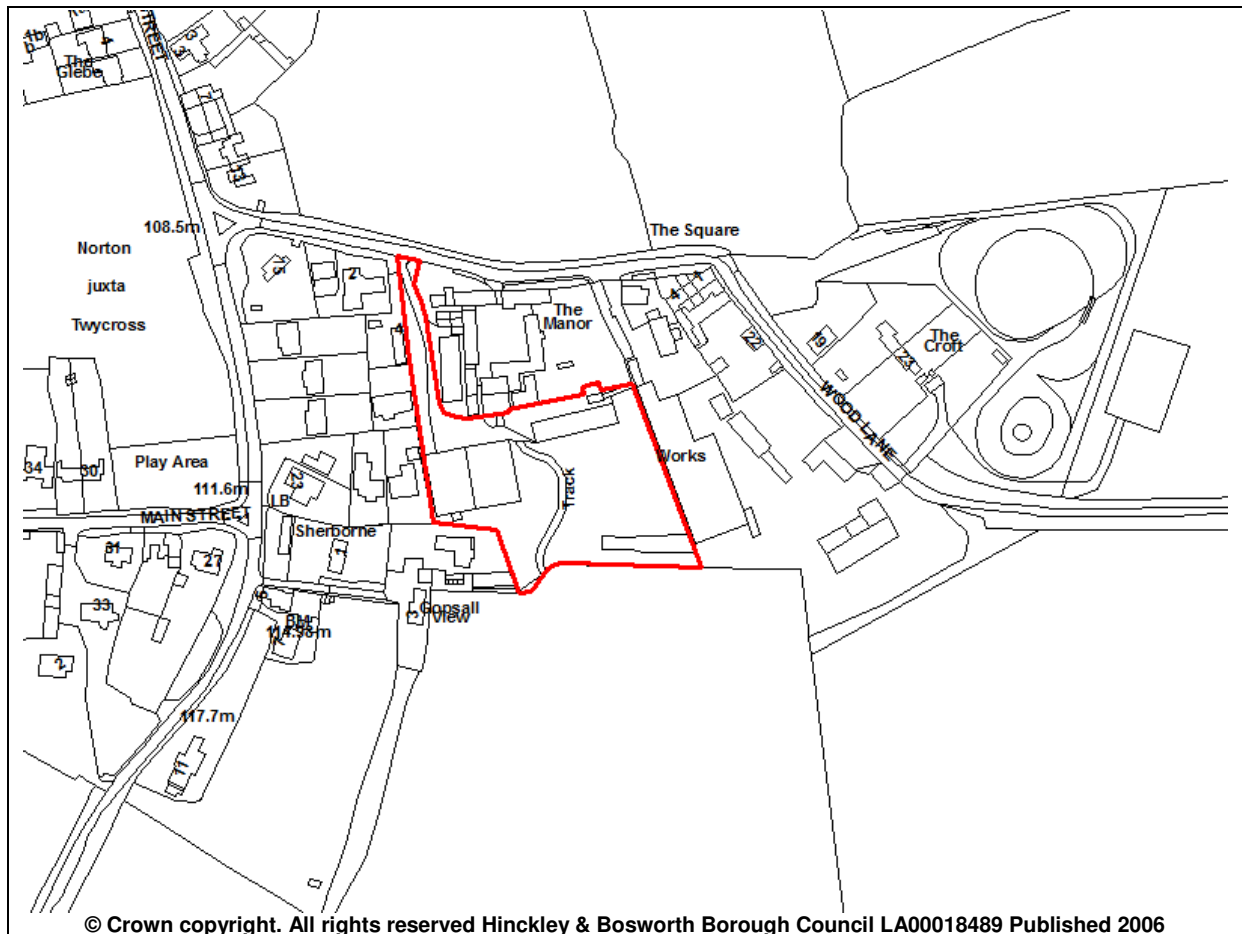
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 15/00536/OUT
Applicant: Mrs Lynette Fallowes
Ward: Twycross Sheepy & Witherley

Site: 8 Wood Lane Norton Juxta Twycross

Proposal: Erection of 3 dwellings (outline - access and layout) (revised scheme)



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1. Recommendations

1.1. Grant outline planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - public play and open space facilities
- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the erection of 3 new detached dwellings including the demolition of existing agricultural buildings. The application seeks approval of access and layout only with all other matters (scale, appearance and landscaping) reserved. Amended plans have been submitted to address the accuracy of the submitted plans in respect of surrounding development and to reduce the scheme from 8 new dwellings to 3 new dwellings. Re-consultation has been undertaken.
- 2.2. Vehicular access is proposed from Wood Lane utilising and improving an existing farm track that runs inside the western boundary of the site. The amended scheme proposes three detached dwellings located within the western part of the site and a landscaping buffer in the eastern part of the site.
- 2.3. A Design and Access/Planning Statement and Noise Assessment Report have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.77 hectares and is located on the south side of Wood Lane, Norton Juxta Twycross to the rear of a large farmhouse and range of former farm buildings. The application site comprises three large scale buildings associated with the former agricultural uses of the site and areas of overgrown scrub.
- 3.2. The site is located outside of, but adjacent to, the settlement boundary of Norton Juxta Twycross, as defined in the adopted Hinckley and Bosworth Local Plan and the emerging Site Allocations and Development Management Policies Development Plan Document.
- 3.3. There are residential properties to the west of the site, an established engineering factory and works to the east of the site and open agricultural fields to the south. The farmhouse and former farm buildings located to the north are subject to an extant planning permission (13/01095/FUL) for the conversion of former farm buildings into four residential dwellings, refurbishment of the farm house and the erection of one new dwelling with associated access drive and parking. There are a variety of boundary treatments enclosing the site. A public footpath crosses through the south west corner.

4. Relevant Planning History

13/01095/FUL	Conversion of agricultural buildings into 4 residential dwellings, refurbishment of farm house and erection of 1 new dwelling with associated access drive and parking	Permitted	23.01.2015
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14/00790/OUT Erection of 16 dwellings (outline - Withdrawn 12.01.2015
access, appearance, layout and
scale)

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. A petition with 40 signatures objecting to the erection of eight dwellings has been received.
- 5.3. Responses have been received from 37 separate addresses, one in support and 36 with objections to the scheme on the following grounds:-
1. Outdated plans/lack of detail of surrounding development
 2. Unsustainable location, insufficient infrastructure services and facilities within Norton Juxta Twycross to support the development resulting in additional car journeys
 3. Outside settlement boundary
 4. Other sites are available within the settlement boundary
 5. No need for additional housing in Norton Juxta Twycross
 6. Overprovision of development in proportion to the size of the settlement
 7. Adverse impact on the character and appearance of the landscape
 8. Density too high
 9. Out of character with surrounding development
 10. Detached executive homes do not meet local needs
 11. Agricultural use has not ceased
 12. Future responsibility and maintenance of the landscaped buffer
 13. Threat to the future viability of the adjacent factory which is an important local employer
 14. Adverse impact on future occupiers of the site from noise from adjacent factory which operates a two shift system between 6.00am and 10.00pm
 15. Overbearing impact on neighbours
 16. Loss of privacy to neighbours from overlooking
 17. Loss of outlook
 18. Adverse impact on neighbours from noise and disturbance from residential occupation
 19. Adverse impact on amenity from noise from additional traffic and during construction
 20. Adverse impacts on highway safety from additional traffic movements on narrow rural lanes with no footpaths or street lighting
 21. Adverse impacts on highway safety from additional on-street parking on narrow rural lane
 22. Loss of trees and shrubs and wildlife habitats
 23. Inadequate capacity within the existing foul sewage system
 24. Could exacerbate flooding at Main Street/Wood Lane junction
 25. De-valuation of property.
- 5.4. The response in support of the application suggests that:-
1. The site is run-down and the farm needs improvement
 2. It is not a greenfield site and redevelopment of disused barns is acceptable
 3. The rural lanes already cope with HGV lorries.

6. Consultation

6.1. No objection, some subject to conditions has been received from:-

Leicestershire County Council (Public Rights of Way)
Severn Trent Water Limited
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)

6.2. Leicestershire County Council (Highways) recommend refusal of the application on the grounds that the applicant has failed to demonstrate that the proposal will be in a location where services are readily and safely accessible by sustainable transport modes. However, no objections are raised in respect of highway safety subject to conditions.

6.3. Twycross Parish Council object to the application on the following grounds:-

1. Outside settlement boundary of this rural hamlet where major development is inappropriate and should be of an infill nature
2. Not sustainable, lack of key services to support large scale growth
3. Unsuitable location for residential development adjacent to a major local employer with potential for noise pollution.

6.4. County Councillor Ivan Ould objects to the application on the following grounds:-

1. Contrary to Policy 13 of the adopted Core Strategy and saved Policy NE5 of the adopted Local Plan
2. Unsustainable location with no local facilities or public transport
3. Outside the settlement boundary on a greenfield site, not infill
4. Adverse impacts on future occupiers from noise from adjacent engineering works and consequent threat to the future viability of the works which is an important employer of up to 80 staff
5. Lack of accuracy/out of date plans submitted.

6.5. No response has been received from the Ramblers Association.

6.6. The consultation period remains open at the time of writing this report and closes on 18 April 2016. Any further consultation responses received before the closing date will be reported and appraised as a late item to the agenda.

7. Policy

7.1. Local Plan 2006 – 2026: Core Strategy (2009)

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

7.2. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy RES5: Residential Proposals on Unallocated Sites
- Policy NE2: Pollution
- Policy NE5: Development in the Countryside
- Policy NE12: Landscaping Schemes
- Policy NE14: Protection of Surface Waters and Ground Water Quality

- Policy T5: Highway Design and Vehicle Parking Standards
 - Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
 - Policy REC3: New Residential Development – Outdoor Play Space for Children.
- 7.3. Emerging Site Allocations and Development Management Policies (SADMP) DPD Submission Version (Dec 2014)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highway Design
 - Policy DM18: Vehicle Parking Standards.
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010).
- 7.5. Other relevant guidance
- Play and Open Space SPD
 - New Residential Development SPG

8. Appraisal

- 8.1. This is an outline application for the demolition of large scale former farm buildings and the redevelopment of the site for the erection of three new detached dwellings. The application seeks approval of access and layout only at this stage with all other matters (scale, appearance and landscaping) reserved. The key issues are:-
- assessment against strategic planning policies
 - impact upon the character of the area
 - the relationship to adjacent industrial operations
 - impact upon neighbouring residential amenity
 - impact upon the highway safety
 - impact upon trees and wildlife habitats
 - drainage
 - infrastructure contributions
 - other issues.

Strategic Planning Policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point for decision taking but the NPPF is a material consideration in determining planning applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the saved policies of the Local Plan (2001). The policies within the emerging Site Allocations and Development Management Policies (SADMP) Development Plan

Document (Submission Document December 2014) should also be given some weight.

Core Strategy (2009)

- 8.3. Policy 13 of the adopted Core Strategy supports housing development within settlement boundaries of rural hamlets, such as Norton Juxta Twycross, that provide a mix of housing types and tenures.

Local Plan (2001)

- 8.4. The site lies outside of the settlement boundary of Norton Juxta Twycross, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.
- 8.5. Saved Policy NE5 of the adopted Local Plan relates to development in the countryside and seeks to protect the countryside for its own sake. It states that planning permission will only be granted for certain forms of development and subject to certain criteria. The policy does not support new residential development. Saved Policy RES5 of the adopted Local Plan seeks to guide new residential development to appropriate sustainable sites within settlement boundaries and therefore restricts such development in the countryside.

Emerging Site Allocations and Development Management Policies (SADMP) Development Plan Document (2014)

- 8.6. The SADMP has been submitted to the Secretary of State for examination in public which took place at the end of September 2015. Following the examination hearings the Planning Inspector has proposed a number of 'Main Modifications' to the document which have been subject to further public consultation (to 18 March 2016). Now that the SADMP has been submitted to the Secretary of State and has been through examination in public, weight can now be afforded to those emerging policies (particularly those with little or no proposed modifications) and the allocation of sites across the borough. No sites have been allocated for residential development in Norton Juxta Twycross.
- 8.7. Policy DM1 of the emerging SADMP provides a presumption in favour of sustainable development. Policy DM4 of the emerging SADMP states that the countryside will first and foremost be safeguarded from inappropriate and unsustainable development to protect its intrinsic value, beauty and open character. The policy states that exceptions will be considered where the proposal involves the change of use, re-use or extension of existing buildings which lead to an enhancement of the immediate setting and where development does not have a significant adverse effect on the intrinsic value, beauty or open character of the countryside or create or exacerbate ribbon development.

National Planning Policy Framework (2012)

- 8.8. The NPPF provides a presumption in favour of sustainable development and paragraph 14 states that for decision taking this means:
- approving development proposals that accord with the development plan without delay, and

- where the development plan is absent, 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.
- 8.9. The NPPF in paragraph 7 identifies three dimensions to sustainable development:- the economic, social and environmental roles. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependent.
- 8.10. Paragraph 55 of the NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:- the essential need for a rural worker to live permanently at or near their place of work; to secure the future of a heritage asset; the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting; or would result in a development of exceptional quality or innovation.

Housing Land Supply

- 8.11. As of 1 October 2015 the Council is able to demonstrate a 5.69 years supply of deliverable housing sites, based on the 'Sedgefield' method of calculation (which proposes that any shortfall should be made up during the next five years of the Plan) and a 5% buffer. As a result the housing supply policies contained within the Core Strategy are considered to be up-to-date.
- 8.12. Whilst the Council currently has a five year supply of housing sites, in the context of paragraphs 14 and 49 of the NPPF, planning applications for new housing development should still be considered in the context of the presumption in favour of sustainable development to help contribute to maintaining the supply of housing.

Assessment

- 8.13. Objections have been received on the grounds that:- the site is in an unsustainable, greenfield location outside the settlement boundary where there are insufficient local services and facilities to support additional housing development resulting in additional car journeys; that there is no need for additional housing in the hamlet; that the proposal represents an overprovision of development in proportion to the size of the settlement and that the proposal would harm the surrounding landscape contrary to Policy 13 of the adopted Core Strategy and saved Policy NE5 of the adopted Local Plan. The response in support of the application suggests that the site is run-down and the farm needs improvement and that it is not a greenfield site and redevelopment of disused barns is acceptable.
- 8.14. The application site is located outside the settlement boundary of Norton Juxta Twycross which is defined as a rural hamlet in the adopted Core Strategy, the least sustainable settlements in the settlement hierarchy due to the limited availability of services and facilities. The proposal would therefore conflict with Policy 13 of the Core Strategy and saved Policies NE5 and RES5 of the adopted Local Plan.
- 8.15. The NPPF defines the three dimensions of sustainable development as economic, social and environmental.

a) Economic

The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting local businesses.

b) Social

The scheme would provide a small contribution to the overall housing land supply within the Borough but in an area where there is no housing allocation within the adopted Core Strategy. Notwithstanding this, the small scale of proposed development for just three additional dwellings would not adversely affect the spatial vision for the settlement. The scheme would trigger a requirement for infrastructure contributions for the provision and future maintenance of local public play and open space facilities in the locality which could be secured by the completion of a suitable legal agreement.

c) Environmental

The application site comprises three large scale buildings constructed of red facing bricks and corrugated cement fibre sheets associated with the former agricultural uses of the site together with a large area of untidy, overgrown scrub. The application does not propose the reuse of the existing buildings as supported by Policy DM4 of the emerging SADMP but the demolition of the existing buildings and clearance of the overgrown scrub to enable a small residential development and the provision of a landscaping buffer would nevertheless lead to an enhancement of the immediate setting. In addition, whilst located outside of the settlement boundary the site is enclosed on three sides by the settlement boundary and existing development and therefore the proposed development would not have any significant adverse effect on the intrinsic value, beauty or open character of the countryside or create or exacerbate ribbon development. The proposal would therefore be in accordance with this aspect of emerging Policy DM4. The proposal would not result in the loss of any significant trees or wildlife habitats or any other demonstrable adverse impacts on the environment.

- 8.16. Norton Juxta Twycross is a rural hamlet with limited services and facilities and is therefore the least sustainable of settlements within the hierarchy identified within the adopted Core Strategy. In addition, partial residential development of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the small scale of the development, the limited harm identified to the setting of Norton Juxta Twycross and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, it is considered that these outweigh the 'in principle' policy conflict in this case.

Impact upon the Character of the Area

- 8.17. Saved Policy NE5 (criterion ii) requires that development in the countryside is in keeping with the scale and character of existing buildings and the general surroundings. Policy DM10 (criteria c- h inclusive) of the emerging SADMP and saved 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. The NPPF in paragraph 17 seeks to secure high quality of design and paragraph 56 states that good design is a key aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

- 8.18. Objections have been received that the proposal would be out of character with surrounding development and that the density would be too high.
- 8.19. The surrounding area is characterised by relatively low density development at depth in small cul-de-sac type arrangements off the main routes through the hamlet. The proposed amended site layout for three new dwellings would therefore complement the pattern of development and density of the surrounding area. Subject to satisfactory scale, appearance and landscaping, which are to be submitted as reserved matters for approval at a later stage and can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse impacts on the character of the surrounding area. This outline scheme would therefore be in accordance with Policy DM10 (criteria c and d) of the emerging SADMP, saved Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and the overarching design principles within paragraphs 56 and 58 of the NPPF.

Relationship to Adjacent Industrial Operations

- 8.20. Policy DM10 (criterion b) of the emerging SADMP and saved Policy BE1 (criterion h) seek to ensure that the amenities of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Saved Policy NE2 (criterion b) seeks to prevent harm from existing or potential sources of pollution.
- 8.21. Objections have been received on the grounds that the application site is adjacent to an important rural employment site accommodating Henton's Engineering works and associated companies. Objectors suggest that residential development of the site would result in adverse impacts on the amenities of the future occupiers of the site from noise and disturbance from the works which operates a two shift system between 6.00am and 10.00pm and would consequently threaten the future viability of the works which is an important employer of up to 80 staff.
- 8.22. As a result of the objections received, amended plans have been submitted to reduce the scheme from eight new dwellings across the whole site to three new dwellings on the western part of the site and the provision of a landscaped buffer on the eastern part of the site adjacent to the engineering works. In addition, separate noise assessments have been submitted by both the applicant and an objector with a view to enabling assessment of the potential impacts of noise, vibration and disturbance on the amenities of any future occupiers of the site.
- 8.23. Environmental Health (Pollution) has assessed the noise reports submitted and visited the site to obtain noise readings. They consider that by virtue of the separation distance of 41 metres to the nearest garden and subject to the incorporation of satisfactory noise attenuation measures both within the construction of the proposed dwellings (active ventilation) and to shield the site from the adjacent engineering works and yard (acoustic fencing), a satisfactory noise environment for the future occupiers of the proposed dwellings could be achieved.

- 8.24. As a result of the previous agricultural uses of the site Environmental Health (Pollution) also recommend conditions to require investigation for any potential land contamination and mitigation measures before any development commences to ensure safe development and future occupation of the site.
- 8.25. Subject to the incorporation of any necessary noise attenuation measures and land contamination remediation, the proposal would be in accordance with Policy DM10 (criterion b) of the emerging SADMP and saved Policies BE1 (criterion h) and NE2 (criterion b) of the adopted Local Plan.

Impact upon Neighbouring Residential Amenity

- 8.26. Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion (i) of the adopted Local Plan and adopted SPG require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.27. Objections have been received on the grounds that the proposal would result in adverse impacts on the amenities of neighbouring properties from loss of privacy from overlooking, overbearing impacts, loss of outlook and loss of amenity from noise and disturbance from residential occupation and from additional traffic movements and during the construction phase.
- 8.28. The amended site layout demonstrates that by virtue of proposed separation distances and subject to consideration of satisfactory additional details which are to be submitted for approval at the reserved matters stage (including scale, design, position of windows and boundary treatments) which can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse overbearing impacts or loss of privacy from overlooking on the amenities of neighbouring properties. By virtue of the small scale of development, noise and disturbance from additional traffic movements would not be so severe to materially affect the amenities of neighbouring occupiers. Noise and disturbance during the construction phase would be temporary in nature and therefore would not have any long term impacts on the amenities of the occupiers of any neighbouring residential properties.
- 8.29. Notwithstanding the objections received, the proposed outline scheme would be in accordance with Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion i) of the adopted Local Plan and adopted SPG.

Impact upon Highway Safety

- 8.30. Policies DM17 and DM18 of the emerging SADMP and saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan apply highway design and vehicle parking standards and seek to ensure that development does not adversely affect highway safety through the provision of adequate highway visibility and adequate provision of parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.31. Objections to the scheme have been received on the grounds of adverse impacts on highway safety from additional traffic movements on narrow rural lanes with no footpaths or street lighting and from additional on-street parking on narrow rural

lanes. The response in support of the application suggests that the rural lanes already cope with HGV lorries.

- 8.32. The scheme proposes an improved access from Wood Lane and the amended layout provides adequate off-street vehicle parking space to serve each of the proposed three new dwellings. By virtue of the small scale of development, the scheme would not result in traffic movements on a scale that that would exceed the capacity of the highway network and should be considered against the potential traffic that could be generated by alternative uses of the site for agriculture or other commercial uses.
- 8.33. The scheme has been assessed by Leicestershire County Council (Highways) who consider that the lack of availability of sustainable transport modes within the vicinity of the site would result in severe transport impacts and therefore recommend refusal on transport grounds. The sustainability of the proposal has been discussed earlier in this report. The highway authority raise no objections on highway or pedestrian safety grounds but recommend a number of highway related conditions to ensure that the development would be in accordance with adopted highway design standards. It is therefore considered that the road network is capable of serving the additional development from a capacity and safety point of view.
- 8.34. Conditions relating to the access width and surfacing and provision of off-street parking and turning space within the development are reasonable and necessary to ensure satisfactory development. Conditions relating to access gradient and construction traffic management are not considered to be necessary in this case by virtue of the land levels and the extensive areas for parking etc. available within the site.
- 8.35. Notwithstanding the objections received, subject to the imposition of reasonable and necessary highway related conditions, the development of the site for three new dwellings would not result in any severe or demonstrable adverse impacts on highway or pedestrian safety and is therefore considered to be in accordance with Policies DM17 and DM18 of the emerging SADMP and saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Impact on Trees and Wildlife Habitats

- 8.36. Saved Policy NE12 of the adopted Local Plan and Policy DM6 of the emerging SADMP require either the conservation of existing landscaping or the provision of additional or replacement landscaping where appropriate to enhance the biodiversity value of sites together with proposals for their long term future management. The NPPF in section 11 seeks to conserve and enhance the natural environment by minimising impacts on biodiversity.
- 8.37. Objections have been received on the grounds that the proposed scheme would result in the loss of trees, shrubs and wildlife habitats and concerns have been raised in respect of the future responsibility and maintenance of the landscaped buffer.
- 8.38. The application seeks outline planning permission for access and layout only, future landscaping would be subject to a reserved matters application for assessment at a later date. However, there are no significant trees or vegetation within the main part of the site that would be affected by the proposed development but improvements

to the width of the access would result in the loss of some semi-mature trees on the western boundary of the site. Notwithstanding this, a large area of the eastern part of the site is proposed for a landscaping buffer that would mitigate for any loss of trees and enhance the overall biodiversity of the site and its visual appearance. The provision of future landscaping is a reserved matter and its content and long term maintenance can be secured by a planning condition.

- 8.39. Notwithstanding the objections received, the proposal would not result in any significant adverse impacts on biodiversity and would be in accordance with Policy DM6 of the emerging SADMP and saved Policy NE12 of the adopted Local Plan.

Drainage

- 8.40. Policy DM7 of the emerging SADMP and saved Policy NE14 of the adopted Local Plan require that development is provided with satisfactory surface water and foul water drainage and does not create or exacerbate flooding problems
- 8.41. Objections have been received on the grounds that there is inadequate capacity within the existing foul sewage system and that the proposal could exacerbate flooding problems at Main Street/Wood Lane junction.
- 8.42. The scheme has been assessed by both Severn Trent Water Limited and Environmental Health (Drainage) who raise no objections to the scheme in principle, but recommend the imposition of pre-commencement conditions (in the event that outline planning permission is permitted) to require the submission for prior approval of surface water and foul water drainage details. It is suggested that these should incorporate sustainable drainage principles (SuDS) to mitigate any impacts on the current surface water drainage system.

Infrastructure Contributions

- 8.43. Policy IMP1 of the adopted Local Plan and Policy DM3 of the emerging SADMP require development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.44. The request for any infrastructure contributions 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.

Play and Open Space Facilities

- 8.45. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and play provision in the borough.
- 8.46. The site is located within 400 metres of Norton Juxta Twycross Playing Field Amenity Green Space and Children's Play Area which provides such facilities. The quality of open spaces has been assessed within the Open Space, Sport and Recreational Facilities Study (PPG 17 Study) 2011 which awarded this space a quality score of 80%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would be £1250.80 per new dwelling, a total of £3752.40 (made up of £2453.40 provision element and £1299 maintenance element). This

would be used to provide replacement and/or refurbishment of the play equipment within the site together with repair to the existing play surface to improve the quality of the site and to mitigate the impact of the additional dwellings on such facilities.

- 8.47. The units proposed are likely to appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It can be demonstrated that the contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution can be justified in this instance.
- 8.48. An appropriate legal agreement is required to be completed to secure public play and open space infrastructure contributions in accordance with saved Policy IMP1 of the adopted Local Plan, Policy DM3 of the emerging SADMP, Policy 19 of the adopted Core Strategy and the Play and Open Space SPD. A legal agreement is currently being prepared.

Other Issues

- 8.49. Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the highway boundary. The scheme proposes a 5 metres wide access with an additional pedestrian footway that would, in principle, enable satisfactory access and turning for commercial sized vehicles. However, no details have been submitted in respect of the future adoption or maintenance of the access or its construction therefore a condition to require the provision of details of future collection of waste and recycling would not be unreasonable in this case.
- 8.50. De-valuation of property is not a material planning consideration.

9. Conclusion

- 9.1. By virtue of its location outside the settlement boundary of Norton Juxta Twycross, residential development on part of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the small scale of the development, the limited harm identified to the setting of Norton Juxta Twycross and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, it is considered that these outweigh the 'in principle' policy conflict in this case.
- 9.2. Satisfactory noise attenuation measures could be used and secured by planning conditions to protect the amenities of the future occupiers of the site and the future viability of the adjacent employment site. The site could be provided with adequate access to the adopted highway network and subject to satisfactory scale, design, appearance and landscaping (which would be considered at the reserved matters stage and could be controlled by planning conditions), the scheme would provide an appropriate density, would complement the character of the surrounding area, would significantly enhance the visual appearance of this overgrown site and would not give rise to any adverse impacts on the amenities of the occupiers of any neighbouring properties, highway safety or biodiversity. Satisfactory surface water drainage could also be secured by condition to provide mitigation against flooding. The scheme would provide infrastructure contributions towards off-site public play and open space facilities through the completion of an appropriate legal agreement.

- 9.3. The scheme is considered to be in accordance with the general principles of Policies DM1, DM3, DM4, DM6, DM7, DM10, DM17 and DM18 of the emerging SADMP, Policies 13 and 19 of the adopted Core Strategy, saved Policies BE1, NE5, NE12, NE14, RES5, IMP1, REC3 and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for outline approval for access and layout with all other matters reserved subject to conditions and the completion of a legal agreement to secure infrastructure contributions towards off-site public play and open space facilities.

10. Recommendation

10.1. Grant outline planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - public play and open space facilities
- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

- 10.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

- 10.4. 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.

10.5. Conditions and Reasons

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

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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 scale of each building proposed in relation to its surroundings
- b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
- c) The landscaping of the site including treatment of private and public space to enhance and protect the site's amenity through hard and soft measures together with arrangements for its future long term maintenance.

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

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. 9216.10 Rev A, Site Survey Drawing No. 9216.11 received by the local planning authority on 14 May 2015 and Proposed Site Layout Drawing No. 9216.20 Rev B received by the local planning authority on 7 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 (criteria c and f) of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

5. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 (criterion h) of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

6. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and details for the disposal of foul water drainage have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with satisfactory means of surface water and foul water drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7. Notwithstanding the submitted information, no development shall take place until a noise attenuation scheme for the protection of the future occupiers of the dwellings hereby permitted from noise from the neighbouring industrial site has been submitted to and approved in writing by the local planning

authority. All works which form part of the approved noise attenuation scheme shall be completed prior to the first occupation of any of the dwellings hereby permitted and once provided shall be maintained as such at all times thereafter.

Reason: To protect the amenities of the future occupiers of the site from noise and disturbance in accordance with Policies BE1 (criterion i) and NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

8. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

9. 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 being first occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

10. No development shall take place until a scheme for the provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby permitted.

Reason: To ensure satisfactory provision for the collection of waste and recycling in accordance with Policy BE1 (criterion d) of the adopted Hinckley and Bosworth Local Plan.

11. The shared access road, turning space, pedestrian footways and off-street vehicle parking shall be provided in accordance with the approved Site Layout Plan Drawing No. 9216.20 Rev B received by the local planning authority on 7 April 2016 and shall be surfaced in tarmac, concrete or similar hard-bound material (not loose aggregate) prior to the first occupation of any of the dwellings hereby permitted and shall be so maintained at all times thereafter.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety to accord with Policies DM17 and DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. Before first occupation of any of the dwellings hereby permitted, surface water drainage shall be provided within the site such that surface water does not drain into the public highway and once provided shall thereafter be permanently so maintained.

Reason: In the interests of highway safety in accordance with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10.6. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. 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, activity must be suspended and Natural England contacted for advice (tel. 0845 600 3078).
4. All works within the limits of the Highway with regard to the access shall be carried out with the agreement of Leicestershire County Council (Highways) - tel. 0116 305 0001.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdq. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
6. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

7. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, 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).
8. In relation to conditions 8 and 9 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.