

Item No. 1

Application No: P/10/0415/2

Application Type:	Full	Date Valid:	15th March 2010
Applicant:	David Wilson Homes (East Midlands)		
Proposal:	Erection of 58 dwellings with associated access, vehicle parking, public open space and surface water balancing ponds.		
Location:	Land off Loughborough Road, Hathern Leicestershire		
Parish:	Hathern	Ward:	Loughborough Hathern & Dishley Ward
Case Officer:	Mr G Smith	Tel No:	01509 632521

Description of the Application

The application site (2.4 hectares) is located to the south of Hathern. It is currently arable farmland situated outside the development limits of Hathern in open countryside. The site abuts an access track to an area of allotments. The site has hedgerows on the north-west and north-eastern boundaries and a few trees. To the north-west are the rears of houses/bungalows on Swallow Walk and to the west are the rear of houses off Loughborough Road and a bakery. There are two houses that are close to the southern boundary (No.'s 130 and 138 Loughborough Road). There is a gas main and a public sewer that cross the site. The site is also within a mineral consultation zone.

The application comprises 58 dwellings with associated access off Loughborough Road and includes parking, open space and balancing ponds. The houses are a mix of market housing include two bed coach houses (flats above garages); 3 bed semis and town houses, and 4 and 5 bed detached houses, and affordable 2 and 3 bed with a single 4 bed property. The scheme includes the provision of 17 affordable houses with 4 shared ownership and 13 rented affordable houses.

In terms of scale the scheme includes the following:

- 3 coach-houses with first floor accommodation partly in the roofspace (approximately 1 and $\frac{3}{4}$ storeys high);
- 36 two storey houses;
- 14 two storey houses but with a second floor accommodation in the roofspace and including dormer or rooflight windows;
- 5 three-storey houses.

The 3-storey houses are situated in the centre of the site. The bungalows on Swallow Walk face either two-storey houses or two-storey houses with

accommodation in the roofspace, however these are not orientated directly facing the bungalows and are a minimum of 36 metres from their main rear aspects.

The access is 10 metres to the south of the side gable of No. 154 Loughborough Road opposite No 161/163 on the far side. The access road curves around a central village green area with a number of properties orientated to face the green. Two 'Village Lanes' access the remaining site. To the north-west is an area of open space that originally included a children's play area, and a balancing pond abutting the boundary with houses on Swallow Walk. However following representations regarding potential nuisance the applicant has removed the play area from the proposal and offers a contribution for off site play provision or improvements. Adjacent to the north-eastern boundary is a further open area with three balancing ponds, two of which are intended to retain low levels of water (the other three will only hold water at times of high levels of rain). The proposed housing is therefore setback from the north-western and north-eastern boundaries in an attempt to buffer the impact on immediate neighbours and the boundary with the open countryside retaining and adding to hedgerows in these areas.

The south eastern edge includes an undeveloped area due to the proximity of the sewer. There is a proposed area of car parking to be conveyed to the allotment holders where minimal car parking provision exists.

Accompanying the application are the following documents:

- Planning statement;
- Design and Access Statement which includes a Build for Life Assessment;
- Transport assessment which includes a Travel Plan;
- Archaeological Assessments;
- Flood Risk assessment;
- Ecological assessment;
- Noise Assessment.
- Heads of terms regarding infrastructure contributions.

The Transport Assessment addressed the highway safety concerns regarding the proposed development and in particular the access off Loughborough Road.

Development Plan Policies and other material considerations

- **Development Plan Policies**

East Midlands Regional Plan 2009

Policy I sets out the regional core objectives. It requires local planning authorities to

- reduce social exclusion, protect and where possible enhance the quality of the environment in urban and rural areas so as to make them safe and attractive places to live and work;
- to protect and enhance the natural cultural and historic assets, avoiding significant harm or damage;
- to achieve a step change in biodiversity;

- secure a reduction in carbon omissions and minimise adverse environmental impacts through the promotion of sustainable design and construction techniques;
- locate development so as to reduce the need to travel especially by car; and reduce the impact of climate change from flooding by providing carbon sinks, promoting sustainable drainage and managing flood water.

Policy 2 requires local planning authorities to improve design by the use of design led approaches which will reduce CO₂ emissions and provide resilience to future climate change. This includes SUDS, management of flood water, low carbon technologies, and build orientation where appropriate due to the size and type of the development. All urban extensions that require an EIA should achieve the highest levels of sustainability. Land should be used efficiently, and new development located to allow access to local facilities by foot, cycle or public transport. Design should reduce crime, maintain amenity and privacy and benefit quality of life including access to open space.

Policy 3 states that development should be concentrated primarily in and adjoining the Principal Urban Areas, with appropriate development of a lesser scale located in the Sub-Regional Centres. For Charnwood this means focusing development within and adjoining the Principal Urban Area of Leicester and Sub-Regional Centre of Loughborough.

It goes on to state that the development needs of other settlements and rural areas should also be provided for and that new development in these areas should contribute to:

- maintaining the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of tranquillity, where that is recognised in planning documents.

It also states that in assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

Policy 12 supports the continued growth and regeneration of the three main cities. Provision should be made for a mix of house types, balance of jobs and homes, enhancing transport links, employment land to meet indigenous need and encourage new investment, regeneration of deprived areas, and protection and enhancement of green infrastructure. Outside the 3 cities, employment and housing should be within and adjoining settlements and in scale.

Policy 13 sets out the Regional Housing Provision for each district 2006-26. Charnwood's annual apportionment is 790 dwellings per year, totalling 15,800.

Policy 14 sets the regional minimum target for affordable housing. Within Leicestershire this figure is 26,500 during the plan period 2006-26.

Policy 26 states that sustainable development should ensure the protection, appropriate management and enhancement of the region's natural and cultural assets. Local authorities and other bodies should apply the promotion of the highest level of protection for the region's nationally and internationally designated natural and cultural assets. Damage to natural or cultural assets should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable. Unavoidable damage which cannot be mitigated should be compensated for.

Policy 45 seeks to reduce the demand to travel to sites by way of the motor car and to encourage the use of public transport, walking and cycling to achieve a progressive reduction over time in the rate of traffic growth.

Policy Three Cities SRS 3 states that Charnwood is required to make provision for 790 dwellings per annum, of which at least 330 should be within or adjoining the Leicester PUA, including sustainable urban extensions as necessary. Development in the remainder of the District will be located mainly at Loughborough, including sustainable urban extensions as necessary.

Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

Policy ST/1-Overall Strategy for Charnwood- Seeks to set the overall framework for development, in the Borough, ensuring that needs of the community are met, and that features of the natural and built environment are protected and safeguarded where necessary. The policy aims to improve the quality of development through the layout of sites and trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis.

It also states the following:

In identifying development needs of the Borough measures will be taken to amongst other things:

- v) identify areas of Green Wedge and other open land necessary to preserve the separate identity of settlements and to ensure that as urban development takes place, undeveloped links to the countryside extending outwards from the urban areas are retained;

Policy ST/2- Limits to Development. This policy seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy ST/3-Infrastructure- seeks to ensure that developers provide financial contributions for things which have an impact on related infrastructure or community facilities. However, it should be noted that further to recent legislative reform strengthening the position in Circular 05/2005, Section 106 obligations can only be pursued where their requirements are:

1. necessary to make the development acceptable in planning terms,
2. directly related to the development,
3. fairly and reasonably related in scale and kind to the development.

Policy EV/1- Design- Seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale,

layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

EV/17- Safety in New Development. Aims to secure improvements to ensure public safety in the design and layout of new development.

Policy EV/20- Landscaping in New Development. Seeks to ensure that a high standard of landscaping is provided on all new development sites, particularly where these are in areas adjacent to countryside, or principle transport corridors.

Policy EV/39- Development and Pollution. States that development would not be granted where it would result in serious risk to health, or general amenities of nearby residents due to its operation.

Policy EV/43- Percent for Art- seeks to ensure that there is either a contribution in lieu, or art is incorporated into the design of the development.

Policy H/5- Affordable Housing on Unallocated Sites- seeks to secure the provision of the appropriate amount of affordable housing with a range of house types on windfall sites.

Policy H/16- Design and Layout of New Housing Developments- seeks to ensure that proposed housing developments are planned to ensure that high standards of design are achieved in terms of scale, character of the area, privacy, landscaping and creating a safe and secure environment.

Policy CT/1- General Principles for Areas of Countryside, Green Wedge and Local Separation. Sets out the criteria against which to assess proposals for development within a Countryside location. This is limited to small scale developments and re-use and adaptation of rural buildings for uses suitable in scale and nature. The exceptions are agricultural or forestry proposals, facilitation of the rural economy, improving recreational facilities, and implementing strategically important schemes. The submitted proposal has to be assessed against the above criteria.

Policy CT/2 -Development in the Countryside. Development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.

Policy TR/1- Specified Road Network. Seeks to ensure that development is not granted which results in serious congestion on the main traffic routes through the Borough, or otherwise prejudice the ability to provide for safe and efficient movement of traffic.

Policy TR/6-Traffic Generation from New Development. This seeks to restrict development which through its impact results in an unsatisfactory operation of the highway system, or has a significant impact on the environment, unless measures are proposed to overcome any harmful effects. In all cases measures should help to reduce car dependence and usage.

Policy TR/16- Traffic Calming. This seeks to ensure a development includes measures to reduce traffic speeds, to assist in a higher quality of life and safer living and working

environments, and to address traffic congestion, creating safer conditions for cyclists and pedestrians, and access to public transport.

Policy TR/18- Parking in New Development. – this seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

RT/3- Play Spaces in New Development-seeks to ensure the provision of play space in development primarily for family occupation and sets out standards required to achieve this. Also allows for seeking commuted sum payments of developments less than 10 dwellings in areas where there would be, or is a deficiency in play space in an area.

RT/4- Youth/Adult Play in New Development seeks to ensure the provision of youth/adult play provision on developments of more than 10 units. Where this is not feasible on the site, then a commuted sum can be negotiated.

RT/5- This policy requires the provision of 38sqm per 10 dwellings for additional amenity open space on all developments over 10 dwellings.

RT/12- Structural Open Space Provision in New Development. This policy sets out a requirement for the provision of the above to ensure that development is compatible in the wider landscape.

- **Other Policies**

Leading in Design Supplementary Planning Document February 2006

Encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgements on the design of new development against the following main principles.

- Places for People – Successful developments contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages.
- Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas.
- Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. It also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.
- Distinctive Places – Successful developments respond to their context and build on the features that make an area special.

Appendix 4 includes the following:

Separation distance, to protect privacy, between rear building elevations containing main habitable room windows (see footnote for definition):

- 21m for 2-storey dwellings;
- 27.5m where main habitable room windows above ground floor level would overlook existing conventional dwellings; and
- 27.5m for 3-storey dwellings and above.

Where elevations containing main ground floor habitable room windows would face windowless flank walls, over-dominance will be avoided by:

- 9.5m minimum distance between the two elevations where the flank wall is single-storey;
- 12.5m for 2-storey flank walls; and
- 15.5m for 3-storey flank walls.

Supplementary Planning Document Section 106 Developer Contributions.

This document considers the infrastructure requirements necessary for a development.

Local Development Framework

Settlement Hierarchy

Charnwood Borough Council is in the process of preparing a Core Strategy for the Borough. In October 2008 the Council published the Core Strategy Further Consultation document and this set out a proposed approach to development in rural areas. This consultation document did not identify Hathern as a Service Centre. Whilst it is important to emphasise that the Core Strategy has limited weight at this stage in its preparation, the evidence base used to inform the preparation of the consultation document is a material consideration.

Five Year Supply

The Council published an Assessment of Five Year Supply in January 2010 which identifies that the Borough has a 3.5 year supply of deliverable housing sites when measured against the adopted Regional Plan housing figure of 790 dwellings per year. This assessment takes account of completions from 1st April 2009, permissions and feedback from a consultation with developers of permitted sites about their intentions to build.

Planning Policy Statement 3: Housing

Paragraph 71 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS, or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.

Paragraph 72 states that Local Planning Authorities should not refuse applications solely on the grounds of prematurity.

Paragraph 54 states that to be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document:
Be available, suitable and achievable.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Policy EC6.2 (b) states that in rural areas, local planning authorities should identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.

PPS 7- Sustainable Development in Rural Areas.

Sets out the key principles of raising the quality of life in rural areas, and to encourage a more sustainable use of land, and to diversify and promote growth in rural areas. Development should be focused in or next to existing towns and villages. Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling.

New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of

sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

PPS 9 (Biodiversity and Geological Conservation) sets out the statutory framework to safeguard natural heritage. The Habitats Directive is European legislation which requires member states to take measures to maintain and restore natural habitats. The PPS emphasises that the national wildlife heritage is not confined to designated sites. It is stated that statutory and non-statutory sites, together with countryside features which provide wildlife corridors, links or stepping stones from one habitat to another, all help to form a network necessary to ensure the maintenance of the current range and diversity of flora fauna and land form features and the survival of important species.

PPG 13- Transport- For new developments, PPG13 suggests that maximum levels of car parking provision should be set for broad land-use classes and locations, but it is unlikely to be appropriate in future for development to be provided with as many car parking spaces as there are employees. In this way, reduced levels of parking will act as a demand management tool as part of package of measures designed to influence and encourage more sustainable travel behaviour. Housing development should be located wherever possible so as to provide a choice of means of travel to other facilities and where there is a range of transport provision. The overall strategy should be to avoid significant incremental expansion of housing in villages where there is a likelihood of predominantly car commuting to urban centres and where travel needs are unlikely to be well served by public transport.

PPG 16 –Archaeology. Sets out the guiding principles on how to preserve archaeological remains under the development plan and control systems.

PPS 25 Development and Flood Risk- this guidance aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk of flooding. Individual land owners are responsible for managing drainage on their land and prevent adverse impacts on neighbouring land. Flood Risk Assessments should be submitted as part of the application process, where necessary, and be proportionate to the risk and consider the risk of flooding to the development as well as the risk to flooding from the development. It sets criteria for assessing appropriate development in different areas at flood risk. In this regard, new development should be steered towards land in zones 1 and 2.

Circular 05/2005 states that a requirement through a planning obligation for the provision of an element of affordable housing in residential or mixed-use developments with a residential component should be in line with Local Development Framework policies on the creation of mixed communities.

CABE. Building for Life 2008.

This guide is a tool to help assess proposed residential developments in relation to design, layout, sustainability criteria, adaptability, and effect of existing local character and reduction of crime, amongst other things.

Safer Places- The Planning System and Crime Prevention (ODPM 2004). This is a companion guide to PPSI, designed to encourage greater attention to the principles of crime prevention, and to the attributes of safer places. It is concerned with the promotion of safe, sustainable and attractive environments to meet wider planning objectives.

- **Other Material Considerations**

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

Relevant Planning History

None

Responses of Statutory Consultees

The Highway Authority does not object and raises the following comments:

- **The Access.**

The drawings show the radii at the access have been increased to 10.0m, and visibility splays of 2.4m by 120m can be achieved which complies with highway requirements. The applicant has undertaken a Stage I Safety Audit Report which raised the issue of a pedestrian refuge north-west of the proposed access and this has been incorporated into the proposal and is now acceptable.

The speeds reported in the Transport Assessment are relatively high. However requests for traffic calming on the A6 near to the proposed development have been received although a scheme of traffic calming has not yet been identified, it is envisaged that there could be some form of gateway treatment at the end of the dual carriageway and suitable signing. A contribution in respect of this traffic calming is proposed.

- **Traffic Signal Junction of Narrow Lane/A6 Loughborough Road.**

The Traffic assessments show that the junction is currently just over capacity and the proposed development will worsen the situation. After the development is completed, this junction will require a validation to allow the traffic signals team to check and adjust the configuration settings. A financial contribution for this work is required.

- **Cyclist travel**

The County Council has been investigating cycling provision along the A6 through Hathern. A scheme of improvements has been identified. The scheme is estimated to around £315,000. However, Phase I of the scheme is directly on the frontage of the proposed development and this is thought to cost around £36,000. A contribution to the Phase I scheme is sought. The frontage is about one third of the scheme in length and therefore one third of the above amount which equates to £12000 is required.

Public Transport

Frequent bus services pass the site, but encouragement is necessary to new residents to use them. Therefore the free passes should be 6 months. The Transport Assessment excludes infrastructure improvements. The existing bus stops have no raised kerbs or StarTrak information systems. It is required therefore in the interests of encouraging sustainable travel to and from the site. 8

Car parking Provision.

The dimensions of the garages do not accord with the current design guide. The applicants have calculated the car parking requirement based on the Department for Communities and Local Government (DCLG) Residential Car Parking and Research document and have specifically provided the allocated spaces. Whilst a shortfall may exist in relation to compliance with DCLG advice, the Highway Authority consider parking provision acceptable.

The Environment Agency has considered the revised flood risk assessment to be acceptable and has withdrawn its objection requesting planning conditions be attached. They therefore consider the proposal has no drainage or flood risk causes for concern.

Natural England does not object have the following representations:

- The trees and hedgerows being retained are to be welcomed; they should be protected during construction by way of planning condition;
- Breeding birds should not be disturbed during construction;
- Measures to mitigate any impact proposed by the developer should be safeguarded by planning condition;
- If any reptiles are found on the site, they should be treated in accordance with the developers methods detailed in the ecological appraisal in order they be suitably protected enforced by planning condition.
- More information regarding the finished design detail of the balancing ponds in order to enhance biodiversity.

The CPRE objects to the proposal due to the prematurity of the decision prior to the adoption of the Local Development Framework. They consider therefore that Policy CT/1 of the adopted Borough of Charnwood Local Plan is therefore the main policy consideration. The group refers to Hathern not being a Service centre in the Forward Core Strategy document, and considers efforts should be made to maximise density where possible. Reference is also made to the limited impact that temporary bus passes will have on sustainable transport.

The Council's Senior Ecologist considers the recommendations in the Applicant's ecological appraisal are not translated into the proposal and therefore requests a number of planning conditions be attached to ensure appropriate Bio-diversity gain is achieved. Resident's reference to a badger sett being present on site has not been substantiated by the Senior Ecologist on inspection although a further survey is recommended prior to the commencement of development as a safeguard. Further concerns exist regarding details of Bat boxes and timing of site clearance works.

The Council's Environmental Health Officer request the developer is notified of advice to minimise nuisance from developments, that buildings should be designed to consider possible noise and odour nuisance generated by the adjacent bakery where other powers such as nuisance controls may not be effective in resolving complaints. Suitable conditions are requested.

Severn Trent Water Authority request conditions be attached, should planning permission be granted.

The County Council does not object on the issue of the impact of the development on the sterilising of minerals.

Other Comments Received

Councillor Newton has objected referring to the following;

- traffic safety concerns regarding the position of the access in an area where speed limits are between 30 and 60mph likely to result in potential accidents, conflict of the access and the cycle path, conflict with employees of the bakery who will be forced to park elsewhere;
- loss of privacy to existing properties adjacent to the site;
- the potential risk of flooding and associated safety of children regarding the proposed balancing ponds;
- the development is overly intense overburdening existing infrastructure;
- it has a detrimental impact on the character of the village.

The Parish Council objects to the proposal for the following reasons:

- The proposal is premature, which although cannot be a single reason to refuse, could form part of a refusal reason;
- It represents erosion of the separation between Hathern and Loughborough;
- It threatens the unique character of Hathern;
- As a separate or stand alone development it will fail to integrate well with the village;
- The scale of development is disproportionate to a small village. A series of smaller scale developments mixed with current housing would better help preserve the appearance and character of the village;
- The design is of urban character and appearance particular the 3-storey houses;

- It will be detrimental to highway safety and lead to increased congestion. The parish consider that the egress arrangements should be restricted to left turn only, that there should be a central pull in area for vehicles turning right into the site, and the Parish is concerned regarding the proximity to the bus stop;
- No school bus services exist for children attending Burleigh and Garendon Schools. Therefore children from the development will rely on private cars to access school, a method contrary to sustainable transport aims supported by the Borough Council;
- Concerns regarding increased flooding with the site being close to the floodplain;
- The proposal will be detrimental to the residential amenity of No.'s 130 and 138 Loughborough Road due to noise disturbance and loss of privacy;
- The children's play area is too close to existing neighbours;
- The balancing ponds could be unsafe to children.

Objections from occupiers of approximately 60 nearby properties refer to the following issues:

- Highway safety concerns specifically including:
 - Loughborough Road is overly busy and any additional access will create congestion pollution and safety concerns; in particular the creation of a junction between the 30 and 60mph speed limit boundaries will be dangerous, it is difficult to turn right in both directions on Loughborough Road at peak hours due to severe congestion;
 - The plans to install a right turn filter lane on the northbound carriageway create additional danger that will occur by vehicles slowing earlier than is expected or the queues that will form outside the filter lane as a result of vehicles not being able to turn right.
 - The proposed filter lane also conflicts with the existing filter lane on the southbound carriageway and creates a dangerous situation for traffic turning right into Spencer's bakery and the parking areas of the dwellings on Loughborough Road.
 - The close proximity of the bus stop increases safety and visibility concerns of the access arrangements;
 - The lack of a bus lay-by creates additional traffic safety concern and is contrary to policy TR/5 and the north-bound stop lacks any form of pedestrian crossing;
 - The access will cause conflict and therefore danger to cyclists using the cycleway;
 - An access in this position is especially dangerous in winter times due to the orientation of early morning sun dazzling motorists on Loughborough Road;
 - Parking for dog walkers/nearby residents/ bakery employees also takes place on the grass verge, this will be lost increasing parking demand elsewhere;

- Omissions in the traffic assessment of considerations of existing vehicular uses;
 - The proposal will increase vehicular traffic within the village as children are unlikely to walk to school from this location;
 - Hathern needs a bypass if more development is allowed;
 - Delivery vehicles to the bakery will be obstructed by cars using new access;
- It represents a loss of open countryside and is contrary to Policies CT/1, CT/2, CT/6, CT/8 & CT/9 of the Borough of Charnwood Local Plan;
 - It has a detrimental effect on the landscape and the ecology of the area;
 - The style of the development is out of character with the abutting 200 years old properties and the village in general;
 - The existing infrastructure of the village, especially the primary school, is unlikely to be able to cope with the additional burden caused by the proposed houses;
 - There is no need for additional houses;
 - A gas main runs through the site and has safety implications;
 - Balancing ponds may have issues impacting on the ability of the bakery to operate due to stagnant water retention;
 - Concerns regarding the residential amenity of future occupiers should not impact on the operation of the established bakery;
 - Loss of daylight to neighbouring properties and loss of amenity in general;
 - Light pollution caused by car headlamps on car park and access roads;
 - A preference for the affordable units to be sited away from existing residents to be replaced by market housing and a retention of existing views;
 - The proposed balancing ponds will have stagnant water impacting on residential amenity of nearby gardens and concerns regarding safety and management;
 - Concerns that drainage will be inadequate;
 - Noise and disturbance caused by proximity to children's play area which should be situated centrally within the site;
 - Overbearing impact caused by taller houses facing bungalows;
 - A loss of privacy to neighbouring properties will occur;
 - The proposed two and three-storey houses are too close to existing bungalows on Swallow Walk;
 - A view that the developers assessment of 'Build for Life' should be scored very low;
 - The development will be detrimental to flora and fauna in particular a badger sett located under the proposed play area;
 - The proposal is excessively close to No.'s 138, 140 142 and 142a Loughborough Road and will particularly impact on garden areas abutting the development site some of which are the most frequented amenity areas which were designed to face the open aspect;
 - Disruption due to construction noise and nuisance;

- The residential development will over dominate and therefore have a detrimental impact on the allotments adjacent to the site;
- The assessment of a 5 year supply of land occurred prior to announcements of job losses in Loughborough which therefore should reduce the land supply requirements;
- The proposed Core Strategy considers Hathern to be a non-service centre and as such would not support consideration that the development would be located in a sustainable location. Therefore to grant planning permission for a development of this size would be premature and set a precedent of granting permission contrary to the future provisions of the Local Development Framework;
- Concerns regarding the maintenance of proposed public open space and the lack of access to it and omission of links to existing open space;
- Concerns that open amenity space complies with policy requirements;

Consideration of the Planning Issues

The key considerations include the following issues:

- The principle of the development of land outside the limits to development;
- The impact on the character of the open countryside;
- Highway safety concerns;
- Design and layout and the impact on the character of Hathern (Build for Life assessment);
- Impact on the amenity of neighbouring occupiers;
- Impact on biodiversity;
- Archaeological considerations;
- Impact on the infrastructure of Hathern;

The principle of the development of land outside the limits to development:

The five year supply assessment published in January 2010 identifies that against the adopted Regional Plan, Charnwood Borough Council has 3.5 years supply of deliverable sites covering the period April 2010 to March 2015. This supply figure is informed by consultation with developers and landowners of the sites included in the five year supply and their feedback on when sites will be built out. The assessment highlights a shortfall of 1,206 dwellings in order to meet the Regional Plan requirement over the next 5 years.

The site is located outside of the Limits to Development of the village, within a countryside location, and would therefore ordinarily not be considered an acceptable site for residential development. However, due to the current lack of a 5 year land supply for housing, required as a minimum by all local authorities, sites should be considered favourably where a 5 year land supply cannot be demonstrated. Paragraph 71 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should

consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.

Paragraph 72 of PPS3 states that Local Planning Authorities should not refuse applications solely on the grounds of prematurity.

Paragraph 54 of PPS3 states that to be considered deliverable, sites should,

- **Be Available** – the site is available now.
- **Be Suitable** – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.
- **Be Achievable** – there is a reasonable prospect that housing will be delivered on the site within five years.

Available

The site can be identified as available as the site is owned and being promoted by the developer David Wilson Homes.

Suitable

A key piece of evidence base in assessing the site's suitability against PPS3 is the 'Settlement Hierarchy Review' published in September 2008 to inform the Core Strategy. The assessment reveals that Hathern has 10 different services and facilities, 20 in total including a primary school, doctor's surgery, main convenience shop, post office, library, recreation and community facilities. Hathern has reasonable public transport accessibility with a half hourly daytime bus service every day and an hourly bus service in the evenings. The airline shuttle buses running between Derby/Nottingham, East Midlands Airport and Loughborough. Hathern has access to four or more of the key services and facilities and reasonable access by bus to Loughborough. Based on this evidence base, national guidance and recent appeal decisions, the Council's current advice is that Hathern is a sustainable location for development.

The site itself adjoins the settlement boundary of Hathern and is reasonably well related to services and facilities, within 1km of the primary school, newsagent/post

office and library. The site therefore has good access by foot to services and facilities in Hathern.

A section of the key north to south cycle route linking Kegworth/ Loughborough and Leicester runs alongside the site. This route provides good cycle access towards services and facilities available.

It appears to offer reasonable access by non car modes to service, facilities and employment and should therefore be considered as a sustainable location in terms of transport accessibility. If there are no irresolvable physical/environmental constraints (considered in further detail below) and suitable access can be achieved, the evidence suggests that this site is suitable for housing.

Achievable

The developer has provided evidence that there are no cost factors, market factors or deliverability issues that would prevent the development from coming forward within five years. The Planning Statement outlines the developer's commitment and confidence in delivering the site within the next five years, demonstrating a reasonable prospect of being delivered by March 2015 and therefore contributing to the Council's five year supply. Indeed, the applicant has stated that the intention is to commence development within 1 year of any grant of planning permission.

The development site is not situated within the Green Wedge area of separation between Hathern and Loughborough as detailed in the Borough of Charnwood Local Plan. Policies CT/6, CT/8 and CT/9 have not been saved and therefore are no longer material considerations.

It is considered that the site is available now, that it is a suitable site for housing which would contribute to the creation of sustainable mixed communities and that it is achievable. The scheme would deliver a high quality mixed housing site on a site that is suitable for residential development. Therefore it is the view of the Director of Development that the principle of residential development of this site is acceptable, having regard to the guidance contained in PPS3.

The Impact on the character of the open countryside.

The proposal cannot comply with the requirements of Policy CT/1. However weight needs to be given to guidance in PPS3 when the 5-year supply of land is not provided. The relevant considerations at present are therefore the impact of the development on the open countryside which is considered below.

The site at present is a field in arable use having sporadic hedgerow perimeters with an occasional tree on or near the boundaries. To the south the site abuts a track that accesses the allotments. The land gently slopes towards the east and the river Soar area. However houses on Loughborough Road and Swallow Walk form the backdrop to the north and west. The housing to the west of Loughborough Road aligns with the south-eastern boundary of the site. The layout results in only two houses fronting Loughborough Road, which perhaps creates something of a muted

or restrained impact on the Loughborough Road street scene presence, it results in a restrained impact on the village and how it is viewed from outside the Hathern. The site is not an elevated position with land to the south-west rising gently. It is therefore considered unlikely to appear unduly prominent when viewed from Loughborough Road or from longer viewpoints in the open countryside. Furthermore the proposed layout seeks to set back the housing on the north-western boundary and retain and enhance the hedgerow and green spaces which help to assimilate the proposal with its adjacent area of open countryside, something the existing housing does not achieve. The allotment will also help to buffer the impact when viewed from the south-east. Therefore the proposal is considered to have only a minimal impact on the character of the open countryside.

Policy ST/1 gives reference to concerns of other areas of open land that preserve the identity of settlements. In this instance the Allotments are the defined area of local separation between Hathern and Loughborough. Given the alignment of development to the west of Loughborough Road and the backdrop of Swallow Walk, and together with the use and position of the allotments which is defined as open space, and considering the topography of the site in question, the loss of this area of land is not considered to have a significantly detrimental impact on the identity of the settlement of Hathern in relation to Loughborough and is not contrary to ST/1.

Highway Safety

The Highway Authority has reservations about the internal layout according with the detailed County Councils adoption requirements. However the Highway Authority confirms that they do not consider there to be a reason to refuse the application on highway safety grounds. Build for Life welcomes developments that are not designed primarily for the car resulting in overly engineered housing layouts. The applicant appears confident that the process of adoption of the highways can take place without significantly amending the layout, and such overly engineered layouts may not be welcomed or able to comply with aims within 'Leading in Design' .

The Highway Authority has no reservations regarding the safety of the proposed access off Loughborough Road referring to a safety audit undertaken and inclusion of a central pedestrian refuge.

The Highway Authority has minimum garage sizes which this proposal fails to meet. The requirement is due to the common practice of using garages for storage purposes leading to the inability to park vehicles with the garages. The garages proposed are however considered large enough to accommodate cars and therefore should be considered in terms of their ability to park vehicles within them. Nevertheless the Highway Authority is not recommending refusal for insufficient parking provision regardless of its consideration of inadequate garage sizes. Therefore car parking is considered acceptable.

The Highway Authority has responded on issues raised by objectors having no concerns regarding the relationship of the access and the nearby bus stop, the possible conflict with the cycle path, that the capacity of the proposed junction is satisfactory, that informal parking on the grass verge should not occur and its loss

cannot be considered, and that no bypass is proposed for Hathern. The Highway Authority does acknowledge that the Traffic Assessment could have included the movement of vehicles from existing houses to make its assessment more robust, but does not consider this significant in its overall consideration on highway safety grounds.

Therefore this advice leads the Director to consider the proposal subject to the provision of suitable contributions on Public Transport issues detailed in the reports, satisfactory and accords with policy requirements.

Design and layout and the impact on the character of Hathern (Build for Life assessment):

The completed build for life assessment has yet to be received. The provisional assessment is understood to consider the proposal to score 12.5 which is within acceptable limits. Final assessment should be included in the extras report.

The proposed layout has sought to provide areas of open space including the central village green area, buffers to the edges with open countryside and a large buffer between existing and proposed housing. It includes two country lanes designed in an attempt to not appear overly engineered and therefore more organic in appearance. Nevertheless perimeter blocks are provided where possible along with car parking in rear courtyard areas seeking to remove the domination of vehicles in the streets. The proposal is therefore considered likely to create a sense of place, relate well to the abutting open countryside and accord well with aims of 'Leading in Design'.

The impact on the Character of the area.

The site currently abuts a variety of housing on the edge of Hathern including bungalows of buff brick and simple design of 1960/s/70s style, some recently built infill chalet or dormer bungalow houses of individual appearance, a somewhat non-descript bakery with little architectural character, and two rows of terraces of older houses fronting Loughborough Road. Therefore the immediately abutting properties perhaps do not relate to the central areas of the village. The applicant refers to the village character and highlights elements of the proposal which will be sympathetic to the village. In this context it is not considered that the design of the proposal is likely to have a significantly detrimental impact to the character of the area or the village as a whole.

Concerns of residents and the parish are raised regarding the stand alone nature of the proposal and its failure to integrate well with the village. There are however considered to be justifiable reasons as why the proposal has a single vehicular access and excludes a new pedestrian only access into the existing housing areas which are likely to have generated nuisance, noise and disturbance concerns. Furthermore given the proximity of the site and the small frontage to Loughborough Road, together with sewer and gas main easements across the site, and relatively small numbers of houses concerned (58 dwellings are unlikely to required more than a single access) the outcome of the layout is perhaps understandable and perhaps preferable to immediate neighbours.

The Parish refers to a preference of smaller infill developments amongst existing houses being more appropriate to the village. However recent experience of such a proposal for 10 houses received arguably greater numbers of objections and was similarly opposed by the Parish Council. It is considered that all proposals should be considered on their merits.

Impact on the amenity of neighbouring occupiers;

There are only 9 residential properties with main aspects of their buildings are within 15 metres of the site boundary. No.'s 150 -154 Loughborough Road are a terrace of three houses situated perpendicular to the proposed access Road. No 154 has a side gable window which faces the site approximately 13 metres from the access road carriageway, and approximately 21 metres to the front of a proposed plot No 2. This relationship is considered to accord with guidance in 'Leading in Design' Backland and Tandem Development. No. 138, a backland property itself and a dormer or chalet bungalow, has a side gable (which includes two ground floor and two side windows which appear to be secondary lounge and bedroom windows) approximately 1.5 metres from the site boundary which face the flank wall of a garage. Its main facing rear aspect is 14.5 metres from the end gable of Plot 42, a coachouse with a blank gable of eaves height 4.2 metres to a ridge of 7.8 metres. There is a small ground floor extension of No 138 that is approximately 11 metres from the gable, but there is only a single window and the rest does not directly face the proposed gable which is set back approximately 5.5 metres from the adjoining garden boundary. Apart from the single window referred to above, the proposed Plot 42 complies with Appendix 4 separation distances and therefore is not considered to either have unacceptable impact on privacy or represent an overbearing impact on the occupiers of neighbouring properties.

No 130 Loughborough Road is unusual in that it has a main elevation approximately 5 metres from the site boundary, however the main amenity area is to the south-west of the property. The proposal has been designed so that there are no houses proposed immediately facing the nearest aspect of No 130, the front corner of Plot 58 is approximately 12 metres from the nearest corner of No 130 Loughborough Road, but set at an oblique angle. Therefore there are no facing windows between the properties and therefore no privacy implications. There is a proposed access road serving Plot No.'s 53 -58 and cars will drive and turn in this area which will abut the boundary with No 130. However a condition is recommended regarding boundary treatment to be approved will enable detailed consideration to ensure a permanent form of boundary treatment take place in this position.

The properties to the north-west (bungalows on Swallow Walk) have no houses directly facing or within 35 metres of their main rear aspects. Therefore the proposal in this aspect accords with Appendix 4 of 'Leading in Design' guidance.

The play area has been removed from the proposal. The open space provision is expected to include a planting scheme which should assist in deterring kick-a-bout

activity on the land. Therefore nuisance to neighbours from play activity should be reduced or unlikely. Suggestions of alternative layout to remove open space from the edge of the site could perhaps include housing abutting the boundary with existing housing abutting the site, which has currently only occurred in two instances. The applicant has attempted to site houses away from existing where possible.

The proposed balancing ponds are intended only to have permanent water retention in the two ponds away from Swallow Walk and the levels should only be shallow. Water should only be in the nearest lagoons at times of excessive rainfall only. It is understood these shall have only shallow gradients on the banks.

The bakery that is situated alongside the site immediately abuts the boundaries of existing properties. The Environmental Health Officer has not referred to known complaints regarding the operation of the bakery. The housing is to be built to comply with today's Building Regulations which consider noise insulation. Nevertheless conditions are attached to secure noise mitigation measures if necessary.

The Director therefore considers the proposal has no significantly detrimental impact on the residential amenity of the occupiers of neighbouring dwellings.

Impact on biodiversity:

The application site has only minimal biodiversity value due to the main use being for arable crop production. The value lies mainly in the perimeter hedgerows which provide network habitat links to and from the open countryside. The applicant's Ecological Appraisal makes recommendations for potential bio-diversity gain which are not evidenced in the proposals map. Conditions are therefore attached which will require the additional planting of hedgerows on or near the boundary within the application site to ensure the creation and retention of the hedgerow habitat, and the retention and protection during construction of existing ditches, hedgerows and trees intended to be kept.

Conditions are also attached regarding the provision of a badger, water vole survey and mitigation measures proposed on the applicant's appraisal be implemented.

Archaeological considerations:

The applicant was unwilling to undertake on site investigations due to the necessity to remove the existing crop on the field resulting in significant additional costs. However the applicant has welcomed the conditional requirement that further survey work commence prior to commencement of development. In this instance and considering the outcome of the desk study provided this is considered to be acceptable and a suitable planning condition is attached.

Impact on the infrastructure of Hathern:

The County Council have confirmed that there is spare capacity in the local primary and upper schools and therefore no education contributions are required. However the County Council require £3530 towards library provision.

The Highway Authority requests the following:

- (i) Travel Packs (1 per dwelling) £48.00 per pack,
- (ii) 6 month bus passes (2 per dwelling) £551.76 per dwelling ,
- (iii) Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access) £3,210.00 per stop
- (iv) Travel plan
- (v) StarTrak real time information displays at 2 nearest bus stops £3,500.00 per stop.

The total requirement (Public Transport): £48,206.

Improvements to the traffic signal junction of the A6 Loughborough Road and Narrow Lane totalling £1500. and to improvements to the cycle path in Hathern totalling £12,000. Discussions are taking place between the Highway Authority and the applicant regarding details of Traffic Calming improvements to Loughborough Road the outcome of which will be in the extras report.

The NHS requests a contribution of £58,342 referring to impact on Loughborough Hospital and a palliative out-patients specialist's clinic and a range of one-stop clinics for direct access to residents.

The scheme includes the provision of 17 affordable houses as detailed on the approved plans with 4 shared ownership and 13 rented affordable houses.

The applicant has agreed to provide a contribution of £61,828 towards child play provision in Hathern.

The provision of these contributions is considered to relate to the development in question, be necessary in terms of the impact that the development has on the infrastructure of Hathern, and relate reasonably to the scale and nature of the proposed development.

Conclusion

Whilst there are some concerns about releasing a site of this scale in Hathern ahead of completing the evidence base and comparative assessment of potential sites for the Core Strategy and Site Allocations Development Plan Document, PPS3 is clear that prematurity is not a sufficient reason to refuse this proposal. In light of this based on the assessment provided above, this site should be released for housing. It is considered that the proposal will deliver a high quality mix of housing, and is in a suitable location for residential development. The layout achieves an efficient use of the site and it is considered that the proposed development reflects the spatial vision

for the area. Accordingly, the development accords with the criteria as set out in paragraph 69 of PPS3, and, it is concluded that this site is suitable for housing and that planning permission should be granted.

RECOMMENDATION A

(i) That authority is given to the Directors of Development and Governance and Procurement to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure infrastructure contributions for the improvements of libraries, child play provision in Hathern, improvements to public transport facilities and cyclepaths and highway improvements, Loughborough Hospital out-patients specialist's clinic and a range of one-stop clinics for direct access to residents, and the provision of affordable housing as detailed in the report.

(ii) That delegated authority is given to the Director of Development to refuse planning permission in the event that the Section 106 agreement has not been completed within the 13 week determination period for this planning application for the following reason:

The proposed development is a major scheme, which, without the appropriate supporting infrastructure in relation to the provision of affordable housing, child play provision, library facilities and Healthcare facilities, Public Transport improvements and improvements to the cycleway and traffic signals on Narrow Lane, will have a detrimental effect on the local area contrary to the provisions of Policy ST/3 of the saved Borough of Charnwood Local Plan and the Council's adopted Supplementary Planning Document on Developer Contributions.

RECOMMENDATION B

That subject to the completion of an agreement relating to the matters in Recommendation A above, the Director of Development be authorised to grant planning permission subject to the following conditions:

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - The works shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing(s) No(s). received by the local planning authority on and showing

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3 - No development shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the local planning authority, and no development shall take place except in accordance with the approved details.

REASON: To ensure that any features of archaeological interest are protected or recorded.

4 - No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development.

5 - No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development.

6 - No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours including levels of the balancing ponds;
- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed..

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

7 - The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

8 - No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has

been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

9 - The hedgerows located on the north-western, north-eastern south-eastern boundaries and those shown abutting the the boundaries with No 154 Loughborough Road and The bakery, as detailed within Planning Layout ref S0000-100-04 Rev C hereby permitted shall be retained and maintained at a height no lower than 2 metres unless otherwise agreed in writing with the Local Planning Authority.

REASON: The hedgerows are important features in the area and its retention is necessary to help screen the new development, prevent undue overlooking of adjoining dwellings and retain habitat corridors in the interest of biodiversity.

10 - The existing trees along the north-eastern, south-eastern boundaries of the site as indicated on the plan attached to this permission shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the local planning authority.

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

11 - No development, including site works, shall begin until each tree and hedgerow shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree and hedgerow shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees and hedgerows are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

12 - Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.

REASON: The trees are important features in the area both visually and from a biodiversity retention and enhancement viewpoint, and this condition is imposed to make sure that they are replaced if necessary during the 5 year period.

13 - The development hereby permitted shall not commence until details of drainage for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall 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 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.

14 - There are a public sewers crossing the site. No building shall be erected nor tree planted within 2.5 metres of these sewers.

Reason: To maintain essential access for maintenance, repair, renewal and to preserve the structural integrity of the public sewer network.

15 - No development shall be carried out on the site until a detailed scheme for the enhancement of bio-diversity on the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

REASON: In the interests of the enhancement and retention of bio-diversity.

16 - For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

17 - The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.

REASON: 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.

18 - Before first occupation of any dwelling, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of its access drive with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity, unless previously agreed in writing by the local planning authority

REASON: In the interests of pedestrian safety.

19 - No development shall commence until a scheme for the provision and implementation of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved programme and details, prior to the occupation of the first dwelling.

REASON: To ensure the satisfactory provision of drainage facilities to serve the proposed development are provided whilst reducing the impact on flood risk, protecting rivers and enhancing the habitat potential of the development.

20 - No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings, and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority

REASON: To make sure that the development is carried out in a way which is in character with its surroundings.

21 - The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings.

22 - No dwelling shall be occupied until such time as details of the way in which the open space, recreational and children's play areas are to be laid out and landscaped, including details of any play equipment or structures to be erected, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity.

23 - The open space area shall be laid out and landscaped in accordance with the details agreed under the terms of condition @@, before the first occupation of the last house on the site to be occupied.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity.

24 - No development or site clearance works shall take place until a scheme for the balancing pond has obtained detailed planning permission.

REASON: To ensure the site has a suitable and efficient sustainable urban drainage scheme and in the interests of flood protection.

25 - No works shall begin on the site until such time as a detailed site survey to establish the degree of contamination of the site, together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

26 - No works shall begin on the site until a scheme to deal with any ground contamination found following the completion of a ground contamination survey required by planning condition No @@, has been submitted to and agreed in writing by the local planning authority. The required mitigation measures shall then be implemented in accordance with the approved scheme.

REASON: To make sure that the site, when developed, is free from contamination, in the interests of public health and safety.

27 - Prior to commencement of construction of Proposed plots 1, 2, 3, 4,5,6, 40, 41 and 42, an assessment of the noise generated by the adjacent bakery shall be

undertaken to be submitted and approved in writing by of the local planning authority. The assessment shall include any noise mitigation measures considered necessary in the construction details of the plots in question.

REASON: In the interests of the provision of acceptable levels of residential amenity for future residents of the proposed houses nearest the bakery.

28 - The noise mitigation measures identified in connection to planning condition No @@ shall be implemented in accordance with the approved scheme prior to occupation of Plot No.s 1,2,3,4,5,6, 40, 41 and 42, and shall be retained thereafter.

REASON: In the interests of the provision of satisfactory residential amenity of the nearest proposed houses to the bakery.

29 - Prior to the commencement of development, a detailed design of the southern watercourse including a working method statement to cover channel works shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

REASON To ensure adequate capacity of the watercourse and to reduce the risk of disruption to the watercourse during the works.

30 - Development shall not begin until a surface water drainage limitation 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 also include:

- * details of how the scheme shall be maintained and managed after completion
- * sustainable drainage techniques or SuDS incorporated into the design
- * details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off.
- * the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume).

REASON To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system.

31 - The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON :To protect the water environment.

32 - The right turn lane junction of the proposed access with Loughborough Road as shown for illustrative purposes on BVB Consulting Drawing numbered NTT/544/004 Revision P4, shall be completed and opened for use prior to the occupation of the 1st dwelling on the site.

REASON: In the interest of highway safety.

33 - Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.

REASON: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

34 - The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the LPA in consultation with the Highway Authority.

REASON: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

35 - No part of the development as approved shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the (site) as a whole has been submitted to and agreed in writing by the LPA.

REASON: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site.

36 - The car park for existing allotment owners shall be provided before occupation of the 1st dwelling on the site and shall thereafter permanently remain available for such use.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the use of allotments leading to on-street parking problems in the area.

Informatives

I

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - East Midlands Regional Plan (adopted March 2009), Policies ST/1 (overall strategy for Charnwood), ST/2 (limits to development), ST/3 (infrastructure), H/2 (new house allocations on greenfield sites), H/16 (design and layout of new housing developments), RT/12 (structural open space provisions in new developments), TR/6 (traffic generation from new developments), CT/1 (general principles for areas of countryside) and CT/2 (development within the countryside) of the Borough of Charnwood Local Plan (adopted 12th January 2004), Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Guidance note 13: Transport and Planning Policy Statement 7: Sustainable Development in Rural Areas have been taken into account in the determination of this application. Along with the guidance in the Borough Councils Supplementary

Planning Documents 'Leading in design', 'affordable housing and 'developer contributions'. There are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal and it does not fully accord with the terms of the all the above-mentioned policies, given the East Midlands Plan and the Borough Council's 5 year housing supply, this is a suitable, achievable and deliverable housing site.

3

All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Northern Area Manager - (telephone 01509 622100).

4

The method statement requirements (planning condition ref No @@:
We would expect the method statement to cover the following requirements:

- * timing of works
- *methods used for all channel, bankside water margin works
- *machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
- * protection of areas of ecological sensitivity and importance
- *site supervision

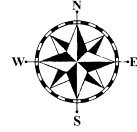
The Environment Agency will be consulted in attempting to discharge this condition



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Application No: P/10/0415/2

Location: Land off Loughborough Road, Hathern Leicestershire

Scale: 1:2500

