PLANNING COMMITTEE

1 April 2014

RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

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Item: **01**

Reference: **12/00482/OUT**

Applicant: **George Stew Ltd**

Location: **Land At Hilary Bevins Close Higham On The Hill**

Proposal: **ERECTION OF 21 DWELLINGS (OUTLINE - ACCESS ONLY)**

Target Date: **26 September 2012**

Appraisal:-

This application has returned to Committee following the need to consider a Viability Assessment.

Members will recall that they resolved to grant planning permission, subject to the imposition of planning conditions and signing of a Section 106 Agreement at Planning Committee on 18 December 2012.

Members are, of course, entitled to have regard to relevant material planning matters when they give further consideration to this information, but the Committee should consider whether the results of the viability assessment discussed in the current report raise any new and substantial material considerations that indicate there is a compelling reason to depart from its previous decision.

A copy of the previous report to planning committee is enclosed within Appendix A. For the avoidance of doubt there were no late items associated within this application, when it was previously considered.

Viability of the Scheme

Previous Position

At the Planning Committee on 18 December 2012 the financial requests were reviewed in respect of the CIL Regulations 2010.

The following requests were considered to meet the tests:-

- Affordable Housing (9 units comprising 6 social rented and 3 intermediate tenure)
- Play and Open Space (£38,589.60)
- Education (£38,545.84)
- Transport (Travel Packs £52.85 per pack)
- Footpaths improvements to footpath T49f

Following the resolution of Members to grant planning permission on 18 December 2012 and prior to the signing of the Section 106 Agreement, the applicant has submitted a Viability Assessment which seeks to demonstrate that the scheme would be unviable if the full 40% affordable housing requirement (i.e. the 9 units) was required to be provided, on this site.

Proposed Position

The application has been accompanied by a Viability Assessment which has been reviewed in accordance with current working arrangements with Coventry City Council. The assessment is considered to be a fair expression and review of the development costs and there are no identified areas for further scrutiny.

The Viability Assessment has been produced which amends the offer to as follows:-

- Affordable Housing (1 social rented property or 3 discount market properties)
- Play and Open Space (£38,589.60)
- Education (£38,545.84)
- Transport (Travel Packs £52.85 per pack)
- Footpaths improvements to footpath T49f

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site, the 40% provision would equate to 9 units; 6 for social rent and 3 for intermediate tenure.

Coventry City Council are in agreement with the sensitivity analysis within the Viability Assessment which indicates that the scheme can support the delivery of either 1 social rented property or 3 discounted market value properties at 80% of the market value, but not any other additional affordable units.

The scheme has been considered by the Council's Affordable Housing Officer who has confirmed that discounted market value properties are not an acceptable form of tenure and therefore the Authority should seek to secure the 1 social rented property.

The analysis from Coventry City Council states that the cost to provide an additional social rented property (2 bed) would be £95,000.00 for a social rented (3 bed) £115,000.00 and for a smaller 3 bed private sale property with the discount costs would be £62,000.00 Accordingly the cheapest affordable housing unit would be at a minimum cost of £62.000.00.

The Council's approach to date is that it does not prioritise one financial request over another and given the current offer by the applicant is disproportionate; the Local Planning Authority would normally consider a reduction proportionally across each of the contributions.

The Authority has considered reducing each of the other financial requests in order to ascertain whether other affordable housing units could be provided in lieu. Reducing each of the contributions by for example two thirds (or a 66% reduction) would result in a Play and Open space contribution of £12,863.20; Education contribution of £12,848.85 and Travel Pack contribution of £369.95. Accumulatively these reductions result in an amount of £26,082.00.

Therefore, even by reducing each of the contributions, for example by two thirds would result in a figure of £26,082.00 which would still not result in being able to provide an additional affordable housing unit which would at a minimum cost £62,000.00.

In order to provide another affordable housing unit, this would significantly reduce and impact upon the contributions to other services and infrastructure. It is therefore considered unnecessary in this case to reduce the level of other contributions, when no overall gain is achieved.

For the avoidance of doubt the footpath improvements are still to be delivered (and secured through the Section 106 Agreement) and are funded through the existing costs of the development.

Accordingly it is suggested that the other financial contributions should remain the same, at their full amount and the Authority should solely consider whether the reduction in the level of affordable housing is acceptable in this case.

Planning Policy

In more recent years it has become recognised that the economic viability of any development is to play a fundamental role in the delivery of schemes. Recent appeal decisions have confirmed that economic viability is a determining factor in deliverability and should be a material consideration in the determination of any planning application.

The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

Paragraph 173 within the NPPF states that sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Paragraph 205 also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 40%, but that this figure may be negotiated on a site by site basis taking into account a number of factors.

In accordance with current internal working arrangements Coventry City Council have been consulted on the submitted viability appraisal and confirm that the applicant's appraisal is reasonable and confirms that requesting that the application provide the 40% affordable units is not viable in this case.

It is considered that by providing 1 no. social unit equates to a 4.7% provision which still allows for one affordable unit to be provided. The Viability Assessment has been assessed and it has been confirmed by an independent viability consultant that the full 40% target would mean that the scheme would be unviable and it is on this basis only that a 4.7% provision of discounted market value dwellings is considered acceptable in this case.

In recent years officers have sought to take a pragmatic view towards the delivery of development whilst meeting policy objectives, therefore embracing the planning authority's role as a controller and enabler. This has been reinforced through the implementation of the NPPF. Based upon the evidence provided if the full education, play and open space, travel packs and affordable units requested were required to be provided, then the scheme would be financially unviable.

It is also important to consider the Council's five year housing land supply position and it is considered that the proposed development of 21 dwellings would make a contribution to this requirement. As such bringing forward this scheme has a number of benefits, albeit with a reduction in the quantum of infrastructure, in respect of affordable housing.

It is considered, that having regard to the Viability Assessment and the advice at paragraph 173 of the NPPF requiring decision makers to have regard to the need to provide competitive returns to developers and landowner, that providing full contributions in respect of a play and open space, education and travel packs and a reduction in affordable housing is in this specific case is considered to be acceptable.

Conclusion

In conclusion, should members be minded to approve this revised viability offer a Section 106 Agreement will progress to secure the following:-

- Affordable Housing (1 social rented dwelling)
- Play and Open Space (£38,589.60)
- Education (£38,545.84)
- Transport (Travel Packs £52.85 per pack)
- Footpaths improvements to footpath T49f

RECOMMENDATION:- In accordance with the recommendation as detailed below in the original report (Appendix A below). that subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, education, and travel contributions and footpath improvements the Chief Planning and Development Officer be granted powers to issue outline consent, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused.

APPENDIX A: COMMITTEE REPORT (18 DECEMBER 2012)

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

Application Proposal

This application seeks outline planning permission for the erection of 21 dwellings. Access is the only matter for determination as this stage, with all other matters being reserved for approval at a later stage.

Access will be taken from Hilary Bevins Close to the west of the site. Whilst not formally seeking approval for layout at this stage, the application is accompanied by an indicative layout. The accompanying design and access statement states that all dwellings shall be limited to two storeys in height and the occasional single storey building will be introduced where appropriate.

The scheme also shows the re-routing of an existing footpath through the east of the site to the site boundary with a landscaped buffer and a pedestrian access to the adjacent public park. New tree and hedge planting with timber post and rail fencing is also proposed. An existing transformer is set to be replaced with a new sub-station.

During the course of the application the applicant has submitted a Geophysical Survey report, and following trial trench investigation on 7 November 2012 a Trial Trenching report and re-consultation has been undertaken with the Director of Chief Executive (Archaeology) at Leicestershire County Council.

The Site and Surrounding Area

The use of the site is currently paddock land, and is bordered by trees and hedgerows. Land levels drop from the south of the site towards the north. The site is bordered to the north and east by agricultural land. The site is immediately bordered to the west by Hilary Bevins Close a 1970s cul-de-sac housing development. The King George's Field, a recreation ground, is sited to the south west. Public footpath T49 runs north to south through the eastern part of the site.

The site fall outside of, but in close proximity to, the settlement boundary of Higham on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). Hilary Bevin's residential estate and King George's Field recreation ground are located within the settlement boundary.

Technical Documents submitted with application

The application has been accompanied by a draft heads of terms S106 agreement and Planning Performance Agreement.

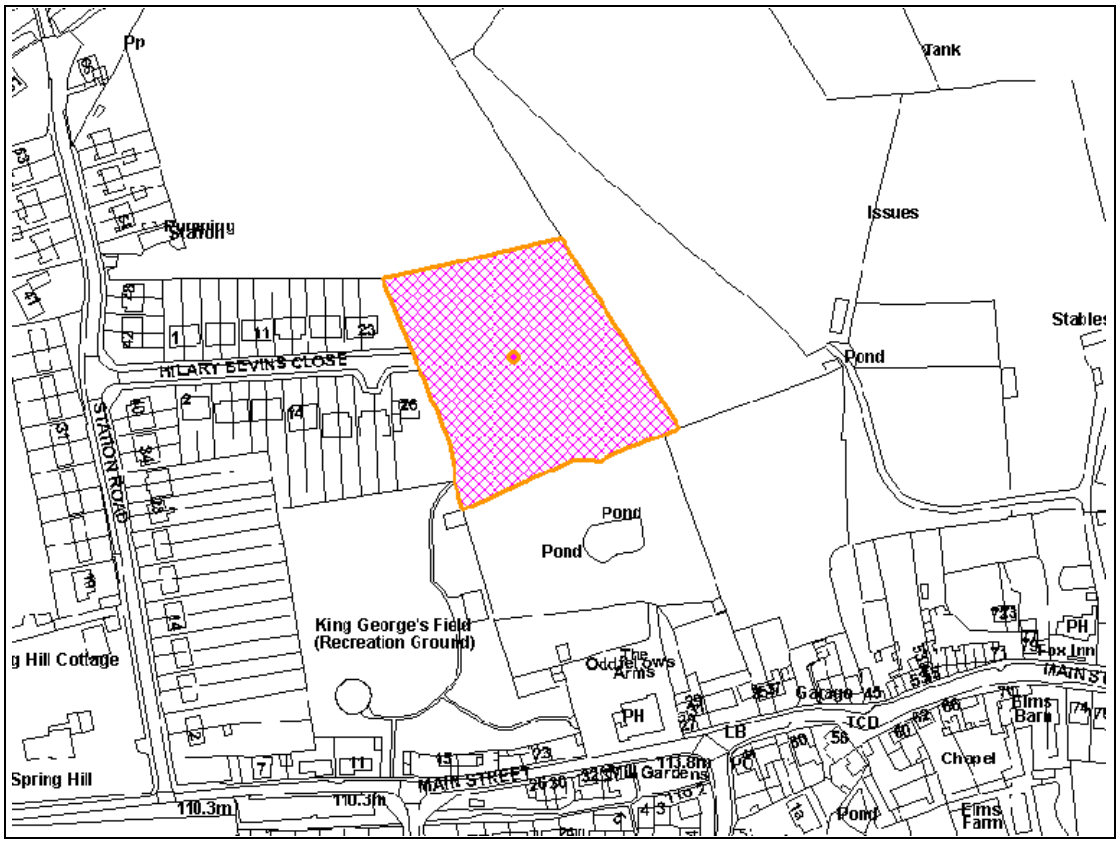
The application submission is also accompanied by:-

A Design and Access Statement
An Ecological Report
An Archaeologist Report
A Landscape and Visual Appraisal

During the course of the application a Geophysical Survey report was received on 18 September 2012 and Trial Trenching Report on 13 November 2012.

Relevant Planning History:-

94/00565/OUT	Residential development	Withdrawn	29.07.94
87/00028/4	Residential development for sale to elderly persons 55 plus age group	Refused	24.02.87



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Consultations:-

No comments/objection has been received from:-

Environment Agency
Director of Environment and Transport (Rights of Way)
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Pollution).

No objections subject to conditions have been received from:-

Severn Trent Water Limited
Director of Environment and Transport (Highways)
Director of Chief Executive (Archaeology)
Directorate of Chief Executive, LCC (Ecology)
Head of Community Services (Land Drainage).

Higham on the Hill Parish Council object to the application on the following grounds:-

a) the access to Hilary Bevins is via Station Road and the junction of Station Road and Main Street is very dangerous with poor visibility, and there are near misses. Wood Lane is not on the agenda for closure and the increase in traffic from Barwell development, this junction will pose even more risks. The village is already used as a rat run and with increased traffic from Barwell and MIRA the risk of accidents will be greatly increased
b) houses currently for sale are not selling and there has been sustained development in the village over the past 5 years with 5 new houses on the old garage and new houses in Cherry Orchard Estate and old farm buildings in Main Street. Another 21 houses would be difficult to sell as there are so many still waiting to be sold
c) the village school is at full capacity so would be unable to sustain an increase in children from the proposed development
d) the field on which the proposed development is planned is prone to flooding;
e) the amenities within the village have been reduced with the loss of post office, garage and pub, bus services finish at 6pm
f) there would need to be a change of use of land from agricultural
g) concern over construction traffic accessing the site as there is no other route from Main Street, to Station Road along Hilary Bevins Close, which will cause major disruption to all homes along that route.

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

a) Director of Environment and Transport (Civic Amenity) requests a contribution of £988.00
b) Director of Adults and Communities (Libraries) requests a contribution of £1140.00
c) Director of Children and young Peoples Services (Education) request a contribution of £38,545.84 for the Upper School sector
d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack and information display cases at the two closest bus stops costing £120.00 per display
e) Director of Environment and Transport (Highways) and Director of Environment and Transport (Rights of Way) have requested improvements to footpath T49f from the site towards Main Street.

As a result of the Developer Contributions consultation the Primary Care Trust have requested £15,520.32 for extensions and conversion to allow for new consulting room to accommodate more staff at the Stoke Golding practice.

Site notice displayed and neighbours notified.

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

a) detriment to the Conservation Area
b) land is outside of settlement boundary; Greenfield site; Intrusion into the Countryside
c) currently there is access to very little green space within the village building on this field will remove a valuable green space
d) loss of livestock living in the fields
e) 21 dwellings will add 40 + cars to the existing traffic not only to Station Road but to the rest of the village; 21 houses = at least 21 vehicles
f) impact of increased traffic - present situation is dangerous, proposed situation would be much worse
g) junction has inadequate visibility
h) junction at Station Road/Main Street/Wood Lane is already dangerous with speeding traffic
i) road not suitable for heavy construction vehicles
j) road is too narrow; concerns regarding emergency vehicles needing to get through
k) proposed plans do not show where visitor's cars will park and we are concerned that this will be in the existing part of the close in front of driveways
l) additional traffic resulting from Barwell and MIRA development
m) inadequate access and subsequent traffic travelling into Station Road and Hilary Bevins Close
n) HGV vehicles and the like would use this - noise impact upon this quiet location
o) dirt, noise and safety due to construction traffic using Hilary Bevins Close
p) re-route public footpath used by many dog walkers
q) issue of flooding; Building on the field would cause more risk of flooding to existing dwellings
r) all the consequences of development are being part onto one small part of the community; village should remain a village
s) the school has successfully attracted pupils from outside the village in order to survive, this influx of new families may cause a temporary bulge in numbers that would undo this and then leave the school short on numbers in a few years time, if families from outside of the village can no longer get places
t) think about young and old; improve bus services, local community centres and spend money on those that live there not who might
u) house sales in the village are about 1%, so why new dwelling?
v) we purchased the house not knowing that there would be future residential development
w) application needs to seek consent for a change of use to residential from agricultural land
x) precedence for future development
y) application has been refused previously.

At the time of writing the report comments have not been received from The Leicestershire Constabulary Crime Reduction Officer.

Policy:-

<u>National Policy Guidance</u>

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

<u>Regional Policy Guidance East Midlands Regional Plan 2009</u>

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 15: Regional Priorities for Affordable Housing in Rural Areas

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE5: Outside Development Limits
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)
Affordable Housing (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)
Rural Needs (SPG)

Other Material Policy Guidance

The Draft Site Allocations and Generic Development Control Policies DPD 2009

The site (H1G01) was publicised as a preferred option for residential development and open space in the Preferred Options Site Allocations and Generic Development Control DPD (Feb 2009).

The Strategic Housing Land Availability Assessment (SHLAA) Review 2010

The SHLAA Review 2010 was published in April 2011 and the application site (As284) was identified as Suitable, Available and Achievable with an overall assessment that the site is Developable.

Appraisal:-

This is an outline application for access only; therefore appearance, landscaping, scale and siting do not form part of the application and will be considered at the reserved matters stage. As such the main considerations with regards to this application are the principle of development, access and highway issues and other matters.

Principle of Development and Five Year Housing Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The Borough Council has a 5 year supply of housing (5.02 years) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 12 which identifies a minimum of 40 dwellings for Higham on the Hill to be allocated. There is a residual housing requirement for Higham on the Hill of 36 dwellings.

The NPPF retains the need to provide five years worth of housing against their housing requirements, it goes further than PPS3 and states that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%. Even with a 5 year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to maintain a rolling five year supply of housing planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

The site lies outside of the current settlement boundary of Higham on the Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. As such Saved Local Plan Policies NE5 and RES55 would apply to the determination of this application. Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria does not include residential development, however for the reasons discussed within this report Policy NE5 is not considered to be consistent with the intentions of the NPPF when considering residential development, and as such this policy affords only limited weight in consideration of the application.

Policy 12 of the adopted Core Strategy is the overarching policy relating to rural village. This policy seeks to support housing development within settlement boundaries inline with policies 15 and 16 in relation to housing type and tenure. Policy 12 of the adopted Core Strategy provides the specific policy direction for Higham on the Hill. This policy requires the allocation of land for the development of a minimum of 40 dwellings with the right number, type and mix of housing to meet the needs of Higham on the Hill. It is considered that the proposed development of 21 dwellings would make a significant contribution to this requirement.

Paragraph 4.5 of the Core Strategy states that the majority of development will be located in the Hinckley Sub Regional Centre and a smaller proportion will be located in the rural areas to meet housing need. It is acknowledged that there is insufficient land within the settlement boundaries in rural areas to accommodate the additional housing need meaning these boundaries would need to be amended.

Land is to be allocated for residential development through the Site Allocations and Development Management Policies DPD. The Borough Council have identified this site for residential development in the Preferred Options version of the DPD which is a Consultation Draft document subject to change so cannot be considered as an allocation or as a

Development Plan Document, however it is a material consideration albeit with limited weight.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. Providing a development is consistent with these criteria, the development should be considered sustainable and acceptable in principle.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by co-ordinating development requirements, including the provision of infrastructure. It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The scheme provides the provision of affordable housing, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. The type, mix and design of the dwellings is reserved for future consideration. Overall the scheme would contribute towards a rural housing shortfall which will enhance the quality, vibrancy and health of the local community.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The dwellings proposed will be built to the latest environmental standards for this area, and the scheme will be designed to retain hedgerows. Full landscaping will be considered as part of the reserved matters application.

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary, however national planning guidance states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 21 dwellings would make a significant contribution to this requirement. The residual dwelling requirement as of 1 April 2012 for Higham on the Hill was 36 dwellings. Should this application of 21 dwellings be approved, then 15 dwellings would still be required based on the figures within the Core Strategy. The site was identified by the Council within the Preferred Options Consultation on the Site Allocations and Generic Development Control DPD. Whilst the Authority has currently met its 5 year supply of housing, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

<u>Impact upon the Character and Appearance of the Countryside</u>

As discussed earlier in this report the site in policy terms lies outside of the defined settlement boundary for Higham on the Hill and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that planning authorities/the planning system should recognise the intrinsic character and beauty of the countryside and support thriving

rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

a) it does not have an adverse effect on the appearance or character of the landscape;
b) it is in keeping with the scale and character of existing buildings and the general surroundings;
c) where necessary it is effectively screened by landscaping or other methods;
d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The west of the site is bound by the defined settlement boundary of Higham on the Hill. The site is bound to the west and south by residential development and the settlement. It is therefore considered that this site would form a natural extension, given its close proximity to built development and the settlement boundary. It is not considered that this site, given its siting, constitutes a 'typical' open rural countryside location.

In the absence of full details however it is not possible to determine the application in accordance with the design criteria i-iii within Saved Policy NE5 and as such this will be considered in full within any subsequent reserved matters application.

Density/Layout/Design/Scale

The application in its indicative form proposes 21 dwellings on a 0.79 hectare site equating to a net density of 26.6 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Key Rural Centres. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement of Higham on the Hill and therefore within the countryside. Given the surrounding countryside to the north and east a highly dense scheme would be to the detriment of the countryside beyond. The slightly lower density scheme is therefore considered more suitable in this location, however full details will be for consideration within any subsequent reserved matters application.

As mentioned within the introduction, this is an outline application which seeks detailed approval for the access only. An indicative plan has been submitted, which indicates number of dwellings and possible layouts, but its detail is not for consideration within this application.

Impact on Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The application is in outline and as such scale, siting, landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy, loss of sunlight and daylight and overbearing form, will be a primary consideration at the reserved matters stage when the scale, layout and appearance are presented for approval.

It is considered, having regard to the indicative details submitted that a suitably designed dwelling can be achieved on this site that will not detrimentally impact upon surrounding residential dwellings. Accordingly the scheme can be suitably designed to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations; Access, Parking Provision and Impact on the Local Highway Network

Saved Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent and therefore carries little weight in the determination of this application.

Objections have been raised by Higham on the Hill Parish Council in respect of the poor visibility at the junction of Station Road and Main Street and increase in traffic from surrounding development will pose greater risks. Concerns have also been raised in respect of construction traffic accessing the site as there is no other route from Main Street, to Station Road along Hilary Bevins Close.

A key issue in this application is the acceptability of the access arrangements. The Director of Environment and Transport (Highways) states that access to the site would be from Hilary Bevins Close, a residential cul-de-sac built to modern standards with a 5.5m carriageway and 1.8m footways. In accordance with the 6Cs Design Guide, this type of road can serve up to 400 dwellings although this is normally restricted to 150 if there is only one point of access, as is the case here. Accordingly the Director of Environment and Transport (Highways) concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

The Director of Environment and Transport (Highways) has recommended a number of conditions.

Suggested Condition 1: The applicant is to take measures to ensure that the highway is kept free of mud, water, stones. It is considered that a condition ensuring vehicle cleaning facilities be imposed in lieu of this specific wording as it is more precise and necessary.

Suggested Condition 2: Details of the routing of construction traffic shall be provided. In the opinion of the Local Planning Authority it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a Section 106 Agreement.

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, it is only required when full planning permission is in place i.e. both outline and full, but would need to be in place prior to the commencement of the development (if/once a Reserved Matters application is approved). This is because until a reserved matters application is submitted we do not know the reason why the footpath needs to be diverted, and the diversion will need to be in place prior to the commencement of development to ensure that a dwelling or other associated infrastructure is not constructed on the footpath.

Section 7 of Circular 11/95 (Rights of Way Circular) confirms that the effect of a development on a public right of way is a material consideration in the determination of a planning application and that given that most outline planning applications do not contain sufficient information, and are not required to do so then matters are usually dealt with during

consideration of the matters reserved under the planning permission for subsequent approval. It is therefore considered that the approach complies with Circular 11/95.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Archaeology

Saved Policy BE14 states that where an initial assessment indicates that archaeological remain may exist, the Local Planning Authority will require the prospective developer to arrange from an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. The results of the evaluation should be made available to the Local Planning Authority before it determines the application.

During the course of the application, the applicant at the request of the Directorate of Chief Executive (Archaeology) has submitted a Geophysical Survey report and undertaken trial trench investigations and subsequently provided a Trial Trenching report, in accordance with Policy BE14.

Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

The Director of Chief Executive (Archaeology) therefore confirms that no further work is required relating to the below-ground archaeological impact of the development, however, in accordance with their original advice would recommend that a topographic survey of the Ridge and Furrow earthworks on the site is undertaken prior to commencement of the development and suggests this is secured by condition. The condition is considered to meet the relevant tests and as such will be imposed.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Polices BE14 and BE16 and the overarching intentions of the NPPF.

Ecology

An ecology report has been submitted with the application, which has been considered by The Directorate of Chief Executive (Ecology) who is satisfied with the report and survey work undertaken on the closest ponds.

The Directorate of Chief Executive (Ecology) does consider that the existing hedgerows and ditches around the proposed development site must be retained and requests a condition be imposed that ensures that the three hedges surrounding the development site are retained and managed in perpetuity as continuous units (i.e. they should not be part of back gardens, as this will lead to piecemeal removal of the hedges and loss of connectivity along the habitat feature).

A condition is being imposed for the details of the existing trees and hedges on the site which are to be retained in the form of a full and detailed survey to be provided with any subsequent reserved matters application.

In summary, subject to the imposition of planning conditions, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage).

The accompanying Design and Access Statement states that the implementation of a Sustainable Drainage System (SuDS) will be a key component of the proposal. The Environment Agency has no comments to make on the application and both Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections subject to the imposition of a planning condition, condition for drainage plans for the disposal of surface water and foul sewage which in the absence of full details is considered necessary to impose.

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

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is in line with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Developer Contributions and Affordable Housing Provision

The application proposes 21 residential units which attracts infrastructure contributions.

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

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site, the provision should be for 9 units; 6 for social rent and 3 for intermediate tenure.

The latest housing register for Higham on the Hill states that 123 applicants are seeking 1 bedroomed properties, 100 applicants are seeking 2 bedroomed properties, 56 applicants are seeking 3 bedroomed properties and 13 applicants are seeking 13 bedroomed properties.

It is considered that there is a high demand within Higham on the Hill, and there is a preference for social rented housing to be made up of 2 bedroomed houses and intermediate tenure to be made up of two or three bedroomed houses.

This scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Higham on the Hill and as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

The provision of affordable housing is to be secured through the draft S106 agreement submitted with the application. Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of 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.

On site: Should the applicant consider providing play and open space on site then they would be required to provide 840 square metres of formal open space; 105 square metres of children's equipped play space and 315 square metres of informal un-equipped play space. A total maintenance contribution of £29,274.00 would be required.

Off site: Whilst not for determination at this stage, the accompanying design and access statement states that the site benefits from an adjoining recreation ground which includes a children's play area and therefore provision is not necessary within the development. As such it is considered that a financial contribution will be taken to be used on the adjacent site.

The site is located adjacent to King George V Playing Field, which is categorised within the Green Space Strategy as a neighbourhood park with a Neighbourhood Equipped Area for Play (NEAP) for the provision for children and young people and neighbourhood open space for outdoor sport.

Formal Recreation Space: - Similarly off site contributions will also be required for formal open space. The application site falls within 1 kilometre of King George V Playing Field and as such financial contributions of £6, 778.80 for the provision and £5544.00 for the maintenance is sought. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of outdoor sports (0.70) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality.

Informal Equipped Children's Play Space: - A shortfall in the required provision of on site equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £15,233.40 is required for the provision and £7,423.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of equipped play space (0.06) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £125,000.00.

Informal (Un-equipped) Children's Play Space: - A shortfall in the required provision of on site un-equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £1,940.40 is required for the provision and £1,669.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a deficiency of un-equipped play space (-0.03) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £50,000.00.

The quality of the equipped space has been considered within the Quality and Accessibility Update Audit of 2007 which awarded King George V Playing Fields a quality score of 48.0%. It is considered that financial contributions could be secured to improve the quality of this space.

Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to King George V Playing Field, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

Whilst it is identified that there is a sufficiency of formal open space and equipped space, this development results in a net gain of 21 dwellings, which would result in additional population in the area and at this time there is no indication that there would be a net gain in the area of play space provided.

Cumulatively at this time the development attracts contributions for off site play and open space of £38, 589.60. On site provision and maintenance of play space could be achieved on site, which would alter this figure. It is, however, considered that it would be far more advantageous to secure one well equipped quality children's play areas with a wider range of diverse equipment and facilities, rather than the provision of two equipped play areas with basic equipment all in very close proximity to each other. Full details, however, will be secured through the reserved matters application.

The Parish Council have indicated that monies would be spend on securing a pathway from Hilary Bevins Close to the playing field, play equipment for older children, a fitness circuit and improved drainage for the skateboard ramp area.

For the avoidance of doubt, monies for footpath improvements are set to be secured by other means, as discussed later in this report.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

As a result of the Developer Contributions consultation, the following contributions have been requested:-

- Director of Children and young Peoples Services (Education) request a contribution of £38,545.84 for the Upper School sector
- Director of Environment and Transport (Civic Amenity) requests a contribution of £988.00
- Director of Adults and Communities (Libraries) requests a contribution of £1140.00
- Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack and information display cases at the two closest bus stops costing £120.00 per display
- Director of Environment and Transport (Highways) and Director of Environment and Transport (Rights of Way) have requested improvements to footpath T49f from the site towards Main Street.
- The Primary Care Trust requests a contribution of £15,520.32

In respect of the footpath improvements, the Director of Environment and Transport (Highways) and the Director of Environment and Transport (Rights of Way) has sought to improve the surface of the section of footpath T49f between the application site and Main Street. This provides a direct route of some 200 metres from the development to existing bus stops on Main Street and other facilities in the village centre. The alternative route via the road network is in excess of 650 metres, 3 times longer. The Director of Environment and Transport (Highways) has provided adequate justification that the scheme would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. The applicant has indicated that they would be prepared to undertake these improvements themselves and as such a clause would be imposed requiring that they submit and have an agreed scheme of works with the Director of Environment and Transport (Highways) prior to the commencement, and then a series of triggers within this clause as to when and how that will be implemented and for inspection and approval of the works.

The Parish Council also states that the village school is at full capacity so would be unable to sustain an increase in children from the proposed development. The Director of Children and young Peoples Services (Education) states that this development would generate 5.04 pupils as a result of the development (which would be rounded to 6 pupils) and that Higham on the Hill Church of England Primary School has a net capacity of 77. Even with the 6 pupils generated by this proposed development there would be accumulatively 75 pupils projected on roll, which allows a surplus of 2 places.

On consideration of these requests received in respect of this application it is considered that the following meet the tests as set out in the CIL Regulations 2010:-

- Affordable Housing (9 units)
- Play and Open Space (£38,589.60)
- Education (£38,545.84)
- Transport (Travel Packs only)
- Footpaths improvements to footpath T49f

A Section 106 agreement is under negotiation to secure the above mentioned financial contributions and provision of affordable housing units.

Other Matters

Previous Reasons for Refusal

The application was refused in 1987 (ref: 87/00028/4) for the following reasons:-

1 The site lies within a rural area where the countryside policies of the approved Leicestershire Structure Plan apply. In such an area it is intended that existing land uses will for the most part remain undisturbed and new development will only be permitted when it is required for agriculture. In the opinion of the Local Planning Authority the development proposed would be contrary to that policy;

2 Higham on the Hill is included in the rural settlement policy of the approved Leicestershire Structure Plan as a restrain settlement and in the Submitted Alterations no. 2 as an 'Other Village'. It is intended that any new residential development in the village should be restricted to infilling within the existing framework. The application site lies outside the existing built up limits of the village and would therefore be contrary to these policies;

The Regional Spatial Strategy (RSS) for the East Midlands was adopted in March 2009 and replaced the Leicestershire Structure Plan (1996-2016) and as such carries no weight in the determination of this application.

3 The proposed development would constitute an unwarranted extension of the existing limits of village development into the open countryside beyond, to the detriment of visual and rural amenities;

As previously discussed the site does fall outside of the settlement boundary, however the NPPF is supportive of sustainable development.

4 The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which consequently be difficult to resist;

The merits of this case are for consideration at this time and each case is considered on a case by case basis. It is important to consider that the core strategy allocates land for the development of a minimum of 40 new homes.

5 The proposed development, if permitted, would result in an undesirable intensification in use of the Station Road/Main Street junction which lacks adequate visibility splays and which would add to the danger of road users.

The Director of Environment and Transport (Highways) has considered this scheme and does not consider that there is any reason to sustain a highway objection.

6 The watercourses drainage the site are inadequate to cope with the additional surface water run-off associated with the proposed development.

The scheme has been considered by the Environment Agency who have no comments to make on the application and both Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections subject to the imposition of a planning condition. As such it is considered that drainage plans for the disposal of surface water and foul sewage are provided within a subsequent reserved matters application.

Letters of Representation

Objections raised which have not been addressed within the main body of the report:-

The site is not located within a Conservation Area.

The applicant will seek to divert the existing footpath, as such there will still be a footpath available and will need to go through a statutory process to do so.

Objections have been raised by Higham on the Hill Parish Council that houses that are currently for sale are not selling and there has been sustained development within the village over the past 5 years with 5 new houses on the old garage and new houses in Cherry Orchard Estate and old farm buildings in Main Street. Another 21 houses would be difficult to sell as there are so many still waiting to be sold. The Parish Council also states that amenities within the village have been reduced with the loss of post office, garage and pub and bus services finish at 6pm.

Paragraph 4.4 of the Core Strategy states that "These Rural Villages will be the focus on limited development with the aim of ensuring existing services, particularly primary schools, are supported. Because these villages have limited services, they are less sustainable that the Key Rural Centres as car travel will be required in most cases to access employment and services. However, some level of development is considered necessary to ensure existing services and community cohesion is maintained" Paragraph 4.29 also explains that the additional housing required in rural settlements is to ensure that they remain vibrant, mixed communities.

It is therefore acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car and whilst there are some services, it is considered that development within the village will increase the viability and sustainability of the immediate area. Policy 12 of the adopted Core Strategy has specifically allocated land for the development of a minimum of 40 homes and in addition states that some level of development is considered necessary to ensure existing services and community cohesion is maintained. Paragraph 55 within the NPPF states that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. As such it is considered that the policy support and potential benefits that could arise as a result of the development are sufficient to outweigh this objection.

Recycling

Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As such a condition is recommended to ensure that details are provided.

Conclusion

In conclusion, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 21 dwellings would make a significant contribution to this requirement. The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, public play and open space facilities, education, travel packs and footpath improvements. The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that outline permission be granted, subject to the imposition of planning conditions.

The application is accompanied by a PPA allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of open space facilities, education, and travel contributions and footpath improvements the Head of Planning be granted powers to issue outline consent, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation of 21 new homes, would not have an adverse impact upon the character and appearance of the countryside; would not have adverse impacts upon flooding, ecology, and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies, RES5, IMP1, BE1 (criteria i and g), BE16, REC2, REC3, NE5 (criterion iv) NE14, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 12, 15, 16, 19, and 24.

Local Plan 2006-206: Local Development Framework: Supplementary Planning Guidance SPGs: New Residential Development and Rural Needs.

Local Plan 2006-206: Local Development Framework: Supplementary Planning Document SPDs: Play and Open Space, Affordable Housing, Sustainable Design.

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

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.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-

a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
b) The scale of each building proposed in relation to its surroundings;
c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

a) The external building materials;
b) The siting, external appearance and building materials of the sub-station
c) The provision to be made for screening by walls and fences;
d) The provision to be made for recycling and waste storage;
e) The provision to be made for vehicle parking on the site including garaging on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms;
f) Details of the turning facilities, access widths, gradients, surfacing materials and visibility splays;
g) The existing trees and hedges on the site, which are to be retained in the form of a full and detailed survey;
h) The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site;
i) Drainage plans and details for the disposal of surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Indicative Site Layout Drawing No. 03 received by the Local Planning Authority on 27 June 2012 and Block Plan Drawing No. 04B received by the Local Planning Authority on 6 August 2012.

5 Notwithstanding the indicative plan submitted this consent grants permission for residential development only and does not grant approval for the number of dwellings.

6 No development shall commence until a programme of archaeological work for the ridge and furrow earth works, including a Written Scheme of Investigation have first

been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

7 No development shall commence until facilities are in place, provided and maintained during the carrying out of the residential development to enable vehicle wheels to be washed prior to the vehicle entering the public highway.

8 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.

Reasons:-

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

2&3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

4&5 For the avoidance of doubt and in the interests of proper planning.

6 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.

7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

8 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38

of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

6 Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space.

7 In relation to condition 6 the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

8 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.

Access drives, parking and turning areas, paths and patios should be constructed in permeable paving systems, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

9 Western Power Distribution has Network in close proximity and within the proposed development site.

Any alteration, building or ground works proposed in the vicinity of Western Power Distribution that may or may not directly affect their equipment must be notified in details to Western Power Distribution.

Western Power Distribution Map Response Team can offer further advice and support on locating equipment and safe working around the network. For new developments, diversions and ground works contact Western Power Distribution, Records Team, Toll End Road, Tipton, DY40HH.

10 The indicative layout shown is not considered characteristic with the surround area and is not considered to be acceptable in its current form to be submitted as part of a Reserved Matters Application.

Contact Officer:- Ebbony Mattley Ext 5691

Item: **02**

Reference: **13/01029/COU**

Applicant: **Mr James Connors**

Location: **Land To The East Wallace Drive Groby**

Proposal: **Change of use of land to use as a residential caravan site for two gypsy families (four caravans) with associated parking, hardstanding and amenity block**

Target Date: **3 February 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor Batty on grounds that the site is not suitable for residential development, is not brownfield land, is within the countryside, does not conform with planning policy, will have a adverse impact on highway safety, will have an adverse impact on the adjacent SSSI and on grounds of drainage concerns. In addition, objections have been received from more than five addresses.

Application Proposal

This is a full application for the creation of two gypsy caravan pitches, along with the erection of a day room and the laying of additional hard standing.

Each pitch will comprise of a one static and one touring caravan set at right angles to one another. The day room will be sited to the south of the site entrance and will comprise of a pitched roofed building with a rectangular footprint (7.5 metres x 5 metres). Its maximum height will be 4.15 metres. A range of openings are proposed to its front and rear elevations. Internally it will be subdivided into two utility and bathrooms.

The area to the south east of the site access, on which the built development is to be sited, comprises a gravelled area and will provide the parking and turning space. The land to the south eastern and south western perimeter of the site will comprise a grassed area. The front (north western) boundary of the site will comprise of a 2 metre high close boarded wooden fence, which will be planted to the front. The remaining boundaries will be enclosed by a post and rail fence. The site will be accessed via an unmade access track leading from Wallace Drive.

Site and Surrounding Area

The site comprises a parcel of land of 0.18 hectares, there is an adjacent parcel of land (to the north east), similar in size, also within the applicants ownership. This land forms part of a larger, ridge and furrow field, which is in separate ownership. An access track passes the front of the site and leads from the A50.

The site is currently in use for the keeping of pigeons, and there are a number of wooden buildings on site reflecting this use. To the north of the site, on the opposite site of the access track is the Site of Special Scientific Importance (SSSI) known as Lady Hay Woods. The track which runs along the north western boundary of the site, provides access to Pool Tail Bungalow, to the north of the site. Public footpath J92 intersects the site access track. The

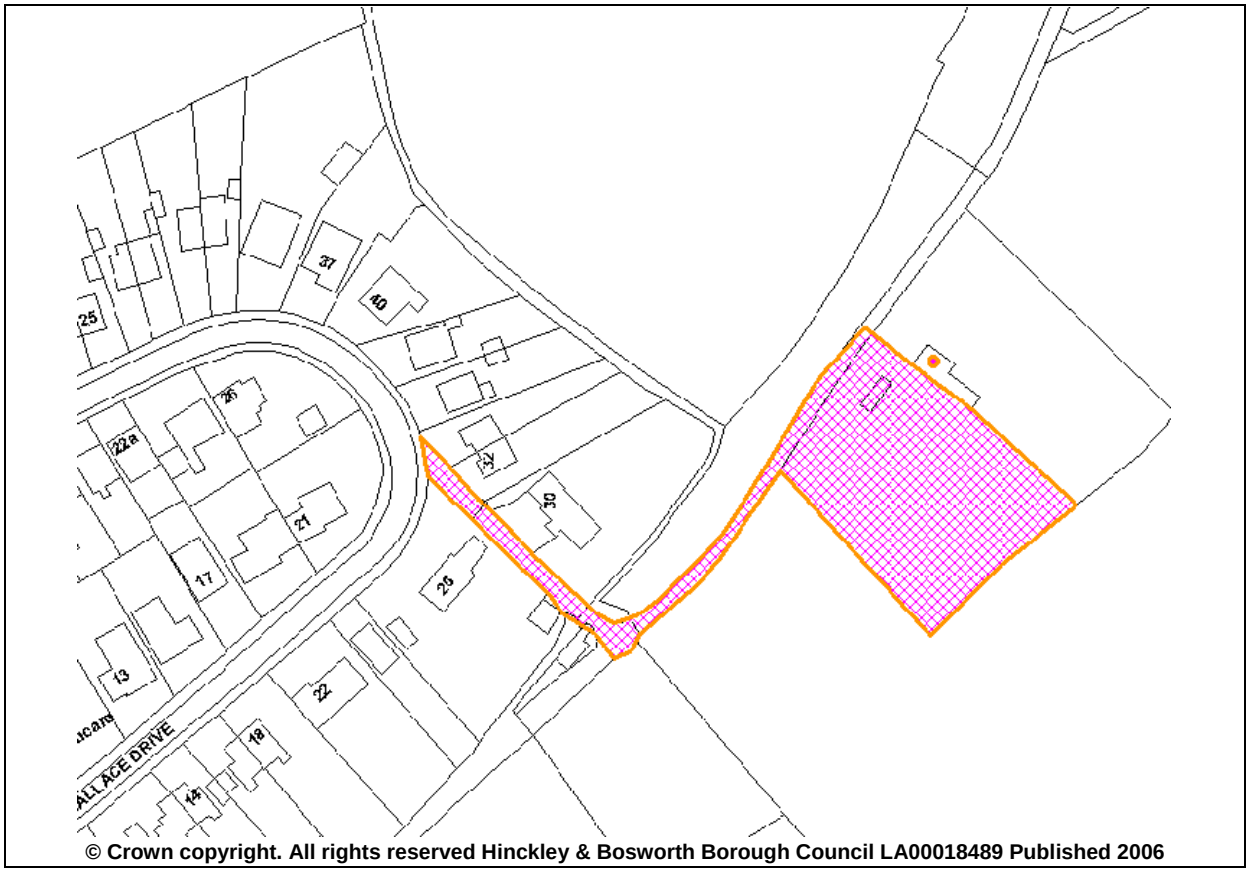
site is within the countryside, situated adjacent to the settlement of Bradgate Hill, which comprises a rural hamlet. To the west is a post war housing estate, comprising the majority of this hamlet. This consists of Wallace Drive, Lena Drive and further to the west, Elsalene Drive.

Technical Documents submitted with the application

Design and Access Statement

Relevant Planning History:-

06/01348/CLU	Certificate of lawful existing use of land for the keeping and breeding of pigeons	Approved	13.02.07
06/00304/UNUSE	Potential unlawful keeping of pigeons and potential use of a caravan park	Closed Certificate of Lawful use for keeping of pigeons applied for concluded site was in use as a caravan park	20.12.06
10/00104/UNAUTH	Potential unauthorised earthworks and removal of trees	Closed No Breach	03.12.10
11/00340/S	Erection of a 2 metre high fence	Open Development comprises permitted development. No further enforcement action	
13/00106/UNUSEM	Potential unauthorised gypsy site	Open No activity site being monitored	



Consultations:-

No objections received from:-

Natural England
Environment Agency
Director of Chief Executive (Archaeology)
Director of Community Services (Ecology)
The Director of Property Services (Gypsy Liaison)
Director of Environment and Transport (Footpaths)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

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

The Director of Environment and Transport (Highways) has recommended refusal.

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

a) adverse impact on the area of scientific interest and the Slate Brook
b) site not brownfield, but Greenfield as there are only pigeon lofts on it
c) there is an abundance of wildlife in the area
d) the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use
e) the existing sewage system is overloaded
f) the site access/entrance is not suitable for residential use and for use by caravans.

Stephen Dorrell MP objects to the proposal on the following grounds:-

a) the proposal will result in significant hazards to road users and residents
b) planning permission has been refused on land at the end of Elsalene Drive due to highway concerns - thus similar decision making criteria should be applied here
c) This proposal is a significant departure from the current use of the site for the keeping of pigeons.

Councillor Batty objects to the application on the following grounds:-

a) this is not a brownfield site and is not suitable for residential development
b) the site is situated in the countryside and as such is not within the list of acceptable uses as stipulated in HBBC Local Plan Policies
c) the proposal does not complement or enhance the character of the surrounding area
d) there will be likely adverse impacts on the amenities of neighbouring properties due to noise, significantly increased traffic movements and light pollution, contrary to Local Plan Policies NE5, BE1 & BE26
e) the site has an unsuitable access being an un-adopted single track lane accessing Wallace Drive on a sharp bend, providing an inadequate visibility splay for slow moving towing vehicles to enter Wallace Drive on an incline, particularly when turning to the left towards the A50. This is not in conformity with Local Plan Policy T5
f) the application site which is adjacent to the Groby Pool SSSI proposes a Cess Pit for the disposal of foul water, this is not consistent with current policy and as such not acceptable
g) the proposal for surface water drainage on a site with a high water table which also slopes down to a sensitive watercourse feeding into Groby Pool can not reasonably be considered to be satisfactory
h) this application fails to meet the required criteria of HBBC Core Strategy Policy 18 on 3 points:-
   i) will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by the movement of vehicles to and from the site
   ii) can be capable of sympathetic assimilation into the surroundings
   iii) applications for new sites and refurbishment of existing sites must meet the design guidelines detailed in National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide).
i) the application conflicts with Core Strategy Policy 22 Charnwood Forest
j) the application does not meet the guidance provided in the statement recently published by the DCLG on Gypsies and travellers.

Parish Councillor McCausland has objected to the application on the following grounds:-

a) planning policy should be applied consistently to land off Wallace Drive. The decision against the creation of a second dwelling at Pool Tail Cottage and the condition imposed preventing this from taking place , as it would be contrary to PPS7 illustrates that this land within the countryside is not suitable for any residential development.

84 letters of neighbour representation have been received raising the following issues/concerns:-

1) development not in keeping with existing properties
2) will result in additional highway safety hazards and concerns
3) there are limited recreational facilities within the area
4) a traveller site will place unnecessary stress on local residents
5) not a brownfield site - there is no justification for allowing a site here
6) will result in increased anti-social and violent behaviour

7) gypsies should be located besides motorways/quarries/land refill sites where they can not intimidate other local people, particularly the vulnerable
8) there are only limited land uses as prescribed by planning policy for this piece of land
9) there have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site
10) the council can not refuse an application for one caravan for a member of the settled community and approve an application for four permanent caravans
11) site is within the open countryside, and thus not in keeping with the character of the area
12) will result in an adverse impact on residential amenity in terms of noise, disturbance from vehicles movements and light pollution
13) the access is not suitable in terms of its width, geometry, surfacing or gradient
14) the track from the A50 is dangerous as confirmed by Leicestershire County Council Highways
15) drainage issues and adverse impacts on the SSSI
16) contrary to Core Strategy policies 18, 22 and those to protect the National Forrest
17) the site fails to meet guidance within DCLG Gypsies and Travellers
18) proposal can not be sympathetically assimilated within its surroundings
19) will have an adverse impact on the wildlife within the SSSI
20) there should not be one rule for use and one rule for them
21) the development is contrary to the sustainability appraisal which accompanies the Core Strategy
22) loss of Greenfield site
23) generation of construction demolition and waste
24) further risk of pollution from greenhouse gasses
25) will have an adverse impact on natural habitats and biodiversity
26) there are a number of errors and inaccuracies on the application forms and within the Design and Access Statement
27) this is a locally controversial application, but no extension has been granted to the public consultation period
28) there is not way or ensuring/enforcing that the access onto the A50 is not used
29) the access track has been illegally upgraded and HBBC did nothing when this illegal activity was reported to them
30) the application only covers half the land owned by the applicant thus in the future the remainder of the site could be developed.
31) it would be impossible to police how many residents were on site at any one time and therefore the application would have an adverse impact on the settled community
32) the site abuts some of the most beautiful countryside in Leicestershire
33) the proposal will have a negative impact on property values and will prevent nearby residents from selling their properties
34) proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide
35) the proposed Cess Pit is not suitable for the disposal of foul water and would have an adverse impact on Groby Pool
36) will have an adverse impact on the pond at Lady Hay Wood, which is home to may forms of wildlife including Great Crested Newts
37) the use of the access could damage adjacent properties, a lorry using this track has recently done so
38) on street parking within the area is already an issue, which will result in additional highway dangers
39) the use of the access track by additional vehicles would increase the risk to other users such as walkers
40) the traveller horses on site have always lived in the open and there is no equestrian centre

41) hedgerow on site has been ripped out and trees chopped down and replaced with hard landscaping
42) previous enforcement notice served on site which required the residential mobile home to be removed
43) contaminate of the Slate Brook from cess pit, soakaway and vehicle storage - this has happened before and has resulted in dead fish being found in the brook
44) the refuse lorry would not be able to access the site
45) there has been fly tipping of garden waste and building materials by the footpath to the rear of Wallace Drive
46) all previous applications for commercial and residential use on site have been refused, so why should this be allowed?
47) will have an adverse impact on a rare orchard growing adjacent to the site
48) the area is prone to flooding and has a high water table
49) the area is designated Green Belt
50) ridge and furrow farming land should be preserved
51) the fencing proposed is contrary to that existing on site and the cost of replacing this would be prohibitive
52) concerns over water supply- the pigeon lofts is currently served by illegal tapping into the Severn Trent Supply
53) the area proposed for the keeping of horses is too small and thus impractical for such a use
54) the mains sewer was laid in the 50's/60's under the track leading to the A50. this comprises of clay pipes only 0.5 metres below the surface. Accordingly there is little protection to the piping and thus would be damaged by further heavy vehicles using the track
55) the vehicles which use the A50 track currently do so at very high speeds making it extremely dangerous
56) there are no utilities on site
57) would have an adverse impact on the muntjac deer which use the site
58) the proposed measures to limit the impact of the development are insufficient
59) what commercial vehicles for business purposes will be using the site?
60) if land is to be turned into residential, given the current housing shortage, builders should be given the opportunity to obtain planning permission and implement the infrastructure required to support residential use
61) the lane is heavily used by pedestrians and has no footpath
62) proposal is contrary to Policy B26
63) will have an adverse impact on the view from surrounding properties
64) there is a risk of the site being illegally expanded
65) the proposal will place additional pressure on already overstretched local services
66) there is the potential of the adjacent wooded areas to be destroyed for cooking fires
67) is a flood risk survey going to be undertaken?
68) there are no permanent structures currently on the land
69) the site is over a mile away from the shops and services in Groby
70) the closest settlement is Wallace Drive, not Eden Drive as stated on the application forms
71) the proposal will result in additional dust/fumes
72) will have a negative impact on tourism in the area
73) there is already an existing business registered at this address, so the proposal will result in increased traffic
74) proposal is contrary to Policy 8 of the Core Strategy
75) emergency vehicles will not be able to access the site, have the fire and rescue service been consulted?
76) English Heritage should be consulted
77) clarification is required of the number of residents to be on site
78) these people bring nothing but trouble to an area

79) the proposal will result in additional mess to the area
80) the applicants animals (horses and dogs) will escape causing more hazards.

At the time of writing the report, no comments have been received from:-

Ramblers Association
National Forest Company.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Planning Policy for Traveller Sites (March 2012)

Local Plan 2006-2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople
Policy 13 Rural Hamlets
Policy: 21 National Forest
Policy: 22 Charnwood Forest

Gypsy and Traveller Accommodation Needs Study / Gypsy and Traveller Allocations DPD (January 2013)

Hinckley and Bosworth Local Plan 2001

Policy BE1; Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states amongst other things that there is no single, appropriate design for sites.

Appraisal:-

The proposal is for three pitches and associated development for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the National Planning Policy for Traveller Sites. The Officer also verifies the applicant's details and the need for the site.

Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the countryside, the National Forest, the Charnwood Forest residential amenity, highway safety, ecology and other issues.

Planning Policy for Traveller's Sites (March 2012)

'Planning Policy for Traveller's Sites' came into effect on the 27 March 2012, and must be read in conjunction with the National Planning Policy Framework (NPPF). As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in these documents. Policy H of the new traveller sites policy (in paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are discussed below:-

a) the existing level of local provision and need for site

A Gypsy and Traveller Accommodation Needs Study has been undertaken by the Council. This replaces the Leicester and Leicestershire Accommodation Needs Assessment (2007). This locally derived needs assessment is in line with National Policy which states that "Local Planning Authorities should set pitch targets for Gypsies and Travellers…. which address the likely permanent and transit site accommodation needs of Travellers in their area".

The study (September 2013) included that over the period from 2012 - 2027, 40 additional pitches would be required within Hinckley and Bosworth. This need is split into three separate five year periods:-

- 2012-2017 - 19 pitches
- 2017-2022 - 10 pitches
- 2022-2027 - 11 pitches

The Borough Council has granted planning permission for 24 pitches across the Borough that have not yet been developed meaning that the Borough has a current five year supply of gypsy and traveller pitches. It is therefore considered that there is not a significant and pressing shortage of sites arising from evidenced need within the Borough at the current time.

b) the availability (or lack) of alternative accommodation for the applicant

Despite the Borough Council meeting the accommodation needs arising in the borough, the Gypsy and Traveller Accommodation Needs Study did not take into account the possible number of pitches that may be required as a result of in-migration, such as in this case. The reason for this is that it was a localised study based solely on the need which would arise from the existing households in the borough over the plan period. Paragraphs 6.14 and 6.15 of the study explain that where there is a need to assess an application that is a result of in-migration from other sources, they must be assessed on the personal circumstances of the applicant. They state:

"The most complicated area for a survey such as this is to estimate how many households will require accommodation from outside the area in the next 5 years. Potentially Gypsies and Travellers could move to Hinckley and Bosworth from anywhere in the country. In particular, the vacant pitches at Costalot are likely to be occupied from households not currently in the area. However, these pitches are vacant at the moment and therefore no extra provision will be required to accommodate these in-migrant households.

Overall the level of in-migration to Hinckley and Bosworth is very difficult to predict. Rather than assess in-migrant households as being part of the needs of Hinckley and Bosworth we would propose that each case is assessed as a desire to live in the borough and that site

criteria rules are followed for each site. It is important for the authority to have clear criteria based planning policies in place for any new potential sites which do arise."

Accordingly, in this case, the individual needs of the applicant should be taken into account and weighed against any potential detrimental impact the development of this site may have. This consideration will be attributed considerable weight in the determination of this application.

c) other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer has submitted a letter in support of the application, which clarifies the personal details and specific needs of the end users of the site. This confirms that the site would be to accommodate two brothers whom currently live with their parents. The intended occupants are currently single, are in employment and have no health issues. The personal needs of the applicant should be attributed weight in the determination of this application.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

The locally specific criteria in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy further below in this report.

e) that Local Planning Authorities should determine applications for sites from any travellers and not just those with local connections

The applicant is a local man who has owned the land for a number of years; his sons, whom the site would be for, live within an adjacent borough. Therefore the applicant and family are considered to have local connections.

Paragraph 23 of the document states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure. Paragraph 55 of the NPPF states that "local planning authorities should avoid isolated new homes in the countryside". Although the site is within a countryside location, due to its proximity to the settlements of Bradgate Hill and Groby, it is not considered that this site could be defined as isolated. This said, the countryside location needs to be balanced against the personal needs of the applicant and other material planning considerations. These issues will be discussed in further detail below.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:-

a) effective use of previously developed (Brownfield), untidy or derelict land
b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
c) promote opportunities for healthy lifestyles such as providing adequate play areas for children
d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

The site is a brownfield site by virtue of it being previously developed. The extent of the brownfield nature is subjective, however the development as proposed is generally within the area where buildings and hardstanding are sited.

The scheme does not include a formally identified children's play space, however this is grassed land, towards the perimeters of the site could be used for such. The site is currently enclosed by a close boarded fence, which will provide privacy and security for the residents and children from the surrounding community, both visually and physically. Additional planting is proposed to the front (road facing) elevation of this fencing, which will help soften its appearance.

Local Plan 2006-2026

Core Strategy Policy 13

Bradgate Hill is identified as a Rural Hamlet (policy 13). The supporting text to policy 13 states that because of the limited services in these hamlets, development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. As this proposal does not fall into one of the identified categories, it is contrary to the policy requirements. However this consideration must be weighed against the needs of the applicant and other material planning considerations.

Policies 21 and 22: National Forest and Charnwood Forest

The site is situated within both the National and Charnwood Forest.

Policy 21 (National Forest) is subdivided into two sections; the first relates to proposals which contribute towards the delivery of the National Forest Strategy and thus is not applicable to this proposal. The second relates to all developments within the national forest and states that developments shall provide on-site or nearby landscaping that meets the National Forest planting guidelines.

Planting has not been provided by this scheme, the developer has been requested to provide this information. Should such detail not be submitted, the proposal would be contrary to the requirements of Policy 21.

Policy 22 (Charnwood Forest) initially identifies a range of land uses which will be supported in the Charnwood Forest. The policy does not say these are the only uses that are acceptable. Should uses be of those listed within the Policy a series of design related criteria are applicable.

This proposal does not fall within one of the categories of acceptable use, however as the site is for Gypsy and traveller pitches, Policy 18 of the core strategy, which is specifically relevant to this proposed use, overrides the requirements of Policy 22. Accordingly, the weight to be attached to policy 22 in this case is limited and would not warrant refusal of the scheme.

Core Strategy Policy 18

Policy 18 of the Core Strategy is concerned with the provision of sites for Gypsies, Travellers and Travelling Showpeople and outlines the numerical requirement for the delivery of pitches for use by Gypsies and Travellers which were originally derived. The policy identifies that the Borough is required to provide 42 residential pitches (26 up to 2012, 16 from 2012 - 2017) and five transit pitches (to accommodate 10 transit caravans) to 2012. Since the Core Strategy has been adopted, this need figure has been superseded by the figures within the

Gypsy and Traveller Accommodation Needs Study, and so can be afforded little weight. Thus the Policy 18 figures are outdated and superseded by the more recent Needs Study figures. The bullet points within the second half of this policy, which relate to siting and design remain applicable and should therefore be afforded weight.

Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is situated adjacent to the settlement boundary of Bradgate Hill, but this settlement has no services. The nearest settlement providing a full range of services is Groby. The site is connected to Groby by footpaths and also has a safe crossing over the A50, meaning that safe travel to facilities could be accomplished by means other than the private car. The site is a distance of 1.2 kilometres from the centre of Groby. This distance is considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The access defined on the site plan comprises part of a track leading from Wallace Drive to Pool Tail Bungalow (further to the north east). A number of surrounding land owners have right of way over this access. From its junction with Wallace Drive, the track continues in a south eastern direction before turning through 90 degrees to the north east towards Pool Tail. Public footpath J92 intersects the track at the point of its bend. The alignment of this track with Wallace Drive and its width over the first 5 metres are both substandard. Given the geometry of this access, navigating/manoeuvring a vehicle towing a carven/ mobile home would be awkward. It would also be extremely difficult for vehicles leaving the site to safely pass vehicles travelling in the opposite direction.

In addition to the proposed access, the site also appears to have a right of access over a second access track which runs along the rear garden of properties on Wallace Drive, to the A50. This second access is outside of the application site boundary, but information has been submitted by third parties to confirm that this route could be used by the applicant. This route provides a direct route to the A50 and has recently been upgraded. Accordingly, on the balance of probability, given the concerns/difficulties relating to the proposed access track (to Wallace Drive), it is considered that the use of the alternative access would, in reality be more likely to be used. The Director of Environment and Transport (Highways) has provided comments in relation to the suitability of this access. They have stated that they would have serious concerns with the use of this access as it would result in slow moving traffic entering and existing directly onto the busy and high speed A50. Concerns have also been raised that this alternative access does not allow 2 vehicles to pass and therefore a vehicle could be forced to stop and impede the A50 and footway. Further there is a public right of way along this access track and the intensification of use by vehicular traffic would be likely to result in a conflict between walkers and vehicles. Accordingly, on this basis the application has been recommended for refusal.

There is adequate provision for parking and turning of vehicles on the site.

Sympathetic Assimilation within the Countryside

Policy 18 requires that gypsy and traveller sites are capable of sympathetic assimilation to their surroundings. This policy does not state that sites should be screened from the wider area.

The site comprises a parcel of land being part of a larger field. This has been enclosed through the erection of a 2 metre high solid fence (which has been subject of investigation by the enforcement officer and has been found to be permitted development).

The site is lawfully used for the keeping of pigeons and there are a number of timber and portal framed building on site in association with this use. Whilst the design, appearance and form of the static caravans proposed would be generic and utilitarian and would offer little in the way of architectural detail, they are functional and suitable for their intended purpose. The site is not immediately adjacent to any existing dwelling and is approximately 15 metres from the closest residential property on Wallace Drive. Furthermore it is roughly 135 metres from the A50 to the south west. There is public footpath which intersects the site access and runs adjacent to the north western boundary of the site, from which views of the site would be available, however from surrounding residential properties and the closest highway, the site is considered to occupy a visually isolated position within the surrounding landscape. There are concerns about how the development will assimilate into the countryside. However, the applicant has committed to providing substantial planting (including hedgerows and tree planting) to replace the unsightly fencing. This proposed solution has the potential to create a more attractive environment than the existing fenced site. A suitable landscaping scheme could be secured by condition and therefore it is considered that, on balance, this would ensure a satisfactory degree of protection and would result in the site being assimilated within its settling.

Scale

The Policy requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 3 pitches and when considered against a settled population of Groby, which is a large settlement, it is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to comply with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is relatively flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. It is considered that as there are two accesses if necessary, Emergency vehicles could access the site.

The guide stipulates that essential services (mains water, electricity drainage and sanitation) should be available. Although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site.

Foul water in this case is by a Cess Pit. No objections have been received in relation to such by the Environment Agency.

Design and Layout

The guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with to its entrance. The permanent pitches proposed on this site are for related family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case there is adequate space on site to meet this criteria and a day room is proposed providing separate bathroom and laundry facilities for each pitch, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in two pitches, there will be increased activity on site and more vehicle movements generated. Based on the highway discussion outlined above, on balance, it is considered far more likely that the identified access will not be used as the principle access, but that the track leading from the site to the A50 will be the preferred route. On this basis, given that this route runs parallel to the large rear gardens of properties on Wallace drive, the increased number of vehicle trips generated by the proposal are not considered to result in a materially detrimental impact on the residents of these adjacent properties. In terms of noise and disturbance on site, the nearest residential property is situated 15 metres away (30 Wallace Drive). By virtue of this distance, and the scale of the proposal, there are not considered to be any materially detrimental impacts on the residential amenity of this dwelling.

Ecology

Director of Community Services (Ecology) has stated that a Great Crested Newt survey of the pond in Lady Hay Wood (approximately 15m) from the site is required. The agent has been requested to provide this survey, or if the land is within private ownership and can not be accessed, provide a mitigation plan. As the land is within private ownership, the mitigation strategy has been provided by the agent. Director of Community Services (Ecology) has considered this and has commented that it is acceptable.

Other Considerations

Issues raised within the neighbour letters of representation not addressed elsewhere in the report, will be considered below:-
It has been stated that the proposal will have an adverse impact on the area of scientific interest (SSSI) and the Slate Brook, in terms of impact on wildlife and water pollution and contamination. No objections on these grounds have been received from the Environment Agency, Natural England, Director of Community Services (Ecology) or Head of Community Services (drainage /pollution).

Queries have been raised that the adjacent property was denied planning permission and another close by had a condition imposed on it restricting its subdivision into two dwellings. The justification for this was that Wallace Drive is not suitable for any further residential use. These are historic applications which were determined on the relevant planning policies and specific situation at that time. Furthermore each application is considered on its individual merits. The current application has been considered upon its merits and the most up to date and applicable policies and the recommendation will be made according to these.

The existing sewage system is overloaded. It has been stated that the proposal will not be connected to the mains sewage system, but to a cess pit. Accordingly the proposal will have no impacts on the existing sewage system.

It has been stated that planning permission has been refused on land at the end of Elsalene Drive due to highway concerns - thus similar decision making criteria should be applied here. As mentioned above, each application is considered on its individual merits and will be determined based on such.

This proposal is a significant departure from the current use of the site for the keeping of pigeons. This may be the case, and thus the application will be determined in accordance with the relevant planning policies.

Concerns have been raised that the site is situated in the countryside and as such is not within the list of acceptable uses as stipulated in HBBC Local Plan Policies. As mentioned within the main body of the report. Criteria a - c of Policy NE5 identifies acceptable land uses within the countryside. However, this very prescriptive nature is now considered to be out of date, given the introduction of the NPPF and its presumption in favour of sustainable development and therefore can not be attributed any weight.

The proposal for surface water drainage on a site with a high water table which also slopes down to a sensitive watercourse feeding into Groby Pool can not reasonably be considered to be satisfactory. No objections have been received from the Environment Agency in respect of this.

It has been stated that the development not in keeping with existing properties. In terms of its design and layout, the development proposed is not in keeping with that of surrounding properties, and this has been further appraised within the main body of the report.

It has been suggested that there are limited recreational facilities within the area. As mentioned within the main body of the report, such facilities exist within the settlement of Groby which is considered to be a reasonable distance from the site.

Concerns have been raised that a traveller site will place unnecessary stress on local residents. There is no evidence upon which to base this assumption and it does not constitute a material planning consideration in the determination of this application.

It has been suggested that the proposal will result/increase in anti-social and violent behaviour. There is no evidence on which to base this assumption and it does not therefore constitute a material planning consideration.

Gypsies should be located besides motorways/quarries/land refill sites where they can not intimidate other local people, particularly the vulnerable. The issues raised here do not constitute material planning considerations and will not be considered in the determination of this application.

There have been three previous refusals of planning permission for caravans on this piece of land and an injunction has been placed on the land to ensure that no further caravans are located on site. These applications related to the unauthorised siting of a residential caravan which had no justification. This application differs in that the caravans would be for persons defined as Gypsy and Travellers and will be determined against the specific planning policy.

It has been stated that there should not be one rule for use and one rule for them. Applications for Gypsies and Travellers are determined against their specific planning policies which are based upon their defined cultural traditions. This policy differs from that which is applicable to non gypsy and traveller people.

The development is contrary to the sustainability appraisal which accompanies the Core Strategy. Every development plan document needs to be accompanied by such an assessment but the document itself is not a material planning consideration.

Loss of Greenfield site. This is not a Greenfield site.

Generation of construction demolition and waste. This is an associated factor of ant development, however given the small scale of the development proposed this is not considered to result in any materially adverse impacts on the residential amenity of surrounding residents.

The site will result in further risk of pollution from greenhouse gasses. All new development generates additional pollution, however the scale of that associated with this scheme is not considered to be of a level to warrant refusal of the application.

There are a number of errors and inaccuracies on the application forms and within the Design and Access Statement. The inaccuracies identified within the submitted documentation are minor errors and are not materially influential in the determination of the application.

This is a locally controversial application, but no extension has been granted to the public consultation period. An extension of time was given to the public consultation period and any representations received until the date of determination will be taken into consideration.

It has been stated that the access track has been illegally upgraded and HBBC did nothing when this illegal activity was reported to them. This matter has been investigated by the planning enforcement team and it has been concluded that planning permission was not required for the works.

The application only covers half the land owned by the applicant thus in the future the remainder of the site could be developed. Any additional development of the land would require a new planning application.

It would be impossible to police how many residents were on site at any one time and therefore the application would have an adverse impact on the settled community. The site is

proposed for two Gypsy families and the maximum number of people able to be accommodated by the development proposed is not considered to have an adverse impact on the settled community.

The proposal will have a negative impact on property values and will prevent nearby residents from selling their properties. These issues do not constitute material planning considerations and will have no impact on the determination of this application.

Proposal fails to meet design guidance within Designing Gypsy and Traveller sites Good Practice Guide. This is guidance only and thus failure to comply with all idealistic prescriptions would not justify refusal of an application.

The use of the access could damage adjacent properties; a lorry using this track has recently done so. This is private issue and subject to the driver of the vehicle. It does not form a material planning consideration.

On street parking within the area is already an issue, which will result in additional highway dangers. There is no evidence to suggest that the proposal will result in additional on street parking.

The traveller horses on site have always lived in the open and there is no equestrian centre. This is a statement of fact and will have no bearing on the determination of the application.

Hedgerows on site have been ripped out and trees chopped down and replaced with hard landscaping. These matters have been investigated by the planning enforcement team and it has been concluded that no breach of planning control has occurred.

Previous enforcement notice served on site which required the residential mobile home to be removed. This enforcement notice related to an unjustified dwelling within the countryside which was therefore contrary to planning policy.

The refuse lorry would not be able to access the site. This is the case and thus a condition has been recommended by the Head of Business Development and Street Scene Services (Waste Minimisation) requiring that a scheme for the collection of waste and recycling be submitted to an approved by the LPA should the scheme be approved. .

Concerns have been raised there has been fly tipping of garden waste and building materials by the footpath to the rear of Wallace Drive. This is a private matter and is not a material planning consideration in the determination of this application.

All previous applications for commercial and residential use on site have been refused, so why should this be allowed? No two planning applications are the same, and each is determined on its specific merits and in accordance with the development plan.

The proposal will have an adverse impact on a rare orchard growing adjacent to the site. No objections have been raised from Natural England in respect of such an issue.

The area is prone to flooding and has a high water table. No objections have been received from the Environment Agency stating that the proposal will increase flood risk.

The area is designated Green Belt. There is no Green Belt land within the borough.

It has been stated that the Ridge and furrow farming land should be preserved. Director of Chief Executive (Archaeology) has commented that the application site is within a larger area of surviving Ridge and Furrow earthworks, which represent a landscape form especially

emblematic of the medieval or post-medieval period. This Ridge and Furrow earthworks adds to the understanding of the historic landscape in the vicinity. Notwithstanding this, given that the site comprises a relatively small area and affects a parcel of land which has been subject to some previous development, no objections are raised to the scheme. However further comments have been received stating that the existing hard landscaping comprises an incongruous boundary treatment within this rural context and that the introduction of further, soft landscaping such as hedgerow planting (specifically of locally typical native species) to screen or replace the present boundary treatment would be welcomed.

The fencing proposed is contrary to that existing on site and the cost of replacing this would be prohibitive. The costs associated with any planning application are a private matter and do not comprise a material planning consideration.

Concerns over water supply- the pigeon lofts are currently served by illegal tapping into the Severn Trent Supply. This is a private matter and does not form a material planning consideration.

The area proposed for the keeping of horses is too small and thus impractical for such a use. This is a private matter and do not form a material planning consideration.

It has been stated that the mains sewer was laid in the 50's/60's under the track leading to the A50. This comprises of clay pipes only 0.5 metres below the surface. Accordingly there is little protection to the piping and thus would be damaged by further heavy vehicles using the track. This is a private matter and do not form a material planning consideration.

The vehicles which use the A50 track currently do so at very high speeds making it extremely dangerous. This is a private track and accordingly this is private matter which does not comprise a material planning consideration.

It has been stated there are no utilities on site. This is a private matter, which is to be resolved by the applicant.

Would have an adverse impact on the muntjac deer which use the site. No evidence has been provided to suggest that this would be the case and no objections have been received from Director of Community Services (Ecology).

The proposed measures to limit the impact of the development are insufficient. Additional landscaping information has been requested from the agent to demonstrate that the site is capable of sympathetic assimilation within its setting.

What commercial vehicles for business purposes will be using the site? No information has been provided by the applicant to suggest that the site will be used for commercial purposes.

If land is to be turned into residential, given the current housing shortage, builders should be given the opportunity to obtain planning permission and implement the infrastructure required to support residential use.

It has been suggested that the proposal is contrary to Policy B26. This policy concerns light pollution. There is no reason to conclude that this proposal will result in an adverse level of light pollution and no objections have been received from Head of Community Services (Pollution).

Will have an adverse impact on the view from surrounding properties. Loss of view is not a material planning consideration.

There is a risk of the site being illegally expanded. Any further expansion of the site (over and above that proposed) would require a new planning application.

There is the potential of the adjacent wooded areas to be destroyed for cooking fires. This is not a material planning consideration.

Is a flood risk survey going to be undertaken? There is no requirement for a flood risk assessment to be undertaken.

There are no permanent structures currently on the land. There are buildings on site associated with the existing use for the keeping of pigeons. Some of these are considered to comprise permanent structures.

It has been stated that the proposal will result in additional dust/fumes. There is no evidence to suggest that this will be the case and that there will be an adverse impact on the residential amenity of surrounding dwellings.

Will have a negative impact on tourism in the area. There is no evidence to suggest that this will be the case and this is not a material planning consideration in the determination of this scheme.

Proposal is contrary to Policy 8 of the Core Strategy. Policy 8 refers to Key Rural Centres Relating to Leicester. Bradgate Hill does not fall within this category and thus this policy is not applicable.

English Heritage should be consulted. There is no requirement for English Heritage to be consulted on an application of this type.

Clarification is required of the number of residents to be on site. This is a private matter and doe not comprise a material planning consideration.

It has been stated that these people bring nothing but trouble to an area and will result in additional mess. These issues do not comprise of material planning considerations.

Concerns have been raised that the applicant's animals (horses and dogs) will escape causing more hazards. This is not a material planning consideration.

Safety concerns relating to vehicles towing large caravans have been raised. The suitability of the access and the road network has been considered and a reason for refusal is proposed by Highways.

Concerns have been raised that the site will escalate into a larger Travellers site if approved along with additional associated development. If approved, any further extension of the site would require planning permission and should the site be developed unlawfully, this would be a matter for further investigation by the Planning Enforcement Team.

It has been stated that many people use the informal track running from the A50 for running and walking etc and the site will have an adverse impact on this. There is no reason why the proposal will impact on the use of this track.

Concerns have been raised that any planning restrictions placed on the application would not be adhered to. As with any development, if planning conditions placed on an application were not adhered to, they would be subject to further investigation by the Planning Enforcement team.

Conclusion

Evidence has been provided which confirms the personal needs of the end users of the site; however the Borough Council can now demonstrate that it has a five year supply of gypsy sites. Accordingly, these matters are finely balanced. Based upon a detailed assessment and consideration of all of the material issues, on balance, it is considered that the development will have an adverse impact in terms of highway safety, which can not be overcome. Further, the applicant has failed to demonstrate that the scheme will not have an adverse impact the protected species or that it is capable of assimilation into its surroundings. The highway safety concerns, combined with these potential impacts on both the character of the surrounds and on protected species therefore outweigh the positive aspects in respect of the personal needs of the applicant in this case. Therefore the proposal is considered to be contrary to the intensions of Policies 18 of the Core Strategy and paragraph 118 of the NPPF. The application is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

1 Whilst the application proposes a vehicular access from Wallace Drive, the LPA is of the opinion that an alternative and more preferable access exists from the A50. The LPA contends that the access to Wallace Drive is of a lesser standard and less desirable for use than that to the A50 and therefore the vehicular traffic associated with the proposal is more likely to use the access from the A50. The use of the access from the A50 would result in an unacceptable increase in traffic using an access which has inadequate width and geometry. This will lead to vehicles either giving way within or reversing onto the highway to the detriment of road safety. Furthermore The proposal would result in the intensification of use of an existing vehicular access onto a Class A road in a location where traffic speeds are generally high and the increase in turning traffic in such a location would not be in the best interests of highway safety. This will result in a severe cumulative impact on highway safety. The proposal is therefore contrary to the intensions of paragraph 32 of the NPPF, Policy 18 of the Core Strategy and Policy T5 of the Adopted Hinckley and Bosworth Local Plan (2001).

Notes to Applicant:-

1 List of plans used in the determination of this application:- Site Location/Layout Scale 1:500, OS Plan Scale 1:2500 received by the Local Planning Authority on the 9 December 2013.

Contact Officer:- Eleanor Overton Ext 5680

Item: **03**

Reference: **14/00007/OUT**

Applicant: **Mr Mark Atrinson**

Location: **98 Leicester Road Hinckley**

Proposal: **Erection of one dwelling with detached garage (outline - access, layout and scale only)**

Target Date: **25 March 2014**

Introduction:-

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

Application Proposal

This application seeks outline planning permission for the erection of single storey dwelling and detached garage.

Layout, scale and access are the matters for consideration at this stage, with landscaping and appearance being matters reserved for approval at a later stage.

The scheme proposes 1 no. bungalow sited in the rear garden of No. 98 Leicester Road. A double detached garage is proposed adjacent to it.

During the course of the application amended plans have been received which seek the following changes:-

- Reduction in pitch (from 25 degrees to 29 degrees) and ridge height (from 6.3 metres to 5.3 metres) of dwelling and
- Neighbouring dwelling 100E accurately depicted on the plans.

Re-consultation has been undertaken with all neighbouring dwellings for a period of 10 days.

A new access is proposed from Leicester Road with a communal driveway (shared with No. 98) to the western periphery of the application site.

The Site and Surrounding Area

The dwelling will be sited within the rear garden of No. 98 Leicester Road. The site is bounded by residential development.

Land levels within the vicinity generally falls from north east to south west although the site itself is predominantly flat.

The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

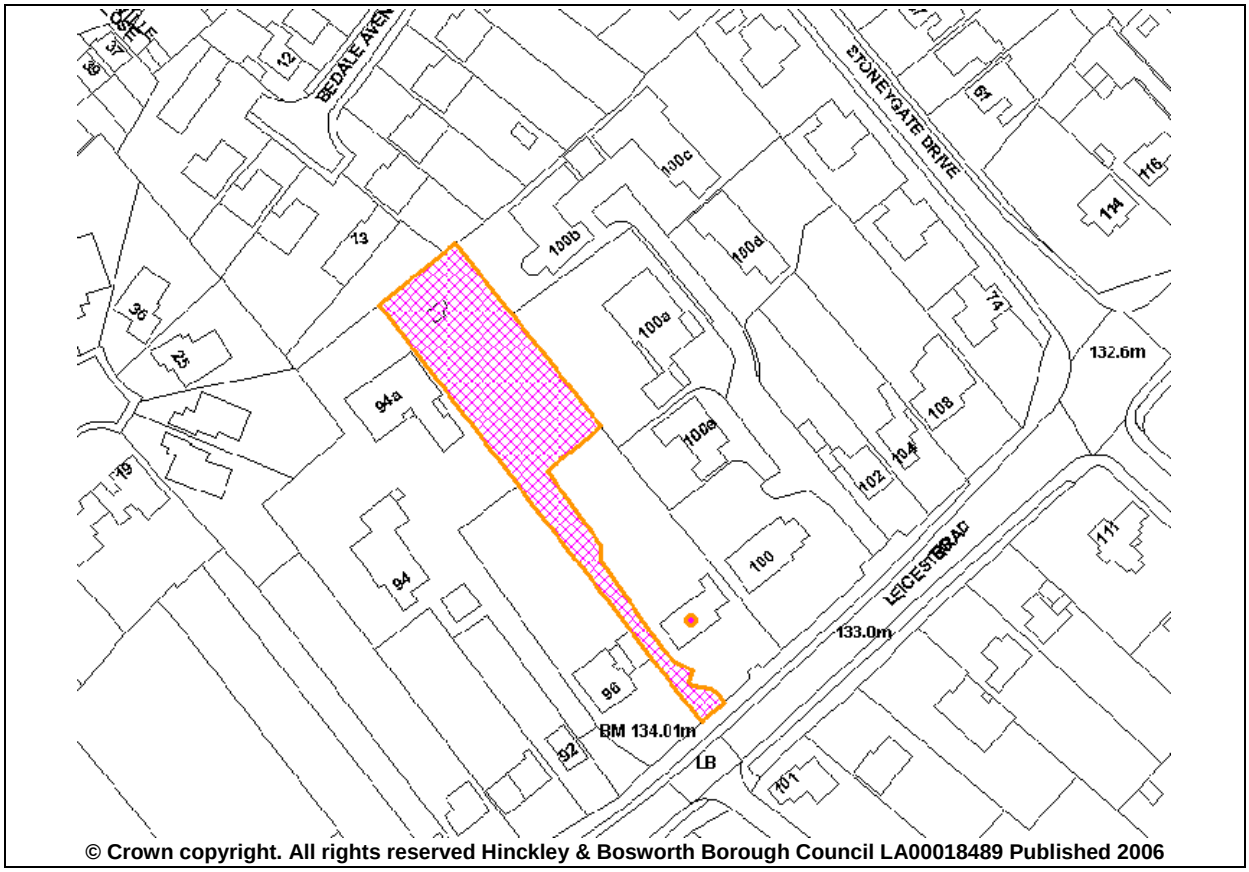
Technical Documents submitted with application

Draft heads of terms

Relevant Planning History:-

The host dwelling has recently received consent for extension and alterations and the erection of a double detached garage.

14/00006/HOU	Extensions and alterations to dwelling and erection of a detached garage	Approved	04.03.14



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Consultations:-

No objection has been received from:-

Head of Corporate and Scrutiny Services (Tree Officer)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services (Waste Minimisation).

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

a) already adequate provision of housing
b) neighbouring property is not shown on every plan
c) increase of vehicles onto Leicester Road
d) materials used for the proposed long drive must not be gravel for drainage and noise reasons
e) increased risk of flooding and limited sewage capacity
f) the SUDS should be enforced, drainage must not be soakaways
g) height of the garage with a 35 degree pitch will be too high and overpowering, loss of privacy
h) when we built the planners restricted us to a 22.5 degree pitch this should be the same
i) natural justice and common sense should be for this development to also be subject to a 22.5 degree pitch; no logical justification for steep roof pitches
j) modern roofing materials will take the pitch angle even lower
k) note the reduction in roof pitch, but this is still not the 22.5 degree pitches enforced upon other bungalows in the area
l) should be no prospect of upward [first floor accommodation] in the future
m) loss of trees and invasion of privacy
n) dwelling should be sited further down the bottom of the garden
o) disruption by heavy machinery and noise pollution on the local environment
p) disproportionate scale
q) lack of maintenance in respect of the trees along the boundary which block light, branches over hang
r) worse if the garage was built as the maintenance to the trees would be further restricted
s) trees should be kept at an agreed height.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

None relevant.

Appraisal:-

This is an outline application for layout, scale and access only; therefore appearance and landscaping do not form part of the application and will be considered at the reserved matters stage.

As such the main considerations with regards to this application are the principle of development, layout, scale, access and highway issues and other matters.

Principle of Development

The site is located within the settlement boundary of Hinckley, as defined on the adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

Paragraph 53 within the National Planning Policy Framework states that Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of RES5 and paragraph 53 of the NPPF for Local Authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

The development proposed in this application is for 1 dwelling and for the reasons discussed further in this report are not considered to be in conflict with adopted development plan policy.

Layout and Scale

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the requirements within paragraph 53 within the NPPF, came into force, through consideration of the requirements of Policy BE1.

In addition, paragraph 64 within the NPPF stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The area to the south of the proposed dwelling is largely characterised by large two storey detached dwellings, with single storey interspersed, set back from London Road with driveways to the frontage and large gardens to the rear.

The proposed dwelling to the rear is surrounded by residential dwellings to the north east, south west and north west which do not front the road frontage No's 1001 - 100 e to the north east and No's 94 and 94a to the north west and west, respectively. Accordingly backland development has already taken place within the immediate area.

In addition, the dwelling is proposed to be sited in a similar location to the dwellings which already exist at depth and therefore adds to this select cluster of backland dwellings in the locality. As such the siting of the dwelling is considered acceptable.

The footprint of the proposed dwelling is similar, if not smaller in comparison to the surrounding plots and proposes an appropriately sized rear garden which gives a spacious, low-density development.

Two storey proportions are common to the south of the site (along Leicester Road) whilst to the north Bedale Road there is a mixture of single storey and two storey properties. The dwellings along Bedale immediately adjoining the site to the north are single storey dwellings. The dwellings immediately adjoining the site No. 94a to the north west and 100 b and 100 a to the north east and the cluster of dwellings, referred to above are all of single storey proportions. As such it is considered that the footprint of the dwelling with single storey proportions is considered acceptable in this location.

Letters of objection have referred to the developments in the vicinity being subject to 22.5 degrees roof pitches and that the pitch on the roof should be reduced to reflect that imposed upon their own properties. Following the submission of amended plans the scheme now shows a reduction in the roof pitch from 35 degrees to 29 degrees and overall ridge height has reduced from 6.3 to 5.3 metres. For the avoidance of doubt the applicant has agreed to reduce the roof pitch on this application to appease neighbour concerns, however there is no planning related requirement for the applicant to be made to do so. It is considered in this case that the single storey dwellings in the vicinity are characterised by shallow pitched roofs, however the scheme did and now proposes an even shallower pitch roof which reflects the style of the surrounding area.

The detached double garage is similar in scale and positioning to that of the adjacent detached garage recently approved under application ref: 14/00006/HOU.

In summary, given that there is already the existence of development at depth, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings. As such, the scheme is considered to be in accordance with guidance contained with the NPPF, Saved Policies RES5 and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

<u>Access and Highway Considerations</u>

Saved Policies T5 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

A new access is proposed from Leicester Road with a communal driveway (shared with No. 98) to the western periphery of the application site. Parking and turning is indicated on the plan in addition to a detached double garage.

The Director of Environment and Transport (Highways) has no objection to the scheme and has referred to standing advice to achieve planning conditions relating to parking provision, based on the number of bedrooms, turning, access, surfacing, gates set back distance and signage at the access to identify the proposed dwelling from Leicester Road.

Layout is a consideration at this stage, however bedroom numbers are not secured at this outline stage. It is necessary that 2 no. car parking spaces are provided for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four of more bedrooms to accord with parking standards. Given that the scheme shows the provision of 4 spaces, then this is in excess of the requirements and it is considered only necessary to ensure that the development is carried out in accordance with the details submitted.

In respect of the requirement for signage to the access to identify the proposed dwelling from Leicester Road there is no requirement for this to be imposed as planning condition. No other access from Leicester Road has a sign to indicate that there is an access and subject to the necessary visibility being required there should be no reason why the access is not clear visible for vehicle and pedestrian users.

Conditions in respect of surfacing and gates set back will be imposed. In respect of the access and visibility clarification has been sought from the Director of Environment and Transport (Highways) for the exact visibility required for the access and this will be reported on as late item,

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 and BE1 (criterion g) of the Local Plan.

Other Matters

Impact upon Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

There is a distance of between 30-32.5 metres with the rear elevation of the proposed dwelling to the rear habitable windows in the rear elevation of No. 13 Bedale Avenue. In respect of the relationship with the dwellings to either side elevation there is a distance of 7 metres to neighbouring 94a and 22 metres with 100a. It is considered that there is sufficient distance between all neighbouring dwellings to ensure that there would not be any significant overshadowing or overbearing impacts as a result of the scheme. Given the scale of the proposal it is not considered that there would be any overlooking from ground floor windows.

The application is in outline and as such landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy will be a primary consideration at the reserved matters stage when appearance is presented for approval. It is however considered, having regard to the details submitted that a suitably designed scheme can be achieved on this site that will not detrimentally impact upon surrounding residential dwellings.

In response to letters of neighbouring objections regarding the roof pitch, it is considered that upper floor accommodation would not be achievable at the current (amended) pitch, however to ensure this is the case, it is considered necessary to impose a condition to restrict future permitted development rights that may allow for unacceptable modifications to the roof.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

This scheme has been considered by the Head of Community Services (Land Drainage). For the avoidance of doubt there is no formal requirement to consult Severn Trent on applications for single dwellings in urban areas.

The Head of Community Services (Land Drainage) states that if the intended sustainable drainage option is to be based on soakaways, the suitability of the ground strata for infiltration drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the more recently developed, modular water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Notwithstanding this representation, in light of the previous planning history for residential development in this vicinity of Leicester Road, the absence of dull details, the levels in the area and letters of objection received, it is considered necessary in this case to impose a condition to ensure that drainage plans are first submitted to and approved in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this affect.

In respect of the driveway construction the Head of Community Services (Land Drainage) has confirmed that the new access drive, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. In addition, the Director of Environment and Transport (Highways) requires that the first 5 metres of driveway from the highway is surfaced in tarmacadam or a similar hard bound material. Accordingly notwithstanding the submitted details a condition is recommended to be imposed which requires the surfacing of the drive to be submitted, in the interests of drainage and highway safety.

In summary, subject to the imposition of a condition to secure drainage details it is considered that no increase in flood risk in anticipated and accordingly the development is considered acceptable in relation to guidance contained within the NPPF and Saved Local Planning Policy NE14 of the Local Plan.

Impact upon Trees

The trees on site are not afforded protection through either a Tree Preservation Order of sited with a Conservation Area.

The scheme has been considered by the Head of Corporate and Scrutiny Services (Tree Officer) who had confirmed that whilst development would result in the loss of trees, many are of a limited potential and afford very limited public visibility from Leicester Road to justify protection.

The Head of Corporate and Scrutiny Services (Tree Officer) has recommended that the drive installation would need to be of "no dig" design to the front of the garage and this should be secured by way of condition.

Accordingly no objections are raised, but observations raised regarding which trees should be retained and which trees should be lost has been provided to the applicant. Following this, an additional plan showing the indicative landscaping proposals has been received, in conformity with the Tree Officer's comments.

The concerns raised by neighbours regarding maintaining and pruning the trees to the north east border is a private, separate matter and not a material planning consideration. Notwithstanding this, the applicant has been informed of these concerns and the indicative landscaping proposal submitted during the course of the application indicates pruning to a 2 metre height.

Sustainability

Inline with Policy 24 of the Adopted Core Strategy, the residential unit to be constructed on this site will need to be constructed to a minimum of Code Level 4 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to a condition.

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site. Given that the access adjoins the adopted highway boundary then there would be no concerns with the collections and as such a condition is not required to be imposed.

Play and Open Space Contributions

The site is located within 400 metres of open space Kirfield Drive. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

The quality of the Kirfield Drive play area has been considered within the Quality and Accessibility Audit of 2005 which awarded it a quality score of 42% within the Green Space Strategy 2005-2010. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £171.90 is required, towards the provision and maintenance.

As such a contribution for the total of £171.90 is sought. This consists of the following elements:-

- £0 for children's equipped play space and £0 for maintenance of equipped play space. This is because there is no play equipment at this site.
- £92.40 for informal children's play space and £79.50 for maintenance of informal play space.

As such it is considered that this contribution is required for planning purposes, to offset the impact of the development on surrounding facilities. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. Accordingly the contribution is considered to comply with Policy 19 of the Core Strategy, Policy REC3 and IMP1 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

A Unilateral Undertaking is currently under negotiation to secure play and open space financial contributions.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The scheme is considered characteristic of the area and is not considered to create any significant material harm to residential amenity or highway safety no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

Accordingly, the application is recommended for outline planning permission, subject to the imposition of planning conditions.

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

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity or highway safety.

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

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 19, and 24.

Local Plan 2006-206: Local Development Framework: Supplementary Planning Document (SPD): New Residential Development.

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

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.

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 appearance of the development including the aspects of a building or place that determine the visual impression it makes;
b) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following amended details: Location plan - plot to rear drawing no. 200C; Site layout plan - showing proposed building plot drawing no. 10B; Proposed bungalow scale drawing no. 11C and Proposed garage plan and elevations drawing no. 04B received by the Local Planning Authority on 12 February 2014.

4 No development shall commence until a Code for Sustainable Homes 'Pre-Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 4, has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.

5 No development shall commence until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

6 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.

7 No development shall commence unless and until the details of a scheme for the surfacing of the access drive and turning area has first been submitted in writing to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out accordance with the approved details and implemented before the first occupation of the residential unit hereby approved and thereafter shall be permanently so maintained.

8 Before first occupation of the residential unit hereby approved, car parking provision and turning space shall be made within the curtilage, in accordance with the submitted details and details to be approved within Condition 7. The parking spaces and turning space so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

9 The garage, once provided, shall thereafter permanently remain available for car parking.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes B and C inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

11 No development shall commence until a scheme providing details of the installation of a "no dig" drive construction to the front of the garage is first submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

12 Before first occupation of the dwelling hereby approved, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

3 For the avoidance of doubt and in the interests of proper planning.

4 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026 Core Strategy 2009.

5 In the absence of submitted details and to ensure the development is compatible with the character and appearance of surrounding development, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

6 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.

7 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and to ensure a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.

8 To ensure that adequate off-street parking and turning facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

9 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 in accordance with Saved Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001.

10 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan 2001.

11 To ensure that existing trees are adequately protected during construction in the interests of the visual amenities and character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

12 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Ebbony Mattley Ext 5691

Item: **04**

Reference: **14/00039/FUL**

Applicant: **Mr Len Hallows**

Location: **Garage Rear Of Wharf Farm Service Station Coventry Road Hinckley**

Proposal: **Refurbishment and alteration of motor dealership**

Target Date: **23 April 2014**

Introduction:-

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

Application Proposal

This application seeks full planning permission for the refurbishment and alterations to the existing motor dealership located to the rear of Wharf Farm Service Station, Coventry Road, Hinckley.

TMS Volvo are seeking to relocate from existing premises on Station Road, Hinckley to the existing motor dealership on Coventry Road which is currently vacant. As part of the move TMS are seeing to expand their existing dealership with a new Kia Motors franchise. The Kia franchise has already moved into the premises with Volvo to follow as part of the refurbishments and alterations.

Refurbishments to the existing building seeks to provide new brand compliant Volvo and Kia dealerships with shared workshop, MOT bays, valeting, vehicle display and parking facilities.

Alterations are proposed to the forecourt to the front of the existing premises to include a new Volvo display, up-dating and refurbishing the existing bollards and providing a re-configured vehicle layout.

An application for advertisement consent has also been submitted under reference 14/00164/ADV.

The Site and Surrounding Area

The site is approximately 0.56 hectares in size with the main existing dealership building occupying some 4290 square metres and the adjacent vehicle display area which is 1345 square metres.

The site is situated next to the Hinckley Marina, adjacent to the Ashby Canal. The site has a substantial frontage set back and down from Coventry Road. The site is partly located behind the existing Wharf Farm Service Station and bounded to the west by the Premier Inn hotel. To the east is an agricultural machinery showroom.

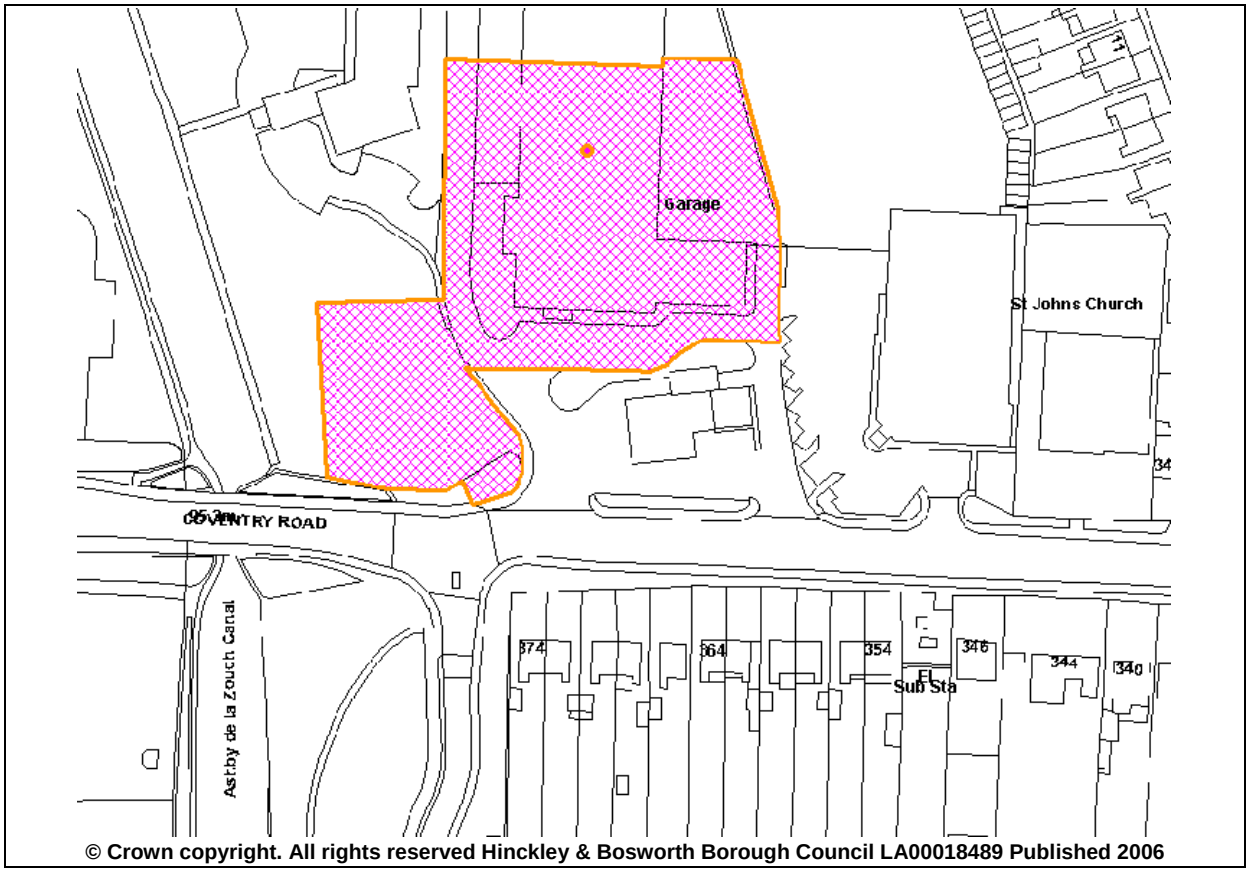
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement.

Relevant Planning History:-

None relevant.



Consultations:-

No objections have been received from:-

Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
Director of Environment and Transport (Highways).

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Existing Employment Sites
Policy EMP2: Expansion of Existing Employment Uses
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the principle of development, the design of the proposed alterations, the impact on the visual amenities of the site, the surrounding area and residential amenity.

Principle of Development

The site is located within the settlement boundary for Hinckley and the site is currently a vacant motor vehicle dealership.

Policy EMP1 of the Local Plan seeks to retain defined employment sites for employment purposes. The former Trinity Motors site is included within this policy. Policy EM2 supports the expansion of existing employment uses subject to meeting design, layout, landscaping, access, parking and highway requirements, safeguarding amenity and improving the character, appearance and quality of the site.

Policy 1 of the Core Strategy supports and encourages development for employment and economic purposes within Hinckley.

The proposed refurbishments and alterations to the existing motor dealership to enable TMS Volvo Kia motors to occupy the premises are therefore considered to be acceptable in principle and will ensure the continuation of the site for employment purposes. As a result the proposal is considered to be in accordance with Policies EMP1 and EMP2 of the Local Plan, Policy 1 of the Core Strategy and the overarching intentions of the National Planning Policy Framework (NPPF). The proposal is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Siting, Design and Impact on the Surrounding Area

Policy BE1 of the Local Plan state that development should not have an adverse effect on the appearance or character of the landscape and should be in keeping with the scale and character of existing buildings and its general surroundings.

The proposed external alterations include works to the front façade of the building to install showroom clear glazed panels to replace existing entrances and brick walls not required and installing new corrugated and insulated composite cladding panels over sections of the facades to replicate the Volvo and Kia branding. A new customer entrance is proposed to the front with an additional entrance on the side elevation of the building. A new glazed roller shutter is proposed to the workshop bay to the side elevation of the building. No extensions are proposed to the existing building.

External site works include reconfiguring the general display area to provide a Volvo vehicle sales display with new block paving, parking studs, a feature plinth and expo wall with signage. A feature display for Kia will also be provided to the rear of the display area. Hooped, telescopic and fixed bollards will be used to secure the parking area.

The proposed works would improve the overall appearance of the site, no significant changes are proposed that would substantially alter the existing visual character of the site and building as a motor vehicle dealership. As the site is set back from the frontage along Coventry Road, the proposals would not create a significant impact to the existing streetscene which in this area is of mixed form and character. The proposed vehicle display area to the front of the site would be improved and enhanced through the use of new materials, including block paving, brand specific display features and improved security bollards.

The proposed refurbishments and alterations are therefore considered to be in accordance with Policy BE1 (criteria a and e) and Policy EMP2 (criteria a and c) of the adopted Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The building is set back from the frontage of Coventry Road. Dwellings exist opposite the site on the other side of Coventry Road. Due to the fact the building and use of the site as a motor vehicle dealership has operated from the site historically, the proposed refurbishments and alterations are not considered to create a greater impact on those neighbouring residential properties. The proposals will not have any adverse impact on residential amenity and are therefore in accordance with Policies EMP2 (criterion b) and BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

Policies BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is already sufficient, existing parking provision within the existing site and the proposed layout plan indicates that the majority of parking to the front and side of the building will be retained for customer parking. The Director of Environment and Transport (Highways) has raised no objection subject to a condition relating to the parking provision being provided prior to first use. The proposal is therefore considered to be in accordance with Policies BE1 (criterion g) and T5 of the Local Plan.

Conclusion

The NPPF supports sustainable economic development to deliver growth and prosperity. This proposal for refurbishments and alterations to an existing employment site to enable the relocation and expansion of an existing business will therefore contribute towards sustainable economic growth. The scale and design of the proposed refurbishments and alterations would ensure that the proposal would not have any adverse impact on the character or appearance of the site or the surrounding area. The proposal would have no adverse impact on the amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety and would provide an appropriate level of vehicle parking provision. The proposals are therefore in accordance with Policy 1 of the Core Strategy and Local Plan Policies EMP1, EMP2, BE1 and T5 together with the overarching intentions of the NPPF.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would be located within an existing employment site and by virtue of its siting, layout and design of the extension it would not have any adverse impact on the character or appearance of the site, the surrounding countryside, the amenities of the neighbouring dwellings or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies EMP1, EMP2, BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy 1.

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

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg No. P0001 Rev A Site Location Plan 1:200, Dwg No. P0010 Rev A Proposed Site Plan 1:500, Dwg No. P0011 Rev B Proposed External Finishes, Landscaping and Features 1:500, Dwg No. P0100 Proposed Ground Floor Plan 1:500, Dwg No. P0170 Rev A Proposed External Elevations 1:200 and Dwg No. P0015 Rev A Proposed Fencing and Boundary Treatment 1:500 received by the local planning authority on 26 February 2014.

3 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan; the parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Simon Atha Ext 5919

Item: **05**

Reference: **14/00059/HOU**

Applicant: **Mr & Mrs J Chastney**

Location: **The Old Rectory Sheepy Road Sibson**

Proposal: **Erection of single storey rear extension**

Target Date: **3 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the applicant is an elected Member of the Borough Council.

Application Proposal

This application seeks full planning permission for the erection of a single storey orangery on the rear elevation of The Old Rectory, Sheepy Road, Sibson. The proposed orangery will project 7.5 metres from the rear kitchen elevation 6.7 metres in width. The proposal will have a flat roof behind a timber cornice to a height of 3.7 metres and a central lantern roof light measuring 2.5 metres x 2 metres to a maximum height of 4.8 metres. The proposal is to be constructed with a plinth wall of matching imperial red facing bricks, Flemish bond, flush stippled pointing and painted timber cornice, window and door frames.

The Site and Surrounding Area

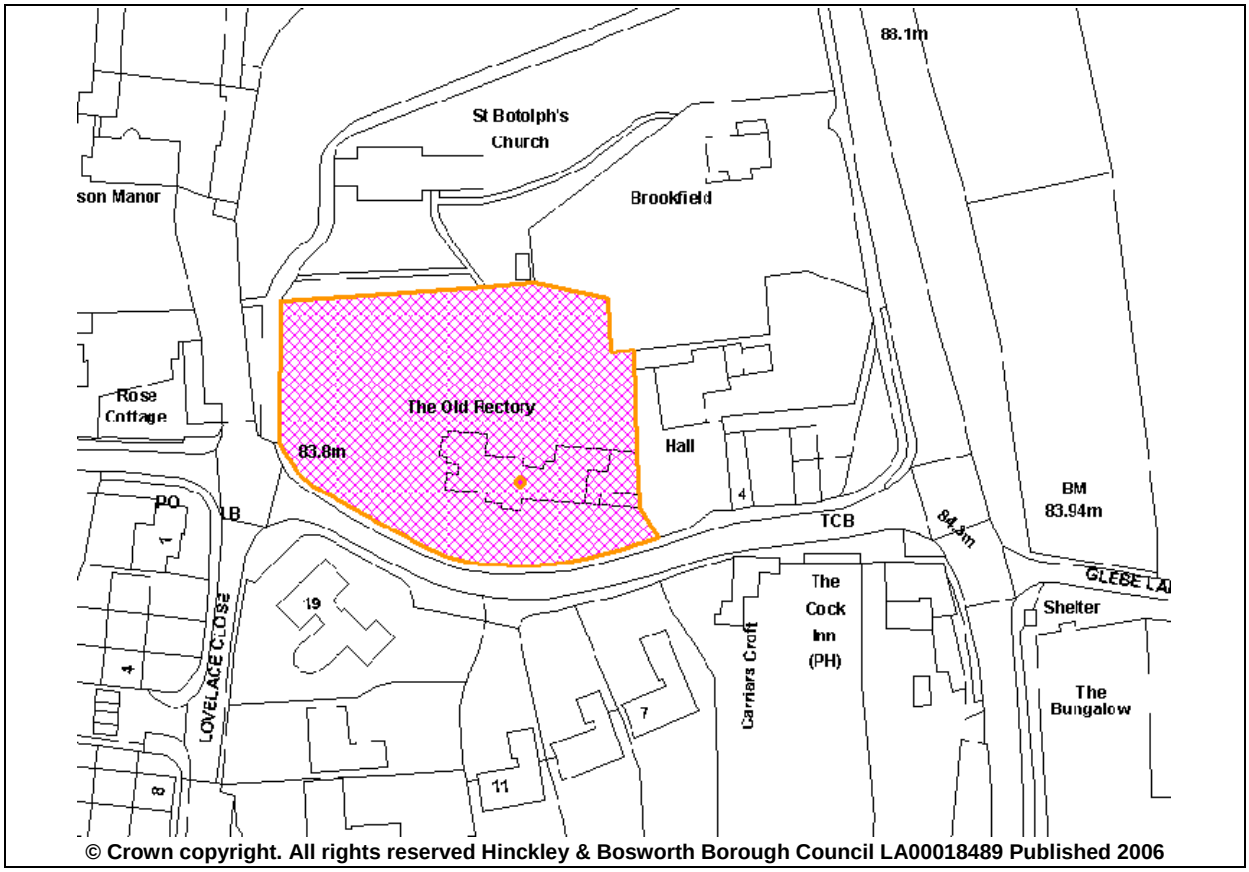
The application property is a detached, two storey period dwelling with single storey additions and a tower feature located on the north side of Sheepy Road within the Sibson Conservation Area. The dwelling is part rendered (white) and part red brick with a shallow slate roof and painted timber framed windows and doors. The site is enclosed by brick walls and/or mature planting to all sides. To the north lies the listed St Botolphs Church and grounds, to the east lies Sibson Village Hall and associated parking area, to the west and south there are detached residential properties.

An amended plan has been submitted to specify the use of imperial bricks, Flemish bond and flush stippled pointing to match the external materials of the existing dwelling and an

additional plan has been submitted to provide a section through eaves detail requested by the Borough Council's Conservation Officer. Given the minor nature of the amendments no re-consultation has been undertaken.

Relevant Planning History:-

09/00324/FUL	Extensions and alterations to dwelling	Approved	14.08.09
06/01073/FUL	Erection of new garage	Approved	23.11.06



Consultations:-

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

No response has been received at the time of writing this report from:-

Sheepy Parish Council
Press notice
Site notice
Neighbours.

Policy:-

<u>National Policy Guidance</u>

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 13: Rural Hamlets

Hinckley and Bosworth Local Plan 2001

The application site is within the settlement boundary of Sibson and within the Sibson Conservation Area as defined on the Hinckley and Bosworth Local Plan Proposals map.

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in Conservation Areas

Supplementary Planning Guidance/Documents

House Extensions (SPG).

Appraisal:-

The main considerations with regard to this application are the principle of development, siting and design and impact on the character and appearance of The Old Rectory and the wider Sibson Conservation Area, the setting of the adjacent listed building and the amenities of the occupiers of neighbouring properties.

Principle of Development

The application proposes an extension and alterations to an existing dwelling within the settlement boundary of Sibson. The NPPF is supportive of sustainable development. As this proposal is for an extension and alterations to an existing dwelling it is considered to be sustainable development and the proposal is compliant with the NPPF and therefore acceptable in principle subject to all other planning matters being appropriately addressed.

Siting, Design and Impact on Sibson Conservation Area

Policy BE1 (criterion a) of the adopted Local Plan requires development to complement the character of the surrounding area with regard to layout, design, materials and architectural features. The adopted SPG on House Extensions provides additional design guidance. Policy BE7 of the adopted Local Plan and Policy 13 of the adopted Core Strategy require development to preserve or enhance and to respect the character and appearance of conservation areas. Policy BE5 requires new development to preserve or enhance the setting of listed buildings. The NPPF in section 7 identifies good design as a key aspect of sustainable development and section 12 seeks to conserve and enhance the historic environment.

The proposed orangery is located partly within a recess on the rear (north) elevation and being only 50.25 square metres and single storey in scale respects the scale of the existing dwelling. The design complements the period character of the existing dwelling and it is to be constructed of matching facing bricks and painted timber cornice, window and door frames to ensure a unified appearance. The proposal is located well within the boundaries of the application site (minimum 20 metres) and is well screened from the adjacent listed St Botolphs Church located 50 metres to the north and the Sibson Conservation Area by boundary walls and mature planting such that the proposal will have no adverse impact on the setting of the listed church and will preserve the character and appearance of the wider Sibson Conservation Area.

The Borough Council's Conservation Officer does not object to the proposal subject to the development being carried out in accordance with the amended and additional plans submitted and the use of matching imperial facing bricks, Flemish bond and stippled pointing specified therein.

The proposal is considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies BE1 (criterion a), BE5 and BE7 (criteria a, b and d) of the adopted Local Plan, the SPG on House Extensions and the overarching principles of the NPPF.

Neighbours Amenities

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not have any adverse impact on the amenities of neighbouring properties.

The proposal is located on the north elevation of The Old Rectory. 4 Sheepy Road is a detached two storey cottage located approximately 40 metres to the east on the far side of Sibson Village Hall. Brookfield is a detached house in extensive grounds located approximately 65 metres to the north east. The church yard is located approximately 33 metres to the north and Rose Cottage is a detached two storey cottage located approximately 75 metres to the west.

By virtue of the siting of the orangery, existing screening by walls and mature planting and the separation distances to neighbouring dwellings, the proposal will not result in any adverse impact on residential amenity. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan. At the time of writing the report, no objections have been received from any neighbouring properties.

Conclusion

By virtue of its siting, single storey scale, sympathetic design and appearance together with separation distances and existing screening by boundary walls and mature planting, the proposal will complement the period character of The Old Rectory, will preserve the character and appearance of the Sibson Conservation Area and will have no adverse impact on the setting of the nearby listed church or the amenities of any neighbouring dwellings. The proposal is therefore in accordance with Policy 13 of the adopted Core Strategy, Policies BE1 (criterion a), BE5 and BE7 (criteria a, b and d) of the adopted Local Plan, the SPG on House Extensions and the overarching principles o the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the setting of the nearby listed St Botolph's Church, the character and appearance of the Sibson Conservation Area, the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is sustainable development and by virtue of its siting, single storey scale, sympathetic design and appearance respects the scale, character and appearance of The Old Rectory, will preserve the character and appearance of the Sibson Conservation Area and setting of the listed St Botolph's Church and will have no adverse impact on the amenities of any neighbouring dwellings.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), BE5 and BE7 (criteria a, b and d).

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

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale, Block Plan at 1:500 scale, Existing Ground Floor Plan and Elevation Drawing at 1:100 scale received by the local planning authority on 6 February 2014 and Proposed Ground Floor Plan & Elevations Rev A Drawing at 1:100 scale and Proposed Eaves Section Drawing at 1:10 scale received by the local planning authority on 19 March 2014.

3 The materials to be used on the external elevations of the proposed extension and alterations shall be imperial facing bricks, Flemish bond and flush stippled pointing all to match the corresponding external materials of the existing dwelling immediately adjacent to the proposed extension and as specified on the approved Proposed Floor Plan and Elevations Rev A plan received by the local planning authority on 19 March 2014.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance in the interests of visual amenity to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Richard Wright Ext 5894

Item: **06**

Reference: **14/00100/FUL**

Applicant: **Mr Simon Warner**

Location: **Cadeby Hall Main Street Cadeby**

Proposal: **Erection of one new dwelling and detached garage/gymnasium.**

Target Date: **4 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation at the request of the local ward councillor to consider its exceptional design.

Application Proposal

Full planning permission is sought for the erection of a two storey (with cellar) detached dwelling of four bed configuration and detached single storey coach house with garage and plant room in the ground floor and gymnasium within the roofspace.

Access is proposed via an existing access road served from Hinckley Road (A447).

The Site and Surrounding Area

The site falls within the grounds of Cadeby Hall (to be served by a separate access from Hinckley Road).

To the east of the site are trees fronting Hinckley Road, which fall under a Tree Preservation Order ref: 0801/05/02. To the south of the site are a row of mature coniferous trees and to the west by the rear of neighbouring properties fronting Main Street, Cadeby.

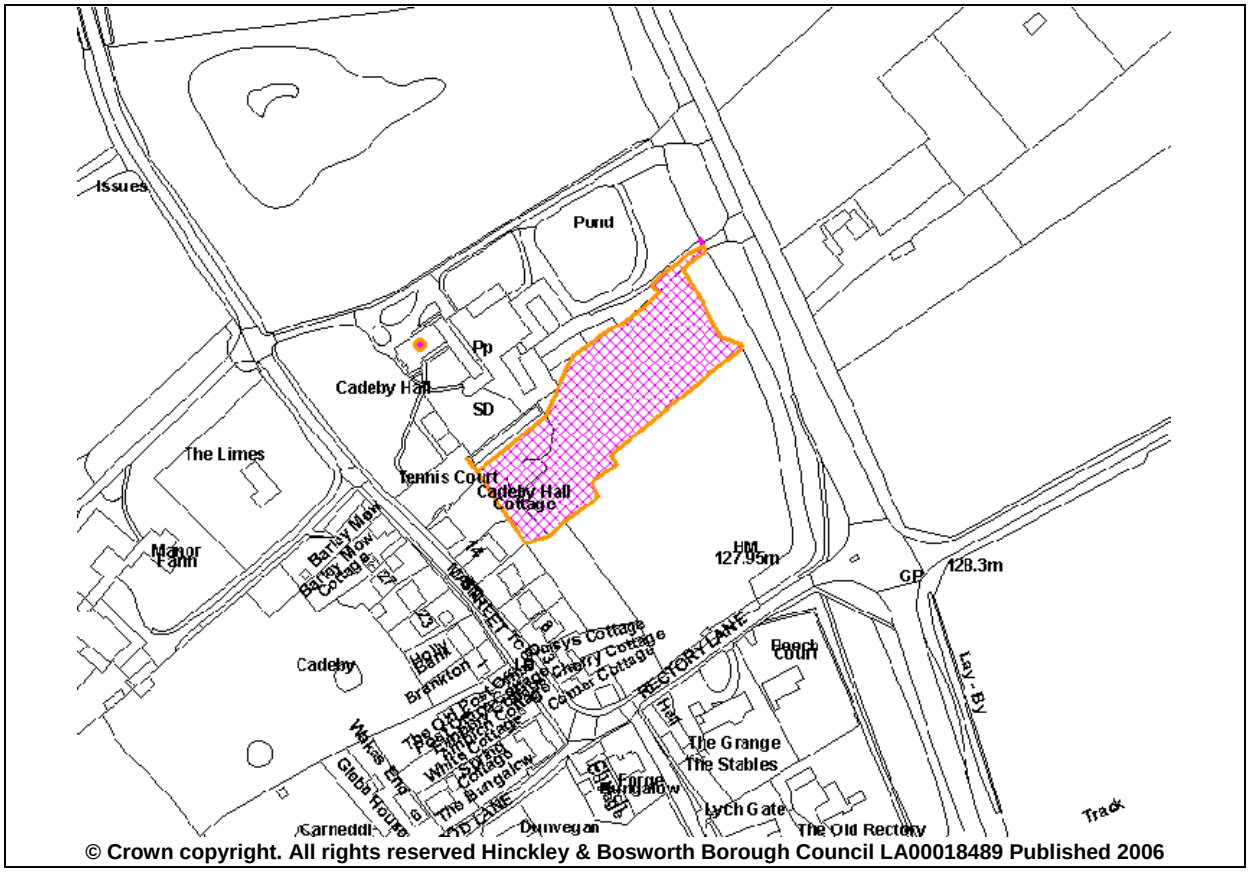
The site is located outside of the settlement boundary of Cadeby and within Cadeby Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

99/00612/TPO	General maintenance work to two trees	Approved	23.08.99
98/00006/FUL	Extension to dwelling to provide a swimming pool	Approved	04.03.98



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Consultations:-

No objections have been received from:-

The Council's Conservation Officer
Head of Community Services (Pollution).

No objection subject to conditions from Head of Business Development and Street Scene Services (Waste Minimisation).

Objection from Director of Environment and Transport (Highways).

At the time of writing the report comments have not been received from Cadeby Parish Council.

Policy:-

<u>National Policy Guidance</u>

The National Planning Policy Framework (NPPF) March 2012

<u>Local Plan 2006-2026: Core Strategy 2009</u>

Policy 13: Rural Hamlets
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development within the Countryside
Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Sustainable Design (SPD)

Other Material Policy Guidance

Cadeby Conservation Area Appraisal (2007)
Community, Cultural and Tourism Facilities Review (2013)

Appraisal:-

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

Principle of Development

New Dwelling within the Countryside

The site is located outside the settlement boundary of Cadeby, as defined by the adopted Hinckley and Bosworth Local Plan and is therefore within an area designated as countryside.

Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside, contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed. The site has not been previously developed.

Policy 13 of the adopted Core Strategy confirms that housing development in Rural Hamlets is supported within settlement boundaries. The site does not fall within the settlement boundary of Cadeby and as such the scheme is therefore considered contrary to this policy.

Saved Local Plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This site is a situated outside development limits, as defined by the adopted proposals map of the local plan as such the proposal is contrary to local plan Policy RES5.

Saved Local Plan Policy NE5 states that the countryside will be protected for its own sake and planning permission will be granted for built and other forms of development provided that the development is either:-

a) important to the local economy and cannot be provided with or adjacent to an existing settlement; or
b) for the change of use, re-use or extension of existing buildings, particularly those of historic value; or
c) for sport and recreation purposes.

Saved Local Plan Policy NE5 prohibits development in the countryside except where the development relates to sport or recreation or for the change of use, reuse or extension of an existing building or is important to the local economy. The applicant is proposing to build a new dwelling and has provided no evidence to suggest the development is important to the local economy and as such the scheme fails to meet the criteria for development in this policy.

The NPPF has a presumption in favour of sustainable development and therefore Saved Policy NE5 is not wholly consistent with the intentions of the NPPF. However, the fundamental aim of the policy is to resist unsustainable forms of development in the countryside, such as new residential development which is supported by Paragraph 55 of the NPPF.

Special Justification

Paragraph 55 of the NPPF states that Local Planning authorities should avoid new 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 in the countryside or;
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

The scheme seeks to satisfy this final criterion as set out in Paragraph 55. This states that in seeking to satisfy the exceptional quality of innovative nature of the design of the dwelling, such a design should:-

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area;

The Council's Conservation Officer believes the that the siting of the proposal is secluded relative to the rest of the settlement except for Cadeby Hall itself which it does not detract from but enhances it and the scheme is of an exception design quality to meet the requirements of Paragraph 55 of the NPPF.

The layout of the scheme is so that the front elevation faces Hinckley Road with the rear west facing towards Cadeby Hall Cottage and the traditional core of Cadeby. With the exception of Cadeby Hall, the defining character of Cadeby is dwellings that front on to the highway either abutting it or set back slightly, and it is therefore considered that this scheme with its rear facing Main Street and in a large isolated plot has very little regard to the defining characteristics of the local area.

Cadeby Hall is identified as an unlisted building of a local historic of architectural importance with the Council's Cadeby Conservation Area Appraisal 2007. For the reasons discussed below regarding design it is not considered that the scheme would significantly enhance its immediate setting which incorporates Cadeby Hall.

The scheme proposes a two storey hipped roof dwelling with a central gable element. To the rear a single storey flat roof 'link' building connects to a single storey flat roof building, projecting 13.6 metre enclosing an indoor swimming pool. The detached coach house, comprising garaging and gymnasium proposes a pitch roof, and fails to reflect the hipped roof proposed in the main dwelling. The scale and differing roof designs on the dwelling and projections creates an incongruous designed scheme.

The scheme proposes a symmetrical design with columns, cornice details and sash windows. It is considered that the scheme seeks to reproduce well known architectural features to create a pastiche neo-Georgian style design.

There is no suggestion that the proposal is outstanding or innovative and thus fails to meet the NPPF criteria in this respect.

Furthermore the proposal is not accompanied by any landscaping concept and as such is presented in isolation to its setting.

Overall given the layout, scale and design of the proposal, in the opinion of officers it is not considered to be truly outstanding, innovative or reflect the highest standards of design or significantly enhances its setting or be sensitive to the defining characteristics of the local area to satisfy the requirements of Paragraph 55 of the NPPF.

In summary, despite the representation from the Council's Conservation Officer, in officers opinion there is no presented compelling case that demonstrates that the proposal is acceptable in light of the development plan or the NPPF, and it therefore results in an un-justified harm to the intrinsic character and beauty of the countryside, contrary to the requirements of the NPPF.

<u>Sustainability</u>

Whilst the site is close in distance to the settlement boundary of Cadeby, Cadeby is considered to be a 'lower order' settlement, hence its classification as a Rural Hamlet within the adopted Core Strategy.

The facilities within Cadeby are the All Saints Church with the transport provision being the no. 159 bus service which runs every 30 minutes from Monday to Saturday as identified within the Community, Cultural and Tourism Facilities Review (2013).

Accordingly it is considered that the site scores poorly from a sustainability point of view as it has only a very limited number of services within Cadeby. The nearest local centre offering access to schools, shops and employment would be Market Bosworth and given the distance, lack of footways and lighting between the site and Market Bosworth it would be reasonable to expect that the vast majority of these journeys would be made by the private motor vehicle.

The scheme has been considered by the Director of Environment and Transport (Highways) who confirms that:-

The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in the NPPF.

In summary, the application is outside of the settlement boundary of Cadeby and is located where services are not readily and safely accessible by walking, cycling or public transport. As such it is considered that future occupants would be overly, if not totally, reliant on car borne trips, contrary to spatial and sustainable objectives within the Core Strategy and overarching guidance within the NPPF.

Impact Upon the Character and Appearance of the Conservation Area

The proposal is located within Cadeby Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This statutory requirement is reflected within Local Plan Policy BE7 which is also consistent with the intentions of the NPPF and as such this policy remains a relevant consideration in the determination of this application. In addition, Saved Policy BE1 (criteria a) is considered to be consistent with the NPPF and as such should be given weight in consideration of this application.

The Council's Conservation Officer believes that Cadeby is an exceptional Conservation Area with many fine historic buildings and this proposal complements the character of the settlement.

The site falls within an area which is highlighted as views to be protected from Hinckley Road, with the Cadeby Conservation Area Appraisal. The Appraisals' 'General Conservation Area Guidance Planning Control and Policies' states that development proposals in key areas which have been identified should be restricted.

As discussed above it is considered that the layout and scale of the scheme does not reflect the local characteristic of dwellings falling within the Conservation Area, with the exception of Cadeby Hall and the design fails to respect either the defining characteristics of the local area, including Cadeby Hall. It is not considered for these reasons that the scheme makes a positive contribution to the Conservation Area and therefore does not enhance it.

In respect of preserving the character of the Conservation Area, given the poor, incongruous features, scale and replicating design and as the site is identified as an area where views should be protected it is considered that the scheme would detract from the Cadeby Conservation Area and for that reason it is not considered to preserve it either.

In summary, the works proposed are neither considered to preserve of enhance the character and appearance of the Shenton Conservation Area. The scheme is therefore considered contrary to thee overarching intentions of the NPPF and Saved Policy BE7 of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations

Saved Policies T5, BE1 (criterion g) and NE5 (criterion iv) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application.

The scheme proposes to utilise an existing access from Hinckley Road. The scheme has been considered by the Director of Environment and Transport (Highways) who confirms that:-

"On the basis that the speed of vehicles on this section of Class I road is in excess of 40 mph, the proposed significant increase in turning traffic at the access would be contrary to the LCC Access onto the road network policy contained in the '6 C's Design guide' and would not be acceptable."

Accordingly the Director of Environment and Transport (Highways) recommends refusal on the ground that the proposal could result in an unacceptable increase in turning traffic onto a section of 50 mph road which would lead to increase dangers for road users.

In summary, it is therefore considered that the scheme would lead to an increase in dangers for road users. As such the scheme would be contrary to Saved Policies T5, and NE5 (criterion iv) of the adopted Hinckley and Bosworth Local Plan 2001.

Impact on Residential Amenity

Criteria i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

There is a distance in excess of 30 metres between the rear of the proposed swimming pool and the boundary with neighbouring Cadeby Hall Cottage. It is not considered that this is sufficient distance away not to create any significant adverse impacts.

The proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Sustainability

Inline with Policy 24 of the adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Play and Open Space

The net gain of dwelling requires a financial contribution towards play and open space as set out in Policy REC3 of the Local Plan. In this instance, there is no existing open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the policy.

Conclusion

In conclusion, for the reasons discussed above the proposal would result in a new dwelling within the countryside, without special overriding justification in an un-sustainable location and fails to preserve the character and appearance of the Cadeby Conservation Area. The scheme would also result in an unacceptable increasing turning traffic onto a section of 50 mph road which would lead to increase dangers for road users.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matter of principle of new residential development in the countryside in an un-sustainable location, which fails to preserve the character and appearance of the Conservation Area and unacceptable highway safety remains in conflict with the development plan and the application has been refused.

Reasons:-

1 In the opinion of the Local Planning Authority, the design of the proposed residential development fails to represent an exceptional quality or be of an innovative nature to satisfy the requirements of Paragraph 55 of the NPPF and would therefore constitute an unacceptable form of development without justification or circumstance in an unsustainable location, by virtue of the site being located outside of the settlement boundary and within the countryside. Accordingly the proposal is contrary to Saved Local Plan Policies RES5 and NE5 of the adopted Hinckley and Bosworth Local Plan 2001, Policy 13 of the adopted Hinckley and Bosworth Core Strategy and Paragraph 55 of the National Planning Policy Framework.

2 In the opinion of the Local Planning Authority by virtue of the layout, scale, design and as views from the east of the site which are identified to be protected the scheme is not considered to preserve the character and appearance of the Cadeby Conservation Area. Accordingly the proposal is contrary to Saved Local Plan Policy of the adopted Hinckley and Bosworth Local Plan 2001, Cadeby Conservation Area Appraisal 3007 and the National Planning Policy Framework.

3 In the opinion of the Local Planning Authority, the proposal if permitted would result in an unacceptable, significant increase in turning traffic onto a restricted (50 mph) Class I (A447) road where the turning manoeuvres would lead to increase dangers for road users. As such the proposal is contrary to Saved Local Plan Policies T5 and NE5 (criterion iv) and overarching intentions of the National Planning Policy Framework.

Notes to Applicant:-

1 List of plans used in the determination of this application:- Location Plan Scale 1:1250; Site Plan drawing no. SK05 Rev A; Ground Floor Plan and Cellar Plan drawing no. SK01 Rev A; First Floor Plan and Elevations drawing no. SK02 Rev A and Coach House Plans, Elevations and Section drawing no. SK06 received by the Local Planning Authority on 7 February 2014.

Contact Officer:- Ebbony Mattley Ext 5691

Item: **07**

Reference: **14/00121/FUL**

Applicant: **Mr & Mrs Paul Bills**

Location: **I C Fields Farm Rogues Lane Hinckley**

Proposal: **Erection of temporary agricultural workers dwelling**

Target Date: **23 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it proposes an agricultural workers dwelling requiring an agricultural appraisal to be undertaken.

This application follows an application for a permanent agricultural dwelling which was refused by planning committee on the 4 February 2014.

Application Proposal

The application seeks full planning permission for the erection of a temporary agricultural workers dwelling in association with Bills Farm Services Ltd. It has been stated that the enterprise has been established for 15 years and consists of a livestock rearing system and an agricultural contracting business. There are a total of 23.3 hectares of land associated with the business. This is broken down into 5.5 hectares owned at I C Fields Farm and 17.8 hectares rented on agricultural tenancies. On site there are a number of livestock buildings, an office and a silage clamp. Planning permission has been granted for two further agricultural buildings.

The present livestock numbers are stated as being:-

- 10 Suckler Cows
- 1 Stock Bull
- 150 Veal Calves per annum
- 120 Ewes plus 20 store Lambs

There are currently three members of staff employed within the business on a full-time basis: Mr Bills and his two sons. They currently live 3.5 miles away in Hinckley.

The proposed temporary dwelling has the appearance of a static caravan. It has a shallow pitched roof and a range of openings to each elevation. It has a footprint of 12 metres x 6 metres. The temporary dwelling is to be sited adjacent to the existing agricultural buildings, approximately 190 metres to the east of the existing site access off Rogues Lane. The internal accommodation will comprise of a lounge/diner, kitchen, utility, bathroom and two bedrooms.

The Site and Surrounding Area

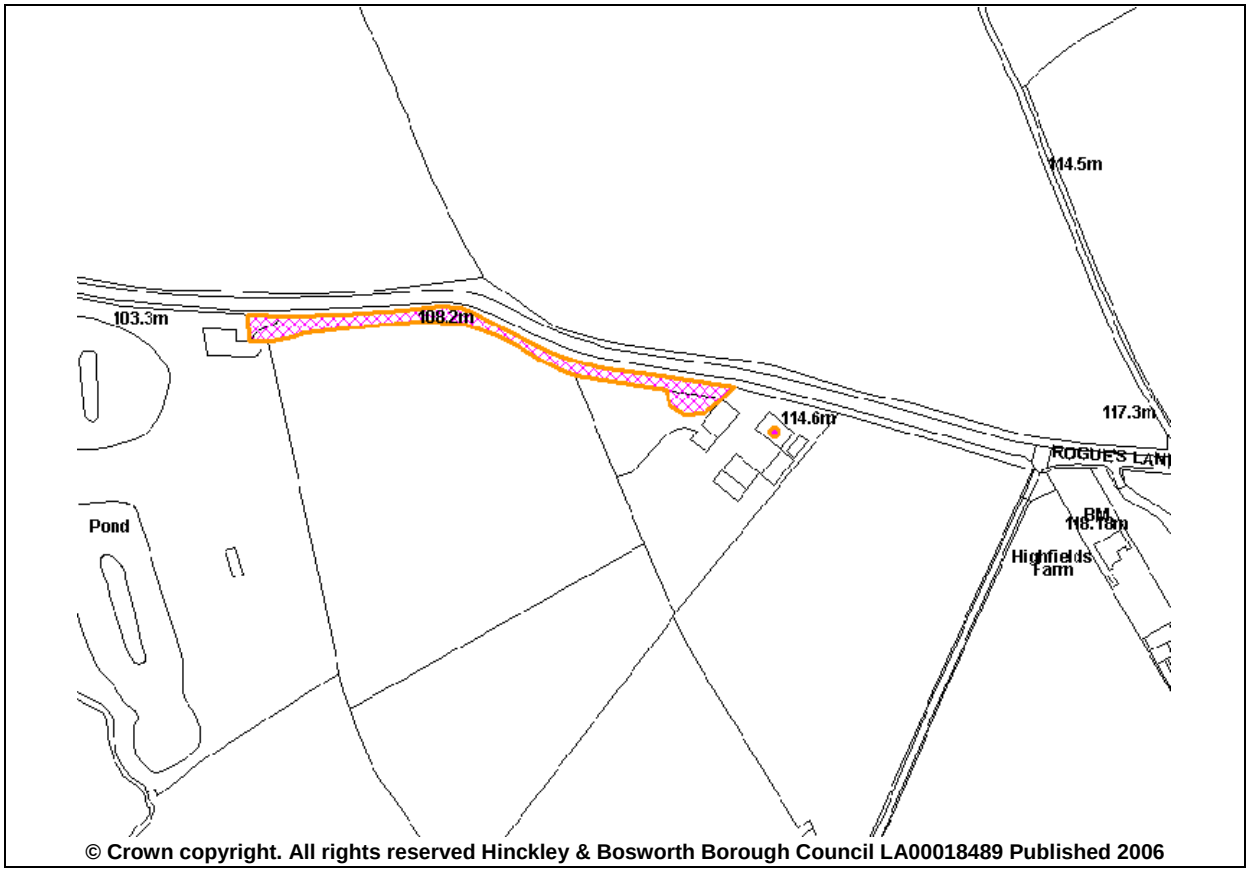
The application site is confined to the access and driveway which leads to a parcel of land on which the dwelling is proposed. The remainder of the applicants land ownership comprises 5.5 hectares and extends to the south, east and west. The existing farmyard, which comprise of a number of livestock buildings, an office and a silage clamp are clustered in the north eastern corner of the site. The site is enclosed by native hedgerow. Rogues Lane has a predominantly undeveloped rural character; where development exists it comprises of agricultural enterprises set well back from the highway. There are two relatively large farms to the east and south east of the site.

Technical Documents submitted with application

Rural Workers Dwelling Appraisal
Cattle Movement Records (Confidential)

Relevant Planning History:-

13/00966/FUL	Erection of agricultural workers dwelling	Refused	06.02.14
13/00802/FUL	Erection of agricultural workers dwelling	Withdrawn	16.10.13
13/00241/FUL	Erection of agricultural workers dwelling	Withdrawn	31.07.13
08/01161/FUL	Erection of 2 No agricultural buildings	Approved	19.02.09
03/00129/FUL	Erection of two barns and extension of existing barn	Approved	26.03.03
01/01097/FUL	Erection of two agricultural buildings	Approved	21.12.01
89/00934/4	3 bedroomed dwelling for use with existing farmland	Refused	21.11.89



Consultations:-

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

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

Policy:-

<u>National Policy Guidance</u>

National Planning Policy Framework (NPPF) March 2012

<u>Local Plan 2006-2026: Core Strategy 2009</u>

None relevant.

<u>Hinckley and Bosworth Local Plan 2001</u>

The site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy RES12: New Agricultural Dwellings
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG).

Appraisal:-

The main considerations with regards to this application are the principle of development and the previous reason for refusal, siting and design, impact on the character and appearance of the surrounding landscape, residential amenity, highway safety and other matters.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless special circumstances exist, an example of which is the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 of the NPPF supports sustainable economic growth in rural areas and the development of agricultural and other land based businesses.

Whilst only limited weight can be afforded to Saved Policy NE5 of the adopted Local Plan following the release of the NPPF, whilst seeking to safeguard the character and appearance of the countryside the policy acknowledges the need to accommodate development that is important to the local economy that cannot be provided within or adjacent to an existing settlement. Saved Policy RES12 of the adopted Local Plan is considered to have a high degree of conformity with the NPPF and states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; and the availability of suitable alternative accommodation in the local housing market.

Whilst the policy framework provides for the development of agricultural workers dwellings in the countryside in principle, it is clear that this is an exception to the general restraint on new residential development in the countryside that has remained a strong and consistent element of national planning policy and should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the sustainability of the development.

The NPPF in paragraph 7 states that there are three dimensions to sustainable development (social, environmental and economic). The economic role is particularly relevant to the provision of agricultural worker's accommodation as the need for it must derive from the requirement of the farm business and not from the personal aspirations of the individuals concerned. The policy exception reflects support for agriculture as an economic activity; therefore, to allow such accommodation where a farming enterprise was not economically sustainable would not be justified.

As this proposal is based on the same agricultural appraisal and financial information as the previous application (13/00966/FUL), there is not considered to be requirement to re-consult the Borough Council's Agricultural Consultant in this case. This said, the previous comments received in relation to this issue will form the basis of this report.

The agricultural enterprise in question has been assessed against national policy guidance and local plan policies and regard has been had to recent appeal decisions.

Functional Test:- Is the agricultural holding of a nature that requires a person to live on the site, having regard to the security and efficient operation of the holding?

The agricultural appraisal makes reference to "the management and supervision of the livestock "giving rise to the essential requirement to live on site at IC Fields Farm and states that "consideration should also be taken with respect to the other businesses based at the farm". Following a review of the accounts the consultant suggested that the principle activity for the enterprise appeared to be that of farm contracting. It is elaborated, that on further inspection of the accounts submitted with the previous application (13/00241/FUL), the livestock enterprise did not appear to be in operation to any great extent as there were no corresponding figures included for key livestock income and costs. Furthermore, it was stated within the agricultural appraisal (submitted with the previous application) that: "the last three accounts do not show the calf rearing enterprise as it was run on a 'hobby' basis by the applicant". The livestock numbers provided with application 13/00241/FUL (the previous application) were: 10 suckler cows, 1 stock bull and 150 veal calves per annum raised from bucket stage to 12 months of age. Furthermore, the suckler cow enterprise was said to comprise of: "all year round calving of 10 commercial suckler cows, with progeny used as homebred replacements and the rest finished". The updated appraisal, submitted with this application (and the previous 13/00966/FUL) refers to a "fledgling veal calf enterprise" that will be expanded, as oppose to being established. The consultant continued that on inspection of the cattle movements provided, the breakdown of livestock activity does not confirm the assertion that the veal calf enterprise is operated on a "hobby basis" given the (relatively high) numbers of animals in question. Accordingly there appears to be a disparity in terms of the numbers of animals on site (as illustrated within the cattle movement records) and those illustrated within the accounts.

Given the disparities between the accounts and the cattle movement records, the agent has been requested to clarify the situation. In response it has been confirmed that the calf-rearing (veal) enterprise is a fledgling business which is planned to be expanded in line with the business forecasts and animal numbers included with this application. There are no details of the cattle illustrated within the cattle movement records within the previous accounts for the business. Accordingly on this basis, it is considered, in line with the consultants opinion that cattle of the numbers illustrated within the movement records can be managed without on-site supervision and thus a functional need does not solely derive from this. However based on the numbers of animals projected for the veal calf enterprise, this, in association with the existing livestock operations could generate a need for the ready availability of a worker at most times and thus the functional need be achieved.

Financial Test:- Is the holding sufficiently viable to sustain any additional full time worker in full time employment?

The labour requirement of the proposed livestock enterprise, as identified within the agricultural appraisal submitted is 1.26 full-time equivalents.

The consultant reviewed the business accounts provided (during the submission of the previous application 13/00966/FUL), which cover a period from 2009 to 2012. During this time the business made an average loss of £2,661.50 per annum and had an average net worth of -£31,467.50 per annum. This said, the forecasts associated with the expansion of the livestock (veal calf enterprise) as illustrated within the agricultural appraisal submitted with the current application are considered to be sound and realistic. The consultant continues that these forecast a surplus of £8,385, after the cost of labour for 1.26 full-time equivalents (of £17,785) has been taken into account. Based on this (proposed veal calf enterprise), it could be concluded that the holding could be sufficiently viable to sustain any additional worker in full time employment.

Availability of Alternative Accommodation:- What is the availability of alternative accommodation in the local housing market?

A search of the local housing market has identified 53 properties for sale within a one mile radius of the application site, of which there were a number of two bed-roomed properties advertised from £115,000 and three bedroomed semi-detached properties advertised at a cost from £129,950. The consultant has confirmed that the functional requirements of the enterprise would be best served by a dwelling on site in respect of the needs of reproductive livestock and young livestock. Further, as evidenced within the financial forecasts, the construction of a suitable dwelling in this regard could be met by the business.

When considering the wording of paragraph 55 of the NPPF, which makes reference to the "essential need for a rural worker to live permanently at or near their place of work in the countryside" and the wording of saved policy RES12, which states "the agricultural holding 'must' be of a nature that requires a person to live on the site and 'must' be sufficiently viable to sustain any additional worker in full time employment; in accordance with the above discussion, the projected livestock numbers and business forecasts, which accompany the application illustrate that in the future, the enterprise could sustain a permanent dwelling, but presently this "essential" need is not considered to have been met.

Previous reason for refusal

The previous planning application for a permanent agricultural workers dwelling was refused on the following grounds:-

In the opinion of the local planning authority, the application does not demonstrate that there is an existing essential need for a permanent agricultural workers dwelling associated with Bills Farm Services Ltd at I C Fields Farm. Accordingly the proposed development would result in an unwarranted intrusion of residential development in the countryside to the detriment of its intrinsic character and open and undeveloped appearance. The proposal would therefore be contrary to Policy RES12 (criteria a, b and c) of the adopted Hinckley and Bosworth Local Plan and the overarching principles of the National Planning Policy Framework with particular reference to paragraphs 17 and 55.

Based on the above, it is considered that if the suckler cow and calf-rearing (veal) enterprises were to operate at the stated level of performance, then there would be the need for a key worker to be present on site, and thus an on site dwelling would be justified. This need however is a potential one rather than being for an existing activity. Further, the livestock element of the business could be considered to be potentially financially viable if operated in accordance with the submitted forecasts and therefore it is considered that the enterprise has demonstrated that it is planned on a sound financial basis. Based on the above, the proposed veal calf enterprise, in association with existing agricultural activities, are considered to generate a functional need for a key worker to be present on site and it has been demonstrated that the expansion is financially sound. Although there is not an existing essential need for a permanent dwelling on site, it can be concluded that if the veal calf enterprise expands as planned, such a need may derive in the future. Accordingly, a temporary agricultural dwelling in association with the enterprise is considered justifiable and necessary to facilitate the proposed expansion. This would allow time for the enterprise to develop in accordance with the projections outlined within the business forecast.

The development of a temporary agricultural dwelling (as proposed) is considered to be in accordance with the principles of Saved Policy RES12 (criteria a and b) of the adopted Local Plan and paragraph 55 of the NPPF. Therefore, in principle the development is considered acceptable and the previous reason for refusal has been overcome.

Siting, Design and Impact on Landscape

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development and seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria i, ii and iii of Saved Policy NE5 require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Saved Policy BE1 (criteria a, c and e) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; has regard to the safety and security of individuals and property; and incorporates landscaping to a high standard.

In terms of its siting, the proposed temporary dwelling will be situated at the head of the access drive adjacent to the northern (road facing) boundary of the site. Although surrounding examples of agricultural dwellings are at a considerable depth from the highway, in this case as the existing farm buildings are situated within a similar position, (albeit further to the south east) the proposed location is considered to be the most logical and functional position in order to serve the needs of the holding. In terms of impacts on the surrounding landscape, given the mature boundary hedge (to the road frontage) only fleeting views of the proposal would be available from this direction. From the east and south, views of the dwelling would be obscured by the presence of the existing agricultural buildings and when viewed from the west, the dwelling would be seen against the backdrop of the existing buildings. Accordingly, the proposed siting of the dwelling is not considered to have any materially adverse impacts on the character, openness or visual amenity of the surrounding landscape. Nor will it be overly prominent within the street scene.

The design proposed is simplistic and utilitarian and offers little in the way of architectural features or character. However this is temporary dwelling, and thus it is not considered either reasonable or necessary to require a dwelling of exceptional design. The proposal is considered fit to serve its functional purpose and will not result in any long terms impacts on the character of the surrounding landscape.

Accordingly, on balance, although the design solution proposed would not be acceptable for a permanent dwelling, given that this application is for the siting of a temporary dwelling and given the screening offered by the surrounding mature vegetation and the existing buildings on site, the dwelling will not appear prominent within the surrounding landscape or street scene and is therefore not considered to result in any materially adverse impacts in terms of the character of the surrounding countryside or landscape which would warrant refusal of the application on such grounds. Furthermore, due to its siting the dwelling would be well related to the existing access and agricultural buildings. The proposal is therefore considered to be in accordance with Saved Policies NE5 (criteria i, ii and iii) and BE1 (criteria a and c) of the adopted Local Plan together with the overarching principles of the NPPF.

Residential Amenity

Saved Policy BE1 (criterion i) requires that development does not adversely affect the occupiers of neighbouring properties.

The dwelling would occupy a relatively isolated position, with the closest dwelling being that associated with Highfields Farm, to the east. As this would be roughly 170 metres from the proposed dwelling, the scheme is not considered to give rise to any impacts in terms of residential amenity. The proposal is therefore in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Impact on Highway Safety

Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan require development to provide adequate visibility for road users and adequate provision for off-street parking and turning facilities for residents and visitors so as not to have any adverse impact on highway safety.

The dwelling would be accessed via the existing farm access, off Rogues Lane. This comprises a double width (approx 10 metres) gated access and a hard surfaced driveway. The Director of Environment and Transport (Highways) has considered the proposal and has recommended Standing Advice, with a note to the Officer to consider the siting of any gates, access geometry and surfacing. As the access is existing and serves the needs of the current agricultural holding and the siting of a permanent dwelling would theoretically result in fewer vehicle trips associated with the site, the recommendation of conditions to upgrade the access are not considered to be reasonable or necessary and thus subject to the application being recommended for approval, none will be imposed.

There is adequate vehicle parking and turning space on the site.

Accordingly in terms of sustainability and highway safety, the proposal is not considered to result in any further material impacts on highway grounds. The proposal is therefore in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Other Issues

In this case, there are no public children's play areas within 400 metres of the proposed dwelling therefore there is no justification/requirement for any developer contributions towards the provision or future maintenance of such facilities.

Conclusion

Whilst the national and local planning policy framework provides for accommodation for agricultural workers in the countryside in principle, it is clear that this should be subject to special justification being demonstrated in respect of the essential functional requirements of the enterprise, the lack of alternative accommodation that would fulfil that requirement and the economic sustainability/viability of the development. In this case, the independent agricultural appraisal report concludes that whilst there will be a functional requirement generated by the combined (projected) veal calf enterprise and the existing livestock operations, which would be best served by an on site dwelling, this is a potential need, as oppose to an existing need. Similarly, whilst the business forecasts submitted in support of the proposal demonstrate that the enterprise is based on a sound financial basis; these future predictions do not demonstrate that there is currently an existing "essential "need for a permanent dwelling on site. Accordingly, the proposed temporary dwelling is considered to be justified and will allow the enterprise to expand on the planned basis. The proposal is therefore in accordance with Saved Policies RES12 (criteria a, b and c) of the adopted Local Plan together with the overarching principles of the NPPF, with particular reference to paragraph 55, and is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their

degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development is considered to comprise of sustainable development which would allow the expansion of a proposed agricultural enterprise in order to meet the financial and functional tests as outlined within paragraph 55 of the NPPF. Furthermore, by virtue of its siting and design there are considered to be no arising adverse impacts on either the character of the surrounding countryside or landscape, residential amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1 (a and i), RES12, NE5 andT5.

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.

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 'Proposed Temporary Agricultural Workers Dwelling' Scale 1:200, Block Plan Scale 1:500, Site Plan Scale 1:200 received by the Local Planning Authority on 17 February 2014.

2 Within two weeks of the first occupation of the dwelling hereby approved, evidence shall be provided to the Local Planning Authority stating the date of the dwellings siting. The dwelling shall be removed from the site 3 years from this date and the land restored to its former condition on or before 4 months from this date, in accordance with a scheme of work which is to be submitted to and approved in writing by the Local Planning Authority.

Reasons:-

1 For the avoidance of doubt and in the interests of proper planning

2 The permanent siting of an unjustified dwelling in this location would constitute of an unsustainable form of development, contrary to the intensions of paragraph 55 of the NPPF.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

5 In relation to condition 2, the scheme of restoration shall include details of how the land will be restored to its former condition and how any services installed will be removed/disconnected and the land remediated.

Contact Officer:- Eleanor Overton Ext 5680

Item: **08**

Reference: **14/00124/OUT**

Applicant: **Mr G Hibbitt**

Location: **Land Adjacent To St Marys Court Barwell**

Proposal: **Residential development of 9 dwellings (outline - access only)**

Target Date: **8 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of the local ward member Councillor Gould who raises concern about the potential impact upon the Green Wedge. In addition, more than five objections have been received from five addresses.

Application Proposal

This application seeks outline planning permission for residential development of up to 9 dwellings on land adjacent to St Mary's Court, Barwell.

Access is the only matter for determination at this stage, with all other matters being reserved for approval at a later date.

The indicative layout suggests nine dwellings laid out with four dwellings fronting St Mary's Court and five dwellings sited to the rear of the site. A mix of dwellings are indicatively proposed, including two three bed bungalows, four three bed detached dwellings and three two bedroom town houses. With the exception of the bungalows the height of the other dwellings have not been shown on the indicative layout.

Access is sought from the existing turning head opposite No. 18 St Mary's Court. Parking is proposed for each dwelling within the site. The indicative layout suggests each dwelling would accommodate one or two parking spaces depending on the size of the dwelling.

The Site and Surrounding Area

The site is located adjacent to the settlement boundary for Barwell within the defined Green Wedge.

The site is approximately 0.3 hectares in size and is roughly square in shape. The site is located south of St Mary's Court with the adjacent recently completed development at St Mary's Mews to the west. To the east is No. 14 St Mary's Court which has a large garden to the south of the property. To the south of the site is open agricultural land.

The site is currently heavily vegetated and overgrown. The site is bounded to the south by a mature hedgerow with several trees interspersed within the hedgerow.

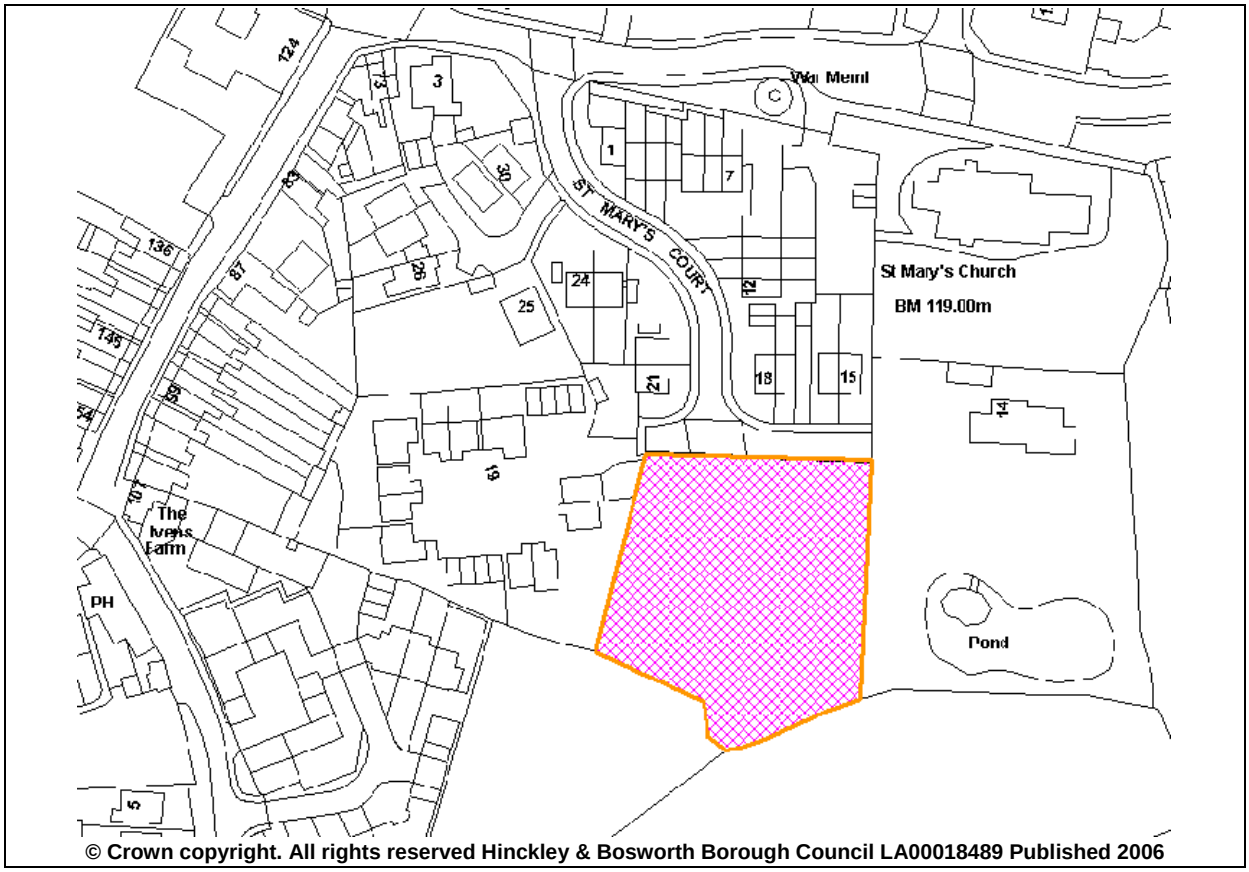
The site falls away and slopes down to the south.

Technical Documents submitted with application

Design and Access Statement
Ecology Report

Relevant Planning History:-

None relevant.



Consultations:-

Site notice was displayed and neighbours notified.

No objections have been received from Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

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

Barwell Parish Council objects to the proposal for the following reasons:-

a) no archaeological survey has been carried out
b) trees and hedges will need to be removed to access the site
c) Japanese knotweed is present on the site
d) the Barwell and Earl Shilton SUEs cover Barwell's quota for housing
e) the land is Green Wedge
f) refuse lorries and emergency vehicles will have to reverse down the road
g) traffic concerns during school runs
h) the road does not meet highways standards
i) the site is on an old landfill and there is a threat to natural wildlife.

A petition has been received signed from neighbouring properties raising the following concerns:-

a) existing situation is overcrowded with traffic problems
b) site is currently an existing natural habitat for wildlife

In addition, nine letters of objection have been received. Summary of comments:-

a) existing traffic problems
b) parking problems on the street
c) wildlife on site
d) no need for addition dwellings with SUE
e) Japanese knotweed on the site
f) site is located within Green Wedge
g) contamination from former landfill site
h) proposal is outside of settlement boundary
i) the existing trees and scrub on the site provide a visual and acoustic boundary to A47.

Policy:-

<u>National Policy Guidance</u>

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

<u>Local Plan 2006-2026: Core Strategy 2009</u>

Policy 3: Development in Barwell
Policy 6: Green Wedge
Policy 16: Housing Density, Mix and Design
Policy 24: Sustainable Design

<u>Hinckley and Bosworth Local Plan 2001</u>

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

Supplementary Planning Guidance/Documents

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

Appraisal:-

This outline application seeks approval for access only at this stage with all other matters reserved. An indicative layout plan illustrating the siting of the proposed dwellings has been submitted. The main considerations in regard to this application are therefore the principle of development, impact upon the Green Wedge, impact on the character of the surrounding area, access and impact on highway safety and impact on the amenities of neighbouring properties.

Principle of Development

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

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As of 01 October 2013 the Council has a five year supply of deliverable housing sites.

Policy RES5 of the Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. Policy 3 of the Core Strategy states that development will be supported within the Barwell settlement boundary, in addition to the 2500 dwellings through the Sustainable Urban Extension. Piecemeal developments such as the appeal proposal are not permitted.

Policy 6 of the Core Strategy states that within the Green Wedge uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents and that promote the positive management of land to ensure that the Green Wedge remains or is enhanced as an attractive contribution of land to the quality of life of nearby urban residents.

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

Therefore on balance it is considered that as the site is outside of the settlement boundary, within the countryside and Green Wedge the proposal would not comply with the development plan for those reasons.

However, the site is located within easy walking distance of the centre of Barwell and the shops, services and facilities it has to offer. Public transport is close by and serves the settlement. It is therefore considered to be a sustainable location for development and in

terms of the overall planning balance that the NPPF requires to be undertaken, the sustainable location of the site is a significant material consideration which is considered to outweigh the fact that the proposal is contrary to the development plan as it would generally be in accordance with the aims and objectives of the NPPF.

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

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

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

In addition the Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents, protects the amenity of existing occupiers and is locally distinctive in its appearance.

The boundary of the Green Wedge is located directly adjacent to the settlement boundary to the north. The site currently has no public access and is overgrown. It therefore contributes little in terms of a recreational resource for local people. Whilst residential development would not be strictly in accordance with Policy 6 of the Core Strategy, it is considered on balance that the limited development of nine dwellings on this relatively small site would not significantly undermine the function of the Green Wedge as a whole. In that respect the proposal would therefore not be contrary to Policy 6 of the Core Strategy when considering the overall emphasis on sustainable development as set out within Paragraph 14 of the NPPF.

The trees and vegetation on the land beyond the site to the south and across the southern boundary creates a soft edge to this part of the settlement which would not be altered by the proposal. As a consequence, the character and the contribution that this part of the Green Wedge makes to the rural setting of Barwell would not be significantly changed.

Consideration also needs to be given to the recent appeal decision (APP/K2420/A/11/2167650) on the adjacent site at St Mary's Mews. This appeal, following refusal of planning application 11/00719/OUT, was allowed despite being partly outside of the settlement boundary and within the Green Wedge. The Inspector in that decision concluded that the site contributed a limited amount to the overall character of this area and the contribution that this part of the Green Wedge makes to the rural setting of Barwell. This site sits adjacent to St Mary's Mews and would effectively continue this existing form of development along to the east forming a rounded and linear edge to this part of Barwell.

St Mary's Church is located approximately 100m to the north east of the site. Given the topography of the site which slopes down to the south, subject to the proposed dwellings being of a similar two storey height to surrounding dwellings on St Mary's Court the development would not significantly impede views of the church from the surrounding countryside.

The indicative layout that has been submitted could be improved from a design perspective, however this could be sought at the reserved matters stage to ensure a better layout and mix

of dwellings with bungalows sited to the rear of the site with two storey dwellings at the front, to better reflect the two storey nature of dwellings adjacent to the site on St Mary's Court.

The immediate area within St Mary's Court is characterised predominantly by two storey dwellings semi-detached dwellings, which occupy linear front and rear building lines around the court, with plots of a similar size and similar footprints. Properties in the adjacent St Mary's Mews development are more modern and set out in a courtyard layout with projecting gables and detailing. The site is large enough to accommodate nine dwellings with an appropriate amount of external amenity space to the rear of the dwellings for the size and scale of the properties indicated on the layout plan.

Policy 16 of the Core Strategy states that in Barwell new residential development should achieve at least 40 dwellings to the hectare. The site is 0.3 of a hectare and the density works out at 29 dwellings per hectare which is lower than the required amount. However, Policy 16 does allow a lower density where site characteristics dictate otherwise. In this instance with the site being on the edge of the settlement adjoining the open countryside, the development proposed would reflect the character of existing surrounding properties and would be appropriate being adjacent to the open countryside.

From the indicative plans submitted it is considered that the siting, design, form and layout of the proposal would not harm the character of the surrounding area or the functional requirement of the Green Wedge. On balance, the proposal is therefore considered to be in accordance with Policy BE1 (criterion a) of the Local Plan and Paragraphs 56 and 58 of the NPPF.

Impact on Residential Amenity

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

The SPG states that where a principal window of a habitable room faces a similar window of a neighbouring dwelling, the distance between them should be a minimum of 25 metres. In this instance the distance between the windows serving the front elevation of the proposed dwellings fronting St Mary's Court would be approximately 20 metres from the front elevation of Nos. 15 - 18 St Mary's Court directly opposite. Therefore whilst the distance would be less than that set out within the SPG it is considered that 20 metres is still an acceptable distance that would not cause significant levels of overlooking and that reflects the character and distance of other dwellings within the surrounding area.

It is considered that with appropriate siting and design 9 dwellings can be accommodated on site without resulting in impact on residential amenity.

It is not considered that the proposal would have an adverse impact on residential amenity from the details as shown on the indicative plan however full consideration of any impact will be assessed at the reserved matters stage. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety

Policy T5 of the Local Plan states that development proposals should not impact upon highway safety or the satisfactory functioning of the local highway network and should provide an appropriate level of parking in relation to the scale of the development proposed. No objection has been received from the Highway Authority subject to conditions. The applicant has submitted a plan to demonstrate that the required visibility splay from the proposed vehicle access can be obtained. The indicative layout suggests that the dwellings

could achieve a minimum of two parking spaces per unit which is considered to be acceptable in relation to the adopted parking standards for the size of dwellings indicated. There is sufficient turning and manoeuvring space within the site to enable vehicles to enter and leave the site in a forward gear. The proposal is therefore considered to be in accordance with Policy T5 of the Local Plan.

Open Space

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

Within the Green Space Strategy 2005 - 2010, Barwell was found to have sufficient areas of equipped open space (0.06 hectares) for its population when compared with the National Playing Fields Standard. However, the quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded The Common a quality score of only 31%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would total £11,257 and would be used towards the provision of new play equipment to improve the overall quality of the site and to mitigate the impact of the additional dwellings on such facilities. Given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear on facilities. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. Completion of a Unilateral Undertaking to enable contributions to be secured has been requested from the applicant.

Ecology

A Phase 1 Habitat Survey has been carried out and submitted as part of the application. Consultation has been undertaken with the Principal Ecologist at Leicestershire County Council who raises no objection subject to a condition ensuring the method statement outlined in the survey is carried out and that a qualified ecologist is present on site during clearance of the scrub to ensure any possible badger habitats are identified and mitigated against if found to be present during works.

Other Matters

The Head of Community Services (Pollution) has stated that the site is within the vicinity of a former landfill site and has therefore recommended conditions in respect of the requirement for a land contamination survey to be carried out prior to the commencement of development and if any contaminates are found during development that a scheme for the remediation of such contamination shall take place. It is considered that these conditions are reasonable and appropriate to safeguard future residents from possible harm arising out of contaminated land.

Policy 24 of the Core Strategy states that dwellings in Barwell will need to be constructed to a minimum of Code Level 4 of the Code for Sustainable Homes. A condition has been imposed to secure this.

Conclusion

In conclusion, the proposed dwellings would be located outside of the settlement boundary for Barwell, where residential development is normally restricted. The site is located within the Green Wedge. However, given the close proximity of the site to the centre of Barwell where services are readily available it is considered on balance the proposal would be a sustainable development that would not have an impact upon the function of the Green Wedge. The development would not give rise to any significant material impacts in terms of highway safety and the indicative plans illustrate that nine dwellings could be accommodated on the site without having any significant material impacts on residential amenity. Therefore whilst the proposal is not considered to be strictly in accordance with the development plan, in considering the overall balance, the proposal is considered to comply with the overarching intentions of the NPPF.

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

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Chief Planning & Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 8 April 2014 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be acceptable as it would be located close to the existing centre of Barwell, a sustainable location, the layout and design of the dwellings would not have any adverse impact on the function of the Green Wedge, the surrounding countryside, the amenities of the neighbouring dwellings or highway safety.

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

Local Plan 2006-2026: Core Strategy (2009):- Policies 3, 6, 16 and 24.

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

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.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
ii) The scale of each building proposed in relation to its surroundings.
iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:1250 and Access Details as shown on the Indicative Layout 1:500 by Philip Baumber received 11 February 2014.

4 Prior to the commencement of development, details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

5 The development shall be carried out in accordance with Appendix 14 of the submitted Phase 1 Habitat Survey by Dr S Bodnar dated January 2014. The clearance of the site shall take place in accordance with the method statement with the exception of points 2 and 3 whereby a qualified ecologist shall remain on site at all times whilst clearance works are taking place. If any badger setts or evidence of badger activity is found, work shall stop and details shall be submitted in writing to the local planning authority to agree a course of remedial action and mitigation.

6 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

7 Before first occupation of any dwelling hereby permitted, visibility splays of 2.4 metres by 17 metres shall be provided at the junction of the access with St Mary's Court. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

8 Before first occupation of any dwelling hereby permitted, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

9 Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

10 Before first occupation of any dwelling hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound

material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

11 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 first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

12 No development shall commence unless and until a Code for Sustainable Homes 'Pre-Assessment Report,' carried out by a qualified code assessor for each plot demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 4 is provided to and approved in writing by the Local Planning Authority. In addition, within three months of the first occupation of each individual dwelling, the associated Final Code Certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 4 shall be provided to and approved in writing by the Local Planning Authority.

13 Prior to the commencement of development a scheme for the investigation of any potential land contamination on the site should be 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.

14 If during the course of 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 contamination shall be dealt with. Remediation works should be carried out prior to first occupation of any dwelling.

15 No development shall commence until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works approved shall be carried out prior to the first occupation of any dwelling.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 This is a planning permission in outline only and the information required is necessary for the consideration of the reserved matters.

3 For the avoidance of doubt and in the interests of proper planning.

4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

5 To ensure the protection of protected species in accordance with Paragraph 118 of the National Planning Policy Framework.

6 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

7 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

8 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 in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

9 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

10 To ensure loose material is not deposited onto the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

11 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

12 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Core Strategy 2009.

13-15 To safeguard the amenity of future occupiers in accordance with Polices BE1 (criterion i) and Policy NE14 of the Local Plan 2001.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Simon Atha Ext 5919

Item: **09**

Reference: **14/00190/FUL**

Applicant: **Mr Paul Batson**

Location: **36 Kingsfield Road Barwell**

Proposal: **Erection of 5 dwellings with associated parking and access**

Target Date: **25 April 2014**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is considered to raise locally controversial issues.

Members may recall a proposal for a similar scheme (13/01015/FUL) which was recommended for approval by Planning Committee on the 04.02.14. This application comprises a resubmission of the previous scheme on grounds of ownership issues. It was brought to light that the proposed turning head was not within the applicants ownership and therefore the incorrect notice had been served. As the application was subject to conditions and a legal agreement, these would not have been enforceable if the decision had been issued. Accordingly the application was withdrawn and new plans have been submitted omitting the turning head.

Application Proposal

This application seeks full planning permission for the erection of five detached dwellings on garden land to the rear of 36 and 38 Kingsfield Road Barwell. The scheme comprises of 1 x bungalow and 4 x one and a half storey chalet style detached dwellings. The bungalow (plot 1) is adjacent to the south eastern (rear) boundaries of numbers 36 and 38 Kingsfield Road. This has an 'L' shaped footprint and comprises a simplistic gabled property. To its south west is its private rear amenity space which adjoins a single pitched roofed garage (in the western corner of the site). The remaining 4 dwellings (further south east) are proposed to be separated by part of the access road and the off road parking spaces. Their layout reflects and follows the established building line (further north east) of numbers 17 and 19 Red Hall Drive and 40A and B Kingsfield Road. The proposed dwellings are of identical design, (albeit some minor architectural features and their materials differ). They comprise gabled fronted properties with oversailing eaves, central, canopied entrances with ground floor windows (of identical proportion) either side, and a first floor window directly above within the eaves. On their north eastern roof plain, a half hipped dormer is proposed. The dwellings are set back from the parking spaces to their fronts by individual landscaped areas with central access paths. A pedestrian access is proposed to the side of each dwelling, which leads to their enclosed rear gardens. All dwellings are three bed and two off road parking spaces have been provided for each. The development is to be served via an existing private access situated between Nos. 40 and 42 Kingsfield Road.

Surrounding Area

The plot is within the settlement boundary, is rectangular in shape (excluding the access) and comprises the rear gardens of numbers 36 and 38 Kingsfield Road Barwell. The site has an area of 0.17 hectares, is flat and is enclosed by a combination of vegetation and close

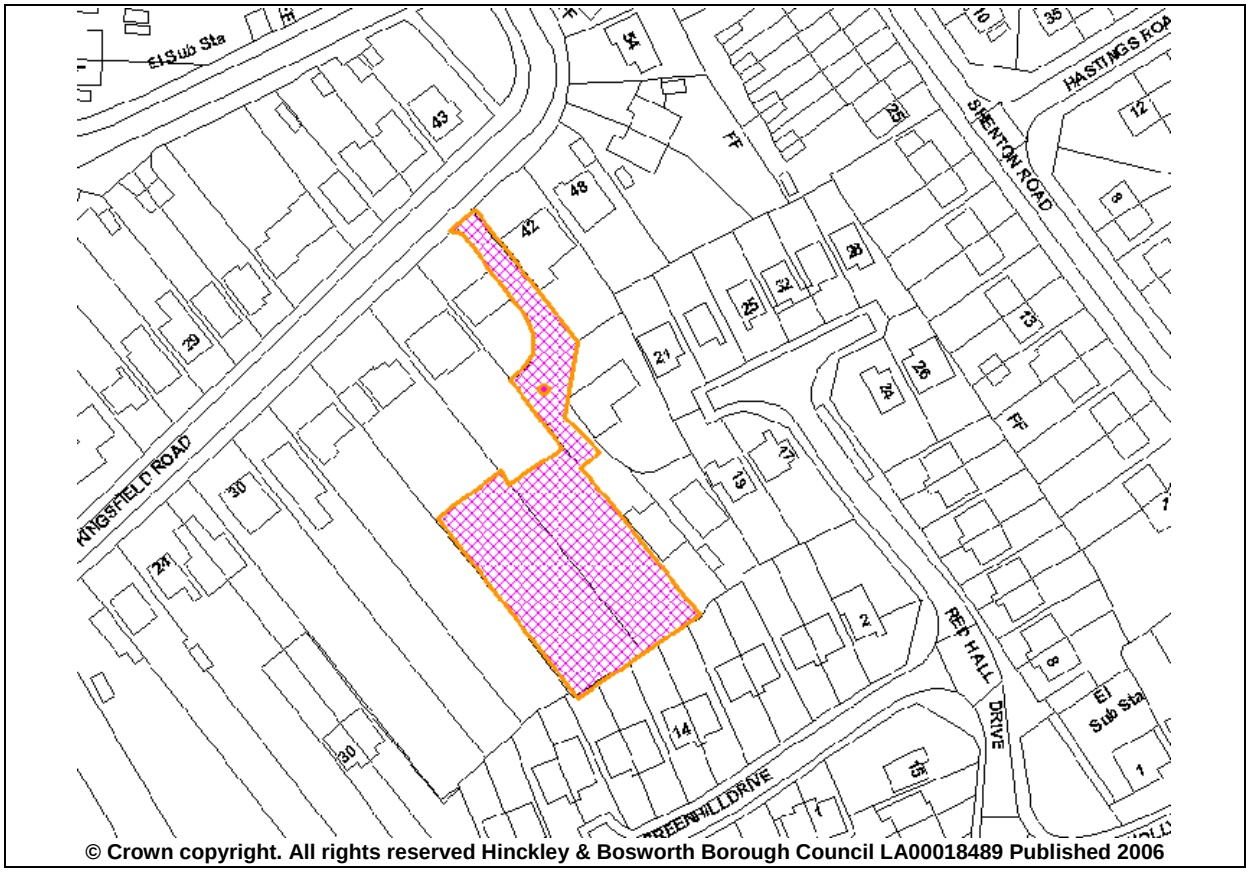
board fencing. To the south east the site bounds rear gardens of dwellings on Greenhill Drive. To the north east is a relatively modern development of three dwellings (similar in design to those proposed). The remaining boundaries adjoin the rear gardens of properties along Kingsfield Road. The wider area is predominantly residential in character, however the design of dwellings and plot size is varied, resulting in a mixed character; this said, development follows a uniform building line, with dwellings set back from the road frontage. Given the considerable size and depth of plots on the adjoining section of Kingsfield Road, there are examples of back-land development within the vicinity.

Technical Documents submitted with application

Design and Access Statement
Draft Heads of Terms: Unilateral Undertaking for Play and Open Space Contribution

Relevant Planning History:-

None relevant.



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Consultations:-

No objections subject to conditions have been received from Director of Environment and Transport (Highways).

No further consultation responses have been received in respect of this application, however as the scheme is largely the same as the previous, suggested conditions will be re-imposed (subject to the application being recommended for approval). Any comments received will be reported as a late item.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design

Hinckley and Bosworth Local Plan 2001

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

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

Supplementary Planning Guidance/Documents

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

Appraisal:-

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

Principle of Development

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

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within a reasonable distance of amenities and public transport. The proposals will contribute to the social role of sustainable development by providing additional housing to contribute to meeting the current shortfall in Barwell.

Adopted Core Strategy Policy 3 supports development within Barwell to deliver a minimum of 45 new residential dwellings within the settlement boundary in addition to 2500 dwellings in a Sustainable Urban Extension to the west of Barwell. The minimum number of dwellings supported by Policy 3 has not yet been achieved and there is still a requirement for 27 new dwellings therefore the scheme proposed will contribute to that requirement.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development. The site is considered to be in a sustainable location close to local amenities and services. However, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

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

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

The surrounding area is of mixed residential character. Adjacent to the site, to the east, is back-land development of a similar design, layout and density to that proposed. Further east and to the south, properties on Red Hall and Greenhill Drive have a strongly defined character and are higher density. These dwellings are of simplistic two storey design; and are either gable fronted and detached, or gabled ended and semi-detached. The dwellings occupy uniform front and rear building lines and accommodate a standard plot size. Their layout, design and detail is typically reflective of a 1970/80s residential development. To the north west of the site, along Kingsfield Road, the density is far lower with dwellings occupying large plots (especially on the southern side of the road), and comprise of both houses and bungalows of varying design and age finished in a mix of brick and render. Despite this variation in design, dwellings follow a uniform building line. Further to the south west of the site, commercial development is introduced to the street scene.

Whilst the scheme will result in back-land development of the rear gardens of numbers 36 and 38 Kingsfield Road, which will have limited, if any connection with the street scene, the resultant relationship will not be dissimilar to that of the adjacent development (numbers 40 A, B and C) and thus it could be argued that the proposed development strengthens the character of the immediate area, when considering development at depth. Furthermore, it could equally be argued that the development continues the density and layout of development on the adjacent turning head of Red Hall Drive. Conversely, the development could be considered as further degrading to the character of the area, which is predominantly characterised by dwellings occupying a definitive building line and having a strong relationship with the street scene. Accordingly, when considering these points, on balance, having regard to the existing back-land development and the layout, grain and density of surrounding development, it is not considered that it could be argued that the proposed

development, by virtue of its siting, would have a materially harmful impact on the character of the surrounding area. In this respect the development is not considered contrary to the intensions of Policy BE1 (a) nor to paragraph 53 of the NPPF.

When considering the design of individual dwellings; the elevations are of balanced proportion with symmetrical, aligned fenestration. Interest is added through incorporation of architectural features, comprising of decorative brick courses, arched headers and cill detail, canopy porches and hipped roofed dormers. Further, variation in appearance is also secured through the use of a differing, yet sensitive pallet of materials. In respect of their individual appearance and footprint, the dwellings are similar to the adjacent backland development, and given the varied residential character within both the immediate, and wider vicinity, it could not be argued that the design and scale of development proposed would be harmful to the character of the area. Accordingly, in accordance with paragraph 64 of the NPPF, it is not considered that the development results in poor design. On the contrary, the development is considered to compliment the surrounding development by way of layout, design, mass and scale and is therefore considered to be in accordance with Policy BE1 (a) in this respect.

The SPG on New Residential Development requires that new developments have adequate private amenity space and expects developers to achieve 80 square metres of private amenity space (for the size of dwellings proposed), these requirements are adhered to in this scheme. Furthermore, as discussed above, the separation distances as suggested with the SPG are also adhered to and the layout and density of the scheme is similar to that of surrounding development. Accordingly the proposal is not considered to result in overdevelopment of the site.

On balance, as a result of its layout, scale and design, and the layout of the existing adjacent back-land development, the proposal is not considered to have any materially adverse impacts on the character of the surrounding area and results in a development that will not appear out of place within this area of varying character. The development is therefore in accordance with Policy BE1 (criterion a), the Council's SPG on New Residential Development and the overarching principles of the NPPF.

Impact on the Amenities of Neighbouring Properties

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

The dwellings most immediately impacted upon as a result of the proposal would be numbers 36 to 42 Kingsfield Road, 40 a-c Kingsfield Road and numbers10 - 18 Greenhill Drive.

Numbers 40 and 42 Kingsfield Road

The access which will serve the development is sited between the above referenced dwellings. This is an existing access which currently serves Nos. 40a - c Kingsfield Drive. As a result of the proposed development (5 dwellings) the access will be used more intensely, resulting in additional noise and disturbance for the occupants of these dwellings. Criterion I of saved policy BE1 of the local plan seeks to ensure that developments do not have an adverse affect on the occupiers of neighbouring properties. Accordingly it must be considered whether or not the additional vehicle movements will have a material impact on the amenity of these residents. As mentioned, the proposal will result in additional noise, however the level generated by 5 dwellings is not considered to result in a materially adverse

impact in this case which would warrant refusal of the application. Concerns have been raised that the existing electric gates result in reverberations through the adjacent dwellings when in use and result in an unacceptable impact on residential amenity. As the development will result in a further five dwellings using the gates, it is considered that there will be a material impact on the residential amenity of surrounding dwellings from associated noise and disturbance. Accordingly discussion have been undertaken with the developer who has confirmed that they would not object to the imposition of a condition requiring the removal and re-siting of the gates. According, if recommended for approval, a condition to this effect will be imposed.

Numbers 36 and 38 Kingsfield Road

Plot 1 is to be sited adjacent to the rear gardens of numbers 36 and 38 Kingsfield Road. There is a separation distance of 22 metres between the rear elevation of No. 38 and the side elevation of plot 1. In order to ensure that there will be no material impacts on the residential amenity of either dwelling, by way of privacy, overshadowing or over-dominance, a separation distance 25 metres between elevations containing principle windows is suggested within the guidance. In this case the separation distance is 22 metres, however as both elevations do not contain principle windows the guidance is not strictly applicable. As plot one comprises a bungalow, does not have any windows serving principle rooms on the facing elevation, and given the distance between the two dwellings there are not considered to be any resultant material impacts in terms of residential amenity in this case. In terms of impacts on number 36 Kingsfield Road, the rear garden of plot 1 will be 22 metres from the rear elevation of this property. Although there will be some additional noise and disturbance generated through the use of this, the layout proposed is common of many modern residential developments and thus would not result in a significant impact in this respect.

Number 40A

The front elevation of plot one which contains a ground floor bedroom window will face the side elevation of Number 40A. There is a separation distance of 12 metres, and the internal access road is situated between these elevations. Accordingly, given this relationship and the fact that the bedroom window will have no direct views into any into any principle rooms of the adjacent dwelling, there are considered to be no impacts on the privacy of either the proposed or existing dwelling. As number 40A is sited adjacent to the access, it will suffer increased impacts in terms of noise and disturbance from additional vehicle movements. However, as discussed above, given the scale of development proposed such impacts are not considered to be significant.

Number 40B

This dwelling is sited adjacent to plot 2. Both the existing and proposed dwellings are of a similar height and style. There is a separation distance of roughly 2 metres between the two side elevations. Although plot 2 is staggered slightly further forward than number 40B, the relationship between the two dwellings is not considered to result in any over-dominance, overshadowing or overbearing impacts. The proposed relationship is similar to that found on many residential developments and is considered acceptable with regard to residential amenity . The dormer window of plot two will face the adjacent property, however as this will serve a non habitable room (bathroom) and will not have direct views into any habitable room or over principle outdoor amenity space, it is not considered to result in any overlooking.

Numbers 10 - 18 Greenhill Drive

Given the layout and orientation of plots 2 - 5, the rear elevations of the proposed dwellings will not be directly opposite the rear elevations of the dwellings to the rear. Furthermore there

will be a separation distance in excess of 25 metres (worse case scenario) between the rear elevations of these properties. Although facing elevations would contain windows serving habitable rooms; resultant of the layout of the dwellings and the separation distances, the relationship is not considered to result in any material impacts in terms of residential amenity and more specifically in terms of privacy.

On balance, it is considered that as a result of the layout, scale and design of the proposal that the development does not result in any materially adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance as a result of the increased use of the access. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

Access and Highway Safety

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

The scheme proposes two off road parking spaces for each plot and will utilise the existing private drive with access from Kingsfield Road. The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection subject to conditions. The suggested conditions seek to control the erection of gates etc, the provision of turning facilities and surfacing, and the provision of parking spaces and their surfacing. As the required number of parking spaces are proposed by the scheme; subject to it being recommended for approval, this condition will be reworded (to ensure that the spaces are appropriately surfaced). The remaining conditions are considered to be reasonable and necessary and so will be imposed if the application is approved.

In respect of the provision of visibility splays, it has been confirmed by the Director of Environment and Transport (Highways) that 2m x 2m splays is an old standard and that in accordance with the principles set out within the Manuals for Streets (2) document the highway authority now accepts 1m x 1m. The 6Cs Design Guide is in the process of being amended to reflect this. However notwithstanding the above, there is considered to be ample visibility, both highway and pedestrian available from the site access in both directions.

In respect of the access width, Director of Environment and Transport (Highways) has commented that the plans submitted with the application show an access that far exceeds 4.8m in width for the first 5m and this is also clear on site. The required standard can easily be met regardless of ownership of the boundary wall.

In respect of turning provision, Director of Environment and Transport (Highways) are satisfied that turning provision can be provided within the site based on the dimensions of a standard family car. It would be unreasonable to expect emergency or service vehicle turning to be provided for a development of this size.

Director of Environment and Transport (Highways) have commented that the standards set out in the 6Cs Design Guide are guidelines and therefore have to be applied flexibly. Given the nature of Kingsfield Road and the fact that a compliant access arrangement can be achieved, the proposal does not give rise to highway safety issues.

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

Public Play and Open Space Contributions

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

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

As the proposed development will result in a net gain of 5 residential units and is within 400 metres of Masefield Close (Local Equipped Area for Play) the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded a low quality score of 24.1%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions will be used to improve and maintain children's play facilities within this open space. The required contribution in this case would be £1250.80 per dwelling, a total of £6,254.00 (made up of £4089 provision element and £2165 maintenance element). The size of units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. A Unilateral Undertaking is currently under negotiation to secure off-site play and open space financial contributions.

Other Issues

The Head of Business Development and Street Scene Services (Waste Minimisation) previously recommended a condition to secure a scheme for the provision for waste and recycling storage across the site at the adopted highway boundary. As the scheme is for five dwellings which are accessed via a private drive, this condition is considered necessary and will be recommended.

Head of Community Services (Land Drainage) has previously recommended that surface water should be managed by sustainable methods and that the access way, parking and turning areas should be constructed in a permeable paving system. Accordingly a condition has been recommended to secure drainage details incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This condition will be imposed. Concerns were raised in the previous application that the development will result in further drainage and surface water runoff

issues. The suggested drainage condition (as discussed above) will ensure that this is not the case.

Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that between the years of 2013 - 2016 all residential developments within Barwell will be required to comply with Code Level 4 of the Code for Sustainable Homes. A condition to this affect will be imposed.

Conclusion

The proposed dwellings would be located within the settlement boundary of Barwell where there is a presumption in favour of development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the visual amenity of the area, occupiers (and future occupiers) of the neighbouring dwellings or highway safety and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to the imposition of planning conditions. As a result the proposals are considered to be in accordance with Policy 3 of the adopted Core Strategy, Policies BE1 (criteria a, c, e, g and i), RES5, NE12, NE14 (criteria a, b, c and d), T5, IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan, the Councils adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the National Planning Policy Framework and are therefore recommended for approval subject to conditions.

RECOMMENDATION : - That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space and the expiry of the consultation period on 8 April 2014, subject to no material considerations being received which would alter the outcome of the proposal, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below. If the legal agreement has not been completed by the 25 April 2014 this could result in the application being refused

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

Hinckley and Bosworth Local Plan (2001) :- Policies BE1 (criteria a, c, e, g and i), RES5, NE12 (criteria a, b, c and d), T5, IMP1 and REC3.

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

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos. BPB 01, BPB02, Elevations, Floor plans, Garage Plot 1, Elevations Plots 2 and 5, Elevations Plots 3 and 4, Floor Plans Plots 2 to 5 received by the Local Planning Authority on 28 February 2014.

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

4 Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

a) proposed finished levels or contours
b) means of enclosure
c) hard surfacing materials
d) existing trees and hedgerows to be retained and details of their protection
e) planting plans
f) written specifications
g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
h) implementation programme.

5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of any dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

6 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

7 Prior to occupation the development hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

8 The car parking layout shown on the approved plan shall be provided, hard surfaced and marked out for use before any dwelling is occupied and shall thereafter be permanently so maintained.

9 No development shall commence until a Code for Sustainable Homes 'Pre-Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 4, has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a 'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.

10 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, along with a programme of implementation, 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.

11 No development shall commence until the existing electric gates (adjacent to No.40 Kingsfield Road) as illustrated on Drawing No. BPB02 have been removed and a scheme for their re-siting has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.

12 Notwithstanding the details provided, no development shall take place until a scheme for the provision of waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning

3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

4 To enhance the appearance of the development and to protect the privacy and amenity of neighbouring properties to accord with Policies NE12 (criteria a - d) and BE1 (criteria e and i) of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion e and i) of the adopted Hinckley & Bosworth Local Plan.

6 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of highway safety to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

7 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

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

9 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026 Core Strategy 2009

10 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance with policy NE14 of the adopted Hinckley & Bosworth Local Plan.

11 To ensure that the development does not result in an unacceptable impact on the residential amenity of surrounding dwellings in terms of noise and disturbance, to accord with Policy BE1 (criteria i) of the adopted Hinckley & Bosworth Local Plan.

12 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

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

Contact Officer:- Eleanor Overton Ext 5680