

Reference: 14/01084/FUL

Applicant: Executors & Trustees Of Cynthia Fogerty Deceased

Location: 20 Rookery Lane Groby

Proposal: Partial demolition of, and extensions and alterations to, an existing dwelling and erection of two new dwellings, alterations to access and erection of a new boundary wall

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, because it has attracted interest from five or more addresses the views of which are contrary to the officer recommendation.

Planning Committee deferred making a decision on this application at the 31 March 2015 meeting. In arriving at that decision, Members considered the issues raised in the officer's report but were not satisfied that the development would be acceptable from a highway safety point of view due to a lack of visibility from the access in a south easterly direction (towards the brow of the hill). Committee Members also raised concerns about the elevated position of Unit C and the potential terracing effect between Units A and B. Following subsequent discussions with the applicant's agent amended plans have been received in response to these issues raised with the following changes:-

- Site Plan as Proposed - amended by the removal of the existing vegetation along the highway boundary and the proposed new 0.45 metre high dry stone front boundary wall being set back by 2 metres from the highway boundary to the south east of the access (towards the brow of the hill) to enable the maximum visibility possible to be achieved in this direction. In addition, the 2 metre wide area between the new low level boundary wall and the highway boundary is to be hard-surfaced to prevent any obstruction.
- Site Section Drawing - amended by the reduction of 0.5 metres in ground level and finished floor level of Unit C in relation to Unit A and the existing dwellings on Crane Ley Road.
- Site Plan as Proposed - amended by the set back of Unit B from Unit A by 0.5 metres and an increase in the separation distance of the two plots to 1.1 metres to create a step between the plots to avoid a terracing effect.

Re-consultation has been undertaken in respect of the amended plans.

Application Proposal

This application seeks full planning permission for:-

- a) the demolition of a single storey extension to the existing two storey cottage
- b) extensions and alterations to the existing two storey cottage (Unit A)
- c) the erection of a new 1½ storey dwelling with road frontage to Rookery Lane (Unit B)
- d) the erection of a new 1½ storey dwelling to the rear of the existing cottage (Unit C)

- e) formation of new off-street parking and turning areas to the front (Unit A) and rear (Units B and C)
- f) alterations to the existing vehicular access onto Rookery Lane
- g) the erection of new 0.45 metre high dry stone walls to the front boundary of Unit B and either side of the access.

Unit A

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

Unit B

The proposed three bedroom dwelling is located immediately to the south east of Unit A on the same building line with road frontage to Rookery Lane. The proposed dwelling is 10.6 metres in width x a maximum of 6.8 metres in depth with a ridge height of approximately 5.85 metres and eaves height of approximately 3.9 metres. The design includes a traditional pitched roof with half dormer windows at first floor to the front elevation, feature chimney to the side elevation, brick plinth, arched headers and brick eaves. Proposed materials include rendered walls with a brick plinth, natural slate roof, timber framed windows and doors, conservation type roof lights and heritage profile rainwater goods. Two parking spaces are provided to the rear. New steps are proposed for access to the elevated rear garden.

Unit C

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

Access

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

The Site and Surrounding Area

The site measures approximately 0.14 hectares (1420 square metres) and is located within the settlement boundary of Groby and within the Groby Conservation Area. It is roughly

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

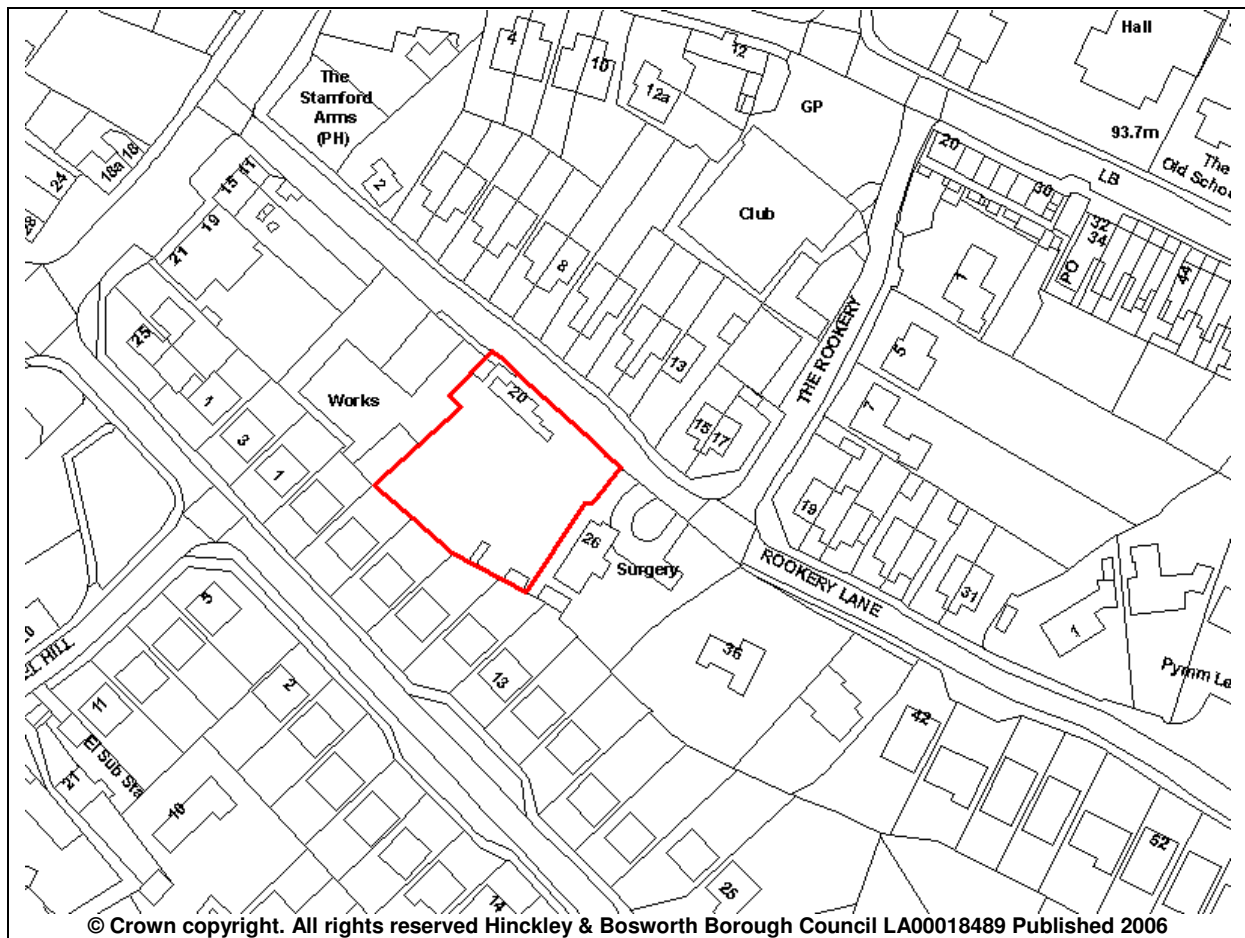
There are significant ground level changes within the site and in the surrounding area. The ground levels of the site rise steeply to the rear of the existing cottage to a level approximately 3 metres higher than the highway. The site itself is approximately 1 metre lower than the ground levels of the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

Technical Documents submitted with the Application

Planning and Heritage Statement
Arboricultural Report
Sustainability Statement

Relevant Planning History:-

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



Consultations:-

No objection has been received from:-

Environmental Health (Pollution)
 Environmental Health (Land Drainage)

No objection subject to conditions has been received from:-

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

Councillor Cartwright objects to the application on the grounds of highway safety due to the exit being on top of a blind hill at a busy junction.

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

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

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

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

Groby Heritage Warden raises the following issues and concerns:-

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

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

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

No response has been received from Historic Buildings Panel.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

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

Hinckley & Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in Conservation Areas
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations in determination of this application are:-

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

Principle of Development

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

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

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

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

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

Paragraph 47 of the NPPF states that local authorities should identify, and update annually, a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. As of 1 October 2014 the Council considered that it had a five year supply of housing sites, based on the 'Liverpool' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan) and a 5% buffer and thus that the housing supply policies contained within the Core Strategy were up-to-date. However, a more recent appeal decision has been received on 11 March 2015 (application ref. 12/00250/FUL) in respect of Land East of Groby Cemetery for the erection of 91 dwellings. The Inspector in this appeal, based on the most up-to-date evidence and the delayed delivery of the SUEs, concluded that the supply of housing would be best served by making up the existing undersupply in the shorter term, in accordance with the 'Sedgefield' methodology with a 5% buffer to achieve the planned supply. The Inspector calculated that the Borough's current housing land supply would equate to approximately 4.34 years and therefore policies for the supply of housing land cannot be considered up to date. The additional dwellings proposed would therefore contribute to the shortfall in housing within the Borough and the settlement of Groby.

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

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

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

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

Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the GCA by incorporating locally distinctive features. Policy BE1 (criterion

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

Unit A (Existing Cottage)

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

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

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

Unit B

The replacement of the existing single storey extension with a well designed 1½ storey cottage would continue the linear form of development and frontage onto Rookery Lane already established by Unit A. The amended layout with an increased separation between Unit A and Unit B of 1.1 metres together with a new set back of 0.5 metres of Unit B from Unit A would ensure that no terracing effect would be created and is considered to address this concern raised by a Member at the 31 March Planning Committee. The proposed layout also maintains an adequate degree of open space and separation (approximately 14.5

metres) to the listed building to the south east such that it is considered to preserve its setting. The scale of Unit B also respects that of the adjacent cottage and listed building and takes into account the rising ground level within the street scene. The design includes a feature chimney to the side elevation, brick plinth, half dormer windows, arched brick headers and brick eaves that are architectural features found elsewhere within the GCA and add to the quality of the design. The proposed use of render, red brick, natural slate, timber windows and conservation roof lights would result in a satisfactory appearance within the GCA. By virtue of the layout, scale, design and the use of sympathetic materials the scheme for Unit B is considered to enhance the character and appearance of the GCA and to preserve the setting of the adjacent listed building. The proposed removal of the frontage hedgerow and its replacement with a sympathetic low level dry stone wall across the frontage would enhance the character and appearance of this part of the GCA.

Unit C

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

Notwithstanding that the siting of Unit C would result in back-land development, in this case the adjacent listed building to the south east of the site is set well back from the highway and has a similar orientation almost at right angles to the highway. In addition, to the north west there is a commercial unit that extends built form to the rear boundary of the application site. Therefore, whilst back-land development is not generally encouraged, in this particular case it is considered that the amended layout would not result in any significant harm to the character of the area. In addition, notwithstanding the elevated ground levels, by virtue of the amended layout and 1½ storey scale of Unit C it would be largely screened from public areas by the frontage development and the retention of the larger trees. An amended site section has been submitted indicating a 0.5 metre reduction in the ground level for Unit C to satisfactorily demonstrate the relationship of the dwelling to the street scene and address the concern raised that it would be prominent as a result of its elevated position and scale.

The amended layout has relocated the footprint of Unit C increasing the separation distance to the dry stone wall to approximately 2.5 - 3 metres to minimise any potential adverse impact on the wall during construction and address objections received on this issue. The amended layout also provides separation distance of 23 metres between Unit C and the blank rear elevation of the listed building which, together with the proposed retention of the larger trees (which would continue to contribute to the visual amenities of the GCA), would preserve the setting of the listed building.

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

The amended layout provides adequate private amenity areas for each dwelling in excess of SPG design standards. There are a number of trees within the site that contribute to the

visual amenities of the Groby Conservation Area. The proposed layout indicates the retention of the more significant trees. The Borough Council's Arboricultural Officer has visited the site and has no objection to the scheme subject to conditions requiring the submission of an arboricultural method statement and tree protection plan for prior approval and the implementation of protection measures before and during construction. These conditions are considered to be reasonable and necessary to protect and ensure retention of the significant trees within the site in view of the proximity of proposed Unit C.

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

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

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

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

Relationship to the Amenities of Neighbouring Properties

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

Concerns were raised by Members at the 31 March Planning Committee in respect of a potential overbearing /overshadowing relationship of Unit C to the existing cottage Unit A. In response to this the amended plans propose to lower the ground and finished floor level of Unit C by 0.5 metre. Whilst this is a relatively small amendment, the separation distance of 15.5 metres from Unit C which is 1½ storey in scale to the nearest part of Unit A is already in excess of the adopted SPG on New Residential Development standard (14 metres to a 2

storey elevation, 12 metres to a single storey elevation) and the amended relationship between the two units is therefore considered to be acceptable.

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

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

The amended layout has relocated Unit C further into the site from the rear boundary wall and now provides a separation distance of between 11.5 metres and 13 metres to the nearest dwelling, 7 Crane Ley Road, and approximately 3 metres to the rear garden boundary. The Council's SPG on New Residential Development suggests that a separation distance of 12 metres to a single storey or 14 metres to a two storey blank elevation is acceptable. Taking into account the relative (lower) ground level of the application site and the proposed additional 0.5 metre reduction in ground level of Unit C in the amended plans together with its 1½ storey scale, the proposed separation distance is considered to be acceptable in terms of the SPG. In addition, by virtue of the amended design of Unit C, the closest part is an end gable only 5 metres in width with an effective ridge height (taking into account the lower ground level of the site) of approximately 4.6 metres and eaves height of approximately 1.7 metres. By virtue of the increased separation distance and amended design together with the relative ground levels, it is considered that Unit C would not result in any significant adverse overbearing/overshadowing relationship to the rear elevation windows or rear gardens of the adjacent dwellings. Notwithstanding that the amended design has removed the dormer windows of the original scheme it now includes roof lights to serve bedrooms within the roof space. However, only oblique views would be available as there are no windows that face directly into the rear gardens of the adjacent dwellings.

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

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

Notwithstanding the objections received and concerns raised, which have been carefully considered, by virtue of the siting, scale, design, amended ground level of Unit C and separation distances it is considered that the amended scheme would not result in any adverse relationship to any neighbouring properties or result in any adverse

overbearing/overshadowing impacts or undue loss of privacy from overlooking. The amended scheme is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF in this respect.

Access, Parking and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards.

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

Following a site visit prior to the 31 March Planning Committee Members raised concerns in respect of highway safety as a result of the limited visibility available from the access particularly in a south easterly direction and its proximity to the brow of the hill on The Rookery.

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

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

Notwithstanding the objections received and concerns raised, which have been carefully considered, the scheme is not considered to result in any demonstrable adverse impact on

highway or pedestrian safety and is therefore in accordance with Policies BE1 (criterion g) and T5 of the adopted Local Plan.

Developer Contributions

Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. However, on 28th November 2014 the Secretary of State announced revisions to s.106 and CIL contributions and the NPPG. Following the announcement of the Secretary of State, the Council's ability to request affordable housing and other s.106 contributions on smaller sites has been removed. Contributions can not now be sought on developments less than 10 dwellings and therefore no contribution has been pursued in this case.

Other Issues

Policy NE2 of the adopted Local Plan requires that development should not suffer material harm from existing or potential sources of air pollution. Environmental Health (Pollution) advise that there are air conditioning units on the adjacent commercial premises close to Unit C of the scheme. However, no complaints have been received from existing residential premises and following a site visit it is considered that impacts from noise are not likely to be significant. However, it is suggested that potential mitigation measures, such as some form of noise barriers at source, should be discussed with the owner of the adjacent commercial premises and a note to applicant is recommended to this effect.

A Sustainability Statement has been submitted to support the application. This provides details of measures that would be incorporated into the development that would contribute to its sustainability in accordance with the intentions of paragraphs 93 - 95 of the NPPF.

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

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

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

Conclusion

Paragraphs 14 and 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Borough is currently unable to demonstrate a five year housing land supply and the application site is in a sustainable location within the settlement boundary of Groby where residential development is generally acceptable in principle and would contribute to the current shortfall of additional new dwellings identified for Groby in the adopted Core Strategy. Notwithstanding the objections received, which have been carefully considered, the layout, scale, design and appearance of the amended scheme, are considered to be acceptable and

together with the retention of the significant trees within the site, the proposal is considered to preserve the historic fabric and significance of the existing cottage, preserve the character and appearance of the wider GCA and the setting of the adjacent listed building and to result in a scheme that would be well integrated into its surroundings.

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

Therefore, the proposal is not considered to result in any significant or demonstrable adverse impacts that would weigh against the presumption in favour of sustainable housing development supported in paragraphs 14 and 49 of the NPPF. The scheme is considered to be in accordance with Policy 8 of the adopted Core Strategy, Policies BE1 (criteria a, b, g and i), BE5, BE7 (criteria a, b, c and d), BE14, BE16, NE2, RES5 and T5 of the adopted Local Plan, the Council's SPG on New Residential Development and the overarching principles of the NPPF. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, the character and appearance of the Groby Conservation Area and the setting of nearby listed buildings, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development within the settlement boundary of Groby which would contribute to the current shortfall in housing supply in Groby. In addition, by virtue of its layout, scale, design and appearance the proposal is considered to preserve the significance of the existing cottage, preserve the character and appearance of the wider Groby Conservation Area and the setting of the adjacent listed building and would not result in any adverse impacts on significant trees, archaeology, the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Core Strategy 2009:- Policy 8.

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

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

Conditions:-

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:- Site Location Plan drg.no. S115 (LP) 01 Rev A, Existing Plans drg.no. S115 (EX) 01, Existing Elevations drg.no. S115 (EX) 02 Rev A, Existing Site Plan drg.no. S115 (EX) 03 received by the local planning authority on 17 November 2014, Site Plan as Proposed drg.no. S115 (PL) 01 Rev B, Elevations & Sections Units A & B as Proposed drg.no. S115 (PL) 02 Rev C, Units A & B Floor Plans and Unit C Floor Plans, Elevations and Section drg.no. S115 (PL) 03 Rev D and Site Section A-A drg.no. S115 (PL) 04c received by the local planning authority on 28 April 2015.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the new dwellings, and front boundary wall hereby permitted shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials. The external materials to be used on the extensions and alterations to 20 Rookery Lane hereby permitted shall match the corresponding materials of the existing dwelling.
- 4 Before any development commences, full details of the window style, reveal, cill and header treatment, doors and conservation roof lights shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.
- 5 Before any development commences, full details of the design and construction method of the new front boundary wall shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.
- 6 The development hereby permitted shall be implemented in accordance with approved proposed ground levels and finished floor levels submitted on Site Plan as Proposed drg.no. S115 (PL) 01 Rev B and Site Section A-A drg.no. S115 (PL) 04c received by the local planning authority on 28 April 2015.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) hard surfacing materials
 - d) retained historic landscape features and proposals for restoration, where relevant
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.
- 9 No demolition/development shall take place/commence until a programme of archaeological work (Historic Building Inspection and Recording and Archaeological

Attendance during ground-works) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment
 - c) provision to be made for analysis of the site investigation and recording
 - d) provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) provision to be made for archive deposition of the analysis and records of the site investigation
 - f) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 10 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 9.
- 11 No new dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 12 Before first occupation of any new dwelling hereby permitted, the access shall be widened to a minimum of 4.6 metres and provided with 2 metres x 2 metres visibility splays on both sides of the access at the junction with Rookery Lane in accordance with the details shown on Site Plan as Proposed drg.no. S115 (PL) 01 Rev B. The access shall be surfaced with tarmacadam, block paving or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times thereafter.
- 13 The two proposed car parking spaces to serve Unit A as shown on Floor Plan drg.no. S115 (PL) 03 Rev D shall be provided and surfaced with tarmacadam, block paving or similar hard bound material (not loose aggregate) prior to completion of the extensions and alterations to Unit A and once provided shall not be obstructed and shall thereafter be permanently so maintained.
- 14 Before first occupation of any new dwelling hereby permitted, the vehicle parking and turning facilities to serve Units B and C shall be provided, hard surfaced and made available for use within the site in accordance with Site Plan as Proposed drg.no. S115 (PL) 01 Rev B. The vehicle parking and turning areas so provided shall not be obstructed and shall be so maintained at all times thereafter.
- 15 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 16 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
- 17 Before first occupation of either of the new dwellings hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and once provided shall be so maintained at all times thereafter.

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

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 4 In the interests of visual amenity and to preserve the character and appearance of the Groby Conservation Area to accord with Policies BE1 (criterion a) and BE7 (criteria b and d) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the development has a satisfactory appearance, in the interests of visual amenity and to protect the amenities of neighbouring properties to accord with Policies BE1 (criteria a and i) and BE7 (criterion b) of the adopted Hinckley & Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with Policies BE1 (criterion e), BE7 (criterion c) and NE12 (criteria a, b and c) of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 9-11 To ensure satisfactory archaeological investigation and recording to accord with Policies BE14 and BE16 of the adopted Hinckley and Bosworth Local Plan and paragraph 137 and 141 of the National Planning Policy Framework.

- 12 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that adequate off-street parking facilities are available to serve Unit A and to reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking and turning facilities are available to serve Units B and C in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To enable a vehicle to stand clear of the highway in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To reduce the possibility of surface water from the site being deposited in the highway in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18&19 To ensure that the existing trees are adequately protected during construction in the interests of the visual amenities of the area to accord with Policies BE1 (criterion b), BE5 and Policy NE12 (criterion c) of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

- 6 The access drive, parking and turning area, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- 7 The applicant is reminded that the collection point for refuse and recycling is from the public highway and satisfactory arrangements will have to be made by the future occupiers of the site to present the relevant containers in a suitable position on collection days.
- 8 The applicant's attention is drawn to the proximity of Unit C of the scheme to the air conditioning units on the adjacent commercial premises whose typical hours of operation are 6am-6pm Monday to Friday and 6am-10am Saturday. There is potential for the air conditioning units to be audible in bedrooms with windows open. Mitigation against impact would be most effective at source (for example barriers adjacent to the air conditioning units to deflect sound away from Unit C. The developer should therefore consider approaching the commercial premises informally to discuss undertaking this work to protect the amenity of the future occupiers.
- 9 The applicant's attention is drawn to the consultation response of Leicestershire County Council (Archaeology). It is suggested that the historic building survey and recording includes the separate outbuilding that is to be retained within the site.
- 10 In relation to Condition 18, the Arboricultural Method Statement will need to secure, in advance, appropriate access facilitation pruning. The Tree Protection Plan should also detail underground service routes.

Contact Officer:- Richard Wright Ext 5894