

**Planning Committee 24 May 2016
Report of the Chief Planning and Development Officer**



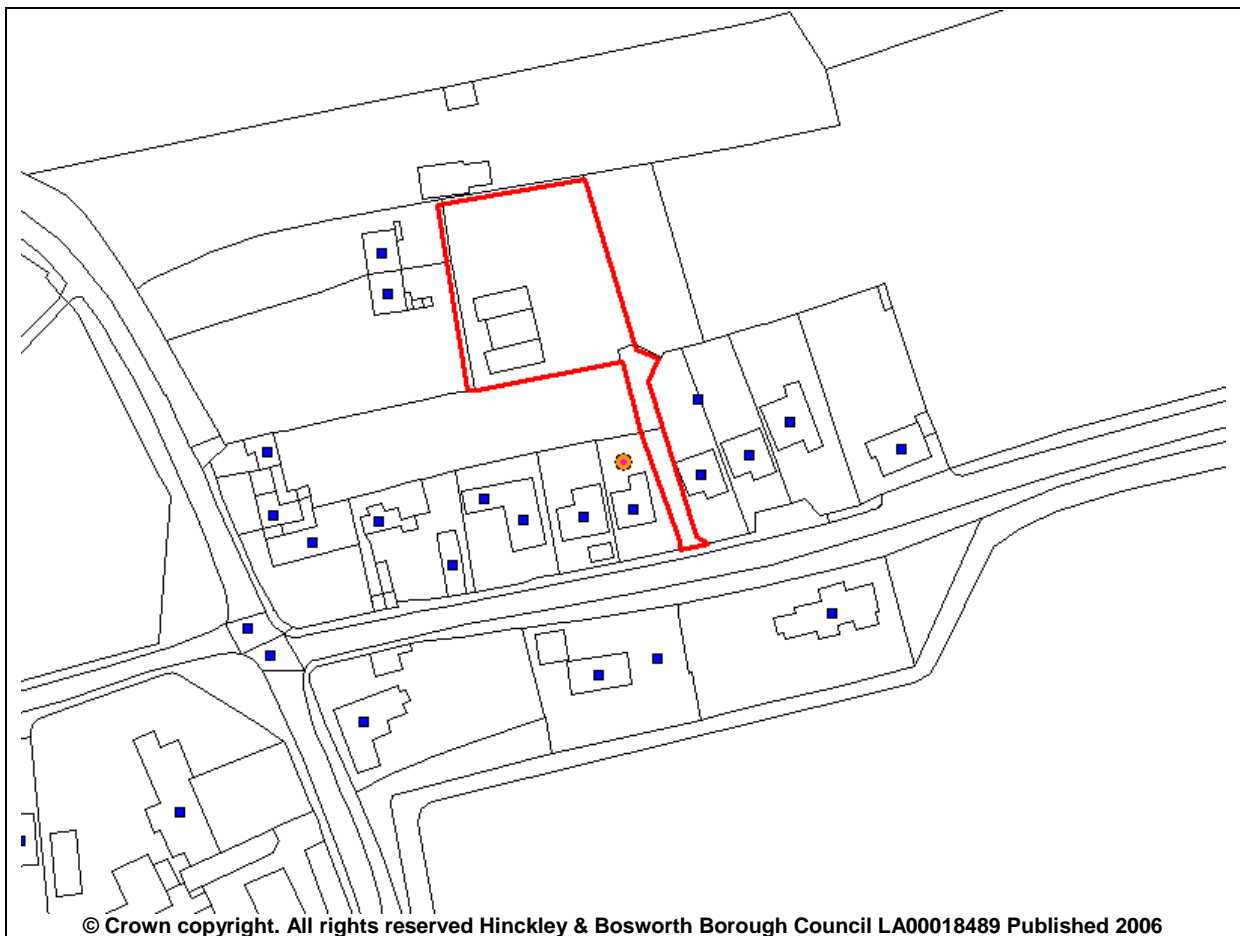
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00242/FUL
Applicant: Cadeby Homes Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Land Adjacent To 7 Nailstone Road Barton In The Beans

Proposal: Erection of 3 detached dwellings, single garage and demolition of existing buildings



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Infrastructure contribution of £515.70 towards informal green space facilities
 - Planning conditions outlined at the end of this report.

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

- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of three detached dwellings, a detached garage and associated access on land off Nailstone Road Barton in the Beans. The proposal includes the demolition and removal of three current/former business buildings (Nissen huts) and the removal of five storage containers from the site.
- 2.2. The proposed four bedroom dwellings would be positioned on a slightly staggered building line across the middle of the site with a footprint of between 7 – 9 metres in overall width and between 11.5 – 13.5 metres in overall depth. They would be two storeys in height with subordinate two storey front projecting gables but with individual designs. The dwellings would have an eaves height of 5 metres and varying ridge heights of 8.5, 8.8 and 8.9 metres. House Types 1 and 3 would have integral garages and two additional off-street parking spaces. House Type 2 would have a detached single garage and two additional off-street parking spaces.
- 2.3. A Design and Access Statement, Ground Stability Report, Heritage Statement, Bat Survey and Arboricultural Method Statement have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The site is located outside of, but adjacent to, the settlement boundary of Barton in the Beans and to the rear of dwellings fronting onto the north side of Nailstone Road. The site measures approximately 0.14 hectares (excluding the access). It is rectangular in shape being approximately 35 metres wide and 29 metres deep with an unmade 46 metres long access off Nailstone Road between Nos. 7a and 7b.
- 3.2. The site comprises three Nissen huts, five storage containers, a large area of loose surfaced hardstanding and an untidy area of grasses. There are mature trees close to the southern perimeter of the site and a row of conifers from the northern boundary towards the middle of the site. The site is enclosed by a mix of concrete panels and shiplap timber panel fencing of approximately 1.8 metres in height.
- 3.3. There are residential properties to the west and south of the site, a field to the east and an un-associated Nissen hut and allotment type use to the north.

4. Relevant Planning History

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Responses have been received from 7 separate addresses raising objections to the application on the following grounds:-
 1. Site is outside settlement boundary

2. No need for additional housing in Barton in the Beans
3. Detrimental impact on the amenities of neighbouring properties from loss of privacy from overlooking
4. Detrimental overbearing/overshadowing impacts on the amenities of neighbouring properties due to proximity, relative ground levels and height
5. Noise pollution and disturbance from additional vehicle movements
6. Highway safety – inadequate visibility from the access
7. Inadequate, narrow access
8. Loss of protected and other trees
9. Inadequate surveys for ecology
10. Position of waste and recycling collection point
11. Foul and surface water drainage/flooding
12. Would set a precedent for additional development

5.3 The re-consultation period on amended plans remains open at the time of writing and closes on 21 May 2016. Any further consultation responses received before the closing date will be reported and appraised as a late item.

6. Consultation

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

Leicestershire County Council (Highways)
 Leicestershire County Council (Archaeology)
 Leicestershire County Council (Ecology)
 Environment Agency
 Environmental Health (Pollution)
 Environmental Health (Drainage)
 Street Scene Services (Waste)
 Arboricultural Officer

6.2. No response has been received from Shackerstone Parish Council.

7. Policy

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

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

7.2. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy BE16: Archaeological Investigation and Recording
- Policy RES5: Residential Proposals on Unallocated Sites
- Policy NE2: Pollution
- Policy NE5: Development in the Countryside
- Policy NE14: Protection of Surface Waters and Ground Water Quality
- Policy T5: Highway Design and Vehicle parking Standards
- Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highway Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010)
- 7.5. Other relevant guidance
- Play and Open Space Supplementary Planning Document (SPD)
 - New Residential Development Supplementary Planning Guidance (SPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the site and surrounding countryside
- Impact upon neighbouring residential amenity
- Impact on heritage assets
- Impact upon highway safety
- Impact upon trees and wildlife habitats
- Drainage
- Infrastructure contributions
- Other issues

Assessment Against Strategic Planning Policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point for decision taking but the NPPF is a material consideration in determining planning applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the saved policies of the Local Plan (2001). The policies within the emerging Site Allocations and Development Management Policies (SADMP) Development Plan Document (Submission Document December 2014) should also be given some weight.

Core Strategy (2009)

- 8.3. Policy 13 of the adopted Core Strategy supports housing development within settlement boundaries of rural hamlets, such as Barton in the Beans, which provide a mix of housing types and tenures.

Local Plan (2001)

- 8.4. The application site is located in the countryside outside the settlement boundary of Barton in the Beans as defined in the adopted Local Plan Proposals Map therefore saved Policies NE5 and RES5 of the adopted Local Plan apply.
- 8.5. Saved Policy NE5 of the adopted Local Plan relates to development in the countryside and seeks to protect the countryside for its own sake. It states that planning permission will only be granted for certain forms of development and subject to certain criteria. The policy does not support new residential development. Saved Policy RES5 of the adopted Local Plan seeks to guide new residential development to appropriate sustainable sites within settlement boundaries and therefore restricts such development in the countryside.

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

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

National Planning Policy Framework (2012)

- 8.8. The NPPF provides a presumption in favour of sustainable development and paragraph 14 states that for decision taking this means:
- approving development proposals that accord with the development plan without delay, and
 - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - specific policies in the NPPF indicate development should be restricted.
- 8.9. The NPPF in paragraph 7 identifies three dimensions to sustainable development:- the economic, social and environmental roles. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependent.

- 8.10. Paragraph 55 of the NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:- the essential need for a rural worker to live permanently at or near their place of work; to secure the future of a heritage asset; the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting; or would result in a development of exceptional quality or innovation.

Housing Land Supply

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

Assessment

- 8.13. Objections have been received on the grounds that the site is outside the settlement boundary and that there is no need for any additional housing development in Barton in the Beans.
- 8.14. The application site is located outside the settlement boundary of Barton in the Beans which is defined as a rural hamlet in the adopted Core Strategy, the least sustainable settlements in the settlement hierarchy due to the limited availability of services and facilities. The proposal would therefore be in conflict with Policy 13 of the Core Strategy and saved Policies NE5 and RES5 of the adopted Local Plan.
- 8.15. However, Policy DM1 and paragraphs 14 and 49 of the NPPF provide a presumption in favour of sustainable residential development. Notwithstanding its location outside the settlement boundary, the site is not isolated but adjacent to the settlement boundary and, significant in this case, comprises a previously developed brownfield site. Paragraph 17 of the NPPF encourages the effective use or reuse of such sites provided they are not of high environmental value.
- 8.16. The NPPF defines the three dimensions of sustainable development as economic, social and environmental.

i) Economic

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

ii) Social

The scheme would provide a small contribution to the overall housing land supply within the Borough but in an area where there is no additional housing allocation within the adopted Core Strategy. Notwithstanding this, the small scale of proposed development for just three additional dwellings would not adversely affect the

spatial vision for the settlement. The scheme would trigger a requirement for infrastructure contributions towards informal green space within the locality which could be secured by the completion of a suitable legal agreement.

iii) Environmental

The application site comprises three Nissen huts, five unsightly storage containers and a large area of loose hardstanding associated with former business or commercial uses of the site. The application does not propose the reuse of the existing buildings as supported by Policy DM4 of the emerging SADMP but the demolition of the existing buildings and containers and clearance of the site to enable a small residential development would nevertheless lead to an enhancement of the immediate setting. In addition, the brownfield site is not isolated but is adjacent to the settlement boundary. The proposed dwellings would be located to the rear of existing dwellings where they would not contribute to ribbon development or be visually prominent in respect of the open landscape to the north or east, being viewed against existing development. Redevelopment of this brownfield site would therefore be in accordance with some aspects of Policy DM4 of the emerging SADMP and therefore have limited conflict. The site is not identified as having any high environmental value and the proposal would not result in the loss of any significant or protected trees or wildlife habitats or any other demonstrable adverse impacts on the environment.

Planning Balance

- 8.17. Barton in the Beans is a rural hamlet with no services or facilities other than a bus service and is therefore the least sustainable of settlements within the hierarchy identified within the adopted Core Strategy. In addition, residential development of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the brownfield nature of the site, the small scale of the development, the limited harm identified to the setting of Barton in the Beans and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, the scheme would comply with aspects of Policy DM4 of the emerging SADMP and paragraphs 7, 14, 17 and 49 of the NPPF. It is considered that the benefits of the scheme would outweigh the 'in principle' policy conflict in this case subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the site and surrounding countryside

- 8.18. Saved Policy NE5 (criteria i and ii) require that development in the countryside is in keeping with the scale and character of existing buildings and the general surroundings and does not have any adverse impacts on the appearance or character of the surrounding landscape. Policy DM10 (criterion c) of the emerging SADMP and saved Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings. The NPPF in paragraph 17 seeks to secure high quality of design and paragraph 56 states that good design is a key

aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

- 8.19. Barton in the Beans is characterised by predominantly low density development fronting onto the main roads through the hamlet but there are also small pockets of higher density development at depth further to the west on the south side of Main Street. There are also a wide variety of scales, designs and styles within the settlement. The proposed scheme would introduce back land development to this part of the settlement which is not the predominant development pattern. However, there is a more varied, denser pattern of development elsewhere in the settlement and the benefits of the scheme to this untidy brownfield site would outweigh any adverse impacts on the character of the area in this case. The proposed two storey dwellings would complement the scale of existing dwellings fronting Nailstone Road and subject to the use of satisfactory external materials that could be secured by condition, the proposed high quality designs, would enhance the character of the site. The scheme would therefore be acceptable in respect of Policy DM10 (criteria c) of the emerging SADMP, saved Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and the overarching design principles within paragraphs 56 and 58 of the NPPF.

Impact upon neighbouring residential amenity

- 8.20. Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion (i) of the adopted Local Plan and adopted SPG require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.21. Objections have been received on the grounds that the proposal would result in adverse impacts on the amenities of neighbouring properties from loss of privacy from overlooking, overbearing/overshadowing impacts due to proximity, relative ground levels and two storey height and noise and disturbance from vehicle movements.
- 8.22. The nearest neighbouring dwellings are Nos. 10 and 12 Odstone Road, a pair of semi-detached dormer bungalows occupying a slightly lower ground level to the west of the application site. They have relatively small rear gardens compared to the extensive gardens to their side and frontage. The rear gardens have been further reduced by a large extension and conservatory to the rear of No. 10 and by an extension and the siting of three sheds to the rear of No. 12.
- 8.23. Proposed house type 2 would be positioned closest to Nos. 10 and 12, offset from the site boundary by 4 metres and at a separation distance of 15 metres from the main rear elevation windows of Nos. 10 and 12. The separation distance would be in excess of the 14 metre separation guideline in the Council's adopted SPG and therefore would not result in any adverse overbearing or overshadowing impacts on the neighbouring dwellings. In addition, as a result of the consultation responses received, the applicant has submitted amended plans to provide a hipped roof to house type 2, and hand the house type to relocate the front projecting gable to the far side of the dwelling, thereby further reducing any perceived impact from the originally proposed side gable and reducing the depth of the house type on the west side elevation. A site section has been submitted to demonstrate an acceptable relationship of the proposed dwellings to the rear elevation of No. 12. The only windows facing the rear gardens of Nos. 10 and 12 would be a secondary dining area window and a cloakroom window at ground floor and a staircase window at first floor. Subject to the use of non-opening windows with obscure glazing that

could be controlled by condition, the proposal would not result in any loss of privacy to Nos. 10 or 12 from overlooking.

- 8.24. The front elevation windows of the proposed house types would be in excess of 44 metres to any other dwellings and a minimum of 18 metres to the boundary of the garden to the south. The rear elevation windows face towards a Nissen hut and land used for allotment type purposes which appear to be in association with the occupation of No. 12 Odstone Road. Therefore the proposal would not result in any adverse overbearing/overshadowing impacts or loss of privacy from overlooking to any other neighbouring dwellings.
- 8.25. Objections have been received on the grounds that the scheme would result in additional noise and disturbance from traffic movements and activity. The scheme proposes only three new dwellings on a brownfield site which could potentially be used more intensively. In any case, by virtue of the scale of development the proposal would not result in additional traffic movements to a degree that would have any material adverse impacts from noise or disturbance on the amenities of any neighbouring properties. The access is already bounded by a 1.8 metre high brick wall and close boarded timber fencing that protects the privacy and amenity of the adjacent occupiers.
- 8.26. Notwithstanding the objections received, by virtue of its layout, design and separation distances, the proposed scheme would not adversely affect any neighbouring properties, subject to the inclusion of a condition for obscure and fixed glazing to the west elevation of house type 2. The scheme would therefore be in accordance with Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion i) of the adopted Local Plan and adopted SPG.

Impact on heritage assets

- 8.27. Where undesignated historical assets have been identified but preservation is not justified, saved Policy BE16 of the adopted Local Plan and Policy DM13 of the emerging SADMP require satisfactory archaeological investigation and recording to be carried out by an approved organisation before any development commences. Policies DM11 and DM12 of the emerging SADMP seek to protect and enhance the historic environment and heritage assets. Section 12 of the NPPF seeks to conserve and enhance the historic environment in a manner proportionate to their significance.
- 8.28. A Heritage Statement has been submitted to support the application and has been assessed by Leicestershire County Council (Archaeology). The statement is welcomed but in order to preserve by record and advance the understanding of the significance of the assets to be lost standard archaeological conditions are recommended requiring that an appropriate level of building recording is carried out (in line with Historic England guidelines) prior to demolition of the huts. This would be reasonable and necessary to ensure compliance with saved Policy BE16 of the adopted Local Plan, Policies DM11, DM12 and DM13 of the emerging SADMP and Section 12 of the NPPF (2012).

Impact upon Highway Safety

- 8.29. Policies DM17 and DM18 of the emerging SADMP and saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan apply highway design and vehicle parking standards and seek to ensure that development does not adversely affect highway safety through the provision of adequate highway

visibility and adequate provision of parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 8.30. Objections to the scheme have been received on the grounds of adverse impacts on highway safety from inadequate visibility at the access junction with Nailstone Road and access width.
- 8.31. By virtue of the existing/past uses of the site, the small scale of the development for only three new dwellings, the rural nature of Nailstone Road and level of traffic movements, the available visibility from the access in either direction would not be considered to be likely to result in any severe adverse impacts on highway safety and would be acceptable in this case.
- 8.32. The 2.5 metres wide access is significantly less than the highway authority design standard width of 4.25 metres to serve three dwellings and is in effect single width. However, by virtue of the existing 8 metres wide 'bell-mouth' junction, vehicles would still be able to pull clear of Nailstone Road to enable an opposing vehicle to pass. On that basis the proposal would be unlikely to result in any adverse impact on highway safety and would therefore be acceptable in this case.
- 8.33. Leicestershire County Council (Highways) have assessed the scheme and raise no objections on highway safety grounds but recommend the imposition of a number of highway related conditions. Conditions to control the provision of adequate parking and turning within the site, satisfactory surfacing of the access and gate set back would be reasonable and necessary to make the scheme acceptable in planning terms. The access is already in excess of the standard 4.25 metre width for the first five metres behind the highway boundary therefore a condition to control this detail is unnecessary. By virtue of the size of the site, scale of development and its rural location, a scheme for construction traffic/site traffic management would not be either reasonable or necessary in this case and the Highway Authority has separate powers to control the condition of the public highway.

Impact upon trees and wildlife habitats

- 8.34. Saved Policy BE1 (criterion b) of the adopted Local Plan requires development to avoid the loss of vegetation that contributes to the quality of the local environment. Policy DM6 of the emerging SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.35. Objections have been raised on the grounds of the potential loss of protected trees around the site and that inadequate ecology surveys have been undertaken.
- 8.36. There are a number of trees close to the boundaries of the site that are protected by a Tree Preservation Order (2004). Trees T7 (Oak) and T6 (Ash) lie close to the access to the site. The Council's Arboricultural Officer has assessed the scheme and considers that by virtue of their separation from the proposed dwellings and clearance height from the access their appearance and long term viability would not be adversely affected from any above ground development proposed. However, the scheme would require the laying of services along the access which passes below the canopy and above the root protection area of T7 and therefore a condition has been recommended to require the submission of an Arboricultural Method Statement and Tree Protection Plan for prior approval to ensure adequate protection of the trees. The applicant has subsequently submitted an underground

services method statement and tree protection plan and the further comments of the Arboricultural Officer will be reported as a late item to the agenda.

- 8.37. Subject to satisfactory arboricultural mitigation measures being undertaken, there would be no adverse impacts on any of the protected trees around the site and the proposal would therefore be in accordance with saved Policy BE1 (criterion b) of the adopted Local Plan and Policy DM6 of the emerging SADMP.
- 8.38. As the proposal includes the demolition of a number of buildings, a Bat Survey has been submitted to support the application and includes a description of the composition of the site and its flora. The proposal has been assessed by Leicestershire County Council (Ecology) who consider that the report is satisfactory and raise no objections.

Drainage

- 8.39. Policy DM7 of the emerging SADMP and saved Policy NE14 of the adopted Local Plan require that development is provided with satisfactory surface water and foul water drainage and does not create or exacerbate flooding problems.
- 8.40. Objections have been received on the grounds that there may be inadequate capacity within the existing foul sewage system and that the additional hard surfacing within the proposal could result in additional surface water runoff/flooding to neighbouring properties.
- 8.41. The scheme has been assessed by Environmental Heath (Drainage) who raise no objections to the scheme in principle, but recommends notes to the applicant in respect of ensuring the suitability of the ground strata for soakaway drainage and the use of permeable paving on access drives and parking and turning areas with any necessary attenuation storage to incorporate sustainable drainage principles. This would ensure the development would not create or exacerbate flooding problems in accordance with emerging Policy DM7 of the SADMP and saved Policy NE14 of the adopted Local Plan.
- 8.42. A satisfactory method of disposal of foul sewage from the site would be subject to separate Building Regulations control.

Infrastructure contributions

- 8.43. Policy IMP1 of the adopted Local Plan and Policy DM3 of the emerging SADMP require development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and play provision in the borough.
- 8.44. The request for any infrastructure contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.45. The site is located within 300 metres of the Baptist Church which provides publically accessible informal green space. 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, the infrastructure contribution of £515.70 (£171.90 per dwelling) would be used to provide benches and notice boards to enhance the facilities of the green space for its users. By virtue of the proximity of the application site to the green space it is considered that the future occupiers would use the facility, increasing demand for the facilities that it offers and their maintenance requirements. It has been demonstrated that the infrastructure contribution is required for a planning purpose, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and therefore a contribution is justified in this instance.

- 8.46. An appropriate legal agreement is required to be completed to secure the green space infrastructure contributions in accordance with saved Policy IMP1 of the adopted Local Plan, Policy DM3 of the emerging SADMP and Policy 19 of the adopted Core Strategy. A legal agreement is currently being prepared.

Other issues

- 8.47. Due to the potential for past uses of the site to have resulted in land contamination Environmental Heath (Pollution) recommend the imposition of standard land contamination investigation and mitigation conditions which would be reasonable and necessary to ensure safe development of the site for residential use.
- 8.48. Objections have been received that the approval of the scheme would set a precedent for further residential development outside the settlement boundary. However, any application must be assessed on its own merits and in accordance with the current development plan policies and relevant national guidance.
- 8.49. The position of the waste and recycling collection point at the side of the access close to the highway boundary would not be any more visually detrimental to any other road on collection day and is for a temporary period only.

9. Conclusion

- 9.1. By virtue of its location outside the settlement boundary of Barton in the Beans, residential development of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the brownfield nature of the site, the small scale of the development, the limited harm identified to the setting of Barton in the Beans and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, it is considered that these outweigh the 'in principle' policy conflict in this case.
- 9.2. By virtue of the access, layout, scale and design of the scheme and subject to the use of appropriate external materials to ensure a satisfactory appearance, the proposal would significantly improve the visual appearance of the site and would not result in any material adverse impacts on the character of the surrounding area, the amenities of the occupiers of neighbouring properties, highway safety, protected trees or wildlife habitats or drainage. Satisfactory historic building recording of the existing Nissen huts to be demolished could be secured by condition. An infrastructure contribution towards local green space could be secured by the completion of an appropriate legal agreement.
- 9.3. The scheme is considered to be in accordance with the general principles of Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and

DM18 of the emerging SADMP, Policies 13 and 19 of the adopted Core Strategy, saved Policies BE1, BE16, NE2, NE5, NE14, IMP1 and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure infrastructure contributions towards green space facilities.

10. Recommendation

10.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Infrastructure contribution of £515.70 towards informal green space facilities.
- Planning conditions outlined at the end of this report.

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

10.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement.

10.4. Conditions and Reasons

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

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

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 drawing. no. B16/01/L01, House Type 1 drawing. no. B16/01/P02 and House Type 3 drawing. no. B16/01/P04 and received by the local planning authority on 14 March 2016 and Proposed Site Plan and Site Section drawing. no. B16/01/P01D and House Type 2 drawing. no. B16/01/P05C received by the local planning authority on 11 May 2016.

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

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the dwellings and garages 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.

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

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have

been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

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

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

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

6. If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site being first occupied.

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

7. No demolition/development shall take place/commence until a Written Scheme of Investigation detailing a suitable programme of archaeological work (Historic Building Photographic Survey) has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - The programme and methodology of historic building survey, reporting and archive deposition
 - The nomination of a competent person or persons/organisation to undertake the works set out
 - No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory historic building survey, analysis and reporting in accordance with Policy DM13 of the emerging Site Allocations and Development Management Policies Development Plan Document, Policy

BE16 of the adopted Hinckley and Bosworth Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

8. The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (Dr S. Bodnar - May 2016) received by the local planning authority on 4 May 2016.

Reason: To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with Policy DM6 of the emerging Site Allocations and Development Management Policies Development Plan Document, saved Policy BE1 (criterion b) of the adopted Hinckley and Bosworth Local Plan and paragraph 109 of the National Planning Policy Framework (2012).

9. Before first occupation of any of the dwellings hereby permitted, the shared access drive shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan

10. Prior to the first occupation of any of the dwellings hereby permitted, the off-street vehicle parking and turning spaces shall be provided in accordance with the approved Site Layout Plan Drawing No. BE16/01/P01D and once provided shall be so maintained and retained for such use at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made in the interests of highway safety to accord with Policy DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. No vehicle access gates, barriers, bollards, chains or other obstructions shall be erected within 5 metres of the adopted highway boundary.

Reason: To ensure that vehicles entering the site can pull clear of the highway in the interests of highway and pedestrian safety in accordance with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. Notwithstanding the submitted details, the first floor landing window and ground floor secondary dining room window and cloakroom window on the west side elevation of House Type 2 (facing 10 and 12 Odstone Road) shall be fitted with obscure glazing and non-opening below a height of 1.8 metres above finished floor level. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the neighbouring dwelling from potential overlooking in accordance with Policy DM10 (criterion a) of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.

10.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. The applicant's attention is drawn to the recommendations in the submitted Ecological Appraisal (Dr S. Bodnar - January 2016).
4. In relation to conditions 5 and 6 advice from Health and Environment Services can be viewed via the following web address:- {ul http://www.hinckley-bosworth.gov.uk/contaminatedsite} which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
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 modular surface 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.
6. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
7. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001). The highway boundary is the hedge/wall/fence fronting the premises and not the edge of the carriageway/road.

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.