

Planning Committee 9 January 2018
Report of the Planning Manager, Development Management

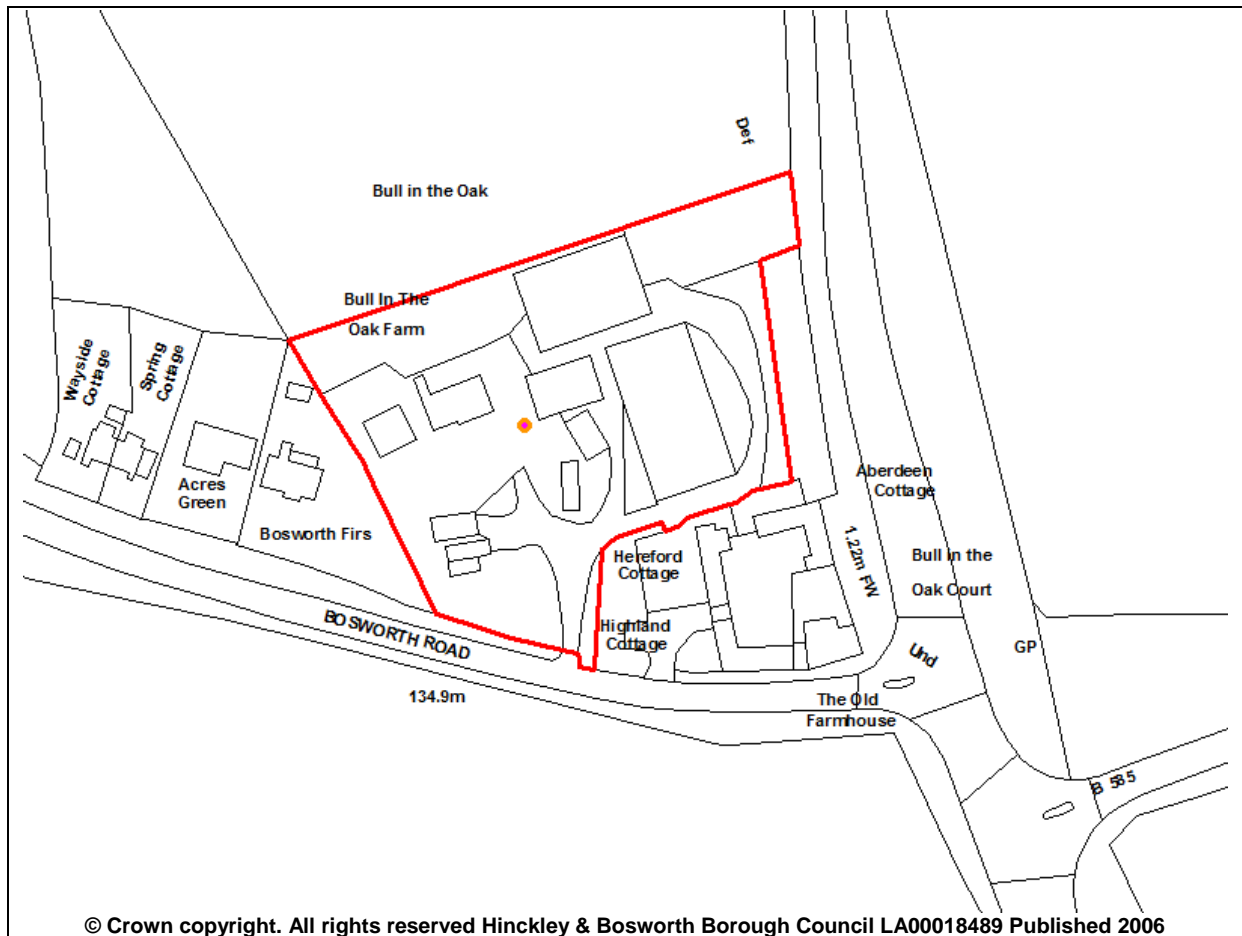


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00149/FUL
Applicant: Cadeby Homes
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Bull In The Oak Farm Bosworth Road Bull In The Oak

Proposal: Removal of existing residential and agricultural buildings for the erection of 5 new dwellings and associated works



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. The application seeks planning permission for the erection of five new dwellings at Bull in the Oak Farm. The proposal would include the demolition of the existing agricultural buildings and two residential bungalows on site to allow for the site redevelopment.

- 2.2. The farm to be demolished is proposed to be relocated on a separate piece of land off Brascote Lane, Cadeby. This is proposed under application 17/00302/FUL, which is currently pending consideration and appears elsewhere on the agenda.
- 2.3. The proposed scheme comprises the erection of five detached, two storey dwellings, contemporary in design to reflect the character of traditional agricultural buildings. Plots 3 and 4 reflect the characteristics of Dutch barns, sited within the western part of the site. Plots 1, 2 and 5 have been designed with more traditional pitched roofs, each with an L-shaped wing. The dwellings would be sited on the plot to create two wider courtyard areas, with individual private courtyards serving each dwelling. The dwellings would also benefit from a double garage and private garden area serving each plot. The dwellings would have a minimum of 4 bedrooms per dwelling.
- 2.4. The access to the site is as existing. Additionally, the proposal would include the erection of an access track along the western boundary of the site to serve as access to the agricultural field to the north.
- 2.5. The following have been submitted to be considered with the application:-
 - Design and Access Statement
 - Planning Statement
 - Ecology Survey
 - Ground Investigation Report
 - Drainage Strategy

3. Description of the Site and Surrounding Area

- 3.1. The application site is a working farm known as Bull in the Oak Farm, located off Bosworth Road within Bull in the Oak. The site is located outside of any settlement boundaries, within the countryside.
- 3.2. The site currently comprises two detached bungalows, and approximately five agricultural buildings on site. The agricultural buildings are large, portal framed buildings. The access to the site is an existing access off Bosworth Road, consisting of a wide tarmac bell mouth leading on to a set of agricultural metal gates.
- 3.3. The owners of the farm, Mr and Mrs Jackson and their two sons, reside in the two bungalows on the site.
- 3.4. There are a number of large trees on site, the majority are located to the south-western corner of the site.
- 3.5. To the east of the site is the A447. There is extensive vegetation and mature hedgerow along the shared boundary with this road. There are residential dwellings to the western and southern boundaries of the site, including a Grade II listed building sited on the corner of the junction of the A447 and Bosworth Road. To the north of the site is an open agricultural field, which is also within the ownership of the applicant.

4. Relevant Planning History

94/00126/GDO	Extension to agricultural building	General Development Order	09.03.1994
97/00885/GDO	Erection of agricultural building for housing of livestock	General Development Order	31.10.1997
92/00849/4	Alterations to dwelling garage and detached store	Refused	28.10.1992
89/01014/4	Conversion of barns adjoining grade II listed cottage into three residential units with associated works	Refused	24.04.1990
89/00224/4	Change of use of farm out buildings to provide three dwellings	Permitted	22.04.1989
89/00084/4	Farm building for corn cattle sheep etc	Permitted	24.02.1989
81/00343/4	Erection of a bungalow	Permitted	02.06.1981
76/00341/4M	Erection of a dutch barn	Permitted	25.03.1976

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. Market Bosworth Society has objected to the application. It is noted that they do not object to the principle of the redevelopment and improvement to the current site. They have raised the following concerns:-

- 1) Would result in a significant increase in traffic utilising the access to the site
- 2) Site is located next to a dangerous junction
- 3) Would increase congestion in the area

5.3. Representations have been received from four members of the public raising the following issues:-

- 1) Would be out of keeping with the character of the area
- 2) Would be overdevelopment of the plot
- 3) Would have adverse overbearing impacts to neighbours
- 4) Unsuitable development within an Area of Outstanding Natural Beauty
- 5) Would have adverse overlooking impacts to neighbours
- 6) Would result in loss of privacy
- 7) Would result in adverse overshadowing impacts
- 8) Loss of views to rear
- 9) Would have adverse noise impacts on neighbours

- 10) Concerns with the impact on wildlife on the site
- 11) Trees on site would be removed/damaged during construction
- 12) Concern with impact on hedge boundaries
- 13) Concerns with drainage and foul sewage disposal for the development
- 14) All other dwellings in area are single storey
- 15) Would be sited too close to neighbouring properties
- 16) Would be sited outside of development limits
- 17) Development would be in an area of attractive countryside
- 18) Drainage details have not been submitted for the site
- 19) There are existing soakaways on site serving neighbouring properties
- 20) Proposed design of dwellings is ugly
- 21) Concern with the impact of the development on overhead cables and the potential of the loss of power to neighbouring properties
- 22) Concern with the removal of asbestos materials from the site during construction
- 23) No details of boundary materials or management have been submitted
- 24) Other applications for planning permissions within the area have been refused
- 25) Concern over the times of construction

6. Consultation

6.1. No objections, subject to conditions, have been received from:-

Tree Officer
 Environmental Health (Pollution)
 Environmental Services (Drainage)
 Leicestershire County Council (Ecology)
 Street Scene Services (Waste)

6.2. No objections have been received from:-

Conservation Officer
 Leicestershire County Council (Highways)
 Severn Trent Water Ltd
 Environment Agency

7. Policy

7.1. Core Strategy (2009)

- None relevant

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (General Permitted Development) (England) Order 2015

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Relocation of the existing farm under 17/00302/FUL
- Fallback position
- Design and impact upon the character of the area and listed buildings
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Planning balance
- Other issues

Assessment against strategic planning policies

8.2. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.3. Paragraph 14 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP sets out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved.

8.4. The site is located outside of any settlement boundaries, and therefore Policy DM4 of the SADMP applies. Policy DM4 seeks to safeguard the countryside from unsustainable development, and states that development beyond the defined settlement boundaries will be restricted to proposals which fulfil the criteria of this policy. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.5. The proposal does not fall within one of the acceptable development categories identified in DM4 and is therefore contrary to this policy in this respect.

Relocation of the existing farm under 17/00302/FUL

- 8.6. Notwithstanding the policy conflict above, the acceptability of the relocation of the existing farm at Bull in the Oak is a material planning consideration in appraising the principle of development for the current application. The relocation of the farm is subject to a separate planning application 17/00302/FUL.
- 8.7. A range of evidence has been submitted to demonstrate the need to relocate the existing farm to the site off Brascote Lane, Cadeby, in particular, evidence of the extensive drainage issues on site. As a consequence of land drainage problems, the farm buildings have been rendered unfit for purpose. Evidence is also provided to demonstrate that the remediation of the drainage problems and redevelopment of the site with modern buildings would be prohibitive in cost terms and could not be achieved while maintaining a site which remained operational during the necessary works. The site is stated as having other issues relating to its severance by the adjacent highway A447 from the majority of the land holding, nuisance complaints from adjacent residential property, and spatial constraints impinging on the existing and future operational prospects of the farm business.
- 8.8. The relocation of the existing farm would result in a derelict site, which could lead to a number of adverse impacts on the surrounding area and neighbouring properties. The existing site is in a poor state, with extensive drainage issues and run-down buildings. The current application would provide the prospect to improve site, with contemporary designed dwellings and the opportunity to address the extensive drainage issues on site. It is noted that many of the comments received for the application do not object to the general principle for the redevelopment of the site, which indicates the current poor state of the site.
- 8.9. The two applications are directly related, as the funding provided through the sale and development of the application site would allow for the expansion of the farm and its relocation to the proposed site off Brascote Lane. It can therefore be argued that the current application would be in accordance with criterion c of Policy DM4 in this respect, as it would significantly contribute to the growth of an established rural business.

Fallback position

- 8.10. Another material planning consideration for this application is the potential redevelopment of the site through the rebuild of the existing two bungalows on site, and the permitted development rights for the site.
- 8.11. Policy DM14 of the SADMP supports the demolition and rebuild of an existing dwelling outside the settlement boundary where, it leads to an enhancement of the immediate setting and general character of the area; and the new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and accords with other policies, including Policy DM10.
- 8.12. Part 3 Class Q of the Town and Country Planning (Permitted Development Order) (England) 2015 allows for the conversion of existing agricultural buildings into a maximum of three residential dwellings, provided that the total floor area does not exceed 450 m².
- 8.13. In line with the above legislation, in the instance of the refusal of the current application, the site could achieve five dwellings through alternative means. The bungalows on site could be retained, or alternatively, rebuilt in accordance with Policy DM14. The portal framed buildings on site could be converted under the Permitted Development Order into three separate residential dwellings.

- 8.14. The main difference between the development proposed, and that achievable through permitted development is the total residential floor area to be created on site. The scheme proposed within this application would result in an approximate total residential floor area of 1,527 m². The residential floor area achievable through permitted development would be approximately 674 m². The current proposal would result in more than double the residential floor area to be created.

Design and impact upon the character of the area

- 8.15. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.
- 8.16. Section 12 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.17. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.18. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.19. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment, stating that proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.20. The Old Farmhouse at Bull in the Oak is a late-18th century Grade II listed farmhouse, sited to the south-east corner of the site. It has a simple plan form and architectural features including small gabled dormers with timber decoration and a dentilled eaves cornice. There is an attached 19th century single storey range, now converted to two dwellings (Hereford Cottage and Highland Cottage) that provides a L-shape plan form, and a detached single storey L-shaped building dating from the same period that encloses the complex of buildings into a tight courtyard. This detached building has also been converted into residential use and is known as Aberdeen Cottage. Despite the former agricultural complex now being solely in residential use it continues to have a semi-rural character and the original plan form of the complex remains clearly discernible. Overall it can be considered that the Old Farmhouse and its associated complex of buildings are of architectural and historic interest and thus significance.
- 8.21. To the immediate north and west of the complex is the application site, which comprises a collection of two post-war red brick bungalows and a number of portal framed livestock and storage buildings.
- 8.22. Typically of post-war farming operations, the collection of buildings has grown organically and thus the farm complex has an irregular plan form. The appearance of the buildings is also organic, constructed using a range of materials and for a functional use rather than any particular aesthetic purpose. However, they could not be considered to be uncharacteristic within a rural setting, and due to this and the reasons above they could be considered to make a neutral contribution to the setting of the adjacent converted residential complex. This application seeks to remove the existing residential and agricultural buildings on site, and erect five new dwellings.

- 8.23. Concerns have been received in regard the scale of the dwellings proposed, in relation to the surrounding residential properties to the site, which are predominantly single storey in nature. However, the design of the proposed dwellings seek to reflect the form of the existing agricultural buildings on the site as opposed to the surrounding residential dwellings, as well as the area more generally, with the use of some contemporary design features. Plots 1, 2 and 5 have the form and appearance of a linear single or one and a half storey building, with glazed links between ranges, and the use of a range of materials including timber boarding, and traditional brickwork and clay roof tiles. Plots 3 and 4 have the form and appearance of a Dutch barn with steel portal frame, sheet metal roofing and timer cladding to the elevations. The layout of the plots is semi-regular, with some formality to plots 1, 2 and 5 sharing a courtyard. The proposed landscaping and creation of amenity areas to serve each of the plots will mean the development will have more of a domestic nature than the current collection of buildings, but the converted Old Farmhouse complex is also served by small front and side gardens and parking areas, so such features as proposed are not uncharacteristic of the wider area.
- 8.24. The Old Farmhouse itself is sited further away from the application site than its associated complex. It is located on the corner of Bosworth Road and the A447, and therefore views from the highway are where the building is most prominent. Plot 5 would be the closest building to be erected to the listed building. Given the existing agricultural building in this location, the backdrop of this dwelling from the listed building would not significantly differ from that of the existing. The proposed dwellings at plots 1, 2, 3, and 4 would be set away from the Old Farmhouse considerably, and as such, would not have an immediate impact on this heritage asset.
- 8.25. Overall, and by virtue of the layout, form, appearance and the use of appropriate materials it could be considered that the proposal will have a neutral impact on the setting of the adjacent Grade II listed Old Farmhouse and associated complex.
- 8.26. Concerns have been raised, stating that the development would be overdevelopment of the plot. As stated above, the proposed residential floor space to be created through the scheme would be approximately 1,527 m². However, the proposed total footprint of the scheme would only equate to approximately 994 m².
- 8.27. The existing total residential floorspace on site equates to approximately 224 m². However, the existing agricultural buildings on site have an approximate total floor area of 1,361 m². Therefore, the existing footprint of the whole site equates to approximately 1,585 m². Therefore, the proposed footprint would be a reduction to the existing, and therefore would not be considered out of character with the existing site in this regard, and is considered proportionate in relation to the existing development.
- 8.28. The siting of the dwellings proposed would be similar in position to the existing layout of buildings on the site. Therefore, the proposal would not encroach onto undeveloped land within the countryside, and would be in accordance with Policy DM4 of the SADMP in this respect.
- 8.29. The site would be partially screened from the A447 by the existing mature vegetation along the eastern boundary of the site. The set back of the dwellings from Bosworth Road would reduce the impact of the development from this street. Views of the development would be available from the field to the rear of the site. However, further screening through landscaping and boundary details could be secured through a pre-commencement condition, to help assimilate the development within the site further. This could be attached to any permission granted.

- 8.30. Given the above, it is considered that the proposal is compatible with the significance of the listed building and its setting, and would not appear out of keeping with the area or have an adverse impact upon the visual amenity of the countryside. The proposal complies with Policies DM4 and DM10 in this respect, as well as DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.31. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.32. Concerns have been raised in relation to the impacts of the development on neighbouring properties. To the south boundary of the site are residential dwellings Hereford Cottage, Highland Cottage, Old Farmhouse and Aberdeen Cottage. The dwelling proposed at Plot 5 would be sited along the southern boundary, which is shared by these neighbouring properties to the site. The proposed single storey protrusion towards the shared boundary would be sited closer to the boundary than the existing farm building on site. However, the scale and size of the built form would be significantly reduced. Given the single storey nature of this part of the proposed dwelling and it's orientation on the plot, it is not considered to have any adverse overbearing or overshadowing impacts to the neighbouring properties to the south. The first floor windows proposed along the side elevation facing out towards these neighbours would be high level, and therefore, any overlooking impacts would not be considered adverse. The proposed dwelling is sited to the north of these neighbouring properties, and therefore it is not considered to result in any overshadowing impacts to these neighbours.
- 8.33. To the western boundary of the site is Bosworth Firs, a detached, one and a half storey dwelling. The proposed Plot 4 would share the boundary to the west with this neighbouring property. The proposed first floor windows that would face out towards this neighbour would be high level, and therefore any overlooking impacts would be limited. In any case, due to the siting of the proposed dwelling on the plot, these windows would face out onto a blank side elevation of Bosworth Firs, and would not overlook the private amenity space to the rear. Notwithstanding the large scale of development, given the minimum separation distance of 11.5 metres between the two dwellings, and the screening provided by the hedge boundary between the two plots, it is not considered to result in any adverse overbearing impacts to this neighbour. Further, by virtue of the siting of the development and the separation distance from Bosworth Firs, it is not considered to result in any adverse overshadowing impacts to this neighbour.
- 8.34. By virtue of the proposed siting of Plots 1, 2 and 3, it is not considered that these dwellings would have any adverse impacts on any neighbouring properties.
- 8.35. Therefore, it is considered that the proposal would accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.36. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.37. Concerns have been raised in relation to the increase in traffic utilising the access to the site, the increase to congestion along Bosworth Road, and the location of the site next to the junction of Bosworth Road and the A447.

- 8.38. Leicestershire County Council (Highways) has raised no objections to the proposal. The road speed of Brascote Lane is 60mph, however, the close proximity of the junction with the A447 means that no traffic would travel at an excessive speed as it approaches and leaves the junction. As such, the visibility at the junction is considered to be acceptable. The access is existing and of a suitable width to accommodate residential vehicles, given that it is presently utilised by farm traffic.
- 8.39. The proposal would result in the reduction of slow moving farm vehicles utilising the access, which is considered to be a highway betterment.
- 8.40. The scheme would incorporate double garages to serve each property, as well as ample off-street parking to the front of each dwelling. Therefore, the level of parking provision to serve the proposed dwellings is considered sufficient, and therefore it is not considered that the proposal would result in overspill onto Bosworth Road.
- 8.41. The increase of three dwellings being served by the access is considered minor, particularly as the proposal would reduce the farm traffic utilising the site.
- 8.42. Therefore, the proposal would accord with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.43. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.44. Concerns have been raised in relation to the drainage issues on site, and the lack of information provided for the drainage scheme for proposed development. The applicant has since submitted a Drainage Strategy for the site, identifying the source of flooding on site and a feasible drainage solution for the proposed development. Environmental Services (Drainage) has raised no objection to the scheme, subject to a pre commencement condition securing full drainage and SuDS principles to be submitted to and approved by the Local Planning Authority. This could be attached to any permission granted.
- 8.45. Additionally, concerns have been raised in relation to the existing soakaways on site, which serve neighbouring properties. The impact of the proposal on these soakaways would be a civil matter as opposed to a planning matter. In any case, it is anticipated that these would be identified within the full drainage and SuDS principles scheme.
- 8.46. Subject to the imposition of the conditions outlined above, the proposal is considered to accord with Policy DM7 of the SADMP.

Ecology

- 8.47. Policy DM6 of the SADMP seeks to avoid harm or loss to biodiversity, and where harm cannot be avoided or fully-mitigated, compensatory measures will be sought to off-set the impacts of the development.
- 8.48. Concerns have been raised in relation to the impact of the proposal on the wildlife on site. Leicestershire County Council (Ecology) has raised no objections to the proposal. The Ecology Survey submitted within the application is considered satisfactory. No protected species were recorded on site and the site is considered to have a low value to support protected species.
- 8.49. However, evidence of nesting swallows was identified within the existing buildings on site to be demolished through the current application. A condition has been recommended to ensure that the swallow nests to be lost would be replaced. This could be attached to any permission granted.
- 8.50. Subject to the above, the proposal is considered to accord with Policy DM6 of the SADMP.

Planning balance

- 8.51. The scheme is for a new residential development outside of any settlement boundary, sited away from any facilities or services to serve the new dwellings. However, through the direct link with planning application 17/00302/FUL for the relocation of the existing farm, it is considered that the current application would fulfil some aspect of criterion c of Policy DM4, as it would contribute to the expansion of growth of the existing farm business.
- 8.52. Another key factor is that the conversion of the agricultural buildings on the site would allow for three new dwellings under Permitted Development. Therefore, there is a fallback scheme for the provision of five dwellings on site through the retention or replacement of the two existing bungalows and through conversion.
- 8.53. Finally, the proposal would provide an opportunity for the redevelopment of a derelict and unsightly site, and to address the extensive drainage issues on the land.
- 8.54. Whilst the development is not strictly in accordance with the criteria of Policy DM4, it is considered to incorporate the general spirit of the policy as it would result in the enhancement of the immediate setting, would allow for the growth and expansion of the existing farm business through its relocation, and would not have a significantly adverse impact upon the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.55. It is therefore considered that the development would have no adverse impacts character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology, it is considered on balance that the development would be acceptable.

Other issues

- 8.56. In relation to the comments received that the development proposed is located within an Area of Outstanding Natural Beauty, this is incorrect.
- 8.57. In relation to the comments received that the development would impact upon views out from neighbouring properties, the loss of a view is not a material planning consideration and cannot be afforded any weight.
- 8.58. In relation to the comments concerning the protection of the trees to be retained on site, the Tree Officer has recommended a condition to ensure the protection of these trees during the construction of development. This could be attached to any permission granted.
- 8.59. In relation to the comments received concerning overhead cables and loss of power to neighbouring properties, this is not a material planning consideration and cannot be afforded any weight.
- 8.60. In relation to the removal of asbestos materials from the site, this would be secured during the building control stage.
- 8.61. In relation to the comments received stating the other applications for planning permission within the same area have been refused, every application received by the Local Planning Authority is appraised on its own individual merits.
- 8.62. In regard to the concerns with the construction of development on site, a condition to provide a Construction Management plan prior to the commencement of development could be attached to any permission granted.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The proposed benefits of the scheme by virtue of the visual improvement of the site, the contribution to the growth of the existing farm business, and the fact the buildings on the site could be converted to dwellings under permitted development are considered to outweigh the impact on the countryside by the development of new dwellings outside a defined settlement. Additionally, in line with the above, whilst not strictly in accordance with the criteria of Policy DM4, it is considered that the scheme would encompass the underlying values this policy. The proposal would have no adverse impacts upon the character of the countryside or listed building, amenity of neighbouring properties, highway safety and protected biodiversity within the area, and would therefore comply with Policies DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD, the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 66 and the overarching principles of the NPPF. The development is therefore considered acceptable, subject to the conditions below.

11. Recommendation

11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3. 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 Drawing No's 7226-03-003 Rev D (Site-PR) received by the Local Planning Authority on 3 November 2017, 7226-03-004 Rev B (Plot 1-PR), 7226-03-005 Rev B (Plot 2-PR), 7226-03-006 Rev D (Plot 3-PR), 7226-03-007 Rev B (Plot 4-PR) and 7226-03-008 Rev E (Plot 5-PR) received by the Local Planning Authority on 11 December 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, Policies DM4, DM10, DM11 and DM12 of the SADMP, section

12 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure that the development preserves the intrinsic value and landscape of the countryside, in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. No construction past the foundations of the dwellings hereby permitted shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: In the interests of protecting the visual amenity of the area, in accordance with , Policies DM4, DM10, DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. No construction past the foundations of the dwellings hereby permitted 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:-

- Hard surfacing materials;
- Boundary treatments;
- Fencing specifications
- Planting plans;
- Written specifications;
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

Reason: In the interests of protecting the visual amenity of the area, in accordance with , Policies DM4, DM10, DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under condition 5 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damages or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with , Policies DM4, DM10, DM11 and DM12 of the SADMP, section 12 of the

NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990..

7. The existing trees to be retained on site, shown on the approved Drawing No. 7226-03-003 Rev D (Site-PR) received by the Local Planning Authority on 3 November 2017, shall be protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall neither be raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there.

Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, to accord with Policies DM4, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

8. Development other than the clearance of the site shall not begin until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure effective drainage on site, to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. Prior to the commencement of development, details of alternative nesting sites for swallows (such as the erection of at least 2 swallow specific nests) shall be submitted to and approved by the Local Planning Authority. The nesting sites shall be erected in accordance with the approved details prior to the occupation of any dwelling hereby permitted.

Reason: To ensure the protection of the species, in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

10. Demolition and site clearance shall take place outside of bird-nesting season, unless otherwise agreed in writing.

Reason: To ensure the protection of the species, in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction;
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

viii) Hours of construction

Reason: To ensure that that construction of development would have no adverse impacts on the surrounding area, amenity of neighbours and highway safety, in accordance with Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD.

12. Notwithstanding the recommendations within the submitted Nicholls Colton report ref: G16301-IR - Final dated November 2016 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: In the interest of the protection of the amenity of future occupiers of the site, to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

13. 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 first being occupied.

Reason: In the interest of the protection of the amenity of future occupiers of the site, to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

14. No construction past the foundations of the dwellings hereby permitted shall take place until representative samples of the types and colours of materials to be utilised on all external elevations, shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details and shall thereafter remain in place at all times and unless agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact of development, to accord with Policies DM4, DM10, DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

15. Notwithstanding the demolition and clearance of the existing buildings on site, no development shall commence on site until such time as the existing and proposed ground levels for the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity, to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

16. Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

17. Before first use of the development hereby permitted, details of pedestrian and vehicle visibility splays at the junction of the access with Bosworth Road shall be submitted to and approved in writing by the Local Planning Authority. These shall be in accordance with the standards contained in the current County Council design guide. The development shall then be implemented in accordance with the approved and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

11.4. 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. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
3. Some areas of the proposal / proposed dwellings are 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.
4. Any 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).
5. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
6. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (tel: 08007076600).
7. Please refer to the recommendations within the submitted Ecology Survey for the application (Dr. S. Bodnar), dated October 2016.