

REPORT P20

PLANNING COMMITTEE

15.08.2006

RECOMMENDATIONS OF HEAD OF CULTURE & DEVELOPMENT

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

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

Item: 01
Reference: 06/00363/REM
Applicant: Dreams Homes UK Ltd
Location: Outwoods Timber The Outwoods Burbage Hinckley Leicestershire
Proposal: RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS

Introduction:-

This is a reserved matters application for the residential development of six dwellings on the site of a former sawmill and timber yard on The Outwoods, Burbage. The principle of residential development of the site has already been established by the approval of an outline application for siting and access for six dwellings in October 2005. The site is located approximately 200 metres north east of Burbage Road and accessed via an unadopted road, The Outwoods, which runs to the north west of the site. Existing dwellings about the southwest and western corner of the site and there are further dwellings to the southeast separated from the site by an existing 2 metre high brick wall. The northeast boundary of the site abuts open fields. The Outwoods itself is a definitive public footpath and bridleway and currently serves five other dwellings as well as a farm to the northeast.

The proposal continues the concept of the outline permission and attempts to create a converted farmyard with a farmhouse and various outbuildings arranged on three sides around a central courtyard. The elevations show a two and a half storey farmhouse and a mix of single, two and three storey elements designed to resemble converted farmyard outbuildings. The proposed development concept is considered to recognise the location of the site adjacent to open countryside.

Revised plans have been submitted that alter elements of the design of the proposal.

History: -

81/0773/4	First floor flat and change of use from residential to timber storage area	Approved	20.10.81
82/0275/4	Temporary storage shed	Refused	25.05.82
84/0041/4	Change of use to storage of timber and DIY materials for resale with associated car parking and new access	Refused	25.06.85
85/0224/4	Erection of timber store	Refused	23.04.85
Appeals against Enforcement Notices issued in November 1985 upheld on the 23rd January 1989 by the Secretary of State.			
04/01407/OUT	Residential development of six dwellings	Approved	26.10.05

Consultations:-

No objection has been received subject to standard conditions from:-

Severn Trent Water Limited
Director of Environment and Heritage Services (Archaeology)
Council's Land Drainage Engineer
Director of Environment and Heritage Services (Rights of Way)
Director of Highways, Transportation and Waste Management.

No response has been received at the time of writing this report from Railtrack.

Environment Agency has no objection but await receipt of the desktop study on potential contamination required by Condition 6 of the outline consent.

Burbage Parish Council recommend refusal of the application on the following grounds:-

- a) Impact on amenity of existing occupiers
- b) overlooking existing dwellings
- c) roofscape of the development does not complement existing buildings
- d) lower ground level of existing adjacent dwellings
- e) no rear access to dwellings provided
- f) impact on foundations and damp proof course of Cedar Cottage
- g) development prejudicial to development of the adjacent site
- h) parking and garages are separated from the dwellings
- i) normal standards of residential amenity are not provided
- j) threat to trees abutting the site
- k) no details on route for foul sewage provided
- l) safety of children on The Outwoods
- m) facilities for recycling needs to be reviewed

Site Notice erected and neighbours notified, at the time of writing this report 3 letters have been received raising the following objections/issues:-

- a) Overlooking
- b) normal residential amenity standards are not provided
- c) threat to mature trees in proximity to the boundary
- d) impact on foundations and damp proof course of existing dwelling
- e) proximity of proposed unit to existing dwelling
- f) treatment of existing dwelling walls on the site boundary
- g) foul drainage system must be separate from that serving adjacent dwellings and stables as the existing system is inadequate to cope with increased volume
- h) covenants on the land
- i) The Outwoods is a private right of way.

Development Plan Policies:-

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

Policy RES5 of the adopted Hinckley and Bosworth Local Plan states that on sites which are not specifically allocated in the plan for housing, planning permission will only be granted if the site lies within the boundaries of a settlement and the siting, design and layout do not conflict with the relevant plan policies.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance

the existing environment. Planning permission will be granted where development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, does not adversely affect the occupiers of neighbouring properties, ensures adequate highway visibility for road users and adequate provision for off-street parking and manoeuvring and is not prejudicial to the comprehensive development of the larger area of land of which the development forms part.

Further design guidance is provided within the Borough Council's Supplementary Planning Guidance on New Residential Development. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect the amenities of existing occupiers and are locally distinctive in their appearance.

Policy T5 of the adopted Hinckley and Bosworth Local Plan states that in considering new development proposals the Local Planning Authority will apply current highway design standards and parking targets unless a different level of provision can be justified.

Land to the north east of the site comprises part of the Green Wedge that maintains the physical separation between settlements (policy NE3).

Appraisal:-

The proposal site is roughly rectangular. The site has been cleared of all former buildings relating to the sawmill and timber yard and although flat, has a higher ground level than existing dwellings to the southwest and east. The proposed development is screened by existing dwellings to the southwestern boundary and a 2 metre high brick wall to the southeastern boundary.

The concept of a 'converted' farmhouse and outbuildings was considered at the outline stage to be a type of development that recognised the sites location adjacent to open countryside and this reserved matters application continues that theme. In general, the proposed elevations are considered to represent a realistic 'conversion' scheme incorporating a range of buildings of varying height from single storey garaging to one small three storey element within the courtyard area.

Unit 1 is a two and a half storey five bedroom detached dwelling that represents a farmhouse building with a garden to the fore and yard area to the rear. The elevations propose a front elevation with suitably proportioned fenestration incorporating bay windows at ground floor and a central timber canopy porch and arched brick detailing over first floor windows. Two dormer windows on the front elevation face the courtyard whilst there are also three velux windows to the rear elevation facing Outwoods Farm and Cedar Cottage. Amended plans have been submitted that reduce the possibility of overlooking to the adjacent existing dwellings to the south west by repositioning the first floor bedroom window to the side elevation of the rear projecting element and raising the cill height of the velux windows in relation to the second floor level. They are not considered to be unduly detrimental to the privacy and amenity of the existing dwellings due to the shielding provided by the dwellings themselves and the windows height in relation to the floor level, which can be controlled by an appropriately worded condition. Furthermore, the design has been altered to provide horizontal emphasis to reflect a Victorian Farmhouse; the dormer windows have also been reduced in size.

Unit 2 is a one and a half storey 2 bedroom unit representing a barn conversion. There are two velux windows to the rear elevation facing Cedar Cottage but these are not considered to be at a height likely to create undue detriment to the privacy of the existing dwellings by overlooking due to the shielding provided by the dwelling itself. A gable window at first floor on the side elevation also faces part of the garden area of Cedar Cottage. This elevation is

set back 5 metres from the 2 metre high brick boundary wall and the site is at a higher ground level. Amended plans show this window to be fixed and obscurely glazed. The applicant has also provided a small cross section detail to show the relationship of the finished levels of the site in relation to the adjacent Cedar Cottage to try to address concerns regarding the future integrity of the damp proof course and treatment of the existing external walls of the dwelling.

A single storey building providing garaging connects Unit 2 to Unit 3 which is another one and a half storey building representing a four bedroom barn 'conversion'. Following concerns raised about possible overlooking from two velux bedroom windows to the rear elevation facing 8 Coppice Close, amended plans have been submitted that reduce the possibility of overlooking by raising the cill height of these windows in relation to the first floor level. Again this can be controlled by an appropriately worded condition should the application be approved. Although the existing single storey dwelling is on a lower ground level (2 metres) than the proposal site, it is approximately 25 metres from the boundary, behind a 2 metre high brick boundary wall set on top of a 1 metre bank. The amended proposals are therefore considered to provide an acceptable relationship to this dwelling. The internal layout of the ground floor of Unit 3 has also been amended to address concerns raised about the close proximity of the unit to the existing boundary wall and vegetation and the impact of this on the amenity of future occupiers.

Units 4, 5 and 6 are designed to represent a further barn conversion divided into three separate three bedroom units. The majority of this building is two and a half storey with a small element at three storey providing a bedroom that faces into the courtyard area and represents a former hoist. All major windows face either onto open countryside to the rear or into the courtyard and are not detrimental to neighbouring amenities. Amended plans have been received that introduce improvements to the detail of the elevations, however further amendments are awaited that provide further improvements to the element designed to appear as hayloft openings.

In general, subject to the further minor modifications, the elevations of all of the units are considered to be representative of a former farmhouse and associated outbuildings and continue the theme of the existing converted former outbuildings to the south west of the site (Cedar Cottage). Whilst some of the surrounding dwellings are only single storey, it is not considered to be necessary to restrict development of this site to a similar height, particularly given that there are two storey dwellings in the vicinity and it is not a prominent site.

The scheme is considered to enhance this edge of settlement location adjacent to open countryside through a high quality design, which is further enhanced by additional landscaping. Whilst normal standards of residential amenity are not provided in certain respects, the concept and quality of the scheme is such that this is considered acceptable. In addition, adequate car parking and turning facilities are provided within the site. It is considered that on balance the proposals submitted meet the criteria of policies RES5, BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

The scheme is designed as a complex of farm buildings with garaging linking the properties. The parking is all within close proximity to the dwellings. It also provides for a scheme that is not designed around the motorcar.

Any land within the settlement boundary can be accessed without gaining access across the application site therefore the development of this site is not considered to prejudice development at adjacent land.

The site has a mature Ash tree on the boundary at the point of access; this is to be retained along with two small Ash trees. These trees are not considered under threat by the proposed development.

Other concerns have been raised that are not material planning considerations and therefore cannot be assessed as part of the application.

Further details are required in relation to conditions on the outline consent relating to building materials, method of disposal of foul water drainage, improvements to The Outwoods access road, traffic management scheme, potential land contamination and remediation measures, and a programme of archaeological work.

All financial contributions have been addressed in the outline application and are not therefore for consideration on a reserved matters application.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 This permission relates to the application as revised by amended plan 3168/02 B; 3168/03 B; 3168/04 B; 3168/05 B and 3168/06 B received by the Local Planning Authority on 31st July 2006
- 2 Prior to commencement of development, details of the recess of the doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.
- 3 The proposed windows indicated on the approved plan to be obscure glazed and/or fixed shall be provided before the dwelling to which they relate is first occupied and retained as such at all times thereafter.

Reasons :-

- 1 To define the permission.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 3 In the interests of privacy and residential amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- R Wright Ext 5894

Item: 02

Reference: 06/00576/COU

Applicant: George Morrison

Location: Oak View Garland Lane Barlestone Nuneaton, Warwickshire CV13
0JD

Proposal: CHANGE OF USE OF LAND FOR STANDING OF FIVE CARAVANS

Introduction:-

This application seeks to regularise the enlargement of the existing caravan park to provide an additional 5 caravan pitches on the site.

The site is generally of linear form, measuring approximately 170m in length along Garlands Lane. The site currently accommodates 21 pitches and 1 bungalow. It is located to the north of Garlands Lane to the south-east of the junction with Barlestone Road and approximately 100m as the crow flies from the Costalot traveller site.

The site sits within open countryside and is surrounded predominantly by agricultural land. It is well screened from the public highway by a substantial hedgerow. Access to the site is directly from Garlands Lane; the access point is located relatively central along the site frontage.

The applicant has submitted a supporting letter with the application which states that the southern boundary hedge has been cut back to improve highway visibility. It goes on to state that the speed of vehicles along Garlands Land on average varies from 35 - 45 mph, and that there has never been an accident outside the site in the 40 years that the site has been open.

History:-

99/01007/TEMP	Retention of continued use of land for caravan site	Approved	01.03.00
04/00001/OUT	Erection of bungalow	Refused	19.05.04
05/00504/OUT	Erection of one bungalow	Withdrawn	11.07.05

Consultations:-

No objections have been received from Barlestone Parish Council.

Bagworth and Thornton Parish Council object to the proposal on the grounds that Bagworth already has sufficient traveller sites that meet the Governments recommendations. The establishment of further sites will impact on the general infrastructure of the village and will provide more opportunity for the uncontrolled erection of buildings and structures without planning permission being obtained.

The Council's Land Drainage Engineer suggests consulting with the Environment Agency to ascertain whether the septic tank, if existing, is adequate for the additional 5 caravans.

Director of Property Services (Leicestershire County Council Gypsy Liaison Officer) has reported the following:-

The existing site comprises 21 pitches and provides accommodation for gypsy and traveller families, 6 on a transit basis and 15 on a more permanent basis, providing a stable base for them whilst enabling them to continue their travelling culture. The proposal will assist in increasing the availability of pitches in the area to travelling families. The site is the oldest in Leicestershire, is well managed and to the best of my knowledge causes no problems to the surrounding area or Local Authority. This is due to the 24 hour security provided on the site by the applicant, Mr Morrison. His brother resides in the existing bungalow, and is no longer able to provide full time cover during the night and this responsibility now falls to Mr Morrison. The applicant's are happy to work with the Local Authority to address any concerns, which may arise in respect of the proposal.

The Gypsy Liaison Officer also draws attention to the Office of the Deputy Prime Minister Circular 01/06 'Planning and Traveller Caravan Sites' published in February this year (replacing Circular 1/94 because it had failed to deliver adequate sites for Gypsies and Travellers over the last 10 years). The Liaison Officer states that the main intentions of the Circular that are most relevant are:-

- a) To increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision.
- b) To recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- c) To identify and make provision for the resultant land and accommodation requirements
- d) To help or avoid Gypsies and Travellers becoming unintentionally homeless
- e) To reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- f) To create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual.
- g) To promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites.
- h) To underline the importance of assessing the needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- i) To ensure that DPDs include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively; and
- j) To reduce the number of un-authorized encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in the circular.

The Director of the Highways, Transportation and Waste Management recommends refusal of the application on the following grounds:-

- a) it could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users.
- b) it could result in an unacceptable increase in traffic turning onto or off a Class II road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of Highway safety.
- c) The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development
- d) It could create a precedent for similar proposals.

At the time of writing the report comments had not been received from:-

Environment Agency
National Forest Company
Site Notice
Neighbours.

Development Plan Policies:-

National Government Planning Guidance

The principal guidance on planning control and gypsy caravan sites is contained in Circular 01/2006 entitled 'Planning for Gypsy and Traveller Caravan Sites' ("Circular") issued by the then Office for the Deputy Prime Minister. The Circular replaces the previous Circular 1/94 (Gypsy Sites and Planning).

The Circular's main ethos relates to the Government's key objective for planning for housing 'to ensure that everyone has the opportunity of living in a decent home'. It also states that the Government is 'committed to ensuring that members of the gypsy and traveller communities should have the same rights and responsibilities as every other citizen'. The main intentions of the Circular are summarised as; to create and support sustainable, respectful and inclusive communities; to reduce the number of unauthorised encampments and developments; to increase the number of gypsy and traveller sites in appropriate locations; to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community; to underline the importance of assessing needs; to identify and make provision for the resultant land and accommodation requirements; to ensure that Development Plan Documents are reflective of identified needs; to promote more private gypsy and traveller site provision in appropriate locations through the planning system and to help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites.

Guidance is also provided on sites in rural areas and the open countryside. In the course of the Circular various planning constraints are referred to that may be relevant when determining planning applications for private gypsy sites. These considerations include local landscape and local nature conservation designations; the appropriateness of the site's location; the use of brownfield sites instead of greenfield ones; sustainability of the site; highway considerations; general amenity issues and human rights considerations.

In Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Communities' the government's approach to planning is stated to be the objective of achieving sustainable development whilst protecting the natural and built environment.

Section 38(6) of the Planning and Compulsory Purchase Act states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In Planning Policy Guidance 3 (PPG3), 'Housing' as part of a plan, monitor and managed approach to meeting housing requirements, local authorities are advised to make assessments of housing needs and to encourage the provision of housing to meet the needs of specific groups including travellers and occupiers of mobile homes (paragraph 11 and 13). It is pointed out in paragraph 13 that such assessments 'are matters for local authorities to undertake in the light of their local circumstances'.

A draft consultation document to replace PPG3 with Planning Policy Statement 3 'Housing' was issued by the Office for the Deputy Prime Minister in December 2005. The main thrust of the draft guidance is similar to PPG3 with regards to identifying housing need and

allocating sites. Annex B of the draft statement states that when conducting sub-regional housing market and housing land availability assessments, local authorities must '...consider accommodation needs and demands for specific groups...' such as the gypsy and traveller communities.

Planning Policy Statement 7 (PPS7), 'Sustainable Development in Rural Areas' states in paragraph 15 that 'planning policies should provide a positive framework for facilitating sustainable development that supports traditional land based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development'.

Planning Policy Guidance 13 (PPG13), 'Transport' encourages the use of public transportation and less dependency on the use of private car. Although it is recognised in PPG13 that the use of private transportation in rural areas is likely to be by car, more general guidance on highway safety and the location of development is also given.

Structure Plan Policies

Leicestershire, Leicester and Rutland Structure Plan Policy 8 (SP8) is relevant. The ethos of the policy is to restrict development in the open countryside. It states that the '...countryside will be protected for its own sake.' It also states that 'development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced'.

Local Plan Policies

All development proposals are subject to Policy BE1 of the Hinckley and Bosworth Local Plan. Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development; to safeguard and to enhance the existing environment and to ensure that there is adequate highway visibility. The policy provides a set of design and amenity criteria with which to assess all new development.

Policy NE5 of the Local Plan seeks to protect the countryside for its own sake and any development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.

The site is located within a Local Landscape Improvement Area of open countryside as well as The National Forest, as defined in the adopted Hinckley and Bosworth Local Plan. Policy NE10 provides a focus for environmental improvement measures such as tree planting, landscaping and screening on land identified as being of poorer landscape quality.

In terms of the principle of development within the National Forest, the Borough Council will only grant planning permission for built development where it is of a high quality incorporating design and, materials which reflect the setting of the proposal in the forest. (Policy NE21).

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. This policy states that development and changes of use that involve new accesses, new highways or other works, the highway design standards will apply.

Policy RES13 of the Local Plan (page 50 and 51) states that as an exception to the countryside restraint policies gypsy caravan sites may be acceptable forms of development provided all the following criteria are satisfied:-

- a) It is located within a reasonable distance of local services and facilities, e.g. shops, hospitals and schools;
- b) It will not have an adverse effect on the amenities of neighbours;
- c) It will not have an adverse effect on the character and appearance of the countryside;
- d) It has acceptable vehicular access and provision for parking and servicing;
- e) It incorporates substantial peripheral landscaping; and
- f) It does not conflict with any other policies of the Local Plan.

Appraisal:-

This application seeks an extension to an existing long established gypsy site to provide 5 additional pitches. Policy guidance provided tends to concentrate mainly on the provision of new sites and the suitability of the location of the new site. It is thus considered that as this site is existing the principle of the gypsy site in this location has been long established and it now falls to consider the impact of the additional 5 pitches on the character of the area; highway; and amenity of people and services in the locality.

The site is well screened from the public highway, to an extent that you cannot instantly recognise the site as a gypsy site when approaching from either direction. The extension of the site is into agricultural land to the east of the site; again this area is screened from the public highway and cannot easily be seen. It is thus considered that when assessing the likely impact on the character of the area, the increase of 5 pitches on the additional land will have a minimal adverse impact, if any, on the character of the area.

The site sits to the south of the Bagworth settlement, and has been established some 40 years with very few complaints about it having been received by the Local Authority. The additional land has already been incorporated into the site and additional caravans moved on. This operation has not generated complaints from local people. Whilst additional people living on the site is likely to impact on local services, it is considered that the lack of complaints regarding the unauthorised increase of the site and the small number of additional pitches provided demonstrates that the impact on the amenity of people and services in the locality will be minimal and would not justify refusal of the application.

A recommendation of refusal has been received by the Director of Highways, Transportation and Waste Management on the grounds that the additional pitches could result in an unacceptable increase in traffic using an access with poor visibility, turning onto or off of a Class II road where traffic speeds are generally high. Policy RES13 of the Local Plan does require that the site should have acceptable vehicular access; however Circular 1/2006 states that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. Furthermore, Government Guidance strives towards making suitable provision for gypsy and traveller sites. It is considered that as the site exists the refusal of planning permission on highway grounds alone would not be in the spirit of Government Guidance. The increase of pitches on the site from 21 to 26 would, it is considered; result in a modest increase in daily vehicle movements. Visibility when leaving the site is poor, however the applicant has significantly improved visibility by cutting back the hedgerow to provide the maximum visibility available. The Highway Authority consider the improvements to the visibility to still be below standards and have stated that should the Local Planning Authority be minded to grant permission, conditions should be imposed to improve visibility in line with their standards. However, to improve visibility in line with Highway standards would result in the removal of the established hedgerow along the site frontage, which is considered unacceptable in visual amenity terms, as the hedgerow does provide significant screening, which minimises the impact the site, has on the open countryside. Furthermore,

the provision of the visibility splay would encroach into the site thereby reducing usable space for pitches. It is therefore considered, on balance that refusing the application on the recommendations of Highways is not a sustainable reason for refusal and the imposition of the suggested visibility condition is considered impractical. The Highway Authority also suggested a condition restricting the erection of gates at the access, this is considered unnecessary, as the point of access is set into the site away from the highway boundary and it is considered that a further 5 pitches would not intensify the use to such an extent that the condition could be justified.

Conclusion

Whilst there are objections to the application from both Bagworth and Thornton Parish Council and the Director of Highways, Transportation and Waste Management all material consideration should be assessed. As such it is considered that the site is extremely well run and provides essential accommodation for gypsy and travelling families, in line with Government Guidance. The increase in pitches is considered to be minimal, having little if any impact on the character of the area and the amenity of local people and local services. Although the existing access lacks appropriate visibility when leaving the site it is considered that the addition of just 5 pitches would not generate significant vehicle movements to detriment of highway safety and therefore it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION:- The Local Planning Authority has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal to provide an additional 5 caravan pitches is compatible with the scale and character of the existing site and will not adversely effect the character and appearance of the landscape. As such the proposal is in accordance with Policies BE1, NE5, NE10, NE21 and RES13 of the adopted Hinckley and Bosworth Local Plan 2001 as qualified by ODPM Circular 01/2006. For the reasons given above and having regard to all other matters raised, the Local Planning Authority considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out below:-

- 1 The number of caravans stationed on the site shall not exceed 5.
- 2 The site shall not be used otherwise than for the stationing of:
 - a) caravans for occupation by gypsies as defined in Section 16 of the Caravan Sites Act 1968 and paragraph 15 of ODPM Circular 01/2006,
 - b) the vehicles of the occupants of the caravans.
- 3 No scrap materials shall be unloaded or loaded on the site.
- 4 The existing hedges on the site boundaries shall be retained and improved in accordance with a landscaping scheme, which shall have been submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission.
- 5 The approved landscaping scheme shall be carried out during the first appropriate planting season, following the date of this permission. The scheme shall indicate the proposed species and their disposition and the hedges shall be allowed to grow to a height not less than 2 metres and maintained at that height at all times thereafter.

- 6 Within one month of this approval details of the proposed foul drainage system shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented within one month of details being agreed in writing and no alterations or amendments to the agreed scheme shall be implemented without written approval from the Local Planning Authority.
- 7 There shall be no more than one vehicle (other than private motor cars) for each caravan/ and or mobile home stationed on the site at any one time.

Reasons :-

- 1 To prevent overdevelopment of and overcrowding of the site to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 To ensure that the site continues to be used for the purpose for which planning permission has been granted to accord with Policy RES13 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that the site does not fall into an untidy condition, in the interests of amenity to accord with Policies BE1 and RES13 of the adopted Hinckley and Bosworth Local Plan.
- 4&5 To enhance the development and to safeguard the appearance of the area to accord with Policies BE1; RES13; NE10 and NE21 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure satisfactory provisions are made for the drainage of the site.
- 7 For the avoidance of doubt.

Notes to Applicant:-

- 1 In the interests of highway safety, the applicant is advised that the hedgerow along the site frontage should be trimmed regularly to maintain maximum visibility for vehicles when leaving the site.
- 2 With reference to condition 2; ODPM Circular 01/2006 defines "gypsies and travellers" as 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised ground of travelling show people or circus people travelling together as such'.

Contact Officer:- T Miller Ext 5809

Item: 03
Reference: 06/00671/COU
Applicant: Mr P Dhillon
Location: Land Adj Groby Fish Bar Newtown Linford Lane Groby Leicester
Proposal: CHANGE OF USE OF GROUND FLOOR CAFETERIA TO TAKEAWAY

Introduction:-

This application seeks to change the use of a recently constructed ground floor café (Class A3) to a hot food takeaway (Class A5). The café was granted planning permission in August 2005 and incorporated a flat at first floor. The cafe is positioned to the side of the existing Fish Bar and the flat incorporates dormer windows at first floor level. This application proposes to sever the cafe link with the existing Fish Bar. The proposed opening hours are 7.30 am to 10.30 pm Monday to Thursday and 7.30 am to 12 midnight Friday and Saturday, the premises would be closed on Sundays. Four parking spaces are provided to the front of the building, one for delivery vehicles; two for the café and one for the flat.

History:-

03/00908/FUL	Erection of two storey extension comprising ground floor store and first floor flat with parking	Approved	10.11.03
03/01491/FUL	Erection of two storey extension comprising ground floor store and first floor flat with parking (amended scheme)	Approved	12.02.04
05/00621/COU	Change of use of ground floor general store to a cafeteria	Approved	10.08.05

Consultations:-

No objection from the following:-

The Friends of Charnwood Forest
 Director of Community Services (Archaeology)
 Groby Village Society.

Director of Highways, Transportation and Waste Management recommend refusal of the application on the grounds that the use would result in an intensification in vehicular traffic attracted to the premises which could in turn lead to indiscriminate parking in the highway which would not be in the interests of road safety. They also comment that there is limited parking and whilst there are parking restrictions on the corner, such restrictions are unlikely to deter takeaway customers from parking in the Highway for the short amount of time they are likely to be on site. The Highway Authority accepted the previous development of the site for a cafeteria as it was considered that the customers using the café were likely to either walk to the site or find alternative 'informal' off street parking facilities within the vicinity of the site to parking their vehicles. With this application it is considered that customers associated with the takeaway use may not do this and could park in and around Newtown Linford Lane's junction with Leicester Road.

Groby Parish Council object on the following grounds:-

- a) Opening hours too long
- b) Insufficient parking, existing parking bays on a busy road junction
- c) Two takeaways adjacent each other will cause traffic congestion
- d) Delivery vehicles already park on the busy road junction and not in the bay provided.

Head of Health and Environment is unable to comment due to lack of information regarding what the premises is to be used for and details of the extraction system, namely efflux velocity, fan location and sound level and position of flue.

The Groby Ex-Servicemen's Social Club object on the basis that a further takeaway will result in the need for additional parking, as the application site has little parking the customers will park in the social club parking area impacting on the clientele of the social club. The premises are also on a busy road junction therefore a change to hot food takeaway could cause severe traffic problems.

8 Letters of objection and 1 petition containing 60 signatures raising the following:-

- a) Impact on neighbouring amenity through increased smell, litter, and noise from vehicles and users
- b) Devalue properties in the area
- c) Danger to road users and pedestrians due to location of premises
- d) Insufficient off-street parking causing highway dangers
- e) Proposed opening hours too long
- f) Will attract anti-social behaviour
- g) No need for another takeaway in the village
- h) Residential area is not suitable for another takeaway.

Development Plan Policies:-

The site is located within the Groby settlement boundary; the Conservation Area and National Forest. Policy BE1 provides the basis for assessing the design and siting of development and seeks to ensure a high standard of design, to secure attractive development and safeguard and enhance the existing environment.

Policy BE7 seeks to provide development that would preserve, or enhance the character and appearance of the Conservation Area. Policy NE21 provides the basis for assessing proposals in the National Forest along with Policies NE22, NE23 and NE24 that provide guidance for implementation and future maintenance and management of planted areas.

Policy Retail 10 provides that permission will be granted for the use of premises for the sale of food and drink in Local Shopping Centres subject to criteria relating to neighbours amenity, adequate storage facilities at the rear of the premises and satisfactory off street parking provision.

Supplementary Planning Guidance: Shopping and Shop Fronts, Part 3 gives guidance regarding Food and Drink Establishments. This provides that existing premises that are seeking to expand will be acceptable where there will be no harm to nearby residential properties and where there will be no adverse impact on the retail balance. Furthermore, it recommends that the highway considerations are taken into account when evaluating the proposal. Policy T5 provides guidance for vehicle parking standards and development that impact upon the use of the highway.

Appraisal:-

Policy

The site is within the settlement boundary of Groby within the Conservation Area. It sits outside of the Local Shopping Area as designated in the Hinckley and Bosworth Local Plan. Policy Retail 10 provides support for a proposal such as this in Local Shopping Areas providing it complies with the criteria set out in the policy and the adopted Supplementary Planning Guidance which states that the best location for hot food takeaways is normally within main and local shopping centres. However it does recognise that there are uses outside of these areas that are long established. These are usually interspersed with, or in close proximity to, residential properties that require greater consideration in terms of noise levels, disturbance, fumes and cooking smells that are likely to have a negative impact on the amenities of residents.

Impact on Neighbours

The previous application for a café was assessed against the policies listed above, and it was considered it would be acceptable in principle due to the size of the café and the imposition of restrictive conditions to ensure the use did not become a source of annoyance and disturbance to neighbours. As such the café was approved subject to no opening windows on the northern elevation; restricted opening hours and it being operated in conjunction with the main takeaway business and flat. The current proposal indicates a door on the northern elevation, proposes long opening hours and proposes to separate the use from the main takeaway business and flat. Planning permission would not have been granted for the café without the restrictive conditions due to the adverse impact on the amenity of neighbouring properties. The concerns raised by neighbours regarding smell, litter, noise and opening hours are all issues that are associated with any hot food takeaway use. The proposal to have a door on the northern elevation where previously there was only to be a window that was conditioned to be non-openable, is considered to be unacceptable as there can be no control on whether or not this door is kept closed to protect neighbouring amenity. The issue of litter can only be addressed through the planning system with the provision of a bin at the site. However this is unlikely to alleviate litter problems due to the practice of people dropping litter away from the takeaway having eaten their food whilst walking home. The opening hours proposed are considered excessive being open from 7.30am in the morning until 10.30pm Monday to Thursday and 12 midnight Friday and Saturday. Whilst the opening hours of the existing fish and chip shop are unrestricted the unit proposed for the additional takeaway is immediately adjacent to residential properties and therefore such long hours are considered inappropriate. The hours imposed for the café were 12 noon until 8 pm Monday to Saturday and any extension to these hours will, it is considered, be onerous and detrimental to the amenity of residents of neighbouring premises.

Highways

Several concerns have been raised regarding additional traffic generation and lack of off-street parking facilities. Policy requires sufficient parking to be provided for hot food takeaway establishments and recognises that the parking habits of car-borne customers require special consideration. Vehicles left on carriageways and/or footpaths can be dangerous and inconsiderate to pedestrians, they can affect the free flow of traffic and highway safety. The adopted Supplementary Planning Guidance specifically provides that applications may be refused if it is deemed that no off-street or suitable on-street parking is available either on site or close by, and where parking on the highway would be detrimental to highway safety. The application for the café was considered to be acceptable in highway terms based on the size of the café only providing 4 tables, and it was considered that the customers using the café were likely to either walk to the site or find alternative 'informal' off street parking facilities in the vicinity of the site.

A hot food takeaway is however, considered to be used differently from a café in that customers will only be staying a short while to collect their food and are therefore unlikely to seek off-street parking in the vicinity of the site. It is therefore more likely that they will pull up and park outside the facility. As the site is situated close to the junction of Newtown Linford Lane with Leicester Road it is considered that this on-street parking would be detrimental to highway safety. Whilst 4 parking spaces are provided within the site, it is likely that these will be used by the occupier of the flat, a delivery vehicle, and an employee therefore only leaving one space available for customers, which is considered insufficient for the use proposed. The Director of Highways, Transportation and Waste Management endorses this view and recommends refusal.

Other Issues

Residents in the area have raised the decrease in property value as a concern; this however is not an issue that can be addressed through the planning process.

Details have not been received regarding the extraction and ventilation system; therefore the full impact on the character and appearance of the Conservation Area cannot be assessed.

Finally, the need for a hot food takeaway has been raised. Residents consider that there is no need for a further takeaway in the area; there is already the Fish Bar and a Chinese takeaway in Groby and a further takeaway is unnecessary. Although relevant policies do not consider the need for such establishments, if the proposal was in a local shopping centre the impact on the retail balance of the centre would be a consideration.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, the proposed change of use would have an adverse effect on the amenities enjoyed by the occupiers of adjoining residential properties in terms of noise, smell, litter, disturbance and traffic generation by virtue of its close proximity, the proposed opening hours, and the creation of a use separate to that of the existing Fish Bar. The proposal is therefore contrary to Policy Retail 10 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: Shopping and Shop Fronts.
- 2 In the opinion of the Local Planning Authority the proposed change of use is considered undesirable as it would result in an intensification in vehicular traffic attracted to the premises which could in turn lead to indiscriminate parking in the Highway which would not be in the interests of Highway Safety. The proposal is therefore contrary to Policy Retail 10; BE1 and T5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: Shopping and Shop Fronts.
- 3 Insufficient details have been submitted to indicate that a method of fume extraction could be implemented at the premises without detriment to the external appearance of the premises itself and the street scene in general, and to the character and appearance of the Groby Conservation Area. The proposal would, therefore, be contrary to Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

Contact Officer:- T Miller Ext 5809

Item: 04
Reference: 06/00683/FUL
Applicant: Mr S Brooker
Location: Hillside Main Street Botcheston Leicester LE9 9FF
Proposal: ERECTION OF DETACHED DWELLING AND GARAGE INCLUDING RELOCATION OF ACCESS

Introduction:-

This application seeks full planning permission for the erection of a two storey detached dwelling with a garage and the relocation of an existing access at Hillside, Main Street, Botcheston. The site measures approximately 520 square metres and is accessed from Main Street. The site lies on the south side of Main Street approximately 70 metres west of the village hall and is bounded to the north, east and west by residential and to the south by open countryside.

The site currently comprises an outbuilding in the south-east corner, a field access which runs along the west boundary of the site from Main Street to a field at the rear which is also in the ownership of the applicant, with the remainder of the site is overgrown garden area. There are a number of established trees on the site and established hedges run across part of the frontage of the site as well on the east side of the field access.

The application proposes to remove the existing building on the site, relocate the field access so that it is adjacent to Hope Cottage and construct a two storey detached dwelling with attached double garage to the front of the property.

Information submitted in support of the application describes the village as comprising mainly spacious, detached houses with gabled roofs and four or more bedrooms. The details include an assessment of average plot widths which concludes that on the south side of the village the average plot width is 17.34 metres and on the north side the average plot width is 18.17 metres. The details state that this proposal is to develop a 14 metre wide strip of land between the existing dwelling and Combe-Leylands, removing the existing Nissan hut and 3 trees as shown on the site layout drawing. The proposed building is described as having a number of architectural features found elsewhere within the village. The details state that a development of this size, scale and by using traditional materials and construction, will enhance the streetscene and create a development that positively improves the character of this established neighbourhood.

History:-

06/00335/FUL	Demolition of the existing dwellings and erection of two dwellings with associated parking and access	Withdrawn
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Consultations:-

No objections subject to standard conditions have been received from:-
Borough Council's Land Drainage Engineer
The Director of Highways, Transportation and Waste Management.

No response has been received at the time of writing from Head of Health and Environment.

The Director of Community Services (Archaeology) reports that the Leicestershire and Rutland Historic Environment Record (HER) shows that the site lies in an area of archaeological interest. There are two Roman findspots in the vicinity of the development: a stone well, Roman pottery and coins and a collection of Roman pottery. A standard condition is recommended to safeguard any important archaeological remains.

Desford Parish Council has suggested better spacing of the houses in question, in relation to privacy, appearance and design.

A letter has been received from a Parish Councillor objecting to the application on the following grounds:-

- a) the previous scheme was acceptable to all but the Borough Council, this scheme pleases no one
- b) unreasonable that the wishes of so many people directly affected should count for nothing
- c) a Bill currently going through Parliament proposes to change the classification of gardens as brownfield sites
- d) villagers recently bought an area of land to prevent an illegal travellers site, saving the Borough Council a large amount of work and as such residents deserve special consideration on this issue
- e) "Sometimes it may be acceptable to develop back gardens for new housing which is in keeping with the character and quality of the local environment" (Ruth Kelly)
- f) "a key consideration should be whether a development positively improves the character and environmental quality of the area and way it functions" (Ruth Kelly)
- g) the best, possibly only, people to judge the above criteria are the residents themselves

Neighbours notified, one letter received in support of the application and twenty-five letters received raising the following concerns:-

- a) scheme retains poor quality existing building, Hillside
- b) dwelling 'squeezed' between two existing properties, leaving a substantial strip of land to the left of the existing building
- c) scheme has the appearance and qualities of a high density urban development
- d) does nothing to enhance the village
- e) loss of light, view and privacy to landing window and rear garden of Combe-Leylands
- f) overbearing impact on Combe-Leylands
- g) lack of energy efficiency of the retained existing building, Hillside
- h) the previous, withdrawn, scheme was preferred by all, would have enhanced the character of the village and was in keeping with other recent developments
- i) in this case the planning requirements are inappropriate
- j) less employment opportunities for local people
- k) current plans are prejudicial to the comprehensive development of the larger area of land
- l) plans do not ensure an adequate degree of amenity and privacy is provided
- m) size, design and position will impact on our right to early morning sunshine, light and privacy
- n) cumulative effect of this dwelling and the existing dwelling Belmore upon Coombe-Leylands
- o) increased energy costs to Coobe-Leylands
- p) only dwelling with garage not facing the road
- q) loss of the view of the open countryside
- r) removal of trees and hedgerows
- s) impact on wildlife

- t) unfair to not consider this as application for the whole site, as the proposed access is adjacent to Hope Cottage
- u) potential subsidence

Development Plan Policies:-

The site lies within the settlement boundary for Botcheston, as identified in the adopted Hinckley and Bosworth Local Plan.

National Guidance

Planning Policy Guidance Note 3 (PPG3) and its successor Planning Policy Statement 3 (PPS3), currently at consultation stage in draft form, seek to make more effective use of previously developed/underdeveloped land to minimise the amount of greenfield land being taken for development.

Structure Plan

Housing Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan states that housing development should be of a type and design to achieve as high a net density as possible, taking account of proximity and accessibility to centres, a mix of house types to establish socially mixed communities, good principles of design and layout which make the most economical use of land and respect the local context and green space and landscaping requirements.

Local Plan

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they ensure adequate highway visibility and parking standards; where they do not adversely affect the amenities of neighbouring properties; where they incorporate landscaping to a high standard; and where they would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

Policies REC2 and REC3 require the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. Supplementary Planning Guidance gives further advice regarding the provision of Play and Open Space.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

The Council's Supplementary Planning Guidance for new residential development sets out additional criteria for layout and design.

Appraisal:-

Principle

The site is located within the settlement boundary of Botcheston where residential development is looked upon favourably providing there is no adverse impact on the amenity of neighbours, character of the area and the local highway network.

Density

National and regional policy seeks a density of between 30 and 50 dwellings per hectare for all new residential developments to promote the better use of land. The application site measures approximately 520 square metres. To develop this at the lower end of the recommended density would result in a scheme for 1 or 2 dwellings. The proposed development of 1 dwelling would result in a density of 19 dwellings per hectare. Whilst this is some way below national and regional policy it is considered that the form and character of the surrounding area should be reflected in any new residential development and there are large spacious developments in the vicinity of the site. There are also dwellings within the vicinity at a higher density, notably the adjacent dwellings Coombe-Leylands, Belmore, One Oak and Lashmars are at a density of 24 dwellings per hectare, the dwellings opposite at no.'s 6, 8 and 10 Main Street are at a density of 25 dwellings per hectare and the cul-de-sac Berrington Close is at a density of 34 dwellings per hectare. However, on balance it is considered that the proposed density of 19 dwellings per hectare is broadly in line with national and regional policy when applied to a rural location with surrounding spacious plots and is considered acceptable.

As the existing dwelling, Hillside, and the surrounding land do not form part of this application it is not possible to consider the overall density of the site. It is disappointing that the applicant is not willing to put forth a scheme for the comprehensive redevelopment of the site with three dwellings. However, the remaining land between the proposed dwelling and relocated field access is considered of sufficient size to replace the existing dwelling, Hillside, with two dwellings and it is not considered that the current proposal would be prejudicial to that development. However, this would be dependant on the submission of an application and as such the current application must be considered on its own merits.

Design and Layout

The proposal seeks consent for a large four bedroom dwelling set approximately 12 metres back from Main Street, with a double garage attached to the front. The front elevation of the proposed dwelling is set 4 metres back from the front gable of the adjacent dwelling Coombe-Leylands. The garage projects 1 metre in front of the gable of Coombe-Leylands. The rear elevation of the proposed dwelling is set 2.7 metres back from the rear elevation of the Coombe-Leylands. The gap between the dwellings varies from 2.6 metres at the front to 3.2 metres at the rear.

Adopted Supplementary Planning Guidance permits a maximum two storey projection along a common boundary of 2 metres. The proposed building would result in a 2.7 metre projection but with 3.2 metres between the dwellings. Amended plans have been requested relocating the building 1 metre to the east, to increase the gap between the proposed dwelling and Coombe-Leylands. In addition the plans will correct an error in plan no. 1273/04 which incorrectly shows a streetscene with the distance between the proposed dwelling and Coombe-Leylands as only 1.2 metres. It is considered that the requested amendments will reduce the impact of the proposed dwelling on Coombe-Leylands and will ensure that it appears more balanced in the streetscene. It is considered that all other size and distance requirements set out in adopted Supplementary Planning Guidance are complied with.

The frontages along Main Street are very open and there is some concern regarding the garage to the front of the proposed dwelling. However, the garage is set 5 metres back from Main Street, has its roof hipped away from Main Street and will be screened by high quality landscaping to soften the impact of this built form in close proximity to the highway and is therefore considered acceptable.

The dwelling has a gable roof with a forward projecting gable to its west side, natural stone plinth, natural stone sills, a feature bay window and feature corbelling. The proposal includes arched brickwork above the ground floor and side windows, with the first floor windows meeting the corbelling to give more of a cottage style appearance. Many of these features are considered to mirror those within the village and are combined to give an attractive appearance which is considered acceptable.

Highways

The proposal incorporates sufficient parking within the site and the Highway Authority has no objection to the development subject to standard conditions. The proposal includes the relocation of the access from the western boundary of the site, adjacent to Coombe-Leylands, to eastern boundary of the curtilage of Hillside, adjacent to Hope Cottage. The proposed access, at its nearest point, would be 5 metres from Hope Cottage and is considered to be acceptable in this location. Additional details of conditions relating to this access have been requested and will be reported as a late item.

Financial Contributions

The application proposes a new residential unit; therefore a contribution of £1,900 towards Play and Open Space would be required. The site lies within 400 metres of Botcheston Playing Field where there is a recognised need for the improvement of facilities.

Other Considerations

Residents have raised additional concerns relating to site boundary which includes land not in the ownership of the applicant, bridleway across the site, lack of comprehensiveness, preference for the previous application, loss of the views of the open countryside, removal of trees and hedgerows and impact on Coombe-Leylands. Title documents have been received confirming that the entire application site is owned by the applicant and it has been confirmed with Leicestershire County Council Rights of Way Officer that there are no public rights of way which cross the site.

In relation to the preference by residents of the previous, withdrawn, scheme and the removal of Hillside, the Local Planning Authority can only consider the current application on its own merits. It is not considered that the development of this site would prejudice the development of the wider site. The remaining site is approximately 0.1 hectares and could be developed with 2 dwellings at a density 20 dwellings per hectare. It is considered that the addition of built form on the site will reduce views of the open countryside from Main Street, includes the removal of trees and hedges and will have a minimal impact on the adjacent dwelling Commbe-Leylands. However, the degree to which views, trees and hedges will be lost and the impact on Coombe-Leylands, particularly considering the requested amended plans, are not considered sufficient to warrant refusal of this application.

Conclusion

The principle of residential development in urban areas is acceptable and encouraged not only by local, but national guidance. This proposal for development of the site with one dwelling is considered an appropriate density for this location. Whilst the addition of another dwelling along Main Street will change the character of the area, a level of change

over time is expected and it is not considered that this proposal will materially harm the streetscene nor the character of the area. The application meets the relevant policies and standards contained within the adopted Hinckley and Bosworth Local Plan and contained within adopted Supplementary Planning Guidance. The application is therefore recommend for approval subject to the receipt of the amended plans detailed above.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, T5 and BE13 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by amended plan received by the Local Planning Authority on ****.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and attached garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Before the first occupation of the dwelling hereby approved, car parking provision shall be made within the curtilage of the dwelling on the basis of 3 spaces. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 5 Before first occupation of the dwelling hereby permitted, its 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.
- 6 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 7 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.
- 8 The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority in writing.
- 9 Details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing before development commences, and implemented in accordance with the approved scheme before first occupation of the dwelling hereby approved.

- 10 Before any development is commenced on site a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials and their disposition.
- 11 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure satisfactory archaeological investigation and recording to accord with policy BE13 of the Hinckley & Bosworth Local Plan.
- 7 To ensure the provision of adequate play and open space within the vicinity of the site to accord with policies REC2 and REC3 of the Hinckley and Bosworth Local Plan.
- 8 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 10 To enhance the appearance of the development to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and RES5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 2 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

- 3 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01455 283341). The Highway boundary will require defining across the entire sites frontage.
- 5 In relation of Condition 10 the applicant is informed that the Local Planning Authority expects a particularly high quality of landscaping to the area between the approved garage and the public highway. To soften the impact of the development, given its close proximity to the public highway.

Contact Officer:- D Warden Ext 5691