

Date: 26 July 2010

**To: All Members of the Planning Committee**

Mr R Mayne (Chairman)	Mr WJ Crooks	Mr K Nichols
Mr DW Inman (Vice-Chairman)	Mr DM Gould	Mr LJP O'Shea
Mrs M Aldridge	Mrs A Hall	Mr BE Sutton
Mr JG Bannister	Mr P Hall	Mr R Ward
Mr CW Boothby	Mr CG Joyce	Ms BM Witherford
Mr JC Bown	Mr K Morrell	

Copy to all other Members of the Council

(other recipients for information)

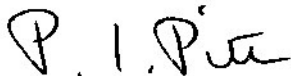
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 3 AUGUST 2010** at **6.30pm**, and your attendance is required.

The agenda for the meeting is set out overleaf.

**There will be a pre-meeting at 6.00pm in the Members' Room (Annexe) to inform Members of any late items.**

Yours sincerely



Pat Pitt (Mrs)  
Corporate Governance Officer

**PLANNING COMMITTEE**  
**3 AUGUST 2010**  
**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS
- RESOLVED 2. MINUTES  
To confirm the minutes of the meeting held on 8 June attached marked 'P10'.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES  
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST  
To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**
5. QUESTIONS AND PETITIONS  
To hear any questions and to receive any petitions in accordance with Council Procedure Rules 10 and 11.
6. DECISIONS DELEGATED AT PREVIOUS MEETING  
Director of Community and Planning Services to report on any decisions delegated at the previous meeting which had now been issued.
- RESOLVED 7. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED  
Schedule of planning applications attached marked 'P11' (pages 1 – 118).
- RESOLVED 8. APPEALS LODGED AND DETERMINED  
Report of the Director of Community and Planning Services attached marked 'P12' (pages 119 – 122).
- RESOLVED 9. APPEALS PROGRESS  
Report of the Director of Community and Planning Services attached marked 'P13' (pages 123 – 125).
- RESOLVED 10. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

**NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.**

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**6 JULY 2010 AT 6.30 PM**

**PRESENT:** MR R MAYNE - CHAIRMAN  
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr JG Bannister, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr K Morrell, Mr K Nichols, Mr LJP O'Shea, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Ms T Miller, Miss R Owen, Mr M Rice, Ms E Shaw and Mr S Wood.

125 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Boothby, Mr Joyce and Mr Ward with the substitution of Mr Cartwright for Mr Ward authorised in accordance with Council Procedure Rule 4.3.

126 **MINUTES (P5)**

On the motion of Mr Bown, seconded by Mr Sutton, it was

**RESOLVED** – the minutes of the meeting held on 8 June 2010 be confirmed and signed by the Chairman.

127 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

128 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Head of Planning reported on the following applications which had been delegated at the meeting on 8 June:

- (i) 10/00162/FUL – it was reported that the decision had been issued on 18 June;
- (ii) 10/00375/OUT – it was reported that the decision was due to be issued on 8 July.

129 **TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P6)**

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Deputy Chief Executive (Community Direction).

- (a) 10/00129/FUL – Erection of 8 dwellings (amendment of planning permission 08/00717/REM), Land Outlands Drive, Hinckley – Jelson Ltd

On the motion of Mr Crooks, seconded by Mr Bown, it was

RESOLVED – subject to the signing of a legal agreement binding this permission to the outline planning permission ref: 05/00346/OUT, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and late items. Failure to do so by 19 July 2010 might result in the application being refused.

- (b) 10/00133/FUL – Demolition of existing dwellings and erection of four new dwellings, 1 Burton Road, Twycross – The Crown Estate c/o

It was moved by Mr Morrell, seconded by Mr Bown and

RESOLVED – the application be approved subject to the conditions contained in the officer's report and late items.

- (c) 10/00418/FUL – Erection of a one metre fence, 2 Hamilton Close, Hinckley – Mr Paul Sidwell

Notwithstanding the officer's recommendation that the application be refused, some Members felt that the application should be permitted as there had been no objections and it would improve the security for the homeowner. It was moved by Mr Nichols and seconded by Mr Morrell that the application be approved for the abovementioned reasons. An amendment was then proposed and accepted by Mr Nichols and Mr Morrell that a note to applicant be added inviting him to regularise both the unauthorised wall upon which the fence would be erected and the change of use of land to garden.

It was requested that voting be recorded on this motion.

Mr Inman, Mrs Aldridge, Mr Bannister, Mr Crooks, Mr Gould, Mr Morrell, Mr Nichols, Mr Sutton and Mrs Witherford voted FOR the motion (9);

Mr Bown, Mrs Hall, Mr Hall, Mr O'Shea and Mr Cartwright voted AGAINST the motion (5);

Mr Mayne abstained from voting (1).

The motion was therefore declared CARRIED.

RESOLVED – the application be approved subject to the following conditions and a note to applicant inviting him to regularise the unauthorised wall and unauthorised change of use of land:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  2. Notwithstanding the information submitted, details of the style, colour and finish of the fence shall be submitted to and agreed in writing by the local planning authority and the scheme shall then be implemented in accordance with the approved details.
  3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos 1 and 2, OS Sitemap scale 1:1250.
- (d) 10/00424/DEEM – Variation of condition no12 of planning permission 07/00431/DEEM relating to the provision of a cycle route, Former Council Depot, Wheatfield Way, Hinckley – Hinckley & Bosworth BC

On the motion of Mr O’Shea, seconded by Mrs Aldridge it was

RESOLVED – the application be approved subject to the conditions contained in the officer’s report.

- (e) 10/00441/DEEM – Non material amendment to planning permission 07/00431/DEEM to amend the position of the wind turbines, Former Council Depot, Wheatfield Way, Hinckley – Hinckley and Bosworth Borough Council

On the motion of Mr O’Shea, seconded by Mr Morrell it was

RESOLVED – the application be approved subject to the conditions contained within the officer’s report.

## 130 COALITION GOVERNMENT ANNOUNCEMENTS (P7)

Members were updated on recent information received from the Coalition Government in relation to planning, including an announcement that the Secretary of State was commencing the process to revoke Regional Spatial Strategies.

Concern was expressed with regard to the relaxation of minimum densities and how this would reduce development of affordable housing. In response Members were reminded that there were still local policies in place to assist with this.

Members were informed that following discussions on these issues at Council, the Leader had delivered a letter to Eric Pickles by hand.

Mr O’Shea left the meeting at 7.25pm.

It was moved by Mr Cartwright, seconded by Ms Witherford and

RESOLVED – the report be noted.

131 APPEALS LODGED AND DETERMINED (P8)

A summary was submitted of appeals lodged and determined since the last meeting. It was

RESOLVED – the report be noted.

132 APPEALS – PROGRESS (P9)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was reported that the Planning Inspectorate was currently inundated with appeals. On the motion of Mr Cartwright seconded by Mr Morrell it was

RESOLVED – the report be noted.

(The meeting closed at 7.30pm)

**PLANNING COMMITTEE AGENDA - 3 August 2010 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
10/00330/FUL	Mr J Sanders	Land Off Brascote Lane Newbold Verdon	01	
10/00358/OUT	Mar City Developments	St Martins Convent Hinckley Road Stoke Golding	02	
10/00386/FUL	Assura Properties Limited	Castle Mead Medical Centre 33 Hill Street Hinckley	03	
10/00403/COU	Mr Ted Sykes	The Bungalow Hydes Lane Hinckley	04	
10/00408/OUT	Morris Homes (East) Limited	Land Off Hinckley Road Stoke Golding	05	
10/00427/COU	Mr Neil Bayley	West End Sewage Works West End Barton In The Beans	06	
10/00435/EXT	Mr Jim Dawson	Yew Tree Farm Occupation Road Nailstone	07	
10/00450/LBC	Hinckley And Bosworth Borough Council	Goddard Building Lower Bond Street Hinckley	08	
10/00451/FUL	Mr & Mrs A Oliver	Vine House Farm Shenton Lane Upton	09	
10/00454/OUT	Brenmar Devlopments (Hinckley) Ltd.	Land Off Eastwoods Road Hinckley	10	
10/00469/FUL	Mr Matthew Gilliver	Land Congerstone Lane Barton In The Beans	11	
10/00470/FUL	Mr J E Garland	Mythe Farm Pinwall Lane Pinwall Atherstone	12	
10/00504/GDO	Mr B Sutton	Agricultural Buildings Rear Of Sycamore Farm 29 Main Street Barton In The Beans	13	
10/00512/FUL	Mr Jason Baxter	Land Off Twycross Road Sheepy Magna	14	

**REPORT P11**

**PLANNING COMMITTEE**

**3 August 2010**

**RECOMMENDATIONS OF DEPUTY CHIEF EXECUTIVE  
(COMMUNITY DIRECTION)**

**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:** 10/00330/FUL  
**Applicant:** Mr J Sanders  
**Location:** Land Off Brascote Lane Newbold Verdon Leicestershire  
**Proposal:** PROPOSED AGRICULTURAL BUILDING FOR LIVESTOCK  
**Target Date:** 7 July 2010

**Introduction:-**

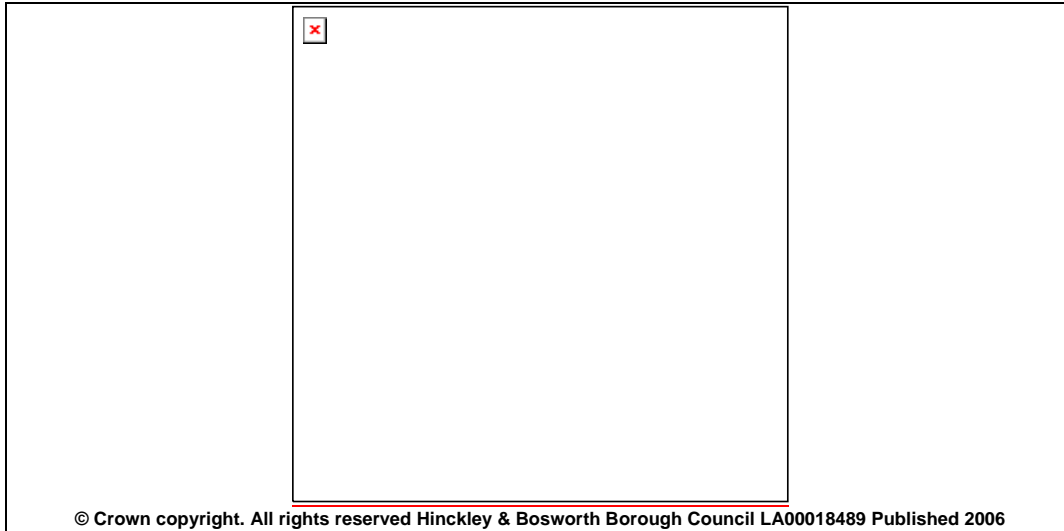
This application seeks full planning permission for the erection of an agricultural building to be used for breeding pigs, the keeping of poultry and for the storage of associated food, hay, tools and machinery on land off Brascote Lane, to the south of Newbold Verdon. The proposed building measures 20 metres x 10 metres (200 square metres of floor space). The overall height to ridge is 4.3 metres and 3.3 metres to the eaves. It is to be constructed of steel sheets to walls and roof with a large access door and separate pedestrian door to the front elevation.

The land holding covers approximately 0.62 hectares and is separate from any established farm holding. It consists of a relatively flat single field bounded with hedgerow to the west and south and by shallow earth bunds to the north and east. The long access track from Brascote Lane is enclosed by a field hedge to the west and a post and rail timber fence to the east. There are three metal gates of steel tube construction to the track. There are agricultural fields around the site. There is an isolated public house and allotment gardens at some distance to the north west.

A Design and Access Statement has been submitted to support the application and states that the building is required to aid the development of agricultural operations on the site. Currently around 6 pigs and 6-12 chickens are located on the site, however, various breeds need to be rotated between inside and outside and the building would enable the number of livestock to be increased to around 40 pigs and 40 chickens. There is also a requirement to provide cover for associated storage of hay, food and machinery. Since the application was received, the applicant has also confirmed verbally that the planting of a large number of willow trees has been undertaken around the boundaries of the site to provide further screening.

**History:-**

10/00183/GDO	Erection of Agricultural Building Planning permission is required as the size of the holding is less than 5 hectares.	Refused	22.04.10
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**Consultations:-**

No objection has been received from:-

Directorate of Chief Executive (Archaeology)  
Directorate of Chief Executive (Ecology)  
Highways Agency.

No objection subject to condition has been received from Head of Community Services (Pollution).

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

Director of Environment and Transport (Highways)  
Newbold Verdon Parish Council  
Site notice.

**Policy:-**

National Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that new building development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should: (i) support development that delivers diverse and sustainable farming enterprises.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

Spatial Objective 3: Strong and Vibrant Rural Communities seeks to support, enhance and improve the sustainability, vibrancy and vitality of our rural communities. Policy 11: 'Key Rural Centres Stand Alone' relates to the settlement of Newbold Verdon.

#### Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties and landscaping to a high standard.

Policy NE2: 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the character of the general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12: 'Landscaping Schemes' states that proposals for development should make provision for further landscaping where appropriate.

Policy T5: Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design for new development.

Supplementary Planning Guidance on the Design of Farm Buildings states that the position of a new farm building is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual prominence of the building in the wider landscape. The function of the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

#### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the design and impact on the rural landscape, impact on neighbours and highway safety.

#### Principle of Development

National guidance in Planning Policy Statement 7 supports the development of sustainable farming enterprises that are appropriately suited to the rural setting and contribute to the rural economy. The nature of the agricultural activity is suited to a countryside location that is remote from neighbours and it cannot reasonably be expected to be provided within a

settlement boundary and is therefore not inconsistent with policy NE5 of the adopted Local Plan.

The needs of the holding and agricultural operation are a material consideration in assessing this application. A detailed floor layout has been provided indicating the proposed uses within the building and to justify the requirement for a building of the size and scale proposed to provide secure cover for the livestock along with storage of hay, food and machinery and to allow the new enterprise to develop. The proposals are not considered to be unreasonable in this case and therefore the principle of development is considered to be acceptable.

#### Design and Impact on the Rural Character

The proposed building would be isolated from any other buildings and as a result would introduce built form into the currently undeveloped agricultural landscape in this location. However, this is balanced by the need to encourage and support farming enterprises and enable them to operate effectively. The building would be sited approximately 160 metres to the north of Brascote Lane and would be a relatively modest height of 4.3 metres to the ridge and 3.3 metres to the eaves. There is an existing field boundary hedgerow along the southern side of the site that would provide some screening from Brascote Lane although the building would still be visible as the hedgerow has recently been trimmed to a lower level. Additional planting has been undertaken around the boundaries of the site in the form of a large number of trees to provide further screening and break up the form of the building as well as providing a wind break for the site.

The proposed building is to be of steel frame construction with profiled steel sheet cladding to the walls and low pitched roof and of an appearance not untypical of modern agricultural buildings. The size and scale of the building is not considered to be unreasonable in relation to its proposed function or the likely long term requirements of the farming operation and is therefore consistent with the advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings. Notwithstanding the submitted materials details, should the application be approved, a condition to control the colour of the steel sheet cladding to the external walls and roof is recommended in order to ensure that the building assimilates into the landscape as far as possible and to minimise any impact on the character or appearance of the countryside. It is suggested that a shade of dark green would be an appropriate colour in this case.

On balance, any potential adverse impact on the character and appearance of this undeveloped site and surrounding landscape by the introduction of a new building is considered to be outweighed by the need to support agricultural activities within it and mitigation measures have been undertaken to reduce its impact on the wider countryside.

#### Impact on Neighbours

The application site is relatively remote from other built form. The nearest buildings used for residential purposes, Windmill Inn to the north west and Goat Gates Farm to the east are in excess of 250 metres (straight line distance) from the application site. The Head of Community Services (Pollution) has raised no objection but recommends the imposition of a condition that there be no burning of pig manure or other waste materials on the site at any time to be consistent with policy NE2 of the adopted Local Plan. Given the separation distances from the application site, the proposals are considered unlikely to result in any material detriment to the amenities of the occupiers of neighbouring properties.

#### Impact on Highway Safety

The site is accessed from Brascote Lane and consists of an agricultural track constructed primarily of unconsolidated aggregate. The use of the site for agricultural purposes in itself would not require planning permission. Whilst the proposals to introduce a new agricultural activity on the site may result in additional vehicle movements, the access is located on a relatively straight stretch of Brascote Lane. Given the nature and scale of the proposed activities, the proposals are considered unlikely to result in any material detriment to highway safety. Adequate parking and turning can be provided within the site. At the present time there are gates at the highway boundary to prevent unauthorised access and an additional gate approximately 15 metres further along the track. Should the application be approved, a condition to ensure adequate set back of the gates from the highway boundary is recommended to allow any vehicle and trailer to stand clear of the highway. The consultation response from the Director of Environment and Transport (Highways) has not been received at the time of writing this report and will be reported as a late item to the agenda.

### Conclusion

Any impact from the proposed development on the undeveloped nature of the site must be balanced by the need to encourage and support farming enterprises and their functional needs. In this case the principle of a building within the site of the size and scale proposed is considered to be reasonable to meet the needs of the enterprise and the appearance of the building is typical of a modern farm building. Mitigation measures have been undertaken to reduce the impact of the building and enhance the character and appearance of the countryside. The proposals are considered to be unlikely to have an adverse effect on the amenities of neighbouring properties or highway safety. On balance, the proposals are considered to satisfy national guidance and local policy requirements and the application is therefore recommended for approval subject to conditions.

**RECOMMENDATION: - That subject to no significant material objections being received by the end of the consultation period expiring on 6th August 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the following conditions.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies:**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it relates to agricultural use and the design and appearance of the building would not have an adverse impact on the character or appearance of the countryside, the amenities of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, NE2, NE5, NE12 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:5000 scale and Barn Layout Drawing at 1:100 scale received 12th May 2010; Block Plan at 1:2500 scale and Plan and Elevations Drawing at 1:100 scale received 30th April 2010.

- 3 Notwithstanding the submitted details, the external walls and roof of the building hereby approved shall be finished dark green in colour.
- 4 No manure or other waste materials shall be burnt on the site at any time.
- 5 Prior to first use of the building hereby approved, any vehicular access gates, barriers, bollards, chains or other such obstructions shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the use of the site does not become a source of annoyance to neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To enable a vehicle and trailer to stand clear of the highway whilst the gates are opened and closed in the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Field Code Changed

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 02

**Reference:** 10/00358/OUT

**Applicant:** Mar City Developments

**Location:** St Martins Convent Hinckley Road Stoke Golding Nuneaton  
Leicestershire

**Proposal:** RESIDENTIAL DEVELOPMENT FOR UPTO 59 DWELLINGS (OUTLINE -  
ACCESS ONLY)

**Target Date:** 10 September 2010

**Introduction:-**

This is an outline application for residential development at the former St Martin's Convent off Hinckley Road, Stoke Golding. The principle of development along with access is the only matter for consideration at this time with layout, scale, appearance and landscaping reserved for determination at a later date.

The application site extends to 3.2 hectares and is accessed along a drive which runs from Hinckley Road to the rear of St Martin's School. It is understood that the site has not been used as a convent for in excess of a year though the buildings remain on the site. These are predominantly two storey flat roofed and tile hung buildings in a similar style to the adjacent school. There are further outbuildings of a more rural appearance to the north of the site and a chapel of a more individual design dominated by a steeply pitched roof and feature glazing. There is a small copse of trees centrally positioned to the south of the site along with extensive tree cover to the drive and western boundary. The western part of the site is covered by a group Tree Preservation Order.

The site is outside of the defined settlement boundary for Stoke Golding and is bound to the north by Lodge Farm, to the west and south west by St Martin's Catholic School and to the east and south east by open fields.

The application proposes to use the existing access from Hinckley Road and to provide a pedestrian crossing on Hinckley Road. While only access is for determination at this stage, an indicative layout has been submitted which shows development to the western half of the site where the existing buildings stand. The eastern half of the site is not proposed to be developed under this application. The indicative scheme shows a mixture of 2, 3 and 4 bed dwellings of two and two and a half storeys in height arranged predominantly as semi-detached properties.

The application has been supported by a Design and Access statement, a Planning Statement, a Phase 1 Ecological Survey, a Bat Survey, a Flood Risk Assessment, Transport Statement, Heritage Statement, Heads of Terms Document and an Affordable Housing Delivery Plan. The application submission also contained four supporting letters from local residents.

The Design and Access Statement provides an analysis of the site and its location and sets out the proposals concluding that the scheme "will be sympathetic to the character and appearance of existing development in the area".

The Planning Statement looks at the site, the planning policy considerations, the principle of development, the timing of the application, housing supply and also assesses alternative sites in the village. The document also provides a summary of the community consultation undertaken by the applicant.

The Ecological Report consists of an extended Phase 1 Ecological Survey along with a desk top analysis of information on statutory wildlife sites within two kilometres of the application site. The original survey was completed in 2007 and is accompanied by a letter updating that report following a further survey in April 2010.

The Bat Survey Report concludes that the Convent supports bat roosts of three species of bat within existing buildings and proposes an outline mitigation strategy. Again, this survey was completed in 2007 and has been updated by additional survey work undertaken in June 2010. The updated survey confirms the presence of at least two bat species' roosts within the site and proposes mitigation for their loss including bat boxes, bat tubes, a bat barn and a deterrence exercise.

The Arboricultural Impact Assessment proposes the removal of trees along the driveway to the site and within the site itself. It is accompanied by a pre-development tree-condition survey.

The Flood Risk Assessment notes that a tributary to the River Tweed is located 120 metres away from the eastern boundary of the site and that the site is within flood zone 1 of the Environment Agency's indicative flood zone maps. The assessment proposes the use of swales and an attenuation basin to limit flows to the brook to Greenfield rates.

The Transport Statement concludes that traffic generation has been based on the TRICS database and that junction capacity assessments show that the site access junction and the closest off-site junction would both continue to operate well within capacity with the additional traffic and that trip generation as a result of the development would be low. The report also details the proposed pedestrian crossing to Hinckley Road.

The Heritage Statement discusses the history of the site and emphasises that the existing buildings are not within a Conservation Area nor subject to a statutory listing.

The draft Heads of Terms document sets out the applicant's intention to provide 40% affordable housing on site and contributions towards library provision. The document states that no contribution is expected to be requested towards education provision.

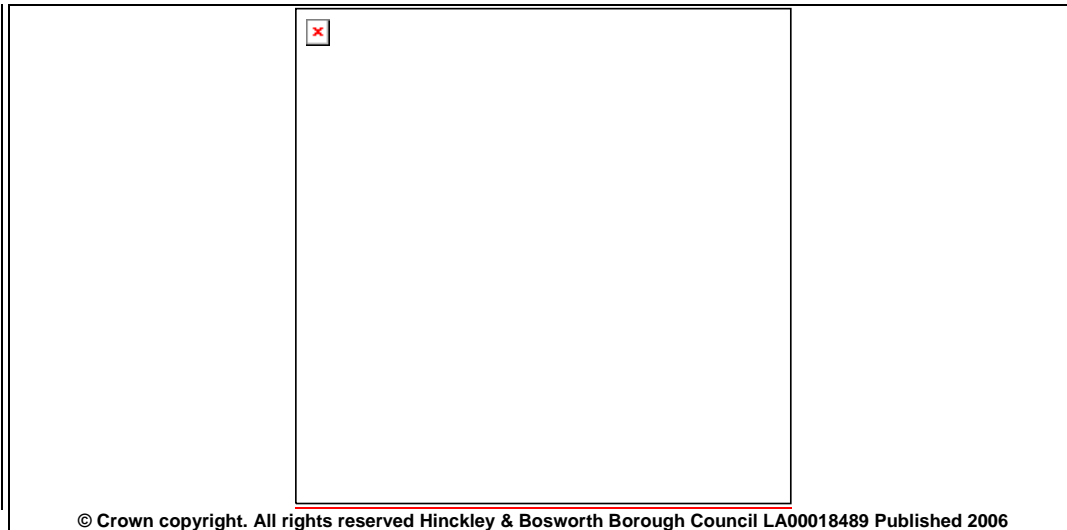
The Affordable Housing Delivery Plan Document sets out that up to 40% of the proposed units would be made available for affordable housing with a tenure split to be agreed. A mix of two and three bed units is proposed.

Members should note that a further outline application for residential development in close proximity of this site at Hinckley Road, Stoke Golding is also on this agenda.

**History:-**

07/00629/FUL	Demolition of Existing Building and Erection of Replacement Retirement Facility Comprising 127 Units and Associated Facilities	Withdrawn	05.09 09
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### **Consultations:-**

No objection has been received from:-

The Head of Business Development and Street Scene Services  
Leicestershire County Council Strategic Planning  
The Chief Executive, Leicestershire County Council (Archaeology).

No objection subject to conditions has been received from:-

The Head of Community Services (Land Drainage)  
Severn Trent Water Ltd  
The Environment Agency.

The Chief Executive, Leicestershire County Council (Ecology) highlight the recommendations of the submitted bat survey, specifically the need for a bat barn, deterrence exercises and bat boxes and request that these are secured via planning conditions. They comment that while no reptiles were observed during the survey any wood or debris piles should be removed by hand and long grass strimmed regularly. They request further information on why further ponds were not assessed for their suitability for great crested newts.

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

- a) Director of Community Services (Ecology) – Requests the erection of bat and bird boxes
- b) Director of Children and Young People's Service (Education) – Makes no request as there is surplus capacity in all local schools
- c) Head of Commercial and Support Services (Libraries) – Requests a contribution of £54.35 per 2-bedroomed dwelling and £63.41 per 3/4/5-bedroomed dwelling towards the costs of an enhanced programme of refurbishment and improvements to facilities
- d) Director of Highways, Transportation and Waste Management (Civic Amenity) – Requests £45.19 per dwelling towards new or improved civic amenity site infrastructure at Barwell.

The Primary Care Trust comments that Stoke Golding has a small branch GP practice which it is likely new residents will seek to register at. A financial contribution is requested towards this practice or other Hinckley practices which cover Stoke Golding if further development of the branch surgery is not possible. A per dwelling contribution is requested of £583 for one and two bed properties, £1167 for three and four bed properties and £1750 for five bed dwellings.

Leicestershire Constabulary Crime Reduction Officer requests a reconsultation at the reserved matters stage to allow them to comment on the layout. A contribution to enable police stations to be expanded within the locality is requested at a rate of £606 per dwelling.

Stoke Golding Parish Council accepts the principle of building houses on the Convent site and therefore support the outline application for the following reasons:-

- a) the Core Strategy housing requirement for Stoke Golding would be met
- b) this brownfield site should be used ahead of any Greenfield site
- c) the location of the site assists in complying with Policy NE5 and other policies that relate to building in the open countryside. The development would be shielded by extensive mature trees and landscaping and would not be intrusive into the surrounding landscape
- d) the outline plans show sensitivity to the retention of the natural environment existing on the site
- e) the existing separation between Stoke Golding and Dadlington is retained
- f) other sites, including the Hinckley Road site, have been rejected for a variety of reasons
- g) there is no identified demand from the local community for such a large increase in houses of nearly 20% of the existing village
- h) a smaller number of homes would mean that new residents could be better assimilated into the community
- i) however, whilst supporting the application they also comment that:
- j) they have strong reservations regarding the suggested improvements to the highway and pedestrian access
- k) appropriate infrastructure should be in place well before any building commences, specifically with regards to foul sewage
- l) the outline plan shows no access to the allotments. The Parish Council strongly support the maintenance of this amenity
- m) the proposed layout shows properties too close to the neighbouring farm.

The Head of Community Services (Pollution) raises concerns regarding residential development in close proximity to the pig unit at Lodge Farm. Potential noise impacts are from the farm access which runs along the rear gardens of the proposed dwellings, the pigs, in particular when loaded for slaughter which occurs at 5am weekly and through the use of fan cooling systems and grain dryers which run 24 hours a day. Further information is requested from the applicant to demonstrate that noise disturbance will not occur to future residents. A greater separation distance is required to address the potential for impact from odour and flies. Standard conditions with regards to land contamination are also requested due to the presence of an existing fuel tank within the convent site.

The Director of Corporate and Scrutiny Services (Green Spaces) raises concern at the loss of trees covered by the Tree Protection Order and trees to the Hinckley Road frontage. Concerns are also raised regarding the potential loss of further trees shown for retention but within close proximity of the new access.

The Nuneaton and District Action Group raise concerns regarding the impact of the development on the community, the merging of two villages into one, the position of the access on a dangerous corner close to a school and the pressure on local services.

St Martin's Catholic School does not object to the development but raises a concern regarding the sewage arrangements for the development as the existing Convent connects to a pumping station on the school site. Concerns are also raised regarding the access and the school requests that speed bumps are put in place to alleviate the danger to students. Further concerns are raised regarding the safety of students, the need for secure and suitable boundary treatments, the potential disruption to students from noise, vibration and dust and the constrained access for delivery lorries.

PJ Gosling Partners who run the adjacent Lodge Farm, highlight that they run a pig breeder and finisher unit with 2,000 pigs on site at any one time. They object to the application and highlight potential noise disturbance to new residents from their operation and in particular when loading pigs for the abattoir at 5am every Tuesday. They also raise concern regarding smell and dust disturbance from their muck spreading. They also comment that they grow 250 acres of crops to the rear of the farm which is combined in season and carted to the grain store 10 metres from the application site. A grain dryer is used 24 hours a day.

Manor Farm (adjacent landowner to the east) objects to the scheme on the grounds that the proposed soak-away leads to the pond on their land without prior consultation. This could lead to the pond becoming contaminated and sheep being poisoned. The boundary to the site needs to be stock proof. No provision for a children's play area on site may lead to trespassing in the surrounding countryside. New residents walking dogs on the bridle path may cause sheep worrying.

David Treddinick MP has stated that he shares the concerns raised by PJ Gosling Partners regarding housing being built close to the pig unit. He states that it would be unreasonable to expect a working farm to change its operating methods in any way to accommodate the needs of newly built residential properties.

The Campaign for the Protection of Rural England comments that it would like to see fewer houses and the retention of as much greenfield land as possible.

Site notices and Press notice were displayed and neighbours notified.

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

- a) access by blind bend
- b) proximity of access to school
- c) existing parking problems at junction
- d) too many houses being built at one time
- e) impact on local facilities, GP, Schools, broadband
- f) roads already at capacity / existing congestion
- g) village should remain separate from Dadlington and Hinckley
- h) countryside should be protected
- i) development close to pig farm
- j) no Archaeological assessment submitted
- k) greenfield land / beyond settlement boundary
- l) Stoke Golding Village Plan does not identify any housing need
- m) surface drainage and flooding issues
- n) high density not consistent with the character of the village
- o) no need for additional housing
- p) impact on safety of school children
- q) more houses proposed than in other rural communities
- r) village has already had considerable development
- s) premature to completion of LDF Site Allocation document
- t) development of both sites would be overdevelopment of the village

- u) proposed zebra crossing would be ineffective
- v) number of houses for sale within both villages
- w) responses to Site Allocations document not taken into account
- x) numbers and types of dwellings undefined
- y) loss of established trees
- z) reduction of presently available allotments on site
- aa) buildings should reflect the village character
- bb) number of houses proposed is disproportional to the size of the villages
- cc) recent change in Government has scrapped previous policies
- dd) historical village / birthplace of the Tudor dynasty
- ee) area is Leicestershire's main visitor attraction and should be protected
- ff) development should not extend beyond the footprint of existing buildings
- gg) disturbance to pupils at St Martin's School.

Six letters of support have been received raising the following comments:-

- a) discrete location
- b) easily accessed from existing infrastructure
- c) makes use of local brownfield site
- d) more acceptable than Morris Homes scheme
- e) site is in need of redevelopment
- f) provision of affordable housing
- g) would meet the Core Strategy housing requirement for the village
- h) not intrusive into the surrounding landscape
- i) retention of natural environment existing on site
- j) retains separation between Stoke Golding and Dadlington.

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

Director of Environment and Transport (Highways)  
 Stoke Golding Heritage Group  
 The Cyclists Touring Club  
 Leicestershire County Council Footpath Officer.

**Policy:-**

National Policy

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

The Planning System: General Principles forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing.

Paragraph 40, under the title of effective use of land, states that " a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has previously been developed". Paragraph 41 sets out the national target to provide 60% of

all housing on previously developed land. The paragraph continues to state that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should ‘not require developers to provide more spaces than they themselves wish’ and that ‘reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices’.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance Note 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 – Development and Flood Risk aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

#### Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

#### Local Policy

##### Hinckley & Bosworth Core Strategy DPD (2009)

Stoke Golding is classed as a Key Rural Centre (stand alone) within this document.

Policy 11 refers to development in Key Rural Centres and with regards to Stoke Golding states that the council will: allocate land for the development of a minimum of 60 new homes; support additional employment provision; support the improvement of GP facilities; address the existing deficiencies in green space and deliver safe cycle routes.

Policy 15 seeks the provision of Affordable Housing on residential proposals within rural areas at the rate of 40% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 30 dwellings per hectare within Key Rural Centres.

Paragraph 4.2 sets out a target of 40% of development on previously developed land.

The Local Plan (adopted February 2001)

The site is outside the settlement boundary of Stoke Golding as defined in the adopted Hinckley and Bosworth Local Plan.

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

Policy REC2 requires all new residential development to provide outdoor play space for formal recreation.

Policy REC3 New Residential Development - Outdoor Play Space for Children of the adopted Hinckley and Bosworth Local Plan requires 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.

Policy RES3 of the adopted Hinckley and Bosworth Local Plan concerns the provision of affordable housing on sites not specifically allocated for residential purposes. This sets out that an element of affordable housing will be negotiated with developers related to the need for affordable housing in the area in which the site is situated. Affordable dwellings may be provided on site, off site or by financial contribution.

Policy RES5: Residential Proposals on Unallocated Sites 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: Highway Design and Vehicle Parking Standards of the adopted Hinckley and Bosworth Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

While the application site is highlighted on the Local Plan Proposals Map as subject to policy CF2b, alternative use of existing educational and community sites, the preamble to this

policy states that where proposals are outside settlement boundaries they should be considered against the countryside policies of the Plan. It is therefore considered that this policy is not applicable to this site.

#### Supplementary Planning Guidance / Documents

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space, Sustainable Design and Affordable Housing.

#### Other Material Considerations

On the 27th May 2010 the Secretary of State for Communities and Local Government issued a letter to all Local Authorities indicating the Coalition Government's commitment to abolish the Regional Spatial Strategy and return decision making powers on housing and planning to local councils. The letter states that "decisions on housing supply (including the provision of travellers' sites) will rest with Local Planning Authorities without the framework of regional numbers and plans". The Secretary of State continues to confirm that the letter is to be considered as a material planning consideration in any decisions until a formal announcement is made on this matter.

The Site Allocations Preferred Options Document was subject to public consultation during 2009. This highlights the application site as a preferred option for a niche employment or care home use. 13,500 responses were received to the whole of the document as a result of the consultation exercise.

#### **Appraisal:-**

The main considerations with regards to this application are: the principle of development; the five year housing land supply; impact on the character and appearance of the countryside; access and impact on the highway network; design and layout; noise and odour; affordable housing; impact on trees; developer contributions; other matters and alternative development sites in Stoke Golding.

#### Principle of Development

The Convent site lies outside of the settlement boundary of Stoke Golding as defined by the Local Plan proposals map and is therefore considered as being in countryside. Policy NE5 seeks to protect the countryside for its own sake and states that planning permission will only be granted for development that is important to the local economy, for the change of use of existing buildings or for sport and recreation. The proposed residential development does not meet any of these criteria.

While the site is allocated as a preferred option for niche employment or a care home development in the Site Allocations document, as set out above, this is yet to be finalised and therefore carries little weight at this stage in its production. Furthermore, since the production of this document the Employment Land and Premises Study (May 2010) identifies that whilst additional small employment units would be appropriate in the village this could be accommodated as an extension of the Willow Park Industrial Estate indicating that the Convent site may not be the most appropriate location for employment development. At this time therefore, the Local Plan forms the lower tier of the development plan and therefore the proposal is contrary to Policy NE5.

#### Five-year housing supply

Planning Policy Statement 3 continues to require Local Authorities to identify and maintain a rolling 5-year supply of deliverable land for housing. In particular at paragraph 71 the PPS states 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites ... they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69'. Paragraph 69 sets out the key criteria for considering applications including high quality design, mix, sustainability and efficient use of land.

The most recent Annual Monitoring Report shows a 303 dwelling shortfall in supply or a provision of four years and four months within the Borough. It is considered that this lack of supply is sufficient to overcome the 'in principle' objection to development through policy NE5 subject to the key criteria set out in paragraph 69 of PPS3 being met.

Paragraph 69 states that Local Authorities should have regard to; achieving high quality housing; ensuring developments have a good mix of housing; the suitability of the site for housing, including its environmental sustainability; using land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for the area, and does not undermine wider policy objectives.

It is considered that the quality and mix of the housing will be assessed at the reserved matters stage and that at the time of writing this report there are no technical objections which would suggest that the site was not suitable for housing. The effective and efficient use of land is demonstrated by the re-use of previously developed land and the indicative layout which shows an acceptable density of 35.5 dwellings per hectare. The development is considered to be in line with housing objectives and the spatial vision for the area as it reflects the scale of development anticipated by the Core Strategy. The proposal is therefore considered to be in accordance with paragraph 69.

While an order was laid before Parliament on the 6th July to revoke Regional Strategies with immediate effect, in terms of housing land supply, the annual housing requirement established by the RSS has been adopted at the local level through the Core Strategy. As part of the production of the Core Strategy the Borough Council took into account a number of evidence base documents which informed current and future levels of need and demand for housing. In particular the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment are considered to provide a local evidence base that fed into the adoption of the Core Strategy housing figures. The Core Strategy figures are therefore still the appropriate housing target to use at this stage.

Furthermore, while the coalition Government have made amendments to PPS3 in recent weeks the requirement to provide a five-year supply of housing still remains. It is therefore considered that the lack of a five-year supply of housing remains sufficient to overcome an 'in principle' objection to development and that the housing supply figures within the Core Strategy remain the correct figures to use notwithstanding the abolition of the RSS.

As the proposal is only acceptable in principle due to the shortfall in housing supply it is considered that the standard time limits for the submission of reserved matters and commencement of development are reduced to ensure that houses are built and that the land is not banked.

#### Impact on the Character and Appearance of the Countryside

The application site is bound to the north, south and east by tree and hedge screens which limit views of the site from the surrounding countryside. Whilst the boundary to the east is more open however development is proposed only to the western half of the site where



existing screening within the site will limit any impact. Furthermore the western half of the site is already developed by a mixture of single and two story buildings therefore it is not considered that the redevelopment of the site would have an unacceptable impact on the character and appearance of the countryside.

#### Access and Impact on the Highway Network

The application proposes to widen and use the existing Convent access. A pedestrian crossing on Hinckley Road is also proposed along with the creation of a new footpath from the site along the northern boundary of the school to link the crossing. At the time of writing this report comments are still awaited from the Director of Environment and Transport (Highways).

#### Design and Layout

While the application is for outline with access only for consideration at this stage an indicative layout has been submitted. It is considered that the layout does not provide a suitable urban form or mix of housing with all units shown as semi-detached. It does not explore variation or provide any particular interest. There appears to be little consideration of the character of the village or the previous use of the site. While the layout is not for determination at this stage these issues will be highlighted on the decision notice as a note to applicant.

#### Noise and Odour

Comments have been raised by the Head of Community Services (Pollution) regarding the potential impact on the amenity of future residents from the adjacent pig farm. At the time of writing this report a noise report is awaited from the developer to address this concern.

In terms of the impact from the odour of the pig farm, the pig housing is located on the far side of the farm from the development, but despite this, some odour is likely to occur on the application site. The Head of Community Services (Pollution) has requested additional time to consider this issue and their comments will be presented as a late item.

#### Impact on Trees

The application site is covered by a group Tree Preservation Order. The proposal seeks to remove six trees on the access covered by this order, further protected trees within the site and a further seven on the northern boundary of the school which are not covered by the order to create a new pedestrian access.

Initial comments from the Director of Corporate and Scrutiny Services (Green Spaces) have raised concern at the loss of trees and the potential for further trees to be lost which are shown close to the proposed access. Discussion is on going with the applicant on this point, the outcomes of which will be presented as a late item.

#### Affordable Housing

The applicant has offered up to 40% affordable housing within the draft Heads of Terms with tenure split which is in accordance with Core Strategy Policy 15. The mix of units would be agreed at the reserved matters stage. The provision of affordable units will be secured through a Section 106 Agreement.

#### Developer Contributions

The consultation responses set out above specify the requests from Leicestershire County Council for contributions towards libraries and civic amenity per dwelling. Requests have also been received from the Primary Care Trust and the Police.

The application site is within 1 kilometre of Hall Drive recreational area therefore a contribution can be sought under Policy REC2 to enhance and maintain the formal open space there in accordance with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007). However, there is no informal space or children's play space within 400 metres of the site therefore a contribution cannot be sought under policy REC3. As the scheme is in outline form with only access for consideration at this stage the Section 106 agreement can cover the eventuality that informal space is provided within the site if this can be accommodated within an acceptable scheme.

The applicant has stated that they are willing to make contributions to Leicestershire County Council and play and open space but at the time of writing this report have not confirmed their acceptance of contributions to the PCT and Police. Negotiations are ongoing on this point and will be reported to the committee as a late item.

#### Other Matters

Given the extensive screening to the site it is considered that the proposed development will not have a detrimental impact on the amenity of neighbouring residential properties.

Part of the current site is used for allotments and concern has been raised regarding the loss of this facility. The application details do not show development on this part of the site however as these are private allotments their retention would be at the discretion of the applicant.

The submitted bat surveys highlight that some of the buildings to be demolished contain bat roosts and request that the recommendations of the submitted bat surveys are secured by way of condition. One of these recommendations is for the erection of a bat barn prior to the demolition of buildings containing roosts which is designed to be a replacement roost. The details of this, when it is to be erected and its long term maintenance are secured through a condition.

The availability of residential properties for sale within Stoke Golding or of brownfield sites in Hinckley as raised through the consultation are not material considerations in the determination of this application. The application should be considered on its own merits.

Severn Trent Water raise no objection to the proposal but has asked for a condition in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, drainage details should no longer be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

#### Alternative Development Sites in Stoke Golding

It is considered that at the time of writing this report there are no grounds to refuse the application in principle or on technical matters, consideration therefore needs to be given as

to whether this application or the application on the Hinckley Road site in Stoke Golding should be approved, or both.

The Convent site is considered to be previously developed land given the previous development on the site and the proposed development is focused on the part of the site that has been subject to previous development. Planning Policy Statement 3 as set out above is clear in promoting the development of brownfield land in preference to greenfield sites. The Core Strategy at paragraph 4.2 sets out a target of 40% of development on previously developed land as an assessment of available development sites and the development of the Sustainable Urban Extensions would make the 60% target unachievable.

Given this, it is considered that to help achieve the brownfield target priority should be given to these sites over greenfield land and therefore the Convent site would be preferable to any greenfield site adjacent to the Stoke Golding settlement boundary.

Consideration also needs to be given to the proximity of the sites to the services and facilities of Stoke Golding. Both sites are within walking distance of St Martin's School and access to public transport is considered to be similar. As the Hinckley Road site is proposing a direct pedestrian access to Sherwood Road it is considered that access on foot or by bicycle to the village centre is easier from there than the Convent.

A further consideration is the comparative impact on the openness of the countryside. The Hinckley Road site is screened from Hinckley Road by hedging but views of the properties could be achieved above the hedge line. The properties will also be viewed from existing residences on Hinckley Road and Sherwood Road and longer distance views may be obtained from Dadlington. The position of the site would also bring development closer to Dadlington eroding the separation between the two settlements and potentially leading to coalescence of the two settlements over the longer term.

The Convent site is well screened to all but the eastern boundary and with the position of the adjacent school and farm will not have such an apparent impact on the countryside. As the site is also previously developed the visual impact when viewed from the east is not considered to be significantly worse than the existing situation.

Lastly, given the coalition Government's intentions to move towards a localist approach to determining planning applications the relative support locally for residential development of this site in comparison to the Hinckley Road site needs to be considered.

Given the above it is considered that the brownfield nature of the Convent site and its comparatively less harmful impact on the openness of the countryside would weigh in favour of that site notwithstanding the closer proximity of the Hinckley Road site to the village centre.

### Conclusion

As set out above, it is considered that the borough is still unable to demonstrate a 5-year housing supply and therefore the 'in principle' refusal of development outside of the settlement boundary of Stoke Golding is overcome. While some consultation responses are still awaited there are no technical objections to the proposal at this time. Consideration therefore needs to be given to whether both current residential applications can be accommodated in Stoke Golding and if not which scheme is preferred.

As this application makes use of a previously developed site it is considered preferable to the greenfield Hinckley Road site and it is therefore recommended for approval subject to conditions and the completion of a legal agreement.

**RECOMMENDATION:-** That subject to no objections being raised from the outstanding consultees, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, affordable housing, the provision and maintenance of public play and open space facilities, library facilities, highways improvements, civic amenity facilities, the Primary Care Trust and the Police. Failure to do so by 10th September 2010 may result in the application being refused.

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, and the completion of a legal agreement the proposed development would be in accordance with the development plan as it: would contribute to the current shortfall in the five year housing land supply and to the need for dwellings in Stoke Golding; would involve the re-use of a brownfield site; would not have an adverse impact on the character and appearance of the landscape or highway safety; and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 11, 15, and 16.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, IMP1, REC2, REC3, NE2, T5 and T9.

- 1 Application for the approval of reserved matters shall be made within one year from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - ii) The scale of each building proposed in relation to its surroundings.
  - iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - i) The external building materials
  - ii) The provision to be made for vehicle parking on the site

- iii) The provision to be made for vehicle turning within the site
- iv) The method of disposal of surface and foul water drainage, which shall be on separate systems
- v) The existing trees and hedges on the site, which are to be retained
- vi) The provision to be made for screening by walls and fences
- vii) The phasing of the development
- viii) The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site.
- ix) The provision to be made for the storage of refuse and/or recycling facilities

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

- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: TBC
- 5 Prior to the commencement of development, details of bat mitigation measures including a bat barn, deterrence exercise and boxes and roosting features should be submitted to and agreed in writing with the Local Planning Authority in consultation with Leicestershire County Council Ecology. This shall include the recommendations made within the SLR Bat Survey Reports (November 2007 and July 2010), a timetable for their implementation and provision for the long term maintenance of these features. The development should be carried out in accordance with the agreed details.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 & 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 For the avoidance of doubt and in the interests of proper planning.
- 5 To ensure adequate protection of species protected by law and to ensure that any necessary mitigation measures are implemented throughout the development to accord with Planning Policy Statement 9.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

Field Code Changed

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

**Contact Officer:-** Philip Metcalfe Ext 5740

**Item:** 03

**Reference:** 10/00386/FUL

**Applicant:** Assura Properties Limited

**Location:** Castle Mead Medical Centre 33 Hill Street Hinckley Leicestershire LE10 1DS

**Proposal:** EXTENSION AND ALTERATIONS TO CREATE PHARMACY AND CONSULTING ROOMS

**Target Date:** 5 August 2010

#### **Introduction:-**

This application seeks full planning permission for extensions to the existing health centre to create three consulting rooms and a pharmacy. It is also proposed to provide a bin and condenser store and on site cycle parking. Two of the additional consulting rooms are required as replacements for those lost through the creation for the proposed pharmacy. Planning permission is sought for the pharmacy to be open between 0700-2200 hrs Monday - Saturday and 1000-2000 hrs on Sunday, and the overall increase in employees present at the site will be three full time staff.

The application is a resubmission of the same scheme considered and approved by Members in June 2008. This decision was subject to a legal challenge which resulted in the Council consenting to the quashing of the earlier planning permission. The decision was challenged because of errors on the decision notice, failure to consider an objection properly and the use of a planning condition to secure a financial contribution.

The existing medical centre building is of single-storey design with a prominent roof mass and a detail brick banding to the elevations. The front elevation of the building is dominated by the series of projecting gables that extend forward to Hill Street.

The health centre forms part of the larger Hinckley & District Hospital site, providing a mix of healthcare provision, including outpatients` services, pharmacy and small non-emergency hospital facility. Car parking is provided within the application site.

The application is accompanied by a design and access statement, ventilation statement and travel plan.

The design and access statement seeks to justify the design of the proposal and seeks to demonstrate that the scheme will result in a high quality development.

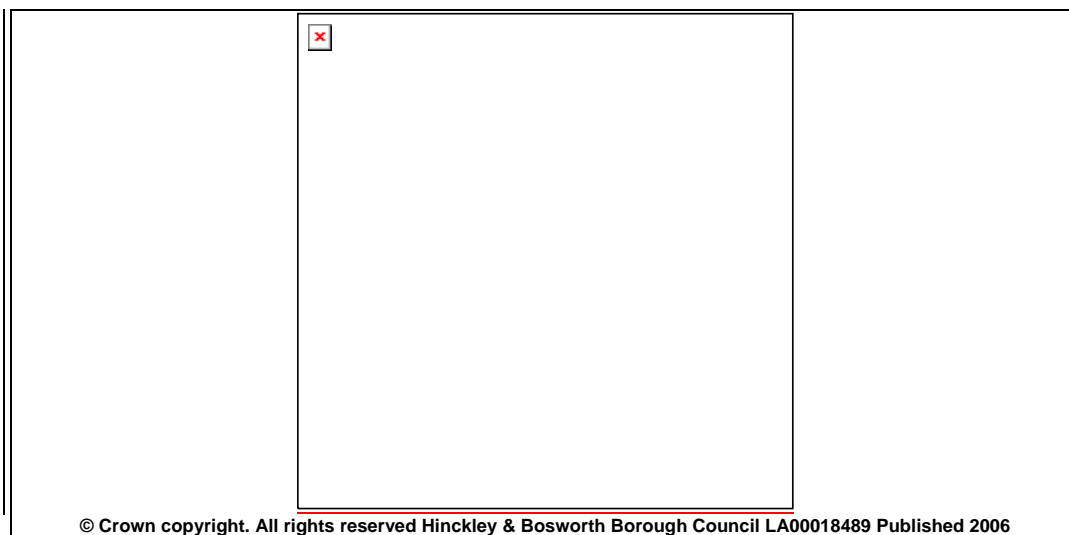
The ventilation statement confirms the proposals for the ventilation of the building and details that this will be by way of connection to the existing mechanical systems on site at present.

The travel plan sets out a framework of commitments that the applicant is offering to discourage the use of the car as a means of travel for employees. This Draft Travel Plan

include initiatives that include promoting public transport, walking and cycling; managing use of the car by reducing the demand for and use of car parking spaces; encouraging car sharing and considering how employees travel on business and introducing alternative working practices, including working from home and possibly compressed working weeks.

**History:-**

08/00383/FUL	Extensions and Alterations to Create Pharmacy and Consulting Rooms	Approved Revoked	05.06.08 09.06.09
01/00695/FUL	Extensions to Medical Centre	Approved	07.09.01



**Consultations:-**

No objection has been received from:-

Central Networks  
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)  
Directorate of Chief Executive, LCC (Ecology).

The Primary Care Trust (NHS Leicestershire County and Rutland Facilities Management Service) raise concern about the low level of parking available on site and the effect the extensions and new pharmacy will have on the surrounding roads and their own car parking (adjacent).

24 Neighbour letters of objection have been received raising the following issues:-

- a) loss of parking
- b) inadequate parking provision
- c) green travel plans don't work

- d) inappropriate use by drug addicts
- e) use empty shops in Castle Street
- f) impact on amenity of residents by increased use and cars.

An accompanying transport statement and objection has been submitted. This objection has been submitted by a lawyer on behalf of a 3rd party. The transport statement has been forwarded to the Director of Environment and Transport (Highways) for formal consideration and the objection and the Highways response will be reported as a late item.

At the time of writing the report comments have not been received from the Head of Community Services (Pollution).

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

#### Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations. Policy 43 sets out regional transport objectives across the region.

#### Local Development Framework Core Strategy (2009)

Policy 1 Development in Hinckley requires inter alia, transport improvements in line with Policy 5.

Policy 5 Transport Infrastructure in the Sub Regional Centre requires inter alia, improvements to the provision and management of car parking and public transport to support the increased use of Hinckley town centre, where Developers will be required to contribute towards the implementation of these initiatives through developer contributions where they meet the tests set out in national guidance.



### Adopted Hinckley and Bosworth Local Plan (2001)

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

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions requires a developer contribution to develop the town centre transport infrastructure in line with emerging development schemes.

#### **Appraisal:-**

The previous permission has been quashed and no longer exists. The current application must be determined on its merits and in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004, which says "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". Following the SoS's revocation of Regional Strategies the development plan will now consist only of Adopted Development Plan Documents saved policies and any old style plans which have not lapsed.

The main considerations with regards to this application are the principle of development, design and siting, impact on neighbours and highways and parking.

#### The Principle

The site lies within the defined town centre area and within the settlement boundary for Hinckley; there is therefore a presumption in favour of appropriate development.

Prior to the Government direction on which policies of the Adopted Local Plan can be saved, the site was recognised as one providing health care provision and policy CF3 applied. This policy was not saved as it duplicated Saved Policy BE1 of the Local Plan. Whilst the plan designation and Policy CF3 have been lost the principle for the development of the site for health care is still considered acceptable providing the requirements of Policy BE1 are met.

The site is located on the edge of the defined town centre area and therefore close to the centre of Hinckley and the wider range of services it offers. The site is located within a short walking distance of a number of public car parks and public transport connections and the

proposed use of the site is considered generally compatible with that of the site at present. There is no reason to suggest the uses are inappropriately or unsustainably sited.

### Design and Siting

The extensions proposed are all of single storey scale and therefore maintain the design and scale of the existing and adjacent buildings on this site. The extensions to the front elevation (facing Hill Street) will create a distinctive and legible frontage to the building with the access to the pharmacy being the design feature to the frontage. The extension to the side of the building for the consulting rooms results in a small element of infilling between the two projecting elements of the existing building. The bin/condenser store extension is so small and positioned adjacent to the access drive to the adjacent health centre that it is not prominent and therefore acceptable particularly as it will screen unsightly bins and AC condensers.

The new access arrangements will mean disabled access is available directly from the car park. The extensions are considered to complement the existing character of the site and therefore satisfy the requirements of Saved Policy BE1 of the Adopted Local Plan.

### Parking Provision and Highway Safety

Two of the additional consulting rooms cause no detriment to the parking requirements of the site as they replace rooms lost through the creation of the pharmacy. There is one additional consulting room that is gained through the proposal along with the pharmacy.

The site currently benefits from 37 off street car parking spaces and following the development proposed will have 35 spaces. Therefore, the proposal will result in a loss of 2 of the existing car parking spaces. The existing disabled parking spaces are retained.

The Director of Environment and Transport (Highways) confirms that the proposed development would lead to a shortfall in 1 car parking space at the site when considered against the number required by Highways Transport and Development. Taking into consideration the accessible town centre location, the availability of nearby public car parking spaces at Hill Street, Mount Road and Trinity Vicarage Road, and on street parking bays in Hill Street and Mount Road, the presence of parking restrictions in the vicinity, that a Green Travel Plan is provided, implemented and monitored and that the proposed pharmacy will be a dispensing pharmacy and may result in shared trips the proposal is acceptable to the Highway Authority.

A number of neighbours have commented that green travel plans don't work. The intention behind a travel plan is to embed the issue of sustainable travel planning within the relevant organisation in attempt to identify and suggest alternative ways of getting to and from work. It is open to employers to make their travel plan compulsory; however this is not enforceable by the local planning authority. Travel plans are well established within the planning system and are commonly used by Planning Inspectors to increase the knowledge and awareness of sustainable travel. In this case, whilst a travel plan has been presented, the Highway Authority have confirmed that the failure to provide such a document or framework would not be sufficient to demonstrate that the scheme is of such a detriment to highway safety that it should be refused.

In light of these comments and given that no issue is raised with vehicle movements it is concluded that that the proposal if permitted would not have a detrimental affect on highway safety in the vicinity or materially increase traffic movements on local roads.

This opinion is however contrary to that shared by neighbours who believe that the proposal will result in a loss of car parking at the site which will be to the detriment of highway safety in Hill Street and residential amenity.

Highways have acknowledged that a pharmacy provided on site with other health care services is not likely to result in significant additional journeys and parking requirements due to the association of the uses, i.e. following a doctor's consultation the patient can immediately obtain any prescription or medication without needing to travel further. The use therefore contributes to a healthcare one-stop-shop.

#### Impact on Neighbours

The volume of neighbour objection to this proposal is significant and issues concerning the impact of vehicle movements and the impact on residential amenity are material planning considerations. However, there is no consensus of opinion with the comments supplied by the Director of Environment and Transport (Highways) that would identify that the proposal will result in additional journeys and therefore vehicles movements to and from the site. This does not mean that the local residents are incorrect in their opinions but does mean that their arguments may not carry significant weight because of the lack of technical evidence to support them. In this case it is considered that the perceived effect of the proposal is far greater than the resulting effect and given that a planning application must be determined on its merits unless material evidence indicates otherwise, it is clear that there is no reason for refusal that would be sustained at appeal.

The balance between the differing opinions received must be carefully evaluated and consideration must be given to the fact that the site lies within the town centre and there is easy access to public transport and alternative car parks are available. These matters weigh significantly in favour of the proposal. Additionally, consideration should be given to the fact that the proposed pharmacy is related to healthcare provision and therefore complements the other health care uses on this site. It is also reasonable to consider the success of defending a decision at appeal when there is no evidence to substantiate a reason for refusal.

On balance therefore, and given the relationship of the proposal to the provision of healthcare and to the sites town centre location, the proposal is considered to be acceptable in terms of highway safety and the requirements of Saved Policy T5 of the Adopted Local Plan.

### Other Matters

A number of neighbours have commented that there are a number of empty shops within Castle Street in Hinckley that could be used for the proposed pharmacy. Planning case law has confirmed that the issue of alternative sites is not a material consideration in the determination of a planning application. Therefore, whilst there may be planning merit in utilising under occupied buildings elsewhere, the current application must be determined on its own merits and thus the presence of empty shops in the locality is not for consideration the determination of this application.

The neighbour comments received about the use of the pharmacy as a methadone dispensary is not a formal planning consideration as a pharmacy (whether a methadone dispensary or not) falls with the same class of the Use Class Order. The perceived antisocial behaviour risks are a material planning consideration; however for the fear of anti social behaviour to be material, there will need to be some reasonable evidential basis for that fear. The precise weight to be afforded to such fears will be dependent on the quality of the evidence. In this case no such evidence is supplied.

### Developer Contributions

The site lies within the applicable boundary of the Hinckley Town Centre Strategic Transport Development Contributions Supplementary Planning Document (SPD). This SPD seeks to develop the town centre transport infrastructure in line with emerging development schemes and the SPD requires a developer contribution for certain types of development. In this case a contribution is sought in accordance with the SPD in respect of the commercial floor space created; that is the creation of the pharmacy only, and not the creation of the consulting rooms. The contribution is £6375.

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

In this case it is considered that the request for the developer contribution is compliant with the statutory test of the CIL and therefore has been requested by officers. The applicant has agreed to make the requested contribution and a legal agreement is currently being drafted to secure the contribution prior to the commencement of development on site.

### Ecology

The proposed development has been considered at both pre-application stage and through formal consultation by the Directorate of Chief Executive, LCC (Ecology). Ecology are satisfied that there unlikely to be any protected species within the existing site or structure and therefore no survey or mitigation works are necessary. Notwithstanding this consideration, the duty of care for any protected species lies with the applicant, owner and any contractor, and should any protected species be discovered during the development, statutory provisions exist under the control of Natural England that enable control of the development and the species.

### Conclusion

The proposal seeks to provide a complimentary healthcare facility at this dedicated and recognised healthcare site, to which there is no planning policy or highway safety objection. The application has been subject to a significant degree of neighbour objection on various

grounds but no evidence has been supplied quantifying the objection matters. On this basis a greater weight falls with planning policy and the formal responses of Statutory Consultees and therefore it is recommended that planning permission be granted.

**RECOMMENDATION:- That the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the Hinckley Town Centre Strategic Transport Development. Failure to do so by 5 August 2010 may result in the application being refused.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be to the detriment of visual or residential amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, BE1, T5

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy 1, Policy 5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: DBL309 00, 01, 02, 03 Rev G, 04 Rev C, 05, 06, 16, 17, 19.
- 3 Before the first use of either the proposed pharmacy or the consulting rooms the car park shall be laid out and car parking spaces marked in accordance with the approved plan and shall be surfaced in a hard bound material and be made available for vehicle parking. All car parking spaces shall remain available for vehicle parking thereafter at all times.
- 4 The submitted Green Travel Plan shall be fully implemented upon the commencement of the opening of the pharmacy and/or the use of the consulting rooms hereby permitted and shall remain in force thereafter.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed pharmacy and surgery extensions 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.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that adequate off-street parking facilities are available to accord with Saved Policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 4 To reduce the dependency on car travel to and from the site, in the interests of sustainability and highway safety and in accordance with the requirements of Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Field Code Changed

**Contact Officer:-** James Hicks Ext 5762

**Item:** 04

**Reference:** 10/00403/COU

**Applicant:** Mr Ted Sykes

**Location:** The Bungalow Hydes Lane Hinckley Leicestershire LE10 3DP

**Proposal:** CHANGE OF USE OF LAND TO SITE 8 TRANSIT GYPSY CARAVANS AND PROVISION OF 3 PERMANENT GYPSY PITCHES

**Target Date:** 4 August 2010

**Introduction:-**

This is a full application for the creation of pitches for eight transit caravans and three permanent pitches with amenity block for families that fall under the definition of a Gypsy for the purposes of Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites. The site is located to the south of the A5, close to the junction of Hydes Lane. There is a right hand turning lane from the A5 into Hydes Lane.

The site is 0.26 hectares and currently comprises a detached dormer bungalow with garden, forecourt area and toilet building. There is a paddock area which is fenced off and also a yard with storage building and stables associated with the site. Currently on site is the applicant's touring caravan and two permanent caravans occupied by relatives of the applicant.

Hydes Lane slopes down from the A5 to the level of the site at its access point which is located to the southern end. To the eastern side of Hydes Lane, the Ashby Canal runs parallel with the highway at this stretch. The northern and eastern boundaries of the site have mature planting, the southern and eastern boundaries are defined by 2 metre high close boarded timber fencing to the boundary.

The previous application was withdrawn prior to determination due to insufficient highway information.

The majority of the site is within this local authority boundary but the access and part of the southern side of the site is within the jurisdiction of Rugby Borough Council. A similar planning application has been submitted to Rugby BC for determination.

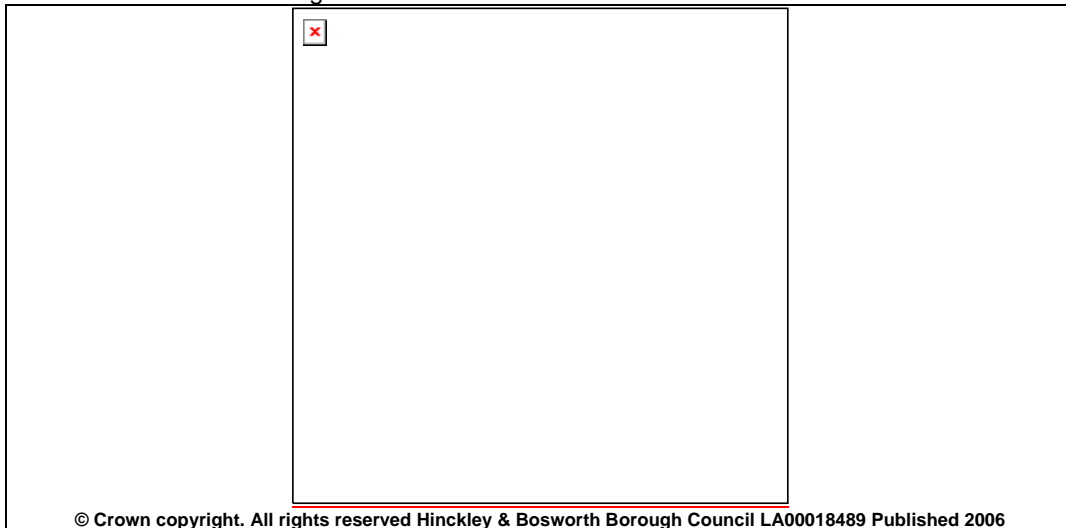
The Design and Access Statement states that the site is well screened and that the applicant who lives in the bungalow on site will control the day to day running of the site. A toilet block and water connection already exists to the site. The transit caravans will use these facilities. The permanent caravans have their own private facilities.

In order to overcome the objection to the last application, received from the Highways Agency, further information has been submitted relating to proposed highway improvements to Hydes Lane. A Stage 1 Road Safety Audit has been submitted which recommends that Swept Path analysis is carried out. Swept Path drawings have been submitted.

The application has been submitted with an ecology report which states that there were no protected species found on the site and therefore, there are no recommendations or mitigation measures suggested.

**History:**

09/00075/COU	Change of use of land to site for 8 transit gypsy caravans and the provision of 3 permanent gypsy pitches	Withdrawn
04/01418/FUL	Erection of replacement dormer bungalow	Approved 12.04.05



**Consultations:-**

No objections received from:-

The Highways Agency  
Ashby Canal Society  
The Head of Community Services (Pollution).

No objection subject to condition received from:-

Natural England  
Severn Trent Water Limited  
The Directorate of the Chief Executive LCC (Ecology).

No objection subject to note to applicant received from:-

The Environment Agency  
National Grid  
The Head of Community Services (Land Drainage).

Rugby Borough Council have objected to the application on the grounds that the adjacent land is designated as West Midlands Green Belt.

A strong objection has been received from Burbage Parish Council on the grounds of highway dangers and poor visibility, and refer to Wellbeck Avenue.



Burbage Matters! object to the application on the following grounds:-

- a) site not included in adopted LDF Core Strategy Policy
- b) outside settlement boundary and contrary to LDF site allocations document
- c) RSS and target for traveller camps to be scrapped
- d) close to Burbage parish boundary
- e) contrary to Policy 18
- f) inappropriate development in green corridor adjacent to public footpaths and canal
- g) dangerous access to A5
- h) close to existing gypsy site and industrial site
- i) no local need demonstrated
- j) Aston Firs site in Blaby could be expanded which would impact on Burbage's infrastructure
- k) Warwickshire CC may have intentions for sites along the west parish boundary of Burbage which would impact on Burbage's infrastructure
- l) Too many sites in a short distance of Burbage
- m) HBBC has not got an adopted plan for travellers so application should be rejected at this stage.

Four letters of objection received on the following grounds:-

- a) enough traveller sites in the area
- b) suggests site in Dadlington or further along A5
- c) no exceptional circumstances apply
- d) safety at junction
- e) visual impact on Ashby Canal Conservation Area which is close by
- f) change character of area
- g) concern over more intensive use of the site
- h) concern over more intensive use of Hydes Lane
- i) against policy
- j) does not provide amenity plots for each pitch as suggested in guidance
- k) theft and damage caused previously
- l) may affect use of canal by walkers, cyclists etc.
- m) concern regarding gas pipes and electric pylons which run across site with associated health and safety issues
- n) concern regarding encroachment of animals onto adjacent land
- o) questions boundary with Hydes Lane
- p) questions management of site
- q) dangers from accidents on A5
- r) concern for business adjacent to site
- s) considers that the site has been chosen because it is on boundary of two local authority areas and does not have a great impact on the majority of residents
- t) greenfield countryside land
- u) Hydes Lane is a narrow country lane which turns into a green lane well used by walkers, joggers, horse riders etc.
- v) concern that parking may occur on Hydes Lane

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

British Waterways  
The Director of Environment and Transport (Highways)  
Warwickshire County Council Highways.

## **Policy:-**

### National Planning Guidance

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:

- a) To significantly 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 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 Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively; and
- j) To reduce the number of un-authorised 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 this circular.

### Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

### Local Plan Policy

#### Local Development Framework- Core Strategy

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

## Local Plan

The site lies outside the settlement boundary for Hinckley, within the countryside where 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.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Policy RES13 has been 'saved' but is superseded by Policy 18 of the Core Strategy.

### Other Material Considerations:-

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

- a) are sustainable, safe and easy to manage and maintain
- b) are of a decent standard, equitable to that which would be expected for social housing in the settled community
- c) support harmonious relations between Gypsies and Travellers and the settled community.

The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

Hinckley and Bosworth Landscape Character Assessment 2006 identifies the distinctive landscapes of the Borough, defines their character and provides direction for new development in light of the designation. Whilst the Assessment does not specifically refer to this area as it is close to the Hinckley urban boundary, it does identify a strategy to enhance the countryside edge to improve the urban/rural interface, and to assist in the assimilation of new development.

On the 27th May 2010 the Secretary of State for Communities and Local Government issued a letter to all Local Authorities indicating the Coalition Government's commitment to abolish the Regional Spatial Strategy and return decision making powers on housing and planning to local councils. The letter states that "decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans". The Secretary of State continues to confirm that the letter is to be

considered as a material planning consideration in any decisions until a formal announcement is made on this matter.

### **Appraisal:-**

The main considerations with regard to this application are the principle of development, policy considerations, effect on the countryside and neighbours, drainage issues and highway safety.

#### Principle and Policy Considerations

Given that the development is for a transit and residential site for Gypsy families, in accordance with the Circular definition as confirmed by The County Council Gypsy Liaison Officer), the issue for consideration is whether the needs of the gypsy families and the development satisfies the criteria of Core Strategy Policy 18 and Policy RES13 of the Adopted Hinckley and Bosworth Local Plan.

#### Gypsy and Traveller Need

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies a need for 42 residential pitches for the period up until 2016 within the Borough, this figure has been adopted with the Core Strategy. Since the Accommodation Needs Assessment was adopted in April 2007, a total of three sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill and one pitch at Stoke Lane Higham on the Hill. Accordingly, the approval of these three pitches has reduced the Borough Council's requirements to 39 permanent pitches. Furthermore, 10 temporary pitches have been allowed on appeal at the Good Friday site at Barlestone.

This figure forms the basis of the Site Allocations Preferred Options Document that has recently been subject to public consultation. The outcome of this consultation is not yet known. In the mean time the identified need remains and planning applications must be determined in the light of this need and on their individual merits.

Policy 18 of the Core Strategy seeks to permit sites for Gypsy and Travellers subject to compliance with a number of criteria.

#### Proximity to Settlement/Services

It is a requirement of the policy that sites are located either adjacent to existing settlements or located within a 'reasonable' distance.

The application site is at Hydes Lane which is located approximately 0.55 km beyond the Hinckley settlement boundary and 1.7 km from the town centre. This is considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. Another consideration is scale of the site, the proposal is for 8 transit caravans which equates to 4 pitches, and 3 permanent pitches, giving a total of 7 pitches. It is considered that this is not excessive in terms of scale located close to Hinckley urban area.

Circular 01/2006 which places an onus on the Local Planning Authority to allocate sufficient sites for gypsy and travellers, states that 'sites should be based on a number of criteria including the sustainability of the site which includes the integration between the site and the local community, access to health and GP services, children attending school on a regular basis, the provision of a settled base that reduces the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Priority should

be given to locations in or near existing settlements that have access to local services. This criteria is considered to be met in this case.

#### Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing. The proposal will utilise the existing single access to the site which is located within Rugby Borough. Adequate space is available within each pitch in the case of the transit pitches, and within the site as a whole for the permanent pitches to accommodate off road parking associated with the site. The response of the Leicestershire and Warwickshire Highway Authorities is awaited. Having considered the Stage 1 Road Safety Audit (RSA) for the mitigation scheme, The Highways Agency do not object to the proposal. Further highway responses will be reported to the meeting as a late item.

#### Sympathetic Assimilation

The policy requires 'sympathetic assimilation' of the site into its surroundings. The character of the site is not specifically defined within the Landscape Character Assessment 2006 (LCA) as it is an area located on the edge of the Hinckley urban settlement boundary. The Assessment makes reference to the urban/rural interface. The site has existing landscaping, particularly to the northern and eastern boundaries. However, because of the highway works proposed by the applicant some of the existing planting may be lost and it is therefore considered necessary to impose a landscaping condition to ensure that particularly adjacent to the road frontages (and views through to the canal), adequate screening of the site is provided.

#### Noise and Disturbance

There are no close residents to the site. The nearest dwelling to the site is the Lime Kiln public house located on the northern side of the A5 and is unlikely to be detrimentally affected by the development. Similarly, it is considered that users of the Ashby Canal and towpath will not be significantly affected.

#### Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy \_ Traveller Sites, Good Practice Guide. It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. National Grid have confirmed that apparatus may be affected by the proposal but do not raise an objection, they have requested a note to the applicant with regard to contact prior to any excavation works being carried out. The site is flat (not exposed) and not located on contaminated land nor within an area of flood risk, however it is located opposite the Ashby Canal and adjacent to the A5, but this is no greater issue than exists on housing developments further along the canal or adjacent to main roads. Communal play space is provided within the site. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. Emergency vehicles could access the site.

The guide says that essential services (mains water, electricity drainage and sanitation) should be provided. This site will provide those services. Sewerage in this case is by a private system which will be subject to Building Regulations approval, no objections have received from Severn Trent but a condition has been requested in connection with further details to be provided. Furthermore, the Directorate of the Chief Executive (Ecology) has suggested that a condition be imposed in relation to run off into the canal. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

### Design and Layout

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

When assessing the proposal against the guide criteria, with reference to size and layout sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case the applicant has confirmed that the occupants of the permanent pitches have their own private facilities and therefore separate amenity buildings will not be required. The 6 metre separation between each caravan is not met on all pitches on the current plan, however this assumes a standard size of caravan and it is considered that this can be achieved by minor changes to the layout. The guidance for transit pitches is the same as for permanent pitches in most respects, it recommends that each transit pitch is of a size sufficient to accommodate two touring caravans, two parking spaces and private amenities. This can be accommodated within the site. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will deal with this issue. The licence is an appropriate mechanism to secure satisfactory internal arrangements.

### Other Considerations

Circular 01/06 provides that consideration of a temporary permission has to be considered. Paragraph 45 states:

“Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.”

In this instance, extensive highway works and inward investment are required and it is considered that it would be inappropriate to require such works to be carried out without the

reassurance of a permanent planning permission being in place. It is also considered that there is no in principle objection to this proposal.

Rugby Borough Council have been consulted on this application. It is understood that a similar application which relates to the part of the site within their control is yet to be considered. Because the land within their jurisdiction is designated as West Midlands Green Belt they have objected to this application as it is contrary to green belt policy and would represent a departure from their Development Plan. The consultation states that where special circumstances have been demonstrated in the green belt for gypsy and traveller sites, temporary planning permission has been granted in line with recent Planning Inspectorate decisions within their borough. It is necessary for the applicant to secure planning permission with Rugby BC prior to commencement should this application be approved.

Neighbours and interested parties have raised issues regarding highway matters and parking, policy issues, safety issues from services crossing the site, intensification of site use, gypsy need issues and character of the countryside issues, these matters are addressed elsewhere in the report. The management of the site will be the applicant who resides on the site, this is considered to be acceptable. Issues of potential loss of trade to local businesses, encroachment and damage following development have been raised but these are not matters that can be assessed in determining this application.

#### Ecology

Natural England have requested conditions in relation to Great Crested Newts and breeding birds.

#### Sustainability

The proposed site is considered to be within a reasonable distance of the settlement providing accessibility to local services.

#### Conclusions

The proposal will not have a detrimental impact upon residential amenity nor the character and appearance of the countryside, and, subject to a satisfactory outcome of the consultation regarding the proposed highway improvements, the proposal is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough as identified within the Site Allocations Preferred Options Document and the aims of Circular 01/2006.

#### **Recommendation: Permit subject to the following conditions:-**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and Circular 01/2006, would not result in a detriment to the character and appearance of the locality and would not be to the detriment of residential amenity, highway safety or any ecological interest.

Hinckley & Bosworth Borough Council Core Strategy (2009) Policy 18

Hinckley & Bosworth Borough Council Local Plan (2001) :- NE5, T5, RES13 and BE1

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- 3 The permanent and transit site hereby approved shall not be used by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 4 No commercial activities shall take place on the land, including the storage of materials.
- 5 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan and Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be placed onto the land whether for temporary or permanent purposes without the prior written approval of the Local Planning Authority.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) surfacing materials;
  - (ii) planting plans (including existing planting (trees and hedgerow);
  - (iii) written specifications;
  - (iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
  - (v) implementation programme.
- 7 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.
- 8 No burning of materials shall take place on the site at any time.
- 9 If Great Crested Newts or breeding are discovered during work to develop the site, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.



- 3 The site lies in an area within which the Local Planning Authority would not normally grant permission for residential development. To accord with Policy 18 of the Hinckley and Bosworth Core Strategy and Circular 01/2006.
- 4 To ensure that the use remains compatible with the surrounding area and to ensure compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 5 For the avoidance of doubt and to ensure that the use remains compatible with the surrounding area, in compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan and Circular 01/2006.
- 6 & 7 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To safeguard the amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 Great Crested Newts are a rare and declining group of species. Many species of birds are declining in number and range. To comply with the Wildlife and Countryside Act 1981 (as amended).

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The applicant is reminded that planning permission does not override compliance with the relevant law including obtaining and complying with the terms and conditions of any licences required as described in Part IV (Conservation of Species Protected by Law) of Circular 06/05 Biodiversity and Geological Conservation - statutory obligations and their impacts within the planning system.
- 6 Your attention is drawn to the information attached from National Grid and the need to contact them prior to any excavation works being carried out.
- 7 The applicant will need to apply for a standard environmental permit or register for an exemption from such permit for the discharge of treated foul effluent from the Private Treatment Plant.

Field Code Changed

The applicant should visit the web site below for further information.

<http://www.environment-agency.gov.uk/business/regulation/32038.aspx>

- 8 Access ways, parking and turning areas, paths and outdoor amenity areas should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 9 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

The sewage treatment plant proposal will require the consent of the Environment Agency and must comply with the Agency's conditions.

Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

**Contact Officer:-** Louise Forman      Ext 5682

**Item:**                    05

**Reference:**            10/00408/OUT

**Applicant:**            Morris Homes (East) Limited

**Location:**            Land Off Hinckley Road Stoke Golding Leicestershire

**Proposal:**            RESIDENTIAL DEVELOPMENT (OUTLINE - ACCESS ONLY)

**Target Date:**        31 August 2010

**Introduction:-**

This is an outline application for residential development on land off Hinckley Road Stoke Golding. The principle of residential development together with access are the only matters for consideration at this time with layout, scale, appearance and landscaping reserved for determination at a later date.

The site is adjacent to the settlement boundary of Stoke Golding and bound by properties on Hinckley Road to the south, Hinckley Road itself to the east, open fields to the north and residential properties on Sherwood Road to the west.

The application proposes a principle access to be gained from Hinckley Road with two further minor accesses from the same road to serve frontage properties. While only access is for determination at this stage, an indicative layout has been submitted which shows 75 dwellings being a mix of 3, 4 and 5 bedroomed detached, semi-detached and terraced properties. An area of open space including a local equipped area for play is shown in the north-western corner of the site.

The application also proposes alterations to the Hinckley Road / Stoke Road junction to form a mini-roundabout. This is proposed to be accommodated within the existing highway boundary.

The application has been supported by a Design and Access Statement, a Planning Statement, a Transport Statement and Travel Plan, a Flood Risk Assessment, an Archaeological Desk Based Assessment, an Ecological Statement, an Affordable Housing Statement and an Arboricultural Survey Report. The applicant has also submitted, subsequent to the submission of the planning application, a briefing note in respect of housing requirements in Stoke Golding.

The Design and Access Statement includes an assessment of the site, an evaluation of the character of the settlement, the evolution of the scheme and an explanation of the final design.

The Planning Statement sets out details of the site and surroundings, development proposals, planning policy context and planning considerations before concluding that the principle of releasing the site for housing is acceptable having regard to national and local planning guidance on site selection; that there is a need to release additional land for housing in the Borough to provide a 5-year supply of housing; that there are no physical, environmental or land use constraints and that the proposed development complies with the policies and proposals of the development plan.

The Transport Statement sets out that the likely level of traffic generated by the proposal can be accommodated by the existing road network and that the proposed mini-roundabout would mitigate the existing vehicular conflict at the Hinckley Road / Stoke Road junction.

The Flood Risk Assessment concludes that the proposed scheme is in accordance with relevant planning policy and that approval to this application should not be withheld on flooding grounds.

The Archaeological Desk Based Assessment considers the available archaeological and historical information for the site and concludes that the site has uncertain, but probably low, potential for the presences of as-yet undiscovered additional archaeological remains.

The Ecological Appraisal consists of an extended phase 1 habitat survey and desk study. It sets out a number of recommendations including retention of hedgerows if possible, vegetation clearance outside of the bird breeding season and planting of locally native woody species.

The Affordable Housing Statement sets out that 23 social rented dwellings and 7 intermediate affordable dwellings will be provided and sets out the mix of housing units proposed.

The submitted Arboricultural Survey Report assesses 4 trees within or on the boundary of the application site. It suggests two of these four trees are in decline and have a short life expectancy which should be removed and replaced.

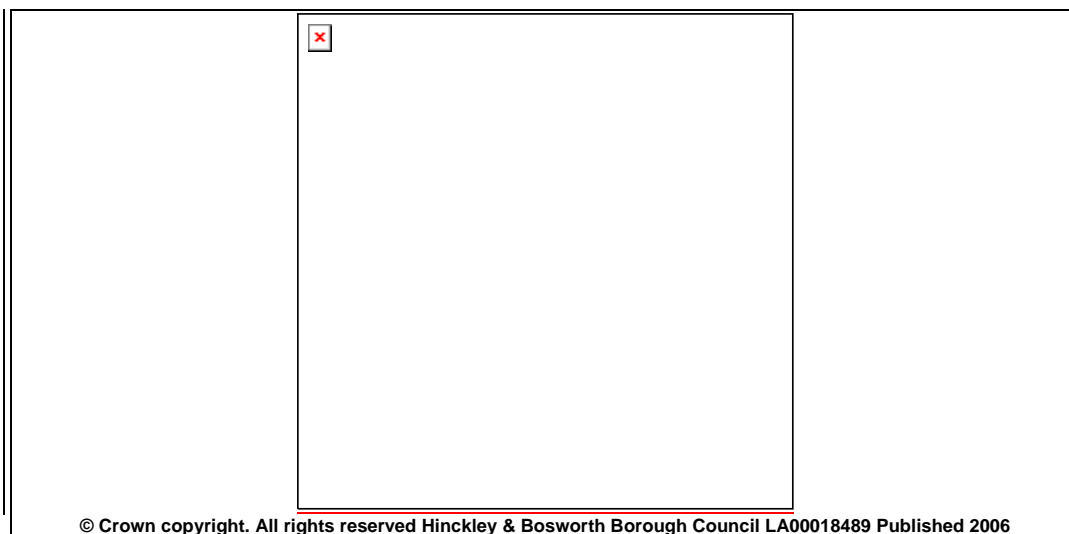
The Heads of Terms document sets out that 40% affordable housing will be provided, open space will be provided on site and that contributions will be made to education, transport and the National Forest.

The briefing note on housing needs in Stoke Golding concludes that if one looks at the housing projection figures published in 2009 then Stoke Golding would require a total of 230 additional dwellings up to 2026. This means that both sites, this and the Convent site could both be granted consent.

Members should note that a further outline application for residential development in close proximity of this site at St Martin's Convent, Stoke Golding is also on this agenda.

**History:-**

None



**Consultations:-**

No objection has been received from:-

- The Head of Business Development and Street Scene Services
- The Head of Community Services (Pollution)
- The Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Severn Trent Water Ltd.

The Chief Executive, Leicestershire County Council (Ecology) raises no objection provided that the recommendations from the submitted ecology report are adhered to and that hedgerow loss is kept to a minimum with any loss to be replaced with four times the lost length within the site.

The Chief Executive, Leicestershire County Council (Archaeology) request a pre-determination geophysical survey of the site followed by trial trenching as the desk based research is insufficient to properly assess the archaeological interest of the site.

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

- a) Director of Community Services (Ecology) – Request bat bricks and boxes, native trees and that green corridors are maintained or established
- b) Director of Children and Young People's Service (Education) – Make no request as there is surplus capacity in all local schools
- c) Head of Commercial and Support Services (Libraries) – Request a contribution of £27.18 per 1-bed dwelling, £54.35 per 2-bedroomed dwelling and £63.41 per 3/4/5-bedroomed dwelling towards the costs of an enhanced programme of refurbishment and improvements to facilities
- d) Director of Highways, Transportation and Waste Management (Civic Amenity) – Request £45.19 per dwelling towards new or improved civic amenity site infrastructure at Barwell.

The Primary Care Trust comment that Stoke Golding has a small branch GP practice which it is likely new residents will seek to register at. A financial contribution is requested towards this practice or other Hinckley practices which cover Stoke Golding if further development of the branch surgery is not possible. A per dwelling contribution is requested of £583 for one and two bed properties, £1167 for three and four bed properties and £1750 for five bed dwellings.

Leicestershire Constabulary Crime Reduction Officer requests reconciliation at the reserved matters stage to allow them to comment on the layout. A contribution to enable police stations to be expanded within the locality is requested at a rate of £606 per dwelling.

The Nuneaton and District Action Group raise concerns regarding the impact of the development on the community, the merging of two villages into one, the position of the access on a dangerous corner close to a school and the pressure on local services.

David Tredinnick MP objects to the proposal on the grounds that the site is beyond the settlement boundary of Stoke Golding and development would impinge on the green wedge between the village and Dadlington and that the land is of historical significance with connections to the events that led to the founding of the Tudor dynasty in the fifteenth century. The letter also raises concerns regarding highway capacity and road safety issues and that the site would over provide the identified housing need for the village.

St Martin's School object to the scheme on the grounds of the increased volume of traffic going towards Dadlington and Hinckley. Concern is raised that the proposed mini-roundabout does not include proposals to allow students to safely cross the road and that the existing sewage system which includes a pumping station on the school site cannot accommodate the number of houses proposed through this application.

Stoke Golding Parish Council object to the application on the following grounds:-

- a) the SHLAA identifies the site as grade 2 agricultural land and therefore no development should take place on it.
- b) strong weight should be given the recent request by HBBC the Secretary of State for the word 'maximum' to replace a 'minimum' of 60 houses. This application is significantly in excess of the preferred option in the Draft Site Allocation Document.
- c) to decide on or between two major developments at the present time, without clear guidance from central government departments and a finalised Site Allocation Document, could possibly be construed as not having a sound legal basis.
- d) the proposal does not support policy NE5, it utilised a Greenfield site before a brownfield one and it is placed upon an ancient and good quality 'ridge and furrow' field and lies close to the centre of the Bosworth battlefield.

- e) the site significantly reduces the separation between Stoke Golding and Dadlington and is therefore contrary to policies designed to prevent the amalgamation of communities.
- f) the proposal is actually far larger than the present centre of the village of Dadlington.
- g) the development would be highly visible when viewed from the surrounding areas and again would be detrimental to the landscape and local environment and character.
- h) lack of contributions towards police and PCT, no arrangements made to improve or increase any village facilities and benefit the community through S106 contributions.
- i) children would need to attend schools in Hinckley which would require car travel and integration of families would be difficult.
- j) the application does not address sewerage concerns.
- k) concerns raised regarding the design of the road access and traffic impacts
- l) no identified demand for the increase in houses from both sites. At the Core Strategy Consultation Stage there were no objections to 59 houses and this information should be used in the present decision making process.
- m) the applicant has not consulted with the local community.

Hinckley & Bosworth District Campaign for the Protection of Rural England object to the application on the grounds that: the ridge and furrow field should not be developed; there are other sites in the village more suited to development and that the scheme is opposed by the residents of Stoke Golding.

The Director of Corporate and Scrutiny Services (Green Spaces) raises concern on the proximity of the proposed access to a retained hedgerow tree and comments on the health of two further trees to the northern boundary of the site.

Site notices and Press notice were displayed and neighbours notified.

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

- a) loss of village identity
- b) access by blind bend
- c) proximity of access to school
- d) existing parking problems at junction
- e) too many houses being built at one time
- f) impact on local facilities, GP, Schools, broadband, electricity supply
- g) no public consultation
- h) greenfield site / beyond settlement boundary
- i) does not consider application made at Convent site
- j) roads already at capacity / existing congestion
- k) village should remain separate from Dadlington and Hinckley
- l) countryside should be protected
- m) medieval ridge and furrow site should not be destroyed
- n) creation of rat run
- o) no need for additional housing
- p) impact on safety of school children
- q) more houses proposed than in other rural communities
- r) other brownfield sites in Hinckley should be developed first
- s) too many new unsold houses would cause problems
- t) village has already had considerable development
- u) Severn Trent pipe crosses the site
- v) premature to completion of LDF Site Allocation document
- w) development of both sites would be overdevelopment of the village
- x) exacerbate parking problems on Sherwood Road
- y) contrary to Policy NE5 – Development in the Countyside
- z) scale of development

- aa) impact on tourism
- bb) loss of privacy and view
- cc) density is out of character with the village
- dd) site is home to birds and wildlife
- ee) changes in Government policy mean Local Authorities not pressurised in committing to LDF
- ff) archaeological assessment not up to date
- gg) flooding / drainage issues
- hh) development too large for one access point
- ii) historical village / Birthplace of the Tudor dynasty
- jj) overbearing impact on neighbouring property
- kk) loss of village identity
- ll) responses to Site Allocations document not taken into account
- mm) loss of grade II agricultural land
- nn) numbers and types of dwellings undefined
- oo) roundabout will not help traffic flow, pedestrian crossing should be included
- pp) no contribution to Police and PCT
- qq) increase in crime.

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

Director of Environment and Transport (Highways)  
 Stoke Golding Heritage Group  
 The Cyclists Touring Club  
 The Environment Agency.

**Policy:-**

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

The Planning System: General Principles forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing.

Paragraph 40, under the title of effective use of land, states that " a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has previously been developed". Paragraph 41 sets out the national target to provide 60% of all housing on previously developed land. The paragraph continues to state that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance Note 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 – Development and Flood Risk aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

#### Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 13a requires 9,000 residential units to be provided within the Borough over the period 2006-2026.

#### Local Policy

##### Hinckley & Bosworth Core Strategy DPD (2009)

Stoke Golding is classed as a Key Rural Centre (stand alone) within this document.

Policy 11 refers to development in Key Rural Centres and with regards to Stoke Golding states that the council will: allocate land for the development of a minimum of 60 new homes; support additional employment provision; support the improvement of GP facilities; address the existing deficiencies in green space and deliver safe cycle routes.

Policy 15 seeks the provision of Affordable Housing on residential proposals within rural areas at the rate of 40% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 30 dwellings per hectare within Key Rural Centres.

##### The Local Plan (adopted February 2001)

The site is adjacent to the settlement boundary of Stoke Golding as defined in the adopted Hinckley and Bosworth Local Plan.



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

Policy REC2 requires all new residential development to provide outdoor play space for formal recreation.

Policy REC3 New Residential Development - Outdoor Play Space for Children of the adopted Hinckley and Bosworth Local Plan requires 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.

Policy RES3 of the adopted Hinckley and Bosworth Local Plan concerns provision of affordable housing on sites not specifically allocated for residential purposes. This sets out that an element of affordable housing will be negotiated with developers related to the need for affordable housing in the area in which the site is situated. Affordable dwellings may be provided on site, off site or by financial contribution.

Policy RES5: Residential Proposals on Unallocated Sites 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: Highway Design and Vehicle Parking Standards of the adopted Hinckley and Bosworth Local Plan refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

#### Supplementary Planning Guidance / Documents:-

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space, Sustainable Design and Affordable Housing.

#### Other Material Considerations:-

On the 27th May 2010 the Secretary of State for Communities and Local Government issued a letter to all Local Authorities indicating the Coalition Government's commitment to abolish the Regional Spatial Strategy and return decision making powers on housing and planning to

local councils. The letter states that "decisions on housing supply (including the provision of travellers' sites) will rest with Local Planning Authorities without the framework of regional numbers and plans". The Secretary of State continues to confirm that the letter is to be considered as a material planning consideration in any decisions until a formal announcement is made on this matter.

The Site Allocations Preferred Options Document was subject to public consultation during 2009. This highlights the application site as a preferred option for future residential development in Stoke Golding. 13,500 responses were received to the whole of the document as a result of the consultation exercise.

#### **Appraisal:-**

The main considerations with regards to this application are: the principle of development; the five year housing land supply; impact on the character and appearance of the countryside; access and impact on the highway network; design and layout; impact on trees; archaeology; affordable housing; developer contributions; other matters alternative development sites in Stoke Golding.

The application site lies outside of the settlement boundary of Stoke Golding as defined by the Local Plan proposals map and is therefore considered as being in the countryside. Policy NE5 seeks to protect the countryside for its own sake and states that planning permission will only be granted for development that is important to the local economy, for the change of use of existing buildings or for sport and recreation. The proposed residential development does not meet either of these criteria.

While the site is allocated as a preferred option for residential development in the Site Allocations document, as set out above, this is yet to be finalised and therefore carries little weight at this stage in its production. At this time, the Local Plan forms the lower tier of the development plan and therefore the proposal is considered to be contrary to Policy NE5.

#### Five-year housing supply

Planning Policy Statement 3 continues to require Local Authorities to identify and maintain a rolling 5-year supply of deliverable land for housing. In particular at paragraph 71 the PPS states 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites ... they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69'. Paragraph 69 sets out the key criteria for considering applications including high quality design, mix, sustainability and efficient use of land.

The most recent Annual Monitoring Report shows a 303 dwelling shortfall in supply or a provision of four years and four months within the Borough. It is considered that this lack of supply is sufficient to overcome the 'in principle' objection to development through policy NE5 subject to the key criteria set out in paragraph 69 of PPS3 being met.

Paragraph 69 states that Local Authorities should have regard to; achieving high quality housing; ensuring developments have a good mix of housing; the suitability of the site for housing, including its environmental sustainability; using land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for the area, and does not undermine wider policy objectives.

It is considered that the quality and mix of the housing will be assessed at the reserved matters stage and that at the time of writing this report there are no technical objections

which would suggest that the site was not suitable for housing. The effective and efficient use of land is demonstrated by the indicative layout which shows an acceptable density of 28 dwellings per hectare.

While an order was laid before Parliament on the 6th July to revoke Regional Strategies with immediate effect, in terms of housing land supply, the annual housing requirement established by the RSS has been adopted at the local level through the Core Strategy. As part of the production of the Core Strategy the Borough Council took into account a number of evidence base documents which informed current and future levels of need and demand for housing. In particular the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment are considered to provide a local evidence base that fed into the adoption of the Core Strategy housing figures. The Core Strategy figures are therefore still the appropriate housing target to use at this stage.

Furthermore, while the coalition Government have made amendments to PPS3 in recent weeks the requirement to provide a five-year supply of housing still remains. It is therefore considered that the lack of a five-year supply of housing remains sufficient to overcome an 'in principle' objection to development and that the housing supply figures within the Core Strategy remain the correct figures no use notwithstanding the abolition of the RSS.

If the development is considered to be acceptable it is considered that the standard time limits for the submission of reserved matters and commencement of development are reduced to ensure that houses are built and that the land is not banked.

#### Impact on the Character and Appearance of the Countryside

The application site bounds the existing settlement boundary to the western and southern boundaries. The eastern boundary is the Hinckley Road with Lodge Farm and other residential properties facing Hinckley Road beyond. The northern boundary is formed by a hedgerow with open fields beyond. The proposed development would introduce built form within the countryside though its impact would be limited given the existing development on three sides. Development would be brought closer to the neighbouring village of Dadlington though a separation would still exist.

While the site is classified as grade II agricultural land, there is no policy basis to refuse the application on these grounds. Furthermore, the refusal of the application does not necessarily mean that the site would be used for agriculture.

#### Access and Impact on the Highway Network

The application proposes a principal access from Hinckley Road with two further minor accesses serving frontage properties. At the time of writing this report comments are still awaited from Director of Environment and Transport (Highways).

#### Design and Layout

While the application is for outline with access only for consideration at this stage an indicative layout has been submitted. It is considered that the layout shows a varied and interesting proposal with key focal points addressed. An evaluation of the existing character has informed the scheme and the evolution to the final layout is clear. The layout responds well to the site and the settlement however the open space could be integrated better to maximise use.

#### Impact on Trees

The proposed access is in close proximity to a hedgerow tree to be retained. Further information has been sought from the applicant to ensure the access does not impact on the tree's root protection area.

The application proposes the loss of two trees to the northern boundary of the site. The Director of Corporate and Scrutiny Services (Green Spaces) states that both are in poor health and while in the rural environment this is not a safety matter when in close proximity to housing it could be. If these trees cannot be accommodated within the proposed public open space at the reserved matters stage then it is considered that they should be removed and replacement trees planted elsewhere on the site.

#### Archaeology

The comments from The Chief Executive, Leicestershire County Council (Archaeology) request the completion of a geophysical survey of the site and the trial trenching of any areas of interest prior to determination. Whilst the application is in outline form and any areas of interest could potentially be accommodated in a scheme the applicant has agreed to complete these works prior to the determination of the application though the works will not commence until after the committee meeting. It is considered that should the application be approved this matter could be delegated to Officers to agree to the satisfaction of Ecology while the Section 106 agreement is being completed.

#### Affordable Housing

The applicant has offered up to 40% affordable housing within the draft Heads of Terms with tenure split which is in accordance with Core Strategy Policy 15. The mix of units would be agreed at the reserved matters stage. The provision of affordable units will be secured through a Section 106 Agreement.

#### Developer Contributions

The consultation responses set out above specify the requests from Leicestershire County Council for contributions towards libraries (£27.18-£63.41 per dwelling) and civic amenity (£45.19 per dwelling). Requests have also been received from the Primary Care Trust (£583-£1750 per dwelling) and the Police (£606 per dwelling).

The application site is within 1 kilometre of Hall Drive recreational area therefore a contribution can be sought under Policy REC2 to enhance and maintain the formal open space there in accordance with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

The indicative layout also shows informal open space and a local equipped area of play which would accord with policy REC3. As the scheme is in outline form with only access for consideration at this stage the Section 106 agreement can cover the provision of on site open space of an area in proportion to the number of dwellings finally approved.

The applicant has stated that they are willing to make contributions to Leicestershire County Council and towards play and open space but have questioned whether the PCT and Police are in accordance with the recent Community Infrastructure Levy Regulations. Negotiations are ongoing on this point and will be reported to the committee as a late item.

#### Other Matters

As the application is in outline form only the reserved matters application will assess the proposed plot layout and any potential impact on neighbouring properties through overlooking or loss of amenity.

The availability of residential properties for sale within Stoke Golding or of brownfield sites in Hinckley as raised through the consultation are not material considerations in the determination of this application. The application should be considered on its own merits.

Severn Trent Water raise no objection to the proposal but have both asked for a condition in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, drainage details should no longer be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

#### Alternative Development Sites in Stoke Golding

It is therefore considered that at the time of writing this report there are no grounds to refuse the application on technical matters, consideration therefore needs to be given to this proposal in light of the proposed development at the Convent site.

The preferred development site of the two proposed would be the Convent site given its previously developed land status and limited impact on the countryside as set out in the report relating to that proposal.

Given this, further consideration then should be given to whether development of both sites would be acceptable. The development of both sites would lead to a total of around 135 units which would amount to a considerable addition to the village and development significantly in excess of the figures within the Core Strategy. Whilst the figures within the Core Strategy are set as a minimum it is considered that this proposal is significantly in excess of this figure. The Core Strategy requires developers to demonstrate that the number of housing units proposed will meet the requirements of the village.

The applicant has submitted a report to address this which concludes that the local need in the village is 230 units over the plan period and therefore both developments can be accommodated. It is considered that this report is not, as presented, sufficient to overcome the concern that development of both sites would be acceptable within the settlement. The Core Strategy figures have been through examination and the briefing note submitted by the applicant is not considered to be robust enough to outweigh the policy numbers.

#### Conclusion

Whilst it is accepted that there is still a shortfall in the five year housing supply within the Borough it is considered that the approval of both sites in Stoke Golding for residential development would be harmful to the character of the area and exceed the local demand for housing as set out in the Core Strategy. It is also considered that the development of a previously developed site is preferable to a more prominent green field site and that this harm is not outweighed by the lack of a five year housing supply. It is therefore recommended that the application be refused.

**RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that there is a need within Stoke Golding that justifies the development of this greenfield site which would significantly exceed the locally derived housing requirement for the settlement and does not reflect the spatial vision for the area. Therefore the development would be contrary to Planning Policy Statement 3, Policy 11 of the Core Strategy and Policy RES5 of the Local Plan.
- 2 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would not detrimentally affect Archaeological remains likely to be within the site, contrary to policies BE13, BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 15.
- 3 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided contrary to Planning Policy Statement 3, Policy RES3 of the adopted Hinckley and Bosworth Local Plan, Policy 15 of the Core Strategy and the Council's adopted Supplementary Planning Document on Affordable Housing 2008.
- 4 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on library facilities, waste facilities, the Primary Care Trust and police provision by the proposed development would not accord with Circular 5/05 and Policy IMP1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space 2008.

**Contact Officer:-** Philip Metcalfe                      Ext 5740

**Item:** 06  
**Reference:** 10/00427/COU  
**Applicant:** Mr Neil Bayley  
**Location:** West End Sewage Works West End Barton In The Beans Nuneaton  
 Leicestershire  
**Proposal:** CHANGE OF USE OF LAND TO A HOLIDAY PARK INCLUDING THE  
 SITING OF 6 TIMBER LOG CABINS  
**Target Date:** 12 August 2010

**Introduction:-**

This application is a resubmission of a scheme considered and refused by Members of Planning Committee in October 2009. The application seeks planning permission for the change of use of land to a holiday park including the siting of six timber log cabins.

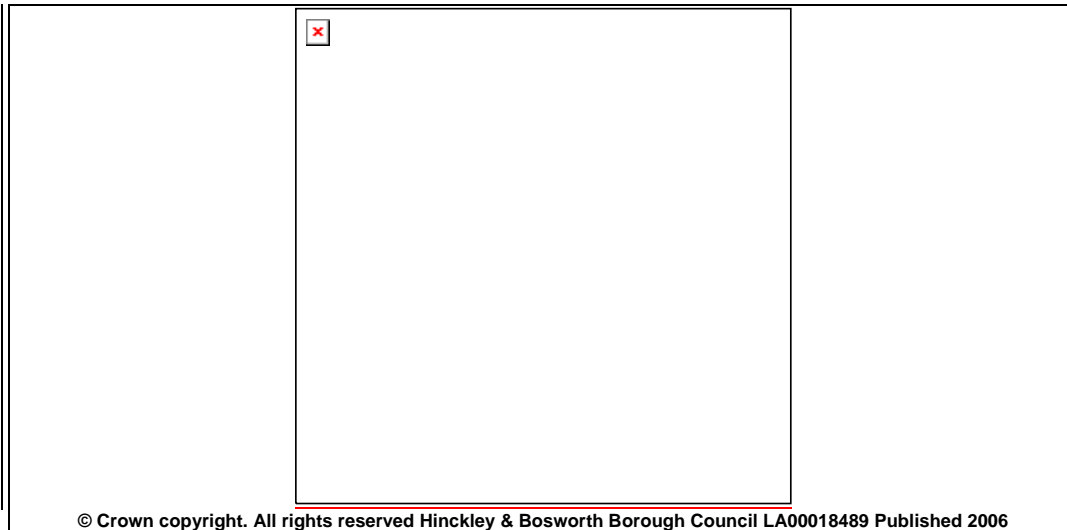
The site is located off a gated access track leading from the end of West End and is land historically used as sewage works. The site totals 0.39 hectares and is located adjacent to a paddock and stables.

Whilst the earlier application included details of the proposed log cabins, the current application now only provides indicative details due to the continually changing designs and sizes of the specifications of the cabins available. The application suggests that should the scheme be successful in obtaining planning permission the size and design of the cabins should be subject to a planning condition. Each cabin pitch will have two parking spaces.

The application is accompanied by a detailed site layout plan, planning support statement, landscaping scheme and a design and access statement that seeks to explain that the proposal will improve economic prosperity for the locality and will have a minimal negative visual impact on the appearance of the landscape.

**History:-**

09/00692/COU	Change of Use of Land to a Holiday Park including the siting of 6 timber log cabins	Refused	02.11.09
91/01022/4	Erection of a Pumping Station	Approved	24.12.91



### **Consultations:-**

No objection has been received from:-

Directorate of Chief Executive, LCC (Ecology)  
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from Head of Community Services (Pollution).

The Council for the Protection of Rural England (CPRE) objects to the application as it is inappropriate development within the countryside and will result in visual intrusion in the landscape.

The Director of Environment and Transport (Highways) objects to the application on the basis that West End cannot cater for additional vehicles and the junction of West End with Main Street is deficient in terms of its visibility.

Four neighbour letters of objection have been received on the following grounds:-

- a) Traffic
- b) Congestion
- c) Visibility
- d) Noise and pollution
- e) Flooding
- f) Crime
- g) No facilities to support use
- h) Loss of Agricultural Land
- i) Unsuitable location.

Site notice and Press notice were displayed and neighbours notified.

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

Severn Trent Water



**Policy:-**

Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

PPS7 sets out the Government's position on development in rural areas. This guidance recognises the pressures facing the rural economy and seeks to encourage sustainable rural diversification without harming the character of the countryside. It is generally supportive of leisure and recreational uses within the countryside.

Planning Policy Statement 4 'Planning for Sustainable Economic Growth' Policy EC6 confirms that planning authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. Policy EC7 supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres, carefully weighing the objective of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability of the facility with the need to protect landscapes and environmentally sensitive sites, and wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.

Good Practice Guide: Planning for Tourism confirms that tourism, in all its forms, is of crucial importance to the economic, social and environmental well-being of the whole country, and the planning system has a vital role to play in terms of facilitating the development and improvement of tourism in appropriate locations.

Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 42 confirms that planning authorities should seek to identify areas of potential for tourism growth which maximise economic benefit whilst minimising adverse impact on the environment and local amenity.

Local Development Framework Core Strategy (2009)

Policy 23 Tourism Development supports the development of holiday accommodation in the Borough, where inter alia, the development can help to support existing local community services and facilities and is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.

### Development Plan Policy

Policy NE5 seeks to protect the countryside for its own sake. The policy confirms that sport and recreation uses are acceptable in the countryside where the policy's criteria, in terms of appearance, scale, character and highway capacity and safety, are satisfied.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained with the County Council's design guidance HTD.

### **Appraisal:-**

Given that this application is a resubmission following an earlier refusal of permission for the same development the issues for consideration are those subject to the reasons for refusal. The reasons for refusal were:

1. The application fails to demonstrate that the proposal is significantly important to the local economy and cannot be sited within or adjacent to an existing settlement. The application therefore fails to demonstrate compliance with Policy NE5 of the adopted Hinckley and Bosworth Local and cannot be considered an appropriate form of development in this remote countryside location.
2. In the opinion of the local planning authority the proposal would lead to additional traffic using West End, which is unsuitable in its width and design to cater for this increase. Furthermore, the proposal, would lead to an increase in vehicular traffic at the junction of West End and Main Street, where visibility is restricted and the increased turning manoeuvres would be an additional source of danger to road users. In both respects the use would not be in the interests of highway safety and therefore contrary to Policy T5 of the Adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Councils Document Highways, Transportation and Development.

Following the adoption of the Core Strategy in December 2009, Policy 23 is also now a material consideration in the determination of this application.

### Economy

In an attempt to overcome the earlier refusal reason, the application is accompanied by a detailed support statement. This states that the proposal will improve economic prosperity for the locality and considers that the application site is sufficiently close to the village (being on the edge of the village) to be a sustainable location. The applicant believes it will have a positive impact on local employment and the local economy, including the night time economy which will specifically benefit local restaurants and public houses, and will provide self catering visitor accommodation where there is none at present. The application goes on to confirm that a well designed site with good quality accommodation will attract visitors throughout the year.

The applicant confirms that the proposal will directly give rise to employment in the construction industry and eventually in grounds maintenance, cleaning and administration of the bookings for the site. The proposal will also give rise to off site employment by increasing demand for meals at local restaurants and public houses and demand for local attractions and local services. The application is accompanied by a number of letters of support from local businesses, Hinckley & Bosworth Tourism Partnership and Leicestershire Promotions Ltd.

The information presented identifies how the proposal can benefit the local community in terms of the employment and servicing both during construction and through operation and maintenance. The information explains the likely use of local services (pubs and restaurants) by holiday guests and the positive benefits this will bring to the local economy. The letters of support from local businesses need to be carefully considered because there may be some bias in support of the project, however the letters from the Hinckley & Bosworth Tourism Partnership and Leicestershire Promotions are credible evidence in support of the economic and tourism benefits of the scheme.

In conclusion it is apparent that the scheme will bring some benefits to local economy and the wider tourism industry of the Borough. In these respects the proposal is considered to accord with the requirements of Saved Policy NE5 of the Adopted Local Plan and Policy 23 of the Adopted Core Strategy.

### Highways

In an attempt to overcome the earlier reason for refusal, this revised application seeks to demonstrate that visibility at the junction of West End Main Street could be improved if overhanging vegetation is cut back to the highway boundary.

At present West End is a no through road, where the movement of vehicles is only associated with access to existing properties and a small number of stables. West End is a winding road, where many dwellings are located close to the road and has a high presence of on street parking and limited visibility at its junction with Main Street. The proposed use will bring additional traffic, the stopping and starting of vehicles and overall congestion to the road which would be to the detriment of occupiers of West End. In these respects the proposal would be contrary to the requirements of Policies BE1 and NE5 of the adopted Local Plan.

The Highway Authority confirms that the proposal will result in additional traffic using West End which is unsuitable in its width and design to cater for this increase and would not be in the interests of the highway safety. Furthermore, the junction of West End and Main Street has restricted visibility and the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety. The Director of Environment and Transport (Highways) confirms that visibility at the junction of West End and Main Street is restricted by the presence of third party land and not solely by vegetation overhanging within the public highway and therefore the cutting back of this vegetation will not overcome the visibility deficiencies.

Given the nature and scale of the use and the dependence on the private car for access to the site, the highway safety issues are a significant consideration in the determination of this application. In this case the proposal would result in significant detriment to highway safety of both users of the proposal and the highway network. This is no different to the situation presented in the earlier application.

## Other Matters

The neighbour objections received in respect of noise, pollution, flooding, crime and the loss of agricultural land were considered alongside the principle of development in the determination of the earlier planning application for the same use of the site. These matters were not considered to warrant reasons for refusal given the planning policy position in respect of tourism development and therefore the earlier application was not refused on these grounds. It is unreasonable to consider these matters constitute reasons for refusal in the determination of this revised application.

## Conclusion

This revised application seeks to address the reasons for refusal of the previously refused application for the same development at this site. Whilst the information supplied with the application demonstrates the benefits the proposal will bring to the rural economy, the situation in respect of highway safety remains unaltered and the scheme still results in a unsatisfactory highway arrangement contrary to Saved Policy T5 of the Adopted Local Plan.

## **RECOMMENDATION :- REFUSE, for the following reason:-**

- 1 In the opinion of the Local Planning Authority the proposal would lead to additional traffic using West End, which is unsuitable in its width and design to cater for this increase. Furthermore, the proposal, would lead to an increase in vehicular traffic at the junction of West End and Main Street, where visibility is restricted and the increased turning manoeuvres would be an additional source of danger to road users. In both respects the use would not be in the interests of highway safety and therefore contrary to Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Councils Document Highways, Transportation and Development.

**Contact Officer:-** James Hicks Ext 5762

**Item:** 07

**Reference:** 10/00435/EXT

**Applicant:** Mr Jim Dawson

**Location:** Yew Tree Farm Occupation Road Nailstone Nuneaton Leicestershire

**Proposal:** EXTENSION OF PLANNING PERMISSION 07/00747/FUL FOR THE CONVERSION OF FARMHOUSE AND FARM BUILDINGS TO THREE DWELLINGS AND ERECTION OF TWO NEW DWELLINGS

**Target Date:** 13 August 2010

## **Introduction:-**

This is an application for the extension of time of extant planning permission 07/00747/FUL for the conversion of the existing farmhouse to form two dwellings, conversion of the outbuildings to form a new dwelling and erection of two new dwellings to form an enclosed courtyard, at Yew Tree Farm, Occupation Road, Nailstone.

The site is located to the west of Occupation Road. To the east and south are residential properties and to the north and west of the site lies countryside. The farmhouse and garden are situated within the settlement boundary of Nailstone, the remaining farm buildings and site are located in the countryside.

The existing farmhouse is to be subdivided into two dwellings and the existing calf barn is to be retained and converted to a dwelling. The existing cow shed and link to the calf barn are to be demolished and rebuilt to form two new dwellings. The remaining existing cow sheds, hay barn and outbuildings serving the farmhouse are to be demolished.

The application is supported by a planning statement in relation to affordable housing provision on site. The statement says that the original design approach was to enhance the character and appearance of the countryside through the creation of a group of traditional farm buildings in terms of siting, detailing and materials in order to maintain the agricultural character. A scheme that produced 'standard estate house types' would not be suitable in this location. The development is therefore unlikely to be of a design acceptable to a Registered Social Landlord (RSL). The agent has contacted an RSL and is intending to submit further supporting information in respect of affordable housing provision.

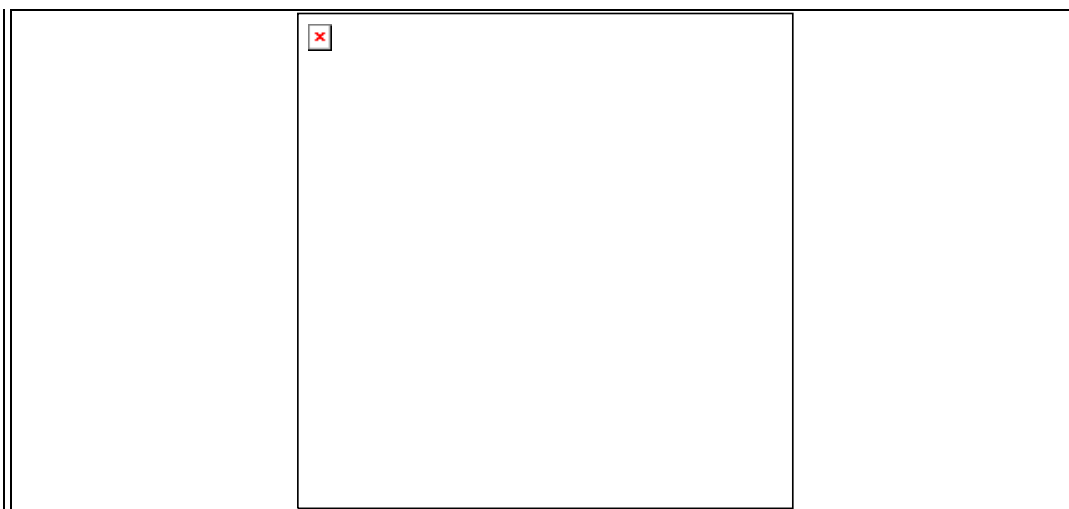
The application is supported by a Protected Species Survey which concludes that there was no evidence of protected species on the site.

Updated information in relation to the structural integrity of the barns has been provided, the surveyor concludes that the recommendations contained within the survey conducted 3 years ago are still applicable.

The trees on site have been inspected and it was concluded that the recommendations in the previously submitted report are still relevant.

**History:-**

07/00747/FUL	Conversion of farmhouse and farm buildings into three dwellings and erection of two new dwellings	Approved	30.08.07
94/00576/FUL	Agricultural Building	Approved	31.08.94



### **Consultations:-**

No objection subject to conditions received from:-

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

The Directorate of the Chief Executive LCC (Ecology) notes the protected species survey and concurs with the surveyor's recommendation in respect of nesting birds, suggesting a note to applicant be included.

### **Policy:-**

#### National Policy Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 29 allows local planning authorities to set an overall affordable housing target within LDF documents it includes provision for an approach to seeking developer contributions and if justified the provision of a financial contribution in lieu of on-site provision, such contribution should be of broadly equivalent value.

Planning Policy Statement 7 supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced. Farm diversification should not result in excessive expansion and encroachment of buildings into the countryside.

The Community Infrastructure Levy (CIL) Regulations 2010. The request for any developer to make contributions towards infrastructure must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations (122) confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In this case it is considered that the request for the developer contribution is compliant with PPS3 and the statutory test of the CIL and therefore has been requested by officers.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

The Circular advises, inter alia, that in some cases, perhaps arising from different site specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

## Local Plan Policy

### Core Strategy (2009)

Policy 12 defines Nailstone as a 'Rural Village'.

Policy 15 seeks the provision of Affordable Housing on residential proposals. Within rural areas, 40% affordable housing is required.

### Hinckley and Bosworth Local Plan

The site is located part within/part outside the settlement boundary of Nailstone.

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods.

Policy NE10 provides that any permitted development within local landscape improvement areas shall include comprehensive landscaping proposals to enhance the landscape of these areas.

Policy BE1 reiterates of the above criteria, whilst policy T5 seeks to apply the County Council highway standards and parking targets when considering new development. This states that adequate justification is required for a non-commercial conversion of rural buildings.

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan relates to residential proposals on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

### Other Development Plan Documents and Supplementary Planning Guidance / Documents:-

Further guidance is provided within the Borough Council's Supplementary Planning Guidance on Conversion of Rural Buildings (June 2004) and the Supplementary Planning Documents concerning Play and Open Space, Sustainable Design and Affordable Housing.

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions "Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date". The guidance continues "Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

## **Appraisal:-**

The main consideration in determining this application is whether any development plan policies or other material considerations have changed significantly since the grant of permission which may lead to a different conclusion on the acceptability of the application.

The original scheme was granted on 30 August 2007 therefore it was considered in light of policies within the Local Plan, however there are new policies that the proposal should be considered against.

### Changes in Policy

Since the original grant of permission National Planning Policy Statements have been issued on a number of topics, those considered to be of relevance would be PPS1 Delivering Sustainable Development, The Planning and Climate Change Supplement to PPS1 and PPS9 Bio diversity and Geological Conservation.

It is considered that whilst these documents set new broad national planning policies that would be applicable they do not raise issues that would now imply that the development would be unacceptable.

The Council has now adopted its Core Strategy which has a robust and thoroughly tested affordable housing policy, which needs to be considered in the determination of this application.

The threshold for affordable housing provision is four or more additional dwellings in rural areas. On sites that meet the threshold the on site target is 40%. Therefore this site should provide a total of 2 dwellings for affordable housing in line with current policy set out in the Core Strategy Policy 15.

It is acknowledged that there are particular complexities involved with conversion of dwellings and that they do not form the optimum dwelling type for affordable housing, being unpopular to let or maintain by social landlords. Furthermore, the two new dwellings approved as part of the previous application are designed to replicate traditional barns, to high design standards in terms of architectural detail and materials, in order to re-create the farm courtyard that has previously been removed. The statement submitted by the agent in relation to on site affordable housing provision appears to be correct and it is considered that changes to the design and materials at this stage could have a serious effect on the overall quality of the development to be provided. However, further information is expected to confirm whether or not an RSL would be prepared to take any of the units on site.

Having regard to this, if an RSL would not take any units on site the recommendation is that the Council accept commuted sums in lieu of on site affordable housing provision in line with PPS3, para 29. Such contributions must meet the tests in CIL, Regulation 122, but the tests should also be read in conjunction with paragraph 29 in PPS3 in relation to affordable housing. On this basis the provision of affordable housing is necessary to make the development acceptable in planning terms and the financial contribution request must be directly related to the development. When considered in relation to PPS3 it is considered that the request of a commuted sum in this instance meets policy and as such an obligation for the payment of a commuted sum is acceptable under the tests in Reg 122 of CIL. PPS3 says that where commuted sums are accepted in lieu of on-site provision they should be of 'broadly equivalent value' to ensure that the same number and type of affordable dwellings can be provided on an alternative site in the same or similar locality. The commuted sums would be secured by way of a completed Section 106 Agreement. Calculations for the affordable housing contribution should be negotiated with reference to the commuted sum



calculation set out in the Three Dragons Economic Viability Study. Use of contributions should, in the first instance, be preferred in the parish of Nailstone or surrounding parishes within a 3 mile radius.

The commuted sum has been calculated at £62167.00 per unit. The agent has been asked to assess the viability of the scheme and either confirm that they can meet the cost or provide a viability appraisal demonstrating why the contribution cannot be met. Further information will be reported to the committee as a late item.

#### Previous conditions

The original scheme was recommended for approval subject to conditions in relation to submission of sample materials, removal of permitted development rights, potential land contamination, commencement on site, landscaping, no burning of waste, historic building recording, door and window details, boundary treatment, vehicle parking on site during construction, no fencing within courtyard, drainage, turning facilities, surfacing of access and the payment of a play and open space contribution.

Consultees have confirmed that the previous conditions imposed are still pertinent. Severn Trent Water raise no objection to the proposal but has requested that the previous condition be imposed in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, drainage details should no longer be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

The application site is within 600m of the Neighbourhood Park at Church Road, Nailstone and in accordance with Policy REC3 the developer contribution is sought in respect of the ongoing development and maintenance of these facilities, inline with the guidance of the Supplementary Planning Document on Play and Open Space. As the scheme result in a net gain of 4 dwellings a total figure of £5003.20 is required.

#### Other Issues

The information submitted in relation to the structural integrity of the barns has been checked and is considered acceptable.

#### Conclusion

As this application is not to be considered as a new proposition under the new regulations but considered in terms of changes to planning policy or other material considerations that have occurred since the previous permission the only issue to be resolved is the affordable housing provision. Whilst there is a recognised need for affordable housing in Nailstone and the proposal currently fails to provide any on site affordable housing provision as required by Policy 15 of the Core Strategy, the proposal and the Council's decision must be in line with Reg 122 of the National CIL Regulations and in particular Circular 05/05. Further information to be provided by the agent will be evaluated and reported to the committee as a late item accordingly. Based on the above the application is recommended for approval subject to resolution of this outstanding issue and, if necessary, completion of a Section 106 Agreement.

**RECOMMENDATION:- That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide the contributions in connection with affordable housing and public open space, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions below. Failure to complete the agreement by the 13 August 2010 may result in the application being refused:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the changes to the development plan, other material considerations since that decision and representations received, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the proposal will provide a suitable form of development within the countryside location, and a Section 106 agreement would secure appropriate contributions towards infrastructure requirements.

Hinckley & Bosworth Borough Core strategy :- Policies 12 and 15

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, IMP1, NE5, NE10, REC3, RES5 and T5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and parking structures 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - H shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 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.
- 5 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 6 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

- 7 Notification of the commencement of development should be given in writing not less than 14 days before development commences
- 8 No horse manure or other waste materials shall be burnt on the site at any time.
- 9 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
  - i. proposed finished levels or contours
  - ii. means of enclosure
  - iii. car parking layouts
  - iv. other vehicle and pedestrian access and circulation areas.
  - v. hard surfacing materials
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - vii. proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - viii. retained historic landscape features and proposals for restoration, where relevant. planting plans
  - ix. written specifications
  - x. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - xi. implementation programme.
- 10 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.
- 11 Development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted and approved by the Local Planning Authority.
- 12 Notwithstanding the submitted drawings, details of the proposed windows and doors shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed scheme shall be implemented in accordance with the approved details.
- 13 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 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.
- 14 No walls, fences or other such structures shall be erected in the courtyard area other than those shown on the approved plan unless agreed in writing by the Local Planning Authority.
- 15 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose

aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

- 16 Before first occupation of the dwellings hereby approved turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 17 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 18 Prior to commencement of development a detailed scheme for the boundary treatment of the site and the amenity spaces of the dwellings shall be submitted for approval by the Local Planning Authority. The approved scheme shall be implemented before the dwellings are occupied.
- 19 The existing buildings to the North West boundary of the site shall be demolished prior to first occupation of the new dwellings.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 5 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 7 To safeguard the amenities of the future occupants of the dwelling to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 8 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To ensure satisfactory historic building recording.

- 12 To ensure a satisfactory external appearance in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 14 To safeguard the visual amenities of the proposed dwellings and the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 15&16 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 17 To ensure that adequate off-street parking provision is made to reduce the possibilities' of development of the site leading to on-street parking problems in the area during construction, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 19 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 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.
- 6 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.
- 7 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Field Code Changed

- 8 In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1,250.80 per dwelling is required towards the provision of off-site public open space (£817.80 provision £433 maintenance per dwelling). This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 9 The applicant is advised that this permission relates to residential conversion of the existing calf barn and in no way implies permission for any demolition and rebuilding of the existing structure. Care should therefore be taken when carrying out the conversion works.

**Contact Officer:-** Louise Forman      Ext 5682

**Item:** 08  
**Reference:** 10/00450/LBC  
**Applicant:** Hinckley And Bosworth Borough Council  
**Location:** Goddard Building Lower Bond Street Hinckley Leicestershire LE10 1QU  
**Proposal:** AMENDMENTS TO LISTED BUILDING CONSENT 09/00142/LBC  
**Target Date:** 1 September 2010

**Introduction:-**

Planning permission 09/00141/DEEM was granted on 4 September 2009 for the re-development of the former Atkins Site for a mixed use development comprising a new college building for occupation by North Warwickshire and Hinckley College and the change of use and conversion of the existing Grade II Listed Goddard Building for use as a Creative Industries Centre. The works included external alterations and the erection of ancillary structures to the Goddard Building, the provision of off-street car parking which includes the reinstatement of the existing car park area on Lower Bond Street (Site D), the creation of a new car parking area (Site E), the re-marking of the existing car parking area on the corner of Druid Street and Hollier's Walk (Site F) and public realm improvements. Application 09/00142/LBC was the accompanying Listed Building Consent for the works. This proposed conversion and adaption of the existing Grade II Listed Goddard building to facilitate use as a creative industries centre.

This application is for an amendment of Listed Building Consent 09/00142/LBC for alterations to windows and doors together with miscellaneous items. The amendments relate to the Grade II Listed Goddard Building only. The alterations are sought to improve the layout and circulation within the building and include variations to:-

- a) Openings 12-18 inclusive fitted externally with security screens;
- b) Opening 19 reduced in height to existing reconstituted stone spandrel panels;
- c) Opening 21 stripped of circa 1960 entrance surround; original projecting cornice to opening head reinstated and rusticated stone cladding applied each side of opening to obscure the original red facing brickwork damaged beyond repair;
- d) Opening 85a returned to original layout;
- e) Opening 96 altered to become Public Entrance at Street Level;
- f) Opening 96b amended to re-use of existing opening to former building extension;
- g) Opening 56 amended to include auto sliding fully glazed doors;
- h) External Deck to Ground Floor Level of Building 2 amended to include polyester powder coated balustrade with perforated metal panels, and re-enclosure of the dry passage with a waterproof low pitched roof;
- i) A polyester powder coated balustrade to the top of the retaining wall in replica to that existing in front of the Unitarian Chapel.
- j) Installation of a galvanized steel frame security screen in 10 Gauge steel mesh panels to the area beneath the external landing to Stair 4
- k) Installation of proprietary transparent, colourless self-adhesive solar film to the inside face of the areas of glazing

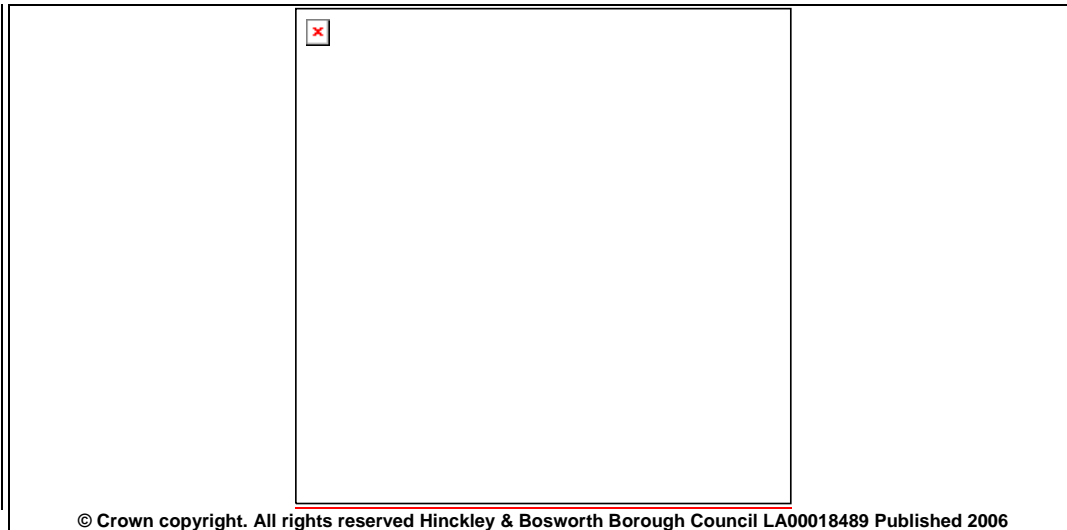
The Goddard Building is located within the Hinckley Town Centre Conservation Area and the remainder of the site borders the Hollycroft Conservation Area and lies within close proximity to the Druid Quarter Conservation Area.

The Goddard Building, a Grade II Listed Building was built in two stages during 1875 -1878 and consists of an L-shaped block. The site previously consisted of a range of buildings used in the hosiery industry. The Holly Bush Public House is a Grade II Listed 1930's art deco building which is located to the north of the site. No. 30 (formerly known as Framework Knitters Cottages) is a Grade II Listed timber framed and thatched building located to the west of (opposite) the Goddard Building. The Great Meeting Hall is a Grade II\* Unitarian Chapel and is located to the south east of the site at the rear of the Goddard Building.

**History:-**

10/00264/DEEM	Variation of condition No. 2 of listed building consent 09/00142/LBC to allow external and internal alterations	Withdrawn	26.05.10
10/00221/CONDIT	Variation of Condition No 24 of planning permission 09/00141/DEEM to allow a wind turbine on the roof of the approved college building	Approved	06.01.10
09/00141/DEEM	Re-development of the former Atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of the existing Goddard building for use as a creative industries centre, including associated car parking and public realm improvement	Approved	04.09.09
09/00142/LBC	Conversion and adaption of the Grade II Listed Goddard Building to facilitate use as a creative industries centre	Approved	15.05.09
09/0003/LBC	Works to windows/openings (including replacement), flat Roof covering upgrade, lightning protection and the removal of redundant building services	Approved	30.03.09





**Consultations:-**

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

- English Heritage
- Hinckley Civic Society
- The Victorian Society
- Society for the Protection of Ancient Buildings
- Ancient Monuments Society
- Georgian Group
- Council for British Archaeology
- The Twentieth Century Society
- Director of Community Services (Archaeology)
- Neighbours.

**Policy:-**

National Guidance

Planning Policy Guidance Note 15 - Planning and the Historic Environment provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. Paragraph 3.4 of PPG15 states that applicants applying for listed building consent must be able to justify their proposal. They will need to show why works which affect the character of a listed building are desirable or necessary.

Hinckley and Bosworth Local Plan

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy BE4 states that planning permission will be granted for alterations and additions to listed buildings only if it can be demonstrated that the proposal would not detract from the architectural or historical character of the building.

Policy BE16 seeks to ensure implementation of a programme of archaeological work.

#### **Appraisal:-**

The principle of development has already been established by the granting of planning permission 09/00141/DEEM and listed building consent 09/00142/LBC. The main issue in respect of this application is whether or not the variations to the external elevations impact on the character and setting of the listed buildings and conservation area. No other material considerations have changed significantly since the original grant of permission. It should be noted that the planning permission 09/00141/DEEM has been amended and approved in May of this year, this proposed amendments to windows and doors that are subject of this application.

#### Impact on Listed Buildings and Conservation Area

In terms of the impact on the special interest of the Goddard Building, the proposal preserves the buildings architectural and historic qualities. The original entrances and circulation patterns are to be maintained. The proposed modifications to those previously approved are considered to improve the originally approved scheme. The alterations in the main relate to the existing opens and include retaining opens as the status quo; fitting security screen, re-instating openings and alterations to glazing.

Installation of proprietary transparent, colourless self-adhesive solar film to the inside face of the areas of glazing on windows other than those which are North facing has been proposed. This will reduce the heat gain through the single glazing by up to 50%. This degree of protection is designed to avoid a perceptible change to the appearance of the building from within or without, and is considered preferable to removal of any original glazing material and is a reversible process should the need arise to remove the film.

In addition, the external deck to the ground floor level of Building 2 has been amended to include polyester powder coated balustrade with perforated metal panels together with the introduction of a balustrade to the top of the retaining wall in replica to that existing in front of the Unitarian Chapel these additions are acceptable in the context of this robust industrial building.

Officers have worked closely with English Heritage to ensure that the changes have been carefully considered so as to have minimum impact on the historic fabric and setting of the listed buildings, whilst still ultimately achieving a high quality scheme with character.

#### Conclusion

It is considered that the submitted scheme preserves the building's architectural and historic qualities and secures the sympathetic and effective restoration of this Grade II Listed Building. It is considered the works will have no detrimental impact on the buildings character and appearance or on the historic fabric of the building as such it is considered that the modifications to the approved scheme are considered acceptable.

**RECOMMENDATION: - That powers be delegated to the Deputy Chief Executive (Community Direction) to refer the application to the Secretary of State following the expiry of the consultation period on 9th August 2010 and resolution of matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990.**

## Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the historic fabric, character and setting of the Grade II Listed Building, designs and uses of materials, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed works would be in accordance with the development plan. Hinckley & Bosworth Borough Council Local Plan (2001) :-

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE4, BE16, and The Hinckley Town Centre Renaissance Masterplan

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:-

This permission relates to the original application plans Archial Dwg Nos. 0123 Rev G, 0124 Rev F, 0126 Rev E; received by the Local Planning Authority on 8 April 2009 and PL02 Rev C, PL03 Rev C, PL04 Rev C, PL04 Rev C, PL05 Rev C, PL06 Rev C, PL07 Rev C, PL08 Rev C, PL09 Rev C, PL10 Rev C, PL11 Rev C, PL13 Rev C, PL14 Rev C, PL15 Rev C, PL16 Rev C, PL17 Rev B, PL18 Rev B, 961-001 Rev D, 961-200 Rev D, 6016(iii) Rev D, 6013 Rev D.

Together with amended drawings:-

0100 Rev H; 0120 Rev K; 0121 Rev G; 0122 Rev G; 0126 Rev F; 3015 Rev B; 3026; 3030; 5000 Rev G; 5200 Rev A; 5201 Rev E; 5202 Rev C; 5203 Rev A; 5204 Rev A; 5205 Rev A; 5206; 5207; 6001 Rev N; 6002 Rev J; 6005 Rev A received by the Local Planning Authority on the 14/6/10

- 2 This permission relates solely to the variation of details within Condition 2 of permission 09/00142/LBC dated 4 September 2009. All other conditions of the original permission remain, unless subsequent variations have been made.

### Reasons:-

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

### Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Field Code Changed

**Contact Officer:-** Eleanor Shaw      Ext 5691

**Item:**                    09

**Reference:**            10/00451/FUL

**Applicant:**            Mr & Mrs A Oliver

**Location:**            Vine House Farm Shenton Lane Upton Nuneaton Leicestershire

**Proposal:**            CONVERSION OF BARN TO DWELLING

**Target Date:**        9 August 2010

**Introduction:-**

This is a full application for the conversion of a two storey redundant barn to a five bedroomed dwelling. The application also includes the change of use of an adjacent barn for ancillary residential use but without any external alterations to it.

The site is 600 square metres and is generally flat and forms part of the wider Vine House Farm complex of farm buildings which it is understood, is no longer a working farm. The barn is of solid brick construction with a clay tiled roof and has a traditional vernacular style and is located at the front of the site with its southern elevation forming the boundary with the road frontage. The building is attached to Chestnut Barn (Barn 1) which has previously been converted to residential use. A further barn at the rear of the site has planning permission for conversion to residential use. The farm is located within the countryside and is surrounded by agricultural land.

This application is a resubmission following the withdrawal of planning application 09/00510/FUL for conversion of the barn to a dwelling because the design was considered unsuitable and satisfactory ecological surveys had not been submitted with the application.

The Design and Access Statement submitted with the application states that the scheme is proposed to achieve a design which is coherent with its surroundings, complimentary and compatible to its location. The design respects the division and internal layout of the existing building. The small garden area proposed respects the existing farm courtyard appearance. A chimney was proposed in a previous design but this has been replaced with a steel flue protruding from the roof at high level so as not to detract from the agricultural character of the building. Existing openings within the building fabric are to be utilised. Any additional openings are to be positioned asymmetrically, to be in keeping with the nature of the building and those close by. Doors and windows are proposed to be timber construction, set back in reveals and either light stain or painted. Rooflights will be conservation style. A minimum of three parking spaces are available within the courtyard.

A Structural Inspection Report has been submitted with the application which states that barn with the exception of the end gable is structurally sound. The walls appear sound but some re-pointing is necessary. The gable end is bowed and in order to stabilise it, structural ties into the new floor structure and the roof are required. The roof timbers are generally in serviceable condition and the roof structure is satisfactory but does lack any form of tie at eaves level to prevent the roof from spreading. This problem could be overcome either by

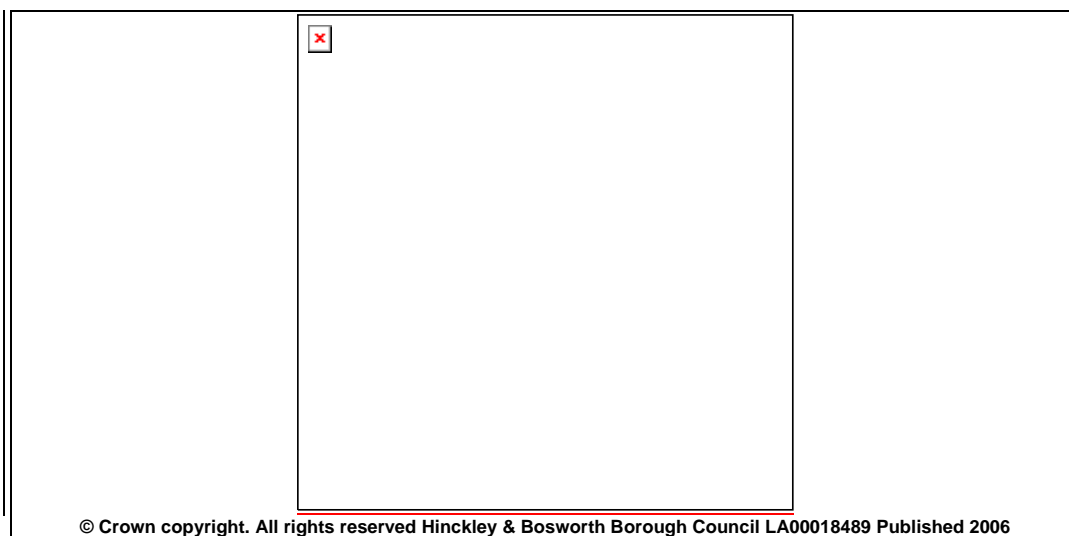
installing timber ties to link the bottom of certain rafters or by the installation of a specially designed ridge beam to carry the load of the roof via collars at each rafter. It is also suggested that the rear wall and the gables are underpinned.

An ecological survey in relation to bat activity has been submitted with the application which states that the inspections found signs of bat activity in the barn and recommends mitigation measures which include the carrying out of any conversion works during the winter months when there would be no risk of injury or killing of bats and no significant short term disturbance impacts and the provision of new bat accesses and boxes after conversion.

Other information submitted in relation to the application is a report detailing potential alternative uses for the site which concludes that employment use was rejected in 1978. The site access is not suitable for parking and turning of delivery vehicles and the road network is not considered suitable to accommodate additional traffic. Further information containing photographs of the inside of the barn have been submitted, the photographs show that the ground floor of the barn has been used for domestic storage and the first floor has been used for hay/straw storage for some time.

**History:**

09/00510/FUL	Conversion of barn to dwelling		Withdrawn	
02/00550/FUL	Conversion of barn to dwelling	(Barn 3)	Approved	13.06.02
94/00023/FUL	Conversion of barn to dwelling	(Barn 2)	Approved	22.06.94
94/00022/FUL	Conversion of barn to dwelling	(Barn 1)	Approved	22.06.94



**Consultations:-**

No objections received from:-

The Head of Community Services (Pollution)

The Head of Community Services (Land Drainage) subject to note to applicant on soakaways.

No objections subject to conditions received from The Directorate of the Chief Executive LCC (Ecology).

Site notice displayed and neighbours notified.

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

**Policy:-**

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

Local Policy

Local Development Framework - Adopted Core Strategy

Spatial objective 13: Transportation and the need to travel seeks to reduce the need to travel by car.

Local Plan Policy

The site is within the countryside as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1 requires high quality design which compliments or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy BE20 stipulates a number of criteria by which proposals in the countryside should adhere to. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. Conversion of the building is not permitted if it can only be achieved by significant adaption and rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3 requires the appropriate level of informal public 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.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

## Other Guidance

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

The Play and Open Space Supplementary Planning Document (adopted September 2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required. It requires contributions towards informal open space that is within 400 metres of the application site.

### **Appraisal:-**

The main considerations with regard to this application are the principle of development, design and to ensure that the design proposals respect the character of the building, the impact on the countryside location, the relationship with the neighbouring dwellings and access.

### Principle

A previous application to convert this building to residential use and use the barn to the rear for ancillary use was approved in 1994.

The site is within an area of countryside where policy seeks to protect the countryside for its own sake. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse impact on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the buildings to retain their rural character and for the domestic appearance to be concealed from general view.

The structural survey submitted with the application confirms that the proposals to convert the main barn are capable of being carried out without excessive structural repairs or strapping to any of the buildings to be retained. The survey has been assessed and is considered to be acceptable. A survey in relation to the ancillary barn has not been submitted. Conditions are suggested to ensure that the works to both buildings are carried out in a manner that will not result in more extensive rebuilding being carried out than suggested in the application and supporting information.

The applicant has submitted a report into possible alternative uses for the barns on site, such as industrial, offices and tourism uses and concludes that these would not prove viable options on this site. The report states that the barn needs complete refurbishment to bring it into an alternative use. This barn has previously been approved for residential conversion, other barns have also been granted residential planning permission. In terms of other uses, the report states that businesses require good links with road networks and that there is a



lack of facilities for employees at lunchtime. This type of use is often difficult to sell or let and cites instances in the area of buildings such as these offered for let which can lead to land owners not being able to maintain the property. Sales and letting are more achievable with multiple units.

The report goes on to say that previous applications for farm diversification on the site were rejected or proposed to be rejected because 'operations of a business at the site was likely to have a material change in the appearance of the site, out of keeping with and inappropriate in the countryside location'.

The report is considered to be acceptable.

### Design

The SPG advises that agricultural buildings should retain their agricultural character prior to conversion, and thus suggests various design solutions to ensure this. This redundant farm building is of an attractive vernacular style, prominent on the road frontage and is capable of conversion without extension or significant alteration thereby preserving the existing character of the building.

The application approved in 1994 utilised existing openings and provided three new rooflights to the front elevation and one in the rear with two enlarged windows on the rear elevation. The design of this scheme contains three (conservation style) rooflights to the roof plane facing the road and two within the plane facing the farmyard. The former openings on the front elevation are to be re-used with windows that respect the form of the original opening. One new window is proposed in the front elevation. The rear elevation makes use of existing openings and proposes three new windows. The doors are proposed in the rear elevation and are glazed. The existing opening to the gable is proposed to be glazed with timber boarding below. The proposals are now considered acceptable in terms of design and are considered to respect the rural character of the existing building.

The small metal flue proposed is considered to be acceptable.

### Impact on the Countryside

The site is prominent in the streetscene. The two storey barn is attractive and should be retained, the garden and parking area proposed are located behind the building so their impact is not significant within the countryside location. It is considered that the proposal in terms of effect of the countryside is considered to be acceptable as the design of the scheme would retain the character of the building and it would therefore accord with Policy BE20.

### Relationship with Neighbouring Dwellings

The former farmhouse is set back into the site by 10 metres, this dwelling is located on the opposite side of the access to the proposed barn conversion, its principle windows are to the front and there are side windows and a door which face the ancillary building to this proposal. The proposed conversion should not be unduly detrimental to the amenity of this neighbouring property.

The existing barn conversions within the site are screened from this proposal by walls and existing buildings, it is considered that the proposal will not have any significant impacts on the amenities of these dwellings.

### Access Arrangements

The access is proposed to be gained through the existing access which serves the existing farmhouse on site. The comments of the Director of Environment and Transportation (Highways) has no comments on the proposal.

### Ecology

The Protected Species survey submitted with the application recommends mitigation measures due to the bats found within the building. The Directorate of the Chief Executive (Ecology) recommends that conditions be imposed to ensure that the works do not have any adverse impacts on protected species.

### Infrastructure Improvements

The site does not meet the requirements identified in Policy REC3 and the Supplementary Planning Guidance on play and open space due to its location and as such, no contribution can be sought for the additional dwelling on site.

### Conclusion

In summary, the conversion of existing redundant agricultural buildings in the countryside to residential use can be acceptable in principle subject to the applicant demonstrating that the buildings are capable of conversion in structural terms and that other alternative uses have been fully explored. In this respect, the proposal is considered to have no greater impact on the openness and appearance of the countryside than the previous permission and is therefore compatible with the surrounding area.

### **RECOMMENDATION :- Permit subject to the following conditions :-**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of government guidance and the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan given the design and layout would not have an adverse impact upon the character or appearance of the countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, NE5 IMP1, REC3 and T5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed conversion, alterations, extensions and boundary wall 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to H and Part 2 shall not be carried

out unless planning permission for such development has first been granted by the Local Planning Authority.

- 4 All windows and doors hereby approved shall be recessed by a minimum of 100 millimetres.
- 5 The use of the outbuilding shall at all times remain incidental to the enjoyment of the dwellings on site and no trade or business shall be carried out there from
- 6 Before the development commences the finished colour of the windows and doors shall be agreed in writing with the Local Planning Authority and implemented in accordance with the approved detail.
- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site layout plan, existing and proposed elevations and plans received on 8 June 2010
- 8 Prior to commencement on site, a further emergence survey and intrusive inspection of the site shall be carried out for bats. If bats are found, a suitably qualified licensed individual will be required to carry out exclusion using one way exclusion apparatus, which must be left in place for seven days. If pre-breeding bats or a maternity colony is found, work must be suspended until 1st September and the site must be re-assessed prior to works re-commencing.
- 9 Prior to occupation of the barn hereby approved, new roosting provision for bats shall be created externally on the barn, on the same wall as used internally for roosting (in accordance with the diagram on page 23 of report prepared by Michael Gavaghan Wildlife Consultancy dated May 2010). The external roost provision shall be provided with two access points.
- 10 Prior to commencement on site, two bat boxes shall be erected as detailed on the proposed elevations and plans drawing received on 8 June 2010.
- 11 No development of the ancillary building shall take place until details of the works proposed to it are submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 12 Notwithstanding the submitted details, a structural survey containing a methodology of conversion works shall be submitted to an approved in writing by the Local Planning Authority prior to the development commencing. The works shall be carried out in accordance with the approved details.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard the rural character of the area and to preserve the character of the buildings, to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan.

- 4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the use remains compatible with the surrounding area, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 For the avoidance of doubt and in the interests of proper planning.
- 8-10 To ensure that any potential adverse impact on protected species is minimised and appropriate mitigation measures are put in place, to accord with Planning Policy Statement 9 (Biodiversity and Geological Conservation).
- 11 To ensure that the method of conversion is acceptable and does not result in a substantial amount of rebuilding to the rural building which would be contrary to policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure that the proposals for renovation of this building are acceptable and do not result in a substantial amount of rebuilding or alteration to this rural building which would be contrary to policy BE20 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Otherwise, surface water should be discharged to a swale, ditch or natural watercourse.
- 6 The applicant is advised that this permission relates to conversion of the existing building and in no way implies permission for demolition and rebuilding of the existing structure. Care should therefore be taken when carrying out the conversion works.

Field Code Changed

- 7 The applicant's attention to the recommendations in sections G1 of the report (prepared by Michael Gavaghan Wildlife Consultancy dated May 2010) detailing works to be undertaken by the land-owner and general provisions contained therein.

**Contact Officer:-** Louise Forman Ext 5682

**Item:** 10

**Reference:** 10/00454/OUT

**Applicant:** Brenmar Developments (Hinckley) Ltd.

**Location:** Land Off Eastwoods Road Hinckley Leicestershire

**Proposal:** RESIDENTIAL DEVELOPMENT (OUTLINE)

**Target Date:** 13 August 2010

#### **Introduction:-**

This application seeks outline planning permission for 2 dwellings on garden land to the rear of dwellings on Butt Lane and Bradgate Road. The site is accessed from Eastwoods Road across an existing right of way.

Permission is sought for the access and layout, other matters are reserved for approval at a later date.

The site is 1440 square metres and is currently rear garden land to four properties, it belongs to 83/85 Butt Lane and 42/40 Bradgate Road. It comprises mature planting and part is overgrown.

The site is located within the settlement boundary for Hinckley as defined in the adopted Hinckley & Bosworth Local Plan. It is surrounded by existing dwellings and gardens, located within an area that is predominantly residential, it is characterised by dwellings on large plots differing in architectural style and materials of construction. Previous applications of this nature have been approved which has changed the overall pattern of development in this area.

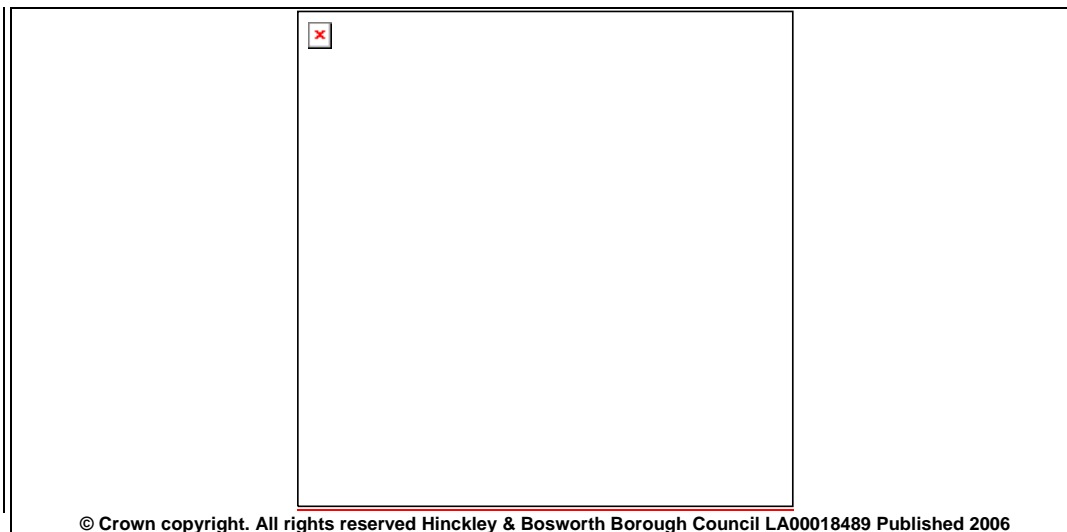
The application is accompanied by a design and access statement which states that distances of 40 metres can be achieved between the proposed new dwellings and the rear of properties on Butt Lane and Bradgate Road. It is anticipated that the dwellings will be traditionally constructed and have integral double garages. The only demolition required will be existing garden sheds. The design and access statement explains that enquiries conducted by solicitors have failed to reveal ownership of the right of way providing the access from Eastwood Road to the application site.

The application has been submitted with a Tree Survey which concludes that the proposed development will not require the removal of any significant trees. Furthermore, subject to the trees identified for retention being protected as set out in the method statement, no damage to the health of these trees should be caused.

Amended plans have received which reduce the proposed number of dwellings from 3 to 2.

**History:**

04/01052/OUT	Renewal of outline consent one dwelling (r/o 84 Butt Lane)	Approved	06.10.04
01/00733/OUT	Renewal of outline consent one dwelling (r/o 84 Butt Lane)	Approved	13.09.01
98/00562/OUT	Erection of one dwelling (r/o 84 Butt Lane)	Approved	19.08.98



**Consultations:-**

No objections received from The Head of Community Services (Pollution).

No objection subject to condition received from:-

Severn Trent Water Limited  
The Director of Environment and Transport (Highways)  
The Head of Community Services (Land Drainage).

The Head of Street Scene Services (Waste Management) raises no objection subject to satisfactory recycling provisions.

Six neighbour objections (to original scheme for 3 dwellings) received on the grounds of;

- a) not in keeping with the area
- b) narrow access, used for turning
- c) increase parking problems
- d) increased noise from traffic
- e) increased highway dangers
- f) impact on views - requests no removal of trees
- g) access is by land not owned by developer
- h) development on garden land (refers to change in PPS3)
- i) loss of green space
- j) drainage concerns

- k) noise, dust disturbance during construction
- l) privacy issues with neighbouring properties on Eastwoods Road
- m) loss of light from side window
- n) destruction of wildlife habitat.

In addition, a petition containing 45 names of residents opposed to the scheme has been received.

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. This Statement was revised in June 2010 to include garden land as an exception to previously developed land. Ministerial advice provides clarification on this change, stating that this is to primarily prevent overdevelopment within residential areas that is out of character.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 - Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Planning Policy Statement 25 - Development and Flood Risk aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

#### Local Policy

##### The Core Strategy (adopted December 2009)

Policy 1 seeks to ensure that all new development supports Hinckley's role as a sub regional centre through amongst other things, the delivery of housing and land for employment use.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24 seeks to ensure that all new homes in Hinckley are built to Code for Sustainable Homes Level 3 at the current time.

##### The Local Plan (adopted February 2001)

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

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to: complement or enhance the character of the surrounding area; incorporate landscaping to a high standard; ensure that there is adequate highway visibility for road users and adequate provision for on and off street parking; and not adversely affect the occupiers of neighbouring properties.

Policy RES5 states that planning permission will only be granted for new residential development on sites not specifically allocated in the Local Plan for housing provided they lie within an urban area or rural settlement and their siting, design and layout does not conflict with the relevant plan policies.

Policy IMP1 requires developers to make contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3 seeks to ensure that all new developments make satisfactory provision for outdoor play space for children, either through on or off site provision of a commuted sum toward the development and maintenance of existing facilities.

Policy T5 requires development to comply with the Highway Design Standards.

#### Supplementary Planning Guidance / Documents

Supplementary Planning Guidance: New Residential Development builds upon policies in the local plan setting out how residential development should respond to the surrounding area.

Supplementary Planning Document: Play and Open Space provides guidance for the provision of play and open space in order to provide sufficient infrastructure for residents of new dwellings.

#### **Appraisal:-**

The key issues for consideration here are the principle of development and the acceptability of the access, the proposed layout and impact upon neighbour's amenity. All other matters are for consideration at a later date under the reserved matters.

#### Principle of Development

PPS3 has recently been revised (June 2010) to include garden land as an exception to previously development land. Paragraph 35 of PPS3 states that the priority for development should be on previously developed land. Ministerial advice provides clarification regarding what this small but significant change to National Policy seeks to achieve. It is interpreted that this is to primarily prevent over development within residential areas that is out of character. This application seeks consent for 2 dwellings to the rear of dwellings on Bradgate Road and Butt Lane. Adjacent the application site to the east there are 3 detached dwellings that front the hammer head at the end of Eastwoods Road. These dwellings were constructed on the back gardens of properties in Butt Lane but have direct access off the Eastwoods Road hammer head taking on the form of an end stop development. This proposal would form an extension of the existing 3 but would not be directly accessed off the hammerhead nor have a defined road frontage.



Notwithstanding the changes to PPS3, saved policy RES5 of the adopted Hinckley Local Plan supports residential development within the settlement boundary providing the siting, design, layout and access does not conflict with other relevant policies.

It is therefore considered that in order for development of this site to be considered acceptable it must be considered against saved policy BE1 of the Local Plan. Criterion A of Policy BE1 requires development to complement or enhance the character of the surrounding area.

#### Acceptability of the Access

Neighbours have raised concerns regarding the access to the site, parking and turning and increased traffic dangers caused by the development. Access to the site is proposed via a right of way from Eastwoods Road. The Highway Authority has commented that the proposed vehicular access is below the usual width required for shared access. Usual standards would be for a 5.25m wide access. The proposed access is approximately 3.8m wide and does not provide enough width to enable two vehicles to pass within its constraints. Whilst this is of concern, and could lead to occasional giving way or reversing into the highway, the Highway Authority do not recommend refusal. The Highway Authority further comments that the access is at the end of a cul-de-sac with very little traffic within the vicinity. There will be a good amount of inter-visibility between vehicles seeking to access and egress at the same time and hence there are no sustainable highway reasons for refusal of the application. Therefore, the Highway Authority recommends conditional control over parking in order to ensure that and surfacing. It is considered that parking standards for two dwellings could be achieved within the site. A development of two dwellings would not be required to provide a turning area within the site.

#### Layout and Impact on Neighbours

The initial scheme for 3 dwellings was considered unacceptable due to the contrived layout, relationship with surrounding area and between the dwellings proposed. As such the applicant reduced the number proposed to 2 in an attempt to address the concerns raised. The revised scheme essentially provides one dwelling in the rear garden of No 85 Butt Lane and one in the rear garden of No 40 Bradgate Road, the land belonging to 42 Bradgate Road and 83 Butt Lane still forms part of the application site but do not appear to form part of the cartilage to either proposed dwelling. Whilst neighbours have raised concerns about the proximity of the proposed dwellings to their properties, the position of the proposed units themselves complies with separation standards set out in policy guidance it is therefore unlikely that the development would have adverse impacts upon residential amenity with regards to potential overlooking, overshadowing or overbearing impact. However the layout as proposed appears contrived and does not make good use of the land within the application site, resulting in a poor layout with dwellings that do not relate well to each other or the surrounding area and a development that is not characteristic with nor complements or enhances the surrounding area.

## Other Matters

**Loss of Trees and Green Space:** Neighbours have raised the issue of the loss of trees, the Council's Tree Consultant has been asked to consider the Tree Report submitted with the application to ensure the proposal does not result in the loss of trees that contribute to the amenity of the area. His comments will be reported to the meeting as a late item. In any event the concerns raised relate to the impact of neighbouring resident's views if trees are removed, this is not however a material planning consideration. With regards to the concerns about loss of green space, whilst the site is currently garden land this is not public green space and therefore only the change in character is a material planning consideration not the actual loss of the green space in principle. If it is considered that the proposed development contributes and enhances to the character of the area the loss of green space and change in character would not be considered grounds to refuse the application.

**Sustainability:** The site is located within a very short walking distance of the town centre and the services it provides. The character of the immediate area allows for easy pedestrian routes between roads and therefore allows a good range of pedestrian routes.

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the scheme's compliance with this standard will be subject to a condition requiring them to be submitted prior to commencement on site.

**Drainage:** The Head of Community Services (Land Drainage) and Severn Trent Water raise no objection to the proposal but have both asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems. However, in more recent years, further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Severn Trent Water have asked for the condition in order 'to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution'. In this instance, it is considered that the condition should be imposed.

**Recycling and Waste Collection:** The need for recycling facilities is a material consideration; however the detail of this can be controlled at the reserved matters stage. There is sufficient space on site to adequately store all of the relevant containers.

**Play and Open Space:** The application site is more than 400m away from any existing open space and therefore this application does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

**Impact upon wildlife:** Neighbours have raised concerns regarding loss of habitat for wildlife if the site is developed. The site is not located within an area which is identified as having a high likelihood of protected species being present. Any developer of the site is required by law to comply with wildlife legislation.

**Construction Noise and Dust:** Neighbours have raised concerns about noise, dust and disturbance during development of the site. This is not a matter which is material to the determination of the application.

## Conclusion

It is considered that whilst there has been a change in national guidance regarding to the status of garden land, the intention of the change was to ensure development of garden land is characteristic with the surrounding area and does not result in overdevelopment. As such the proposal should be assessed against Policy BE1 to ensure it complements or enhances the surrounding area. The original scheme for 3 dwellings was considered to result in a contrived and tight form of development that is not characteristic of the surrounding area. The revised scheme however, does not result in a better form by virtue of the layout not making best use of the site resulting in a poor layout and relationship between the proposed dwellings and surrounding area. As such the application is recommended for refusal.

### **RECOMMENDATION :- REFUSE, for the following reason:-**

- 1 In the opinion of the Local Planning Authority the proposed scheme has a poor layout with dwellings that do not relate well to each other or the surrounding area, as such it is considered that the scheme does not complement or enhance the character of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policy BE1 of the Adopted Hinckley and Bosworth Local Plan supported by Supplementary Planning Guidance on new residential development.

### **Notes to Applicant:-**

- 1 List of plans used in the determination of this application:- Site location plan received 9 June 2010 and amended layout plan received 20 July 2010.

**Contact Officer:-** Louise Forman Ext 5682

**Item:** 11

**Reference:** 10/00469/FUL

**Applicant:** Mr Matthew Gilliver

**Location:** Land Congerstone Lane Barton In The Beans Leicestershire

**Proposal:** SITING OF A MOBILE HOME

**Target Date:** 20 August 2010

### **Introduction:-**

This is an application for the siting of a temporary mobile home for an occupational worker at Barton Gate, Congerstone Lane, Barton in the Beans. The application is in connection with planning permission 08/00700/FUL which was for the extension and change of use of an agricultural building to equestrian use as 20 stables, tack room and storage, together with the formation of a ménage. The application was granted planning permission on 11 September 2008 and contains a condition which limits the number of horses on site at any time to a maximum of 20.

The application site is 4.5 hectares and is located off Congerstone Lane, to the west of the settlement of Barton in the Beans, it consists of paddocks with the barn/stable building and manège located to the western end of the site. The land falls gently from east to west and from south to north and is well screened by mature hedges. The site is accessed along a track which runs parallel with a bridleway (S80). A public footpath (S88) crosses the site.

The proposal is for a 'log cabin' type mobile home which has dimensions of 13.6 metres x 6.1 metres, with an open veranda area of 2.1 metres x 6.1 metres to one end. It is single storey, timber clad with a ridge height of 3.5 metres. The roof materials are metal profiled roof tiles. The total floorspace is 83 square metres and would provide a dwelling with two bedrooms.

The Design and Access Statement submitted with the application states that all pre-commencement conditions in relation to planning permission 08/00700/FUL have been discharged and that works have commenced on site. Twelve stables and the manège are currently provided. The applicants live in Sibson, 6 miles from the application site and are concerned about committing further financial investment if on site accommodation cannot be secured. There is on site parking for 6 vehicles and there is ample space within the site for parking to serve the temporary dwelling. The application does not include a landscaping plan because the existing mature boundary planting is 2.5 metres high. However, the applicant is willing to accept a condition in relation to additional landscaping if it is considered necessary.

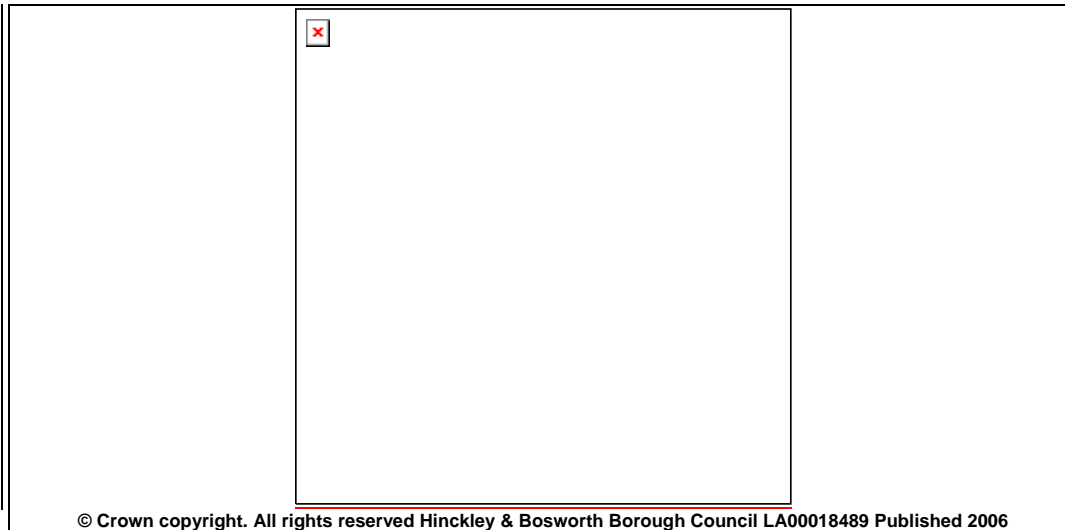
Further information submitted with the application states that the site has been in the current ownership for the past 3 years. There are currently 9 horses on site, 8 livery and 1 owned by the applicant. It is intended in future, to provide the further 8 stables, previously granted planning permission, and to offer foaling, broodmare and young stock facilities. Further improvements to the facilities are also planned. Security on site is a major concern as there is no natural surveillance to the stables due to the natural topography and landscaping and the site has suffered from numerous break-ins with fences cut through, horses getting onto the highway and equipment and plant being stolen. Such incidents damage the reputation of the business and may affect the commercial viability of the enterprise. CCTV is proposed to be introduced but it is necessary to react to such events promptly particularly in terms of the breeding program planned. The addition of a temporary mobile home would provide the enhanced security required as well as allowing animal welfare needs to be met. It would enable the business to grow and reach its full potential.

The applicant's agent has provided an appraisal and business plan and has referred to a previous appeal decision in relation to Stanmaur Farm, Earl Shilton (09/00246/TEMP) which allowed a temporary occupational dwelling at a site used for an equestrian and boarding kennels enterprise.

Information has been submitted in relation to an Equestrian Development grant that has been approved by 'Inspire Leicester' in support of the establishment of the equestrian business from the site.

**History:-**

08/00700/FUL	Extension and change of use of an agricultural building to equestrian use as 20 stables, tack room and storage, together with the formation of a manège	Approved	11.09.08
07/00967/FUL	Change of use of agricultural barn to internal stabling and manège	Withdrawn	25.05.07
07/00598/FUL	Erection of steel agricultural building	Withdrawn	30.07.07

**Consultations:-**

No objection received from The Head of Community Services (Pollution).

No objection subject to note to applicant received from:-

The Head of Community Services (Land Drainage)  
LCC Rights of Way Officer.

The Borough Council's Agricultural Appraisal Assistant has conducted a formal desktop appraisal of the information submitted with the proposal in relation to Annex A of Planning Policy Statement 7, as guidance in determining the application. He advises that there is no equestrian support for the proposed siting of the mobile home as the enterprise is unable to pass the functional test as any functional requirement is able to be fulfilled by other dwellings in the area which are both suitable and available for occupation by the workers concerned. Furthermore, the proposed enterprise has not been planned on a sound financial basis. It is also considered that the proposed mobile dwelling is not sufficiently well related to the existing buildings to comply with paragraph 11 of Annex A to PPS7. More details of the response are included in the appraisal section of this report.

Site notice displayed and neighbours notified.

One letter received on the following grounds:-

- a) the applicant should have been aware of the disadvantages of this greenfield site prior to starting the business
- b) properties are available in Barton to buy and rent
- c) if granted, will lead to a permanent dwelling which would be inappropriate on the site.

**Policy:-**

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural environment and the quality and the character of the countryside. Paragraph 17 states that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside. Paragraph 19 states that planning decisions should be based on the potential impacts on the environment of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

## Local Development Framework

No specific policies

### Local Plan Policy

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

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained within the County Council's design guidance HTD.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12 states that proposals for development should make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage, trade effluent and surface water.

### **Appraisal:-**

The main issues with regard to this application are the principle; whether it is essential for the proper functioning of the enterprise for one or more full time workers to be available at most times of the day and night (the functional test); whether the enterprise is planned on a sound financial basis; whether suitable alternative accommodation exists nearby; and visual impact of the mobile home upon the character and appearance of the surrounding landscape.

### Principle

Planning Policy Statement 7:Sustainable Development in Rural Areas (PPS7) seeks to protect the countryside against encroachment. In particular, it states that where special justification for an isolated new house in the countryside relates to the essential need for a

worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to the PPS.

Annex A states that it is essential that all such applications are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine and reasonably likely to materialise and are capable of being sustained for a reasonable period of time. A financial test must establish if the enterprise has been based on a sound financial basis and the proposal should be supported by clear evidence of a firm intention and ability to develop the enterprise.

It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. PPS7 goes on to say that if a new dwelling is essential, it should normally, for the first three years, be provided by a caravan, wooden structure which can easily be dismantled, or other temporary accommodation. A function test is set out at paragraph 4 of Annex A and is needed to establish whether it is essential for the proper functioning of the enterprise. Furthermore, it has to be established that the functional need cannot be met by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

The issue is therefore whether the proposed temporary dwelling satisfies the tests in Annex A of PPS7, so as to justify the provision of a temporary occupational dwelling in the countryside. PPS7 makes clear that residential development in the countryside may be justified when accommodation is required to enable agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work.

The agent stresses that 'out of hours' attendance is required for the proper operation of the enterprise due to the nature of the activities and for security purposes in respect of the buildings and livestock and livestock welfare. The agent has provided information regarding existing and proposed livestock levels etc. to enable an assessment to be made of the operation and financial viability of the holding in sustaining an occupational dwelling.

The Borough Council's Agricultural Appraisal Consultant has undertaken a desktop appraisal of the information provided. He advises that the enterprise/holding needs to be assessed using the guidance set out in Annex A to PPS7, paragraph 15 for 'other occupational dwellings' which states that local planning authorities should apply the same stringent levels of assessment for such dwellings as they do for agricultural and forestry workers dwellings, the criteria and principles for which are laid down in paragraphs 3 -13 of the Annex.

Paragraph 12 sets out five criteria which must all be satisfied.

- (i) clear evidence of the firms intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication). As the applicant has constructed 12 of the 20 stables together with the manége, criteria 12 (i) is satisfied.
- (ii) states 'functional need' and refers to paragraph 4 of the Annex . Paragraph 4 goes on to states 'A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night.
  - in case animals or agricultural processes require essential care at short notice;



- to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems. It is considered that the holding will be full time and will have a labour requirement for approximately 3 full time persons as is proposed in the supporting information.

Although the functional test could be met by the existing and proposed numbers of horses the functional need could be met from either the applicants existing dwelling which has fulfilled the functional needs of the enterprise to date, or another dwelling in the area. The Borough Council's Agricultural Appraisal Consultant therefore concludes that although it may be preferable or more convenient for the applicants to live on the site, it is not essential and therefore paragraph 12 (ii) has not been satisfied.

(iii) states 'clear evidence that the proposed enterprise has been planned on a sound financial basis.

Profit and loss forecasts have been submitted for the proposed business which show a projected profit by the end of year 3 but detailed consideration of the figures submitted has revealed that there appears to be omissions relating to the purchase of hay and straw, no return on capital investment or a wage or remuneration for the owner. When these items are deducted, there will be insufficient profit to sustain the cost of a permanent dwelling. It is therefore concluded that the proposal has not been planned on a sound financial basis and is unable to comply with paragraph 12 (iii) of Annex A to PPS7. On the projections provided the enterprise would be unable to sustain the cost of permanent dwelling after 3 years.

(iv) states that 'the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'.

The functional need is clearly being fulfilled by the applicant's existing dwelling in Sibson. In addition, there are dwellings which are both suitable and available within Barton in the Beans and the surrounding villages with one in West End in Barton in the Beans within 60 metres of the entrance to the site in a straight line or 100 metres by road. It is considered that this dwelling would be both suitable and available, and therefore the criteria in paragraph 12 (iv) has not been satisfied.

(v) states ' other normal planning requirements, e.g. on siting and access, are satisfied'.

The site is located within the countryside outside of the settlement boundary to Barton in the Beans. The proposed siting adjacent to the existing access track, takes account of the sites physical characteristics and will provide limited built form incursion within the open views of the countryside. Accordingly, the siting is considered appropriate. The comments of the Director of Environment and Transport (Highways) are awaited and will be reported as a late item.

Having regard to the above it is considered that the proposed mobile home is contrary to central government guidance and adopted Local Plan policies that seek to protect the character and appearance of the countryside from residential development that does not have any special justification.

The applicant's agent has submitted further information in response to the appraisal carried out in relation to the functional and financial tests. It states that a dwelling within the village would not provide the natural surveillance of the stables required and that the position of the proposed dwelling would provide this security. The applicant's current home has not proved to meet the current functional requirement as is borne out by the number intruders who have gained access to the site. The applicant is not in a position to finance the purchase of a

dwelling in the village at the present time. Annex A does not require an application for a temporary dwelling to demonstrate that the enterprise could support a permanent dwelling. The information also refers to previously submitted information which the agent considers has not been fully evaluated. The information has been forwarded to the Council's Agricultural Appraisal Consultant for consideration and any further response from him will be reported as a late item.

Paragraph 13 of PPS 7 advises that local authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling. In this case, it is considered that the siting of a permanent dwelling in the location proposed for the temporary dwelling would be unsatisfactory, close up to the boundary of the site and adjacent to a bridleway. Further information has been submitted by the agent advising that the position of the temporary dwelling is proposed in order to retain all useable grazing land for the horses, with the view to purchasing additional grazing land at a later date and requesting that a condition be imposed to consider alternative siting if a permanent dwelling was subsequently permitted. It is not considered that this issue should be dealt with by condition and that the application should also be refused for this reason.

#### Sustainability

Without special justification, the proposed residential development within the countryside is not considered to comply with the aims of PPS1 in terms of a sustainable form of development.

#### Conclusion

Both central government guidance and adopted Local Plan policies seek to protect the countryside for its own sake. An unsatisfactory agricultural appraisal has been received and the proposal has failed to pass the functional and financial tests of Annex A of PPS7. There is no special justification for the proposed dwelling in this countryside location and the application is therefore recommended for refusal. Furthermore, the siting proposed is an unsuitable location for the siting of a permanent dwelling as stated above and the application also recommended for refusal on that basis.

#### **RECOMMENDATION :- REFUSE, for the following reasons :-**

- 1 In the opinion of the Local Planning Authority, from the information provided, the proposed agricultural dwelling does not pass the functional or financial tests set out in Annex A of Planning Policy Statement 7. The proposal therefore represents an unwarranted and unacceptable intrusion of residential development in an unsustainable location in the countryside to the detriment of the character and appearance of the landscape and visual amenity. The proposal is therefore contrary to policies BE1, RES12 and NE5 of the adopted Hinckley & Bosworth Local Plan and to Central Government Guidance in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.
- 2 Paragraph 13 of PPS7 advises that temporary planning permission should not normally be granted in locations where local planning authorities would not permit a permanent dwelling. Due to the proposed position of the temporary dwelling, close to the boundary of the site and adjacent to Bridleway S80, it is considered that the siting of a permanent dwelling would be unsuitable. To permit the temporary dwelling in this location would therefore not be in accordance with the requirements of paragraph 13 of PPS7.

## Notes to Applicant:-

- 1 List of Plans used in the determination of this application:- site location plan, block plan and nfl log cabin specification received on 15 June 2010. Detailed elevations for log cabin received 25 June 2010.

**Contact Officer:-** Louise Forman Ext 5682

**Item:** 12

**Reference:** 10/00470/FUL

**Applicant:** Mr J E Garland

**Location:** Mythe Farm Pinwall Lane Pinwall Atherstone Leicestershire

**Proposal:** CHANGE OF USE OF AGRICULTURAL BUILDINGS TO FORM WEDDING VENUE AND BED AND BREAKFAST ACCOMODATION.

**Target Date:** 11 August 2010

## Introduction:-

This application seeks full planning permission for the change of use of a range of traditionally constructed brick and tile former agricultural buildings and an adjacent portal framed agricultural building to create a wedding venue at Mythe Farm, Pinwall Lane, Pinwall. The proposed wedding venue will cater for a maximum of 150 guests and the scheme includes the provision of 7 no. bed and breakfast units and the replacement of an existing lean-to extension with a new extension to provide accommodation for a ceremony barn. Landscaping and a parking area are also proposed. All works are proposed to achieve a 'very good' BREAAAM rating.

The buildings subject to conversion/reuse are a courtyard of red brick farm buildings of both single and two storey scale, and a modern portal frame agricultural building.

Mythe Farm is accessed from Pinwall Lane close to the junction with Ratcliffe Lane. Whilst having a postal address of Pinwall, the farm is situated midway between Pinwall, Ratcliffe Culey and Atherstone close to the boundary between Leicestershire and Warwickshire.

Mythe Farm extends to approximately 150 acres in total. The farm is a mixed unit of approximately 24 hectares of arable land currently down to wheat and approximately 26 hectares of grassland over which there are 250 breeding ewes. 8 hectares of the farm is recently planted woodland under the English Woodland Grant Scheme and a B&B is run from the farmhouse. There are 9 DIY livery stables on site and an equestrian cross country course across the grassland. Ticketed fishing is available along stretches of the Sence and Anker rivers which run through the farm.

The application is accompanied by a design and access statement, planning statement, structural survey, transport assessment and, Bat survey and Great Crested Newt survey.

The design and access statement seeks to justify the design of the proposal and seeks to demonstrate that the scheme is an appropriate mix of conservation and new building that result in a high quality development.

The planning statement seeks to justify the proposals compatibility with planning policy.

The structural survey concludes that the change of use of the buildings can be carried out without significant structural works. The report does provide a programme of works necessary to sensibly achieve the conversion.

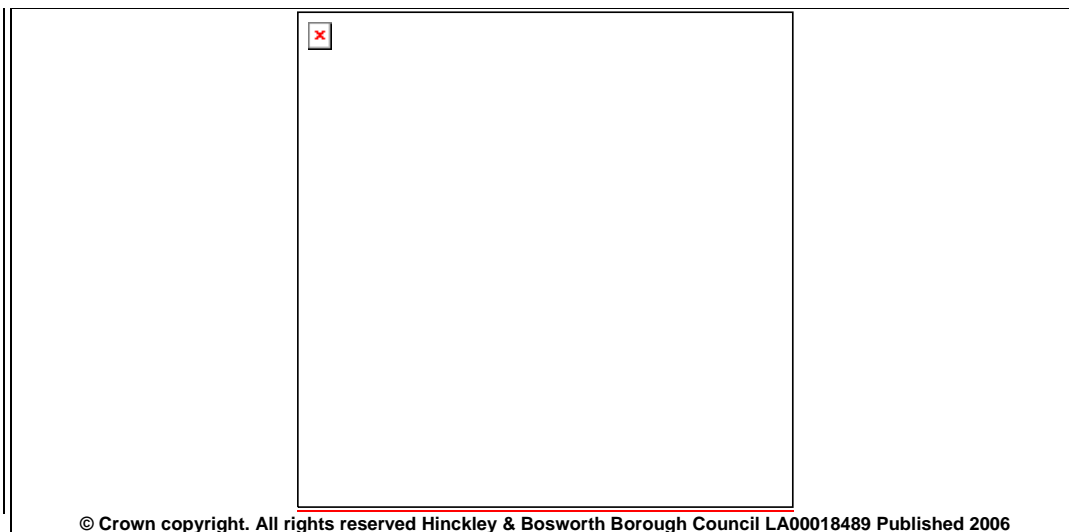
The transport assessment studies the transport issues relevant to the proposal and concludes that improvements will need to be made to the geometry of the access junction layout to ensure that vehicles can access and egress from the site in an efficient manner and recommends that measures are put in place to ensure appropriate visibility is maintained from the access on road safety grounds.

The Bat survey demonstrates that bats have not been using the building as a roost.

The Great Crested Newt Survey identifies the presence of newts within the nearby ponds on site and proposes a mitigation strategy to protect them.

**History:-**

05/00088/GDO      Erection of an Agricultural Building      Approved      25.02.05



**Consultations:-**

No objection has been received from:-

Head of Community Services (Land Drainage)  
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to conditions has been received from:-

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

Two neighbour letters have been received objecting on grounds of noise, traffic and inadequate access.

Three letters of support have been received based upon the benefits the proposal will bring to the rural economy.

Site notice and Press notice were displayed and neighbours notified.

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

Directorate of Chief Executive, LCC (Archaeology)  
Directorate of Chief Executive, LCC (Ecology)  
Parish Council.

**Policy:-**Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 4 'Planning for Sustainable Economic Growth' supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development.

Planning Policy Statement 5 'Planning for the Historic Environment' seeks to ensure that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Planning Policy Statement 7 'Sustainable Development in Rural Areas' recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. The PPS specifically states "local planning authorities should be supportive of well conceived farm diversification schemes for business purposes that contribute to sustainable development and help sustain the rural enterprise and are consistent in their scale with their rural location".

Planning Policy Statement 9 'Biodiversity and Geological Conservation' seeks to ensure that planning decisions should fully consider and prevent harm to biodiversity and geological conservation interests.

## Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations. Policy 43 sets out regional transport objectives across the region.

## Local Development Framework Core Strategy (2009)

Policy 23 Tourism Development supports the development of holiday accommodation in the Borough, where inter alia, the development can help to support existing local community services and facilities and is of a design and at a scale which is appropriate to minimise impact and assimilates well with the character of the surrounding area with acceptable landscaping.

## Adopted Hinckley and Bosworth Local Plan (2001)

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy BE20 looks favourably on the conversion and reuse of existing rural buildings providing they satisfy the policies detailed requirements unless inter alia, the proposed use will have an adverse effect on the rural character, the building is structurally unsound; the reuse is detrimental to the character of the buildings and involves extension that significantly alters the buildings appearance.

Policy NE5 seeks to protect the countryside for its own sake. The policy confirms that recreation uses are acceptable in the countryside where the policy's criteria, in terms of appearance, scale, character and highway capacity and safety, are satisfied.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Supplementary Planning Guidance: Conversion of Rural Buildings (adopted 2004) recognises (paragraph 1.9) the important role the reuse and adaptation of existing rural buildings can have in providing facilities for commercial purposes and tourism, sport and recreation uses.

## **Appraisal:-**

The main considerations with regards to this application are the principle of development, design and impact on the rural character, impact on neighbours, highways and ecology.

### Principle of Development

There is a consistent stream of advice within Planning Policy Statements that indicates that planning authorities should look favourably upon schemes of rural diversification, particularly those that involve the reuse of important and historic buildings, appropriately suited to the rural setting, sustainably located and bring benefits to the rural economy. The advice is also embedded within local planning policy, particularly so in Policy 23 of the Core Strategy, and Saved Policy BE20 of the Local Plan.

The use of part of this working farm for a wedding venue whilst not being a typical rural diversification enterprise will secure the reuse of the buildings without significant alteration and will benefit the rural economy. Such a use is not likely to give rise to the need for further associated diversification growth on the site and is unlikely to result in the condition of the buildings deteriorating further as might be expected with a more industrial use.

Subject to satisfying the policy controls as appraised below in this report, the wider benefits of finding a new appropriate use for these buildings and developing the rural economy are consistent with national and local planning policy. The proposed use of the buildings will require minimal physical works and the accompanying structural survey confirms that the buildings are sound and not in need of any significant repair or modification.

### Design and Impact on the Rural Character

This scheme has three distinct physical elements, the reuse of the existing farm buildings to provide holiday/guest accommodation, the demolition of an inappropriately designed extension to one of the buildings and a small element of new build to create the wedding venue ceremony barn, dining room, bar and kitchen.

The accompanying structural report confirms that the buildings are structurally sound and can be converted relatively easily. The report has been robustly assessed and it is considered that it provides an accurate account of the buildings condition and the necessary works are reasonable considering the buildings age.

The existing buildings that are subject to the proposed conversion appear in a very tidy state and have not been altered significantly from their original form. They therefore provide a good example of typical 19th Century Leicestershire farm buildings. The works proposed to facilitate the conversion are very minimal and do not involve the creation of any new openings or any alterations to the form of either the elevations or the roof. The scheme proposes to retain all existing doors and windows where possible. On this basis this conversion element of the proposal is considered to be 'textbook' and will ensure that the rural character of the buildings, the setting of the farm and the wider character of the countryside are not adversely affected in this respect.

The scheme proposes the removal of a large lean to structure to the north elevation of the main two storey barn and the replacement with a new oak framed barn abutting the existing barn at 90 degrees. There is no objection to the removal of the lean-to structure as this severely compromises the appearance of the buildings from the north.

The replacement structure has two elements, an oak framed gabled structure and a glazed lean to. The oak framed structure is not a truly characteristic addition to the barn building, but

it has been carefully designed to have the same roof pitch as the existing building and to not have a ridgeline higher than that of the existing building. The elevations are proposed to be of a red brick plinth design with oak boarding and glazing above. When considered alongside the backdrop of the existing building, the extension allows for a greater degree of the original building to be seen and is therefore seen itself as an addition to the building rather than a homogenous extension to the existing form. The use of oak framing reverts back to older building methods and technologies, however is highly sustainable and an appropriate material for use in a rural area.

The glazed lean-to will partially close off the existing two-storey opening to the barn building. However, its roof design is such that the top section of the glazed infill panel to the former opening remains clearly visible and forms a balcony area. This in conjunction with the totally glazed ground floor elevation will allow for views through the lean-to the original opening in the elevation of the barn below. It would be more preferable to see the opening remain unobstructed but on balance the scheme will not totally obstruct the original opening and will therefore allow the phases of development to the building to be easily recognised.

The scheme also proposes the reuse and remodelling of an existing modern portal frame building that is positioned on the northeast corner of the two storey barn. This building is currently a typical modern agricultural building with steel clad elevations and a roof with a very low pitch. Whilst the position of the building severely compromises the setting of the older red brick courtyard buildings, it is an existing building and the applicant explains that the proposal would not be viable should this building be removed.

To improve the appearance it is proposed to remodel this building with a new outer shell and new roof. The elevations will be of a red brick plinth with oak boarding above, whilst the roof will be remodelled, it will retain a metal sheeting finish. It is inevitable that this building will remain the weak point of the development, but the presence of the building and the economic constraints on rural diversification projects have to be taken into account. On balance, the remodelling works will improve the appearance of the building greatly and will ensure it is compatible with the existing buildings but retains that more modern appearance. On this basis the building and remodelling works cannot be considered to result in a detriment to the appearance of the site or the character of the countryside. In total the scheme represents an 18% reduction in floor area of buildings at the site.

#### Impact on Neighbours

There is only one dwelling at Mythe Farm and this is the applicant's family home. The applicant does run a bed and breakfast service from the farmhouse; however they have explained that it is highly unlikely that they would take bed and breakfast bookings when they have a wedding event booked due to any arising conflict such an arrangement may bring.

The nearest neighbouring dwelling (Mythe Cottage Farmhouse) is located at least 450 metres away (straight line distance) from the application site. Whilst the use of the site for a wedding ceremony is unlikely to result in any impact upon their amenity, the possibility of party music in the evenings may be heard by these nearby residents.

The traffic generated by the scheme will be an increase over and above the normal levels that are currently experienced at the farm at present, however this is likely to represent sporadic increases and for short time only and therefore is not likely to cause a material detriment to nearby residents by way of people accessing and leaving the wedding venue.

By way of the proposal including the provision of a number of holiday units there will be the opportunity for guests to stay over on site following a wedding and therefore there will be less impact from guests leaving the site late at night and disturbing residents. It would not be



unreasonable for the holiday units to be let to holidaying guests when weddings are not taking place and this would help bolster recreation and tourism in the Borough in line with Core Strategy Policy 23.

The Head of Community Services (Pollution) confirms that the scheme is unlikely to result in any material detriment upon the amenities currently enjoyed by nearby residents given their distance from the application site. In order to protect the amenities of the nearby residents and to provide a formal control over noise a series of conditions are proposed. Conditional control over the opening of all doors and windows when any amplified music is played is proposed, and in addition a noise limiting device be installed and set by the Head of Community Services (Pollution) to ensure noise cannot exceed a set level before the power is switched off. It is considered that these sensible and enforceable measures will ensure noise does not cause any disturbance to nearby residents.

### Ecology

The accompanying Bat survey concludes that bats are not present within the buildings.

The accompanying Great Crested Newts Survey does identify the presence of newts within the ponds located within 500 metres of the application site and within the farm. The accompanying mitigation strategy provides a programme of works to ensure the population is not adversely affected by the proposal.

The observations of the Directorate of Chief Executive, LCC (Ecology) will be reported as a late item.

### Highways

This site has an existing access from Pinwall Lane, which gives further access towards Ratcliffe Culey and the A444 and Sheepy Magna and the B4116 connecting to the A5 in Atherstone. The application proposes to retain the use of this access for the proposal. The accompanying transport assessment is based upon a maximum of 150 guests and up to 60 vehicles arriving on site for wedding functions equating to 120 or so movements per day. The assessment confirms that given the lightly trafficked nature of the local road network, this level of vehicular traffic would not have an adverse impact on highway capacity. The site access will cater for this level of traffic although enhancements to the specific design are recommended. The application proposes the widening of the access to 4.8 metres and the provision of 4.5 metre by 120 metre visibility splays at the junction with Pinwall Lane.

The application includes the provision of a car parking area to the north of the farm buildings. This area is proposed to be surfaced to the planning authority's specification; however regard must be had to the close proximity of the area to the ponds and the identified Great Crested Newts. The proposed car parking area is to be contained by new tree planting and this will be secured by condition and in order to reduce the visual impact of the car parking, it is not proposed to formally mark out the car park. The application confirms that this is not deemed necessary since all events at the venue will have on-site stewards directing guests to the car parking.

The Director of Environment and Transport (Highways) raises no objection to the scheme subject to a series of conditions to ensure the modifications are made to the access and visibility splays.

## Conclusion

The careful balance between the works to facilitate the conversion and reuse, the removal of an inappropriately designed building and the addition of a small amount of new building will result in a scheme that satisfies the above-mentioned policy requirements. Whilst the scheme will result in an increase in activity at the farm at certain times and a noticeable increase in vehicular movements for small periods of time the proposed improvements to the access will ensure a safe access arrangement is created.

**RECOMMENDATION:- That subject to no significant material observations being received by the end of the consultation period expiring on 26 July 2010, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development results in high quality scheme that reuses valued buildings, supports rural diversification and benefits the rural economy. This development is in accordance with the development plan and would not be to the detriment of any protected species, highway safety or the character and appearance of the countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, T5

Hinckley & Bosworth Borough Council Core Strategy (2009):- 23

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and re-clad barn 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.
- 3 No development shall commence until such time as details of the surfacing materials to the car park have been submitted to and agreed in writing by the Local Planning Authority. The car park shall then be surfaced in accordance with approved details prior to the first use of the wedding venue and shall be maintained thereafter.
- 4 The accommodation (overnight bed and breakfast accommodation and bridal suite) hereby approved shall not be used for any purposes other than short term holiday accommodation and shall not be occupied for a continuous period exceeding 28 days at any one time.
- 5 No development shall take place until full details of 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:
  - i. proposed finished levels or contours
  - ii. means of enclosure
  - iii. retained historic landscape features and proposals for restoration, where relevant.

- iv. planting plans
- v. written specifications
- vi. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- vii. implementation programme.

- 6 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.
- 7 The development hereby permitted shall be used as a wedding/ceremonial venue and holiday accommodation only, unless agreed otherwise in writing by the Local Planning Authority.
- 8 No sound production or amplification equipment shall be installed or be used in any part of any building or the application site at any time for the purposes of external use.
- 9 All doors and windows to the proposed dining room, ceremony barn, breakout area and bar as shown on the approved plan shall be closed when amplified music or speech is played.
- 10 No development shall commence until such time as details (including product type, location and shut off level) of a noise limiting device to be installed in the dining room has been submitted to and agreed in writing by the Local Planning Authority. The approved device shall be used at all times and be maintained in full working order in accordance with the submitted details thereafter.
- 11 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 2140 PL 300 rev 2, 301 rev 4, 302 rev 1, 303 rev 3, 304 rev 3, 201 rev 3, 100 rev 8, 10 rev 1 and 643 01, 02, 03, and 3635.99.
- 12 The use hereby permitted shall not commence until such time as the sites access to Pinwall Lane has been widened and visibility splays be provided in accordance with the details shown on plan 12047-02 as contained within the submitted Access Appraisal and shall be maintained this way thereafter.
- 13 There shall be no physical obstruction and nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 14 Before the first use of the development hereby permitted, its access drive shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy NE5 of the adopted Hinckley & Bosworth Local Plan.

- 3 The car park is located within close proximity to a population of Great Crested Newts and the surfacing material will play an important role in preventing the species from harm, in accordance with the requirements of PPS9: Biodiversity and Geological Conservation.
- 4 The development accords with Policy 23 of the Adopted Hinckley and Bosworth Core Strategy, however as the development is located in the countryside where new dwellings are not normally permitted it is necessary to prevent its use as permanent residential accommodation as this would be contrary to the requirements of PPS3, and PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 5&6 To ensure that the development has a satisfactory external appearance to accord with policy NE5 of the adopted Hinckley & Bosworth Local Plan.
- 7 The site is located in a sensitive position in the countryside, with an access of limited capacity and ecological constraints and the use of the site for further assembly and leisure uses is not likely to be acceptable to Policies Saved Policies NE5 and T5 of the Adopted Hinckley and Bosworth Local Plan and PPS9 without careful consideration.
- 8 - 10 To safeguard amenities of nearby residents to accord with Saved Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 For the avoidance of doubt and in the interests of proper planning.
- 12–14 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Field Code Changed

**Contact Officer:-** James Hicks Ext 5762

**Item:** 13

**Reference:** 10/00504/GDO

**Applicant:** Mr B Sutton

**Location:** Agricultural Buildings Rear Of Sycamore Farm 29 Main Street Barton In The Beans Nuneaton

**Proposal:** ERECTION OF AN AGRICULTURAL BUILDING

**Target Date:** 16 August 2010

**Introduction:-**

This is an application for prior notification under the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 6 for the erection of a portal framed agricultural building on land to the rear of Sycamore Farm, Main Street, Barton in the Beans.

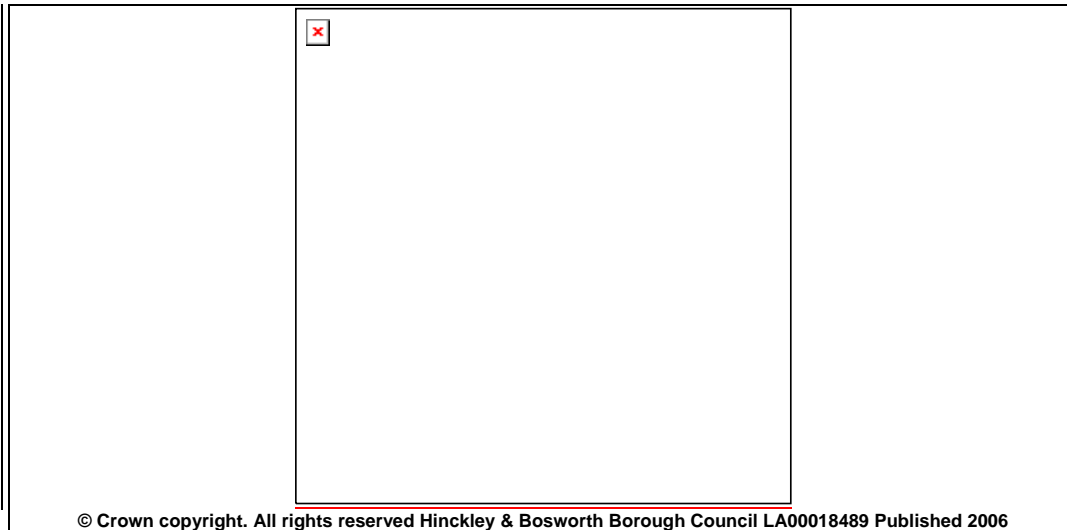
The agricultural holding comprises an area of 30 hectares and has been in operation in excess of 100 years. The proposed building will measure 17m in length, by 6m in width, and will have a maximum height of 6m. The proposed agricultural building will be sited within existing farm buildings. The agricultural buildings can be accessed from a large joint access shared with Sycamore Farm, 29 Main Street, which is situated to the North East of the site. The building will be used for agricultural storage.

The external walls of the building will comprise a grey steel frame and a grey fibre cement roof.

This application is being reported to committee as the applicant is a Councillor, at the time of writing this report the application has only been valid 3 days and therefore further information and consideration will be reported as a late item. As the application is a prior notification confirmation of the Council's opinion must be provided to the applicant within 28 days if not the development can go ahead.

**History:-**

88/00643/4	Pig Pens	Refused	26.07.88
91/00184/4	Erection of Agricultural Buildings	Permitted	04.04.91
93/00877/4	Continuation of Use of Pig Rearing Unit Without Compliance with Condition 10 of Consent No 88/00643/4	Permitted	23.02.94
93/00878/4	Variation of Condition 10 of Planning Permission 88/00643/4 Breeding	Permitted	24.02.94



**Consultations:-**

No Consultations.

**Policy:-**

Town and Country Planning (General Permitted Development) Order 1995  
Schedule 2, Part 6, 'Agricultural Buildings and Operations'.

National Guidance

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' seeks to ensure that development in the countryside is sustainable, and that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Local Policy - Hinckley and Bosworth Local Plan (2001)

The application site is located outside the settlement boundary of Barton in the Beans.

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to: complement or enhance the character of the surrounding area; incorporate landscaping to a high standard; ensure that there is adequate highway visibility for road users and adequate provision for on and off street parking; and not adversely affect the occupiers of neighbouring properties.

Policy NE5 relates to development in the countryside. It protects the countryside for its own sake but provides that development that cannot be provided within or adjacent to an existing settlement is acceptable providing it does not adversely effect the appearance or character of

the landscape; is in keeping with the scale and character of existing buildings and general surroundings; is effectively screened by landscaping or other methods where necessary; and does not generate traffic likely to exceed the capacity of the highway network.

Supplementary Planning Guidance on the Design of Farm Buildings states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function of the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

#### **Appraisal:-**

The main considerations in respect of this application is whether the proposed agricultural building meets the criteria for permitted development of Schedule 2, Part 6, Class A and the design and siting of the structure.

#### Requirements of the General Permitted Development Order 1995

The agricultural unit is approximately 30 hectares and the building is required for the purposes of agricultural storage. Schedule 2, Part 6, Class A relates to development on agricultural land of units of over 5 hectares and allows for the erection of a building reasonably necessary for the purposes of agriculture within that unit subject to satisfying a number of other criteria.

The application criteria are as follows: -

- a) The building has been designed for agricultural purposes; the design is a common agricultural design.
- b) The ground area of the building does not exceed 465 square meters, buildings larger than this would require a full application.
- c) The development is not within 25 meters of a metalled part of a truck road or classified road; the proposal complies with this requirement.
- d) The proposal is not within 400 meters of the curtilage of a protected building, there are no protected buildings within the vicinity of the site.

There is no record of any other agricultural buildings being erected in the last two years and no other buildings available for use by the applicant within the holding for the purposes required. This is in accordance with the guidance which states that applications for GDO buildings shall not be made within two years of one another.

As such it is considered that the proposed building meets the requirements within the General Permitted Development Order and is permitted by Class A, subject to the consideration of siting, design and external appearance.

### Siting, Design and External Appearance.

The building is located on an existing hard standing grouped with existing buildings. This is located a considerable distance from Main Street along an existing farm track. The building is of traditional agricultural appearance both in terms of design and appearance. Whilst it is visible within the countryside it would not appear out of keeping or uncharacteristic with the surrounding area and therefore it is considered that prior approval will not be required.

### Other matters

There is a detailed history on this site, and the clearance of the site was recently requested through a legal obligation attached to planning permission for the redevelopment of Sycamore Farm. As such further information regarding the need for the agricultural building has been requested and will be assessed within the late items. If the requested information demonstrates that the building is not required for agricultural purposes the applicant will be advised and can then apply for the proposal through the normal planning process.

### Conclusion.

The proposal meets the criteria of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 and is considered acceptable in terms of siting, design, and external appearance. However, further information has been requested to ensure the building is needed for agricultural purposes.

**Recommendation: Prior approval not required subject to further information to demonstrate that the building is required for agricultural purposes.**

From a recent visit to the site it can be confirmed that the proposed siting, design and external appearance of the proposed building for the purposes agricultural storage is considered to be satisfactory insofar as the building would not appear unduly prominent. Therefore I hereby notify you on behalf of the Local Planning Authority that prior approval of the proposed development is not required.

**Contact Officer:-** Joanne Orton Ext 5666



**Item:** 14  
**Reference:** 10/00512/FUL  
**Applicant:** Mr Jason Baxter  
**Location:** Land Off Twycross Road Sheepy Magna Leicestershire  
**Proposal:** ERECTION OF GENERAL PURPOSE AGRICULTURAL BUILDING  
**Target Date:** 27 August 2010

**Introduction:-**

This application seeks full planning permission for the erection of an agricultural building to be used for housing a flock of approximately 100 Jacob and Sharallais Sheep and associated feed and machinery on land off Twycross Road Sheepy Magna. The proposed building measures 25 metres x 9.6 metres (240 square metres of floor space). The overall height to ridge is 5 metres and 3.5 metres to the eaves. It will have a portal frame structure, and the walls will be clad with Yorkshire boarding and pre-cast concrete panels. The roof will be clad with cement fibre board. There will be a canopy extending the length of the building to the front and two large gated openings. No other openings are proposed.

The land holding comprises 6.5 hectares and is separate from any established farm holding. It consists of a relatively flat single (originally sub-divided) field bounded by a coppice to the eastern side and native hedgerow to the remaining boundaries. The building is situated in the corner of the field, adjacent to the northern and western boundaries. The classified Twycross Road runs parallel to the site. The site is surrounded by agricultural land, with isolated houses and farms further north and south.

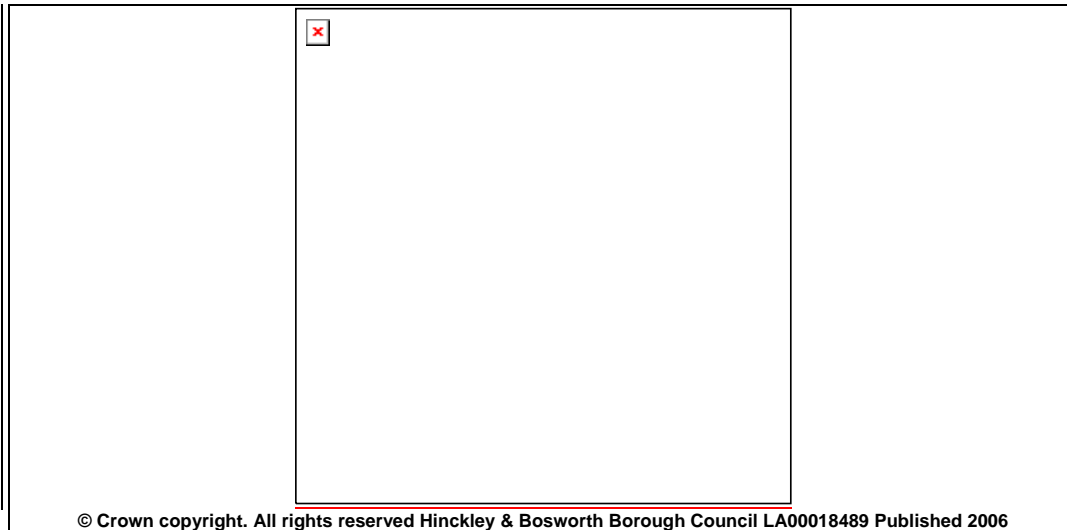
A Design and Access Statement and further details have been submitted in support of the application. The land in question comprises a small holding, until recently the farm was operated from Sheepy, however with the death of the applicants parents, the farm was sold off and the land sub-divided. There are currently no buildings on the land in question, which is to accommodate approximately 100 sheep. The sheep are rare breed and are bred for their meat and fleece. This is why the application has arisen. In addition the building will also store animal feed and associated farm machinery. The building will allow for further development of the flock.

**History:-**

None

Planning permission is required as the building is within 25m of the metalled part of a classified road.

The application would otherwise have been made under Part 6 of the General Development Order as a prior notification application.



### **Consultations:-**

Head of Community Services (Drainage) has suggested that water should be discharged to a soakaway or natural watercourse.

Head of Community Services (Pollution) has no objections

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

National Grid  
Highways  
Sheepy Parish Council  
Neighbours.

### **Policy:-**

#### National Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that new building development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should: (i) support development that delivers diverse and sustainable farming enterprises.

#### Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

Spatial Objective 3: Strong and Vibrant Rural Communities seeks to support, enhance and improve the sustainability, vibrancy and vitality of our rural communities. Policy 11: 'Key Rural Centres Stand Alone' relates to the settlement of Newbold Verdon.

## Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties and landscaping to a high standard.

Policy NE2: 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the character of the general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE12: 'Landscaping Schemes' states that proposals for development should make provision for further landscaping where appropriate.

Policy T5: Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design for new development.

Supplementary Planning Guidance on the Design of Farm Buildings states that the position of a new farm building is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual prominence of the building in the wider landscape. The function of the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the design and impact on the rural landscape, impact on neighbours and highway safety.

#### Principle of Development

National guidance in Planning Policy Statement 7 supports the development of sustainable farming enterprises that are appropriately suited to the rural setting and contribute to the rural economy. The nature of the agricultural activity is suited to a countryside location that is remote from neighbours and it cannot reasonably be expected to be provided within a settlement boundary and is therefore consistent with policy NE5 of the adopted Local Plan.

The needs of the holding and agricultural operation are a material consideration in assessing this application. Details of the size of the holding, the numbers of sheep, their uses and of the associated storage uses have been provided, and the requirement for a building of the size proposed is considered justified. The proposal is not considered to be unreasonable in this case, and therefore the principle of development is considered to be acceptable.

#### Design and Impact on the Rural Character

The proposed building would be isolated from any other buildings and as a result would introduce built form into the currently undeveloped agricultural landscape in this location. However, this is balanced by the need to encourage and support farming enterprises and enable them to operate effectively. The building would be sited adjacent to Twycross Road, and will therefore be visible within the Streetscene. The building will be a relatively modest height of 5 metres to the ridge and 3.5 metres to the eaves, and there are existing field boundary hedgerows along the northern and western sides of the site that would provide some screening from Twycross Road. It is therefore considered that whilst the building would still be visible as the hedgerow is maintained at a height of approximately 1.8m additional planting will be required along the northern and western boundaries to help screen the building from Twycross Road and on this basis the visual impact is considered to be acceptable.

The proposed building is to be of portal frame construction with Yorkshire boarding and pre-cast concrete panels to the sides and cement fibre board to the roof. The building will have a low pitched roof and have an appearance not untypical of modern agricultural buildings. The size and scale of the building is not considered to be unreasonable in relation to its proposed function or the likely long term requirements of the farming operation and is therefore consistent with the advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings.

On balance, any potential adverse impact on the character and appearance of this undeveloped site and surrounding landscape by the introduction of a new building is considered to be outweighed by the need to support agricultural activities within it and mitigation measures have been undertaken to reduce its impact on the wider countryside.

#### Impact on Neighbours

The application site is remote from other built form. The nearest buildings used for residential purposes are in excess of 260m from the application site. The Head of Community Services (Pollution) has raised no objection but recommends the imposition of a condition that there be no burning of pig manure or other waste materials on the site at any time to be consistent with policy NE2 of the adopted Local Plan. Given the separation distances from the application site, the proposals are considered unlikely to result in any material detriment to the amenities of the occupiers of neighbouring properties.

#### Impact on Highway Safety

The site is accessed directly from Twycross Road, which is classified. The use of the site for agricultural purposes in itself would not require planning permission. Whilst the proposals to introduce a new agricultural activity on the site may result in additional vehicle movements, the access is located on a relatively straight stretch of Twycross Road. Given the nature and scale of the proposed activities, the proposals are considered unlikely to result in any material detriment to highway safety. Adequate parking and turning can be provided within the site and the access can be upgraded as necessary. The consultation response from the Director of Environment and Transport (Highways) has not been received at the time of writing this report and this and any conditions will be reported as a late item to the agenda.

#### Conclusion

Any impact from the proposed development on the undeveloped nature of the site must be balanced by the need to encourage and support farming enterprises and their functional needs. In this case the principle of a building within the site of the size and scale proposed is considered to be reasonable to meet the needs of the enterprise and the appearance of the building is typical of a modern farm building. Mitigation measures have been undertaken to

reduce the impact of the building and enhance the character and appearance of the countryside. The proposals are considered to be unlikely to have an adverse effect on the amenities of neighbouring properties or highway safety. On balance, the proposals are considered to satisfy national guidance and local policy requirements and the application is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- That subject to no significant material objections being received by the end of the consultation period expiring on 11th August 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the following conditions.**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, location and purpose of the building, there are considered no material impacts on either visual or residential amenity or on the character of the surrounding countryside. Therefore the proposal is considered acceptable.

Adopted Core Strategy Policy 3;

Adopted Hinckley and Bosworth Local Plan Policies:- BE1, NE2, NE5, NE12, T5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall take place until full details of soft landscape works along the northern and western elevations of the building hereby permitted 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:
  - (i) A schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 3 The approved 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.
- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg No:- 010610 received by the Local Planning Authority on the 2.07.10

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In the interest of visual amenity and to safeguard the character of the countryside. To comply with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 For the avoidance of doubt and in the interests of proper planning

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Field Code Changed

**Contact Officer:-** Eleanor Shaw Ext 5691

**PLANNING COMMITTEE – 3 AUGUST 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**  
**RE: APPEALS LODGED AND DETERMINED**

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1. **PURPOSE OF REPORT**

To inform Members of appeals lodged and determined since the last report.

2. **RECOMMENDATION**

That the report be noted.

3. **BACKGROUND TO THE REPORT**

3.1 Appeals Lodged

3.1.1 Appeal by Mr Stephen Goodman against the refusal of planning permission for the erection of 1 dwelling (09/00841/OUT) at Land at Merrylees Road, Newbold Heath, Newbold Verdon (Written representation)

3.1.2 Appeal by Mr Jogi Singh against the refusal of planning permission for the change of use from retail to hot food takeaway and retention of external extractor flue (retrospective) at The Pantry, 102 Rugby Road, Hinckley. (Written representation).

3.2 Appeals Determined

3.2.1 Appeal by Rellum Estates against the refusal of permission for the construction of seven dwellings (amended scheme) at 30a Barton Road, Barlestone has been withdrawn.

3.3.1 Appeal by Mr Kite against the refusal of consent to re-pollard 8 lime trees that are protected by a tree preservation order at The Courtyard, Higham Lane, Stoke Golding.

3.2.2 The application concerned 8 trees that command an imposing presence close to the junction of Higham lane with Station Road. Each tree is given a reference T1 to T8. The inspector considered the main issues to be:

- i) Would the proposed works have a significant effect on their amenity value?
- ii) Are the reasons given for the proposed works sufficient to justify that course of action?

3.2.3 With regard to the first point, the inspector considered that the trees contributed to the character of the conservation area and a continuous canopy forms part of a green archway over Higham Lane that would be seriously diminished if they were re-pollarded. It was noted that the view of the trees from Station Road is limited to T1. The inspector also noted that the size of

the crowns of the trees were appropriate to their settings, increasing their prominence and their value to the landscape.

3.2.4 The inspector then considered the justification for the works, noting that trees T1 to T7 had been pollarded in the past to a height of 4.5-5m above the ground. This has resulted in unstable unions which in the view of the inspector are at risk of becoming detached. The local authority considered that this could be dealt with by crown reduction; however the inspector considered this would be the option if the trees are not to be managed as pollards in the future, which in his view could not be the case. The inspector concluded that the mechanical defects and historical treatment of trees T1 to T7 alone is sufficient justification for the removal of the many sprout stems with weak attachments.

3.2.5 T8 has a different form from the others with a dense crown and pollard heads further up the crown, resulting in the stems appearing more stable. It was the view of the inspector that this tree would respond to normal crown reduction.

### 3.2.6 **APPEAL DECISION**

Split decision- Appeal allowed in respect to Trees T1 to T7, appeal dismissed with regard to T8. (Officers decision)

3.3.1 Appeal by Mr G Stripp against the refusal of planning permission for the erection of a detached double garage and the conversion of the existing integral garage at 15 Shenton Lane, Dadlington.

3.3.2 The inspector considered the main issue to be the impact of the proposal on the character and appearance of its surroundings and first considered the position of the proposed garage. It was noted that this was on sloping ground, protruding significantly above the height of the roadside hedge. Tall vegetation outside the site would screen the garage from the south east, but the position close to the lane would mean it is visible from directly in front and from the north west.

3.3.3 The inspector considered the location of the garage so close to the lane would be very prominent and intrusive in the street scene. In the opinion of the inspector this would harm the character of the surroundings and be in breach of policies BE1 and NE5 of the Hinckley and Bosworth Local Plan.

3.3.4 The inspector took into account other buildings in the area, however taller buildings set further back from the lane would not in the opinion of the inspector justify a building in this prominent position. It was also the view that the vegetation would not adequately screen the garage or that the Council could ensure that the hedge would always remain high enough to screen the garage.

### 3.3.5 **APPEAL DECISION**

Appeal dismissed (committee decision)

3.4.1 Appeal by Mr T Burton against the refusal of planning permission for the erection of the three bedroom house with integral garage at 23 Cherry Orchard, Higham on the Hill.



- 3.4.2 The inspector clarified the main issues as being the effect of the development on the living conditions of neighbours having regard in particular to noise, disturbance and privacy. It was noted that the side windows to No 23 would be at right angles to the access and screened by a panel fence. The side windows to No 22 would be closer to and face directly onto the access. A panel fence would provide some protection. The inspector concluded that due to the distances and angles involved, the effect on neighbour's privacy would be limited and acceptable.
- 3.4.3 The inspector considered that activity on the proposed access would be little different from what often arises when two adjacent houses share an access and would not significantly impair the neighbours living conditions.
- 3.4.4 The inspector took into account the recent revisions to Planning Policy Statement 3 housing and comments from parties regarding this. However none of the matters raised altered the conclusions that the development would not have an unacceptable effect on the living conditions of the neighbours and would be consistent with Policies RES5 and BE1 of the Hinckley and Bosworth Local Plan.
- 3.4.5 **APPEAL DECISION**  
Appeal allowed (committee decision)
- 3.4.6 The applicant applied for an award of costs against the local planning authority alleging they had acted unreasonable in reaching their decision in not taking into account the Officers recommendation and hence wasted the applicants time. However the inspector stated that Members are not bound to accept the recommendations of their officers. The reasons focused around concern about the impact of the proposal on the adjacent houses which is a subjective judgement. The inspector considered that the council explained adequately the cause of its concern and whilst a different conclusion was reached, the council had an arguable case for refusing planning permission.
- 3.4.6 **COSTS DECISION**  
Application failed.
- 3.5.1 Appeal by Mr T Payne against the refusal of planning permission for shop front alterations at 7 Stockwell Head, Hinckley.
- 3.5.2 The inspector considered the main issue to be whether the proposal is of an appropriate design standard given the location of the proposal in the Hinckley Town Centre Conservation Area. The inspector noted that this area contained many buildings of architectural or historical interest, some with traditional shop fronts but many with modern ground floor frontages. It was concluded that the street frontage in the vicinity of the appeal site is varied in character and appearance.
- 3.5.3 The inspector considered that the ground floor windows of the appeal property line up with earlier and more traditional windows at first and second floor. However it was noted that the ground floor windows are severed from the upper floor windows by an existing full width fascia box. The inspector considered that this separation rendered it unnecessary to replicate the fenestration of the first and second floors.

3.5.4 The inspector considered that the proposal represented an appropriate solution that in his view would maintain the character and appearance of the Conservation Area. The inspector raised concerns regarding the possible solid lath roller shutters, however considered that this could be addressed through a condition requiring details.

3.5.5 **APPEAL DECISION**

Appeal allowed (Officer recommendation)

4. **FINANCIAL IMPLICATIONS (AB)**

4.1 It is anticipated that all the costs incurred and costs recovered will be met from existing revenue budgets

5. **LEGAL IMPLICATIONS (MR)**

5.1.1 None

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 3 of the Corporate Plan.

- Safer and Healthier Borough.

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

None

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

None

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- |                                 |                              |
|---------------------------------|------------------------------|
| - Community Safety implications | None relating to this report |
| - Environmental implications    | None relating to this report |
| - ICT implications              | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications  | None relating to this report |
| - Voluntary Sector              | None relating to this report |

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Background papers: Appeal Decisions

Contact Officer: Sarah Fryer ext 5680

**PLANNING COMMITTEE - 3 AUGUST 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**RE: APPEALS PROGRESS**

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**1. PURPOSE OF REPORT**

- 1.1 To inform Members of the progress on appeals - details of which are attached.

**2. RECOMMENDATION**

- 2.1 The report be noted.

**3. FINANCIAL IMPLICATIONS**

- 3.1 None

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Background Papers:

Contact Officer: Simon Wood, extension 5692

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 23.07.10

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
10/00016/PP	LF	10/00241/FUL	WR	Mr Jogi Singh	The Pantry 102 Rugby Road Hinckley	Start Date Statement of Case Final Comments	08.07.10 19.08.10 09.09.10
10/00015/PP	RW	09/00841/OUT	WR	Mr Stephen Goodman	Land at Merrylees Road Newbold Heath Newbold Verdon	Start Date Statement of Case Final Comments	23.06.10 04.08.10 25.08.10
10/00013/PP	RW/NC	10/00149/FUL	WR	Mr Roger Neep	Forest View Farm Peckleton Lane Desford	Start Date Statement of case Final Comments	15.06.10 27.07.10 17.08.10
10/00014/PP	SF	09/00798/FUL	PI	JS Bloor	Land East of Groby Cemetery Groby Road Ratby	Start Date Rule 6 Final Comments Proof of Evidence Public Inquiry Date (5 days)	21.06.10 02.08.10 23.08.10 30.08.10 12-15&19.10.10
10/00011/PP	RW/NC	09/00915/OUT	WR	Mr John Knapp	26/28 Britannia Road Burbage	Start Date Final Comments	01.06.10 03.08.10
10/00009/PP	DK	09/00713/FUL	WR	Mr EE Thompson	Adj 30 Main Road Bilstone	Start Date Awaiting Decision	14.05.10
10/00007/COND	LF	09/00735/CONDIT	WR	Mr H Alti	7 The Horsefair Hinckley	Start Date Awaiting Decision	07.05.10
10/00005/PP	SH	09/01009/OUT	PI	Mr T McGreal (Jelson Ltd)	Land off London Road Markfield	Start Date Inquiry Date (3 days)	09.04.10 27.07.10
10/00003/PP	SH	09/00995/COU	IH	Mr P Finney	Land Heath Road Bagworth	Start date Awaiting Decision	16.03.10
09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	Start Date Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 18.12.09 09-12.03.10

**DECISIONS RECEIVED**

10/00006/TREE	DP	09/00963/TPO	WR	Mr Kite	The Court Yard Higham Lane Stoke Golding	<b>SPLIT</b>	<b>01.07.10</b>
10/00012/FTPP	LF	10/00204/FUL	WR	Mr G Stripp	15 Shenton Lane Dadlington	<b>DISMISSED</b>	<b>09.07.10</b>
10/00008/PP	JH	09/00432/OUT	WR	Carl Davey	30a Barton Road Barlestone	<b>WITHDRAWN</b>	<b>12.07.10</b>
10/00001/PP	LF	09/00703/FUL	WR	Mr T Barton	23 Cherry Orchard Estate Higham on the Hill	<b>ALLOWED</b>	<b>12.07.10</b>
10/00004/PP	LF	09/00997/FUL	WR	Timothy Payne	7 Stockwell Head Hinckley	<b>ALLOWED</b>	<b>15.07.10</b>

**Rolling 1 April 2010 to 23 July 2010****Planning**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
9	4	1	2	2	2	0	2	0	1	

**Enforcement**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn