

PLANNING COMMITTEE

18 December 2012

RECOMMENDATIONS OF HEAD OF PLANNING
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

PLANNING COMMITTEE AGENDA - 18 December 2012 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
12/00482/OUT	George Stew Ltd	Land At Hilary Bevins Close Higham On The Hill	01	02
12/00892/HOU	Mr & Mrs A J Ward	Bungalow Farm Ashby Road Stapleton	02	22
12/00907/HOU	Mr Paul Cerone	29 Cunnery Close Barlestone	03	27
12/00900/COU	Miss Julie Hogben	1B Newtown Linford Lane Groby	04	33

Item: 01
Reference: 12/00482/OUT
Applicant: George Stew Ltd
Location: Land At Hilary Bevins Close Higham On The Hill
Proposal: ERECTION OF 21 DWELLINGS (OUTLINE - ACCESS ONLY)
Target Date: 26 September 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This application seeks outline planning permission for the erection of 21 dwellings. Access is the only matter for determination at this stage, with all other matters being reserved for approval at a later stage.

Access will be taken from Hilary Bevins Close to the west of the site. Whilst not formally seeking approval for layout at this stage, the application is accompanied by an indicative layout. The accompanying design and access statement states that all dwellings shall be limited to two storeys in height and the occasional single storey building will be introduced where appropriate.

The scheme also shows the re-routing of an existing footpath through the east of the site to the site boundary with a landscaped buffer and a pedestrian access to the adjacent public park. New tree and hedge planting with timber post and rail fencing is also proposed. An existing transformer is set to be replaced with a new sub-station.

During the course of the application the applicant has submitted a Geophysical Survey report, and following trial trench investigation on 7 November 2012 a Trial Trenching report and re-consultation has been undertaken with the Director of Chief Executive (Archaeology) at Leicestershire County Council.

The Site and Surrounding Area

The use of the site is currently paddock land, and is bordered by trees and hedgerows. Land levels drop from the south of the site towards the north. The site is bordered to the north and east by agricultural land. The site is immediately bordered to the west by Hilary Bevins Close a 1970s cul-de-sac housing development. The King George's Field, a recreation ground, is sited to the south west. Public footpath T49 runs north to south through the eastern part of the site.

The site fall outside of, but in close proximity to, the settlement boundary of Higham on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). Hilary Bevin's residential estate and King George's Field recreation ground are located within the settlement boundary.

Technical Documents submitted with application

The application has been accompanied by a draft heads of terms S106 agreement and Planning Performance Agreement.

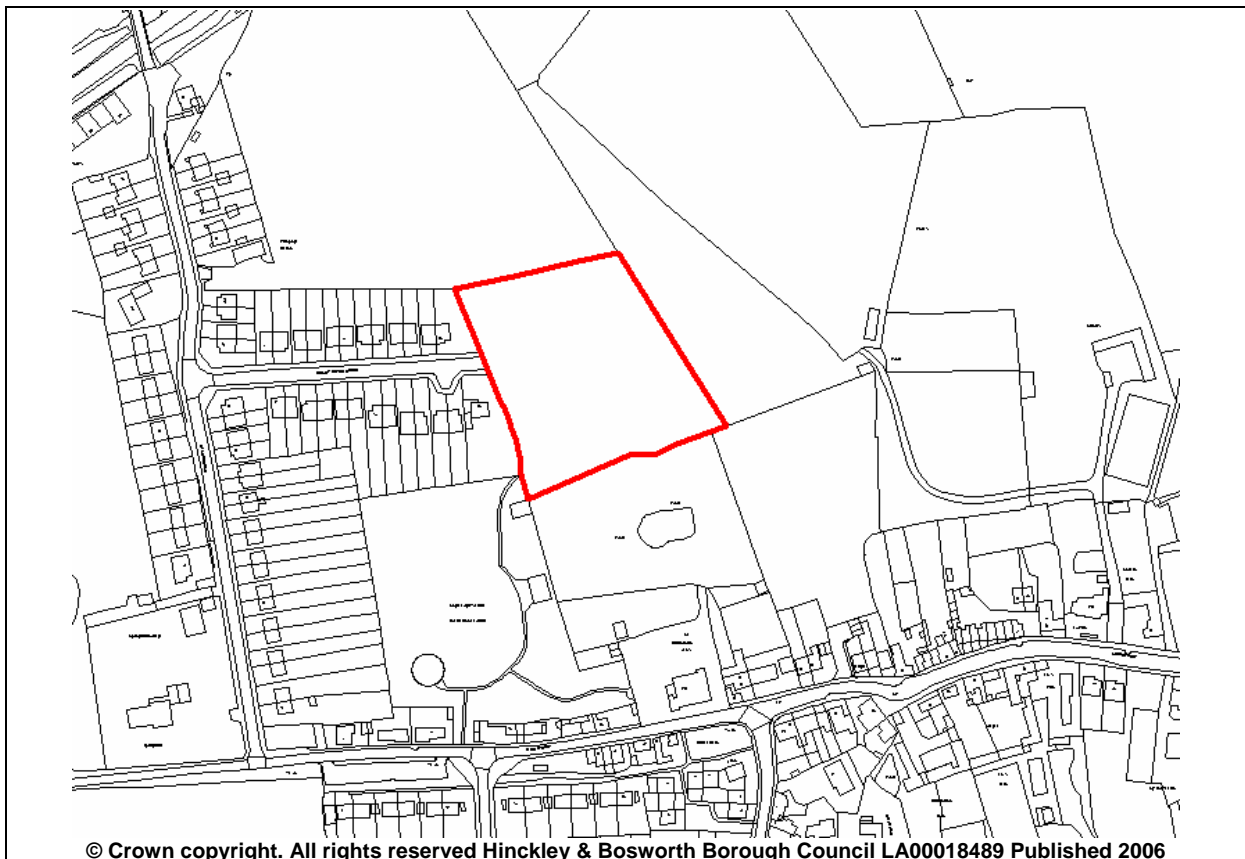
The application submission is also accompanied by:-

- A Design and Access Statement
- An Ecological Report
- An Archaeologist Report
- A Landscape and Visual Appraisal

During the course of the application a Geophysical Survey report was received on 18 September 2012 and Trial Trenching Report on 13 November 2012.

Relevant Planning History:-

94/00565/OUT	Residential development	Withdrawn	29.07.94
87/00028/4	Residential development for sale to elderly persons 55 plus age group	Refused	24.02.87



Consultations:-

No comments/objection has been received from:-

Environment Agency
Director of Environment and Transport (Rights of Way)
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Pollution).

No objections subject to conditions have been received from:-

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

Higham on the Hill Parish Council object to the application on the following grounds:-

- a) the access to Hilary Bevins is via Station Road and the junction of Station Road and Main Street is very dangerous with poor visibility, and there are near misses. Wood Lane is not on the agenda for closure and the increase in traffic from Barwell development, this junction will pose even more risks. The village is already used as a rat run and with increased traffic from Barwell and MIRA the risk of accidents will be greatly increased
- b) houses currently for sale are not selling and there has been sustained development in the village over the past 5 years with 5 new houses on the old garage and new houses in Cherry Orchard Estate and old farm buildings in Main Street. Another 21 houses would be difficult to sell as there are so many still waiting to be sold
- c) the village school is at full capacity so would be unable to sustain an increase in children from the proposed development
- d) the field on which the proposed development is planned is prone to flooding;
- e) the amenities within the village have been reduced with the loss of post office, garage and pub, bus services finish at 6pm
- f) there would need to be a change of use of land from agricultural
- g) concern over construction traffic accessing the site as there is no other route from Main Street, to Station Road along Hilary Bevins Close, which will cause major disruption to all homes along that route.

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £988.00
- b) Director of Adults and Communities (Libraries) requests a contribution of £1140.00
- c) Director of Children and young Peoples Services (Education) request a contribution of £38,545.84 for the Upper School sector
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack and information display cases at the two closest bus stops costing £120.00 per display
- e) Director of Environment and Transport (Highways) and Director of Environment and Transport (Rights of Way) have requested improvements to footpath T49f from the site towards Main Street.

As a result of the Developer Contributions consultation the Primary Care Trust have requested £15,520.32 for extensions and conversion to allow for new consulting room to accommodate more staff at the Stoke Golding practice.

Site notice displayed and neighbours notified.

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

- a) detriment to the Conservation Area
- b) land is outside of settlement boundary; Greenfield site; Intrusion into the Countryside
- c) currently there is access to very little green space within the village building on this field will remove a valuable green space
- d) loss of livestock living in the fields
- e) 21 dwellings will add 40 + cars to the existing traffic not only to Station Road but to the rest of the village; 21 houses = at least 21 vehicles
- f) impact of increased traffic – present situation is dangerous, proposed situation would be much worse
- g) junction has inadequate visibility
- h) junction at Station Road/Main Street/Wood Lane is already dangerous with speeding traffic
- i) road not suitable for heavy construction vehicles
- j) road is too narrow; concerns regarding emergency vehicles needing to get through
- k) proposed plans do not show where visitor's cars will park and we are concerned that this will be in the existing part of the close in front of driveways
- l) additional traffic resulting from Barwell and MIRA development
- m) inadequate access and subsequent traffic travelling into Station Road and Hilary Bevins Close
- n) HGV vehicles and the like would use this – noise impact upon this quiet location
- o) dirt, noise and safety due to construction traffic using Hilary Bevins Close
- p) re-route public footpath used by many dog walkers
- q) issue of flooding; Building on the field would cause more risk of flooding to existing dwellings
- r) all the consequences of development are being part onto one small part of the community; village should remain a village
- s) the school has successfully attracted pupils from outside the village in order to survive, this influx of new families may cause a temporary bulge in numbers that would undo this and then leave the school short on numbers in a few years time, if families from outside of the village can no longer get places
- t) think about young and old; improve bus services, local community centres and spend money on those that live there not who might
- u) house sales in the village are about 1%, so why new dwelling?
- v) we purchased the house not knowing that there would be future residential development
- w) application needs to seek consent for a change of use to residential from agricultural land
- x) precedence for future development
- y) application has been refused previously.

At the time of writing the report comments have not been received from The Leicestershire Constabulary Crime Reduction Officer.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010

Regional Policy Guidance East Midlands Regional Plan 2009

Policy 2: Promoting Better Design
Policy 3: Distribution of New Development
Policy 15: Regional Priorities for Affordable Housing in Rural Areas

Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE5: Outside Development Limits
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)
Affordable Housing (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)
Rural Needs (SPG)

Other Material Policy Guidance

The Draft Site Allocations and Generic Development Control Policies DPD 2009

The site (H1G01) was publicised as a preferred option for residential development and open space in the Preferred Options Site Allocations and Generic Development Control DPD (Feb 2009).

The Strategic Housing Land Availability Assessment (SHLAA) Review 2010

The SHLAA Review 2010 was published in April 2011 and the application site (As284) was identified as Suitable, Available and Achievable with an overall assessment that the site is Developable.

Appraisal:-

This is an outline application for access only; therefore appearance, landscaping, scale and siting do not form part of the application and will be considered at the reserved matters

stage. As such the main considerations with regards to this application are the principle of development, access and highway issues and other matters.

Principle of Development and Five Year Housing Supply

In March 2012 the National Planning Policy Framework (NPPF) was published and introduced the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The Borough Council has a 5 year supply of housing (5.02 years) and therefore the Borough Council's housing supply policies can be considered up to date. The housing supply policy relating to this planning application is contained within Core Strategy Policy 12 which identifies a minimum of 40 dwellings for Higham on the Hill to be allocated. There is a residual housing requirement for Higham on the Hill of 36 dwellings.

The NPPF retains the need to provide five years worth of housing against their housing requirements; it goes further than PPS3 and states that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%. Even with a 5 year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development as stated within the NPPF. It is important to note that to maintain a rolling five year supply of housing planning permission should be granted if it accords with the development plan and within the context of the presumption in favour of sustainable development.

The site lies outside of the current settlement boundary of Higham on the Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. As such Saved Local Plan Policies NE5 and RES55 would apply to the determination of this application. Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria does not include residential development, however for the reasons discussed within this report Policy NE5 is not considered to be consistent with the intentions of the NPPF when considering residential development, and as such this policy affords only limited weight in consideration of the application.

Policy 12 of the adopted Core Strategy is the overarching policy relating to rural village. This policy seeks to support housing development within settlement boundaries inline with policies 15 and 16 in relation to housing type and tenure. Policy 12 of the adopted Core Strategy provides the specific policy direction for Higham on the Hill. This policy requires the allocation of land for the development of a minimum of 40 dwellings with the right number, type and mix of housing to meet the needs of Higham on the Hill. It is considered that the proposed development of 21 dwellings would make a significant contribution to this requirement.

Paragraph 4.5 of the Core Strategy states that the majority of development will be located in the Hinckley Sub Regional Centre and a smaller proportion will be located in the rural areas to meet housing need. It is acknowledged that there is insufficient land within the settlement boundaries in rural areas to accommodate the additional housing need meaning these boundaries would need to be amended.

Land is to be allocated for residential development through the Site Allocations and Development Management Policies DPD. The Borough Council have identified this site for residential development in the Preferred Options version of the DPD which is a Consultation Draft document subject to change so cannot be considered as an allocation or as a Development Plan Document, however it is a material consideration albeit with limited weight.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. Providing a development is consistent with these criteria, the development should be considered sustainable and acceptable in principle.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by co-ordinating development requirements, including the provision of infrastructure. It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

Social – in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The scheme provides the provision of affordable housing, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. The type, mix and design of the dwellings is reserved for future consideration. Overall the scheme would contribute towards a rural housing shortfall which will enhance the quality, vibrancy and health of the local community.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The dwellings proposed will be built to the latest environmental standards for this area, and the scheme will be designed to retain hedgerows. Full landscaping will be considered as part of the reserved matters application.

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary; however national planning guidance states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 21 dwellings would make a significant contribution to this requirement. The residual dwelling requirement as of 1 April 2012 for Higham on the Hill was 36 dwellings. Should this application of 21 dwellings be approved, then 15 dwellings would still be required based on the figures within the Core Strategy. The site was identified by the Council within the Preferred Options Consultation on the Site Allocations and Generic Development Control DPD. Whilst the Authority has currently met its 5 year supply of housing, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Impact upon the Character and Appearance of the Countryside

As discussed earlier in this report the site in policy terms lies outside of the defined settlement boundary for Higham on the Hill and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that planning authorities/the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 remains generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape;
- b) it is in keeping with the scale and character of existing buildings and the general surroundings;
- c) where necessary it is effectively screened by landscaping or other methods;
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The west of the site is bound by the defined settlement boundary of Higham on the Hill. The site is bound to the west and south by residential development and the settlement. It is therefore considered that this site would form a natural extension, given its close proximity to built development and the settlement boundary. It is not considered that this site, given its siting, constitutes a 'typical' open rural countryside location.

In the absence of full details however it is not possible to determine the application in accordance with the design criteria i-iii within Saved Policy NE5 and as such this will be considered in full within any subsequent reserved matters application.

Density/Layout/Design/Scale

The application in its indicative form proposes 21 dwellings on a 0.79 hectare site equating to a net density of 26.6 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 30 dwellings per hectare within and adjoining Key Rural Centres. It also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement of Higham on the Hill and therefore within the countryside. Given the surrounding countryside to the north and east a highly dense scheme would be to the detriment of the countryside beyond. The slightly lower density scheme is therefore considered more suitable in this location, however full details will be for consideration within any subsequent reserved matters application.

As mentioned within the introduction, this is an outline application which seeks detailed approval for the access only. An indicative plan has been submitted, which indicates number of dwellings and possible layouts, but its detail is not for consideration within this application.

Impact on Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The application is in outline and as such scale, siting, landscaping and appearance are to be considered at the reserved matters stage. As such the impact on adjacent occupiers particularly in terms of privacy, loss of sunlight and daylight and overbearing form, will be a primary consideration at the reserved matters stage when the scale, layout and appearance are presented for approval.

It is considered, having regard to the indicative details submitted that a suitably designed dwelling can be achieved on this site that will not detrimentally impact upon surrounding residential dwellings. Accordingly the scheme can be suitably designed to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Highway Considerations; Access, Parking Provision and Impact on the Local Highway Network

Saved Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and is therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent and therefore carries little weight in the determination of this application.

Objections have been raised by Higham on the Hill Parish Council in respect of the poor visibility at the junction of Station Road and Main Street and increase in traffic from surrounding development will pose greater risks. Concerns have also been raised in respect of construction traffic accessing the site as there is no other route from Main Street, to Station Road along Hilary Bevins Close.

A key issue in this application is the acceptability of the access arrangements. The Director of Environment and Transport (Highways) states that access to the site would be from Hilary Bevins Close, a residential cul-de-sac built to modern standards with a 5.5m carriageway and 1.8m footways. In accordance with the 6Cs Design Guide, this type of road can serve up to 400 dwellings although this is normally restricted to 150 if there is only one point of access, as is the case here. Accordingly the Director of Environment and Transport (Highways) concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

The Director of Environment and Transport (Highways) has recommended a number of conditions.

Suggested Condition 1: The applicant is to take measures to ensure that the highway is kept free of mud, water, stones. It is considered that a condition ensuring vehicle cleaning facilities be imposed in lieu of this specific wording as it is more precise and necessary.

Suggested Condition 2: Details of the routing of construction traffic shall be provided. In the opinion of the Local Planning Authority it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with paragraph 71 of circular 11/95 and the same argument in respect of enforceability would apply for a Section 106 Agreement.

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, it is only required when full planning permission is in place i.e. both outline and full, but would need to be in place prior to the commencement of the development (if/once a Reserved Matters application is approved). This is because until a reserved matters application is submitted we do not know the reason why the footpath needs to be diverted, and the diversion will need to be in place prior to the commencement of development to ensure that a dwelling or other associated infrastructure is not constructed on the footpath.

Section 7 of Circular 11/95 (Rights of Way Circular) confirms that the effect of a development on a public right of way is a material consideration in the determination of a planning application and that given that most outline planning applications do not contain sufficient information, and are not required to do so then matters are usually dealt with during consideration of the matters reserved under the planning permission for subsequent approval. It is therefore considered that the approach complies with Circular 11/95.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9, NE5 (criterion iv) and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Archaeology

Saved Policy BE14 states that where an initial assessment indicates that archaeological remains may exist; the Local Planning Authority will require the prospective developer to arrange for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. The results of the evaluation should be made available to the Local Planning Authority before it determines the application.

During the course of the application, the applicant at the request of the Directorate of Chief Executive (Archaeology) has submitted a Geophysical Survey report and undertaken trial trench investigations and subsequently provided a Trial Trenching report, in accordance with Policy BE14.

Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out. Policy BE16 is considered to have high consistency with the intention of the NPPF and as such the policy should be given weight in consideration of this application.

The Director of Chief Executive (Archaeology) therefore confirms that no further work is required relating to the below-ground archaeological impact of the development, however, in accordance with their original advice would recommend that a topographic survey of the Ridge and Furrow earthworks on the site is undertaken prior to commencement of the development and suggests this is secured by condition. The condition is considered to meet the relevant tests and as such will be imposed.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

Ecology

An ecology report has been submitted with the application, which has been considered by The Directorate of Chief Executive (Ecology) who is satisfied with the report and survey work undertaken on the closest ponds.

The Directorate of Chief Executive (Ecology) does consider that the existing hedgerows and ditches around the proposed development site must be retained and requests a condition be imposed that ensures that the three hedges surrounding the development site are retained and managed in perpetuity as continuous units (i.e. they should not be part of back gardens,

as this will lead to piecemeal removal of the hedges and loss of connectivity along the habitat feature).

A condition is being imposed for the details of the existing trees and hedges on the site which are to be retained in the form of a full and detailed survey to be provided with any subsequent reserved matters application.

In summary, subject to the imposition of planning conditions, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage)

The accompanying Design and Access Statement states that the implementation of a Sustainable Drainage System (SuDS) will be a key component of the proposal. The Environment Agency has no comments to make on the application and both Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections subject to the imposition of a planning condition, condition for drainage plans for the disposal of surface water and foul sewage which in the absence of full details is considered necessary to impose.

In summary, the Environment Agency, and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of a planning condition. Accordingly it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is in line with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Developer Contributions and Affordable Housing Provision

The application proposes 21 residential units which attracts infrastructure contributions.

The general approach to developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms 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.

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site, the provision should be for 9 units; 6 for social rent and 3 for intermediate tenure.

The latest housing register for Higham on the Hill states that 123 applicants are seeking 1 bedroomed properties, 100 applicants are seeking 2 bedroomed properties, 56 applicants

are seeking 3 bedroomed properties and 13 applicants are seeking 13 bedroomed properties.

It is considered that there is a high demand within Higham on the Hill, and there is a preference for social rented housing to be made up of 2 bedroomed houses and intermediate tenure to be made up of two or three bedroomed houses.

This scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Higham on the Hill and as such it is considered necessary to provide them within this development and therefore is directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) 2010.

The provision of affordable housing is to be secured through the draft S106 agreement submitted with the application. Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policies REC2 and REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and REC3 supported by the Play and Open Space SPD. The request for any developer must be assessed in light of the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

On site: Should the applicant consider providing play and open space on site then they would be required to provide 840 square metres of formal open space; 105 square metres of children's equipped play space and 315 square metres of informal un-equipped play space. A total maintenance contribution of £29,274.00 would be required.

Off site: Whilst not for determination at this stage, the accompanying design and access statement states that the site benefits from an adjoining recreation ground which includes a children's play area and therefore provision is not necessary within the development. As such it is considered that a financial contribution will be taken to be used on the adjacent site.

The site is located adjacent to King George V Playing Field, which is categorised within the Green Space Strategy as a neighbourhood park with a Neighbourhood Equipped Area for

Play (NEAP) for the provision for children and young people and neighbourhood open space for outdoor sport.

Formal Recreation Space: - Similarly off site contributions will also be required for formal open space. The application site falls within 1 kilometre of King George V Playing Field and as such financial contributions of £6, 778.80 for the provision and £5544.00 for the maintenance is sought. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of outdoor sports (0.70) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality.

Informal Equipped Children's Play Space: - A shortfall in the required provision of on site equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £15,233.40 is required for the provision and £7,423.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a sufficiency of equipped play space (0.06) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £125,000.00.

Informal (Un-equipped) Children's Play Space: - A shortfall in the required provision of on site un-equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at King George V Playing Field and as such a financial contribution may be secured against this site. A contribution of £1,940.40 is required for the provision and £1,669.50 for the maintenance. Within the Green Space Strategy 2005-2010, Higham on the Hill has a deficiency of un-equipped play space (-0.03) for its population when compared with the National Playing Fields Standard. The Quality and Accessibility Audit of 2005 recommends that the site should be protected and improved in quality, at a cost estimate of £50,000.00.

The quality of the equipped space has been considered within the Quality and Accessibility Update Audit of 2007 which awarded King George V Playing Fields a quality score of 48.0%. It is considered that financial contributions could be secured to improve the quality of this space.

Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to King George V Playing Field, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

Whilst it is identified that there is a sufficiency of formal open space and equipped space, this development results in a net gain of 21 dwellings, which would result in additional population in the area and at this time there is no indication that there would be a net gain in the area of play space provided.

Cumulatively at this time the development attracts contributions for off site play and open space of £38, 589.60. On site provision and maintenance of play space could be achieved on site, which would alter this figure. It is, however, considered that it would be far more advantageous to secure one well equipped quality children's play areas with a wider range of diverse equipment and facilities, rather than the provision of two equipped play areas with basic equipment all in very close proximity to each other. Full details, however, will be secured through the reserved matters application.

The Parish Council have indicated that monies would be spend on securing a pathway from Hilary Bevins Close to the playing field, play equipment for older children, a fitness circuit and improved drainage for the skateboard ramp area.

For the avoidance of doubt, monies for footpath improvements are set to be secured by other means, as discussed later in this report.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

As a result of the Developer Contributions consultation, the following contributions have been requested:-

- Director of Children and young Peoples Services (Education) request a contribution of £38,545.84 for the Upper School sector.
- Director of Environment and Transport (Civic Amenity) requests a contribution of £988.00
- Director of Adults and Communities (Libraries) requests a contribution of £1140.00.
- Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack and information display cases at the two closest bus stops costing £120.00 per display.
- Director of Environment and Transport (Highways) and Director of Environment and Transport (Rights of Way) have requested improvements to footpath T49f from the site towards Main Street.
- The Primary Care Trust requests a contribution of £15,520.32.

In respect of the footpath improvements, the Director of Environment and Transport (Highways) and the Director of Environment and Transport (Rights of Way) has sought to improve the surface of the section of footpath T49f between the application site and Main Street. This provides a direct route of some 200 metres from the development to existing bus stops on Main Street and other facilities in the village centre. The alternative route via the road network is in excess of 650 metres, 3 times longer. The Director of Environment and Transport (Highways) has provided adequate justification that the scheme would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. The applicant has indicated that they would be prepared to undertake these improvements themselves and as such a clause would be imposed requiring that they submit and have an agreed scheme of works with the Director of Environment and Transport (Highways) prior to the commencement, and then a series of triggers within this clause as to when and how that will be implemented and for inspection and approval of the works.

The Parish Council also states that the village school is at full capacity so would be unable to sustain an increase in children from the proposed development. The Director of Children and young Peoples Services (Education) states that this development would generate 5.04 pupils as a result of the development (which would be rounded to 6 pupils) and that Higham on the Hill Church of England Primary School has a net capacity of 77. Even with the 6 pupils generated by this proposed development there would be accumulatively 75 pupils projected on roll, which allows a surplus of 2 places.

On consideration of these requests received in respect of this application it is considered that the following meet the tests as set out in the CIL Regulations 2010:-

- Affordable Housing (9 units)
- Play and Open Space (£38,589.60)
- Education (£38,545.84)
- Transport (Travel Packs only)
- Footpaths improvements to footpath T49f

A Section 106 agreement is under negotiation to secure the above mentioned financial contributions and provision of affordable housing units.

Other Matters

Previous Reasons for Refusal

The application was refused in 1987 (ref: 87/00028/4) for the following reasons:-

- 1) The site lies within a rural area where the countryside policies of the approved Leicestershire Structure Plan apply. In such an area it is intended that existing land uses will for the most part remain undisturbed and new development will only be permitted when it is required for agriculture. In the opinion of the Local Planning Authority the development proposed would be contrary to that policy;
- 2) Higham on the Hill is included in the Rural settlement policy of the approved Leicestershire Structure Plan as a restrain settlement and in the Submitted Alterations no. 2 as an 'Other Village'. It is intended that any new residential development in the village should be restricted to infilling within the existing framework. The application site lies outside the existing built up limits of the village and would therefore be contrary to these policies;

The Regional Spatial Strategy (RSS) for the East Midlands was adopted in March 2009 and replaced the Leicestershire Structure Plan (1996-2016) and as such carries no weight in the determination of this application.

- 3) The proposed development would constitute an unwarranted extension of the existing limits of village development into the open countryside beyond, to the detriment of visual and rural amenities;

As previously discussed the site does fall outside of the settlement boundary, however the NPPF is supportive of sustainable development.

- 4) The approval of this proposal would set a precedent for the consideration of further applications of a similar nature, to which the Local Planning Authority would also object, but which consequently be difficult to resist;

The merits of this case are for consideration at this time and each case is considered on a case by case basis. It is important to consider that the core strategy allocates land for the development of a minimum of 40 new homes.

- 5) The proposed development, if permitted, would result in an undesirable intensification in use of the Station Road/Main Street junction which lacks adequate visibility splays and which would add to the danger of road users.

The Director of Environment and Transport (Highways) has considered this scheme and does not consider that there is any reason to sustain a highway objection.

- 6) The watercourses drainage the site are inadequate to cope with the additional surface water run-off associated with the proposed development.

The scheme has been considered by the Environment Agency who have no comments to make on the application and both Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections subject to the imposition of a planning condition. As such it is considered that drainage plans for the disposal of surface water and foul sewage are provided within a subsequent reserved matters application.

Letters of Representation

Objections raised which have not been addressed within the main body of the report:-

The site is not located within a Conservation Area.

The applicant will seek to divert the existing footpath, as such there will still be a footpath available and will need to go through a statutory process to do so.

Objections have been raised by Higham on the Hill Parish Council that houses that are currently for sale are not selling and there has been sustained development within the village over the past 5 years with 5 new houses on the old garage and new houses in Cherry Orchard Estate and old farm buildings in Main Street. Another 21 houses would be difficult to sell as there are so many still waiting to be sold. The Parish Council also states that amenities within the village have been reduced with the loss of post office, garage and pub and bus services finish at 6pm.

Paragraph 4.4 of the Core Strategy states that "These Rural Villages will be the focus on limited development with the aim of ensuring existing services, particularly primary schools, are supported. Because these villages have limited services, they are less sustainable than the Key Rural Centres as car travel will be required in most cases to access employment and services. However, some level of development is considered necessary to ensure existing services and community cohesion is maintained" Paragraph 4.29 also explains that the additional housing required in rural settlements is to ensure that they remain vibrant, mixed communities.

It is therefore acknowledged that the site is located within a rural settlement where the majority of journeys will be undertaken by car and whilst there are some services, it is considered that development within the village will increase the viability and sustainability of the immediate area. Policy 12 of the adopted Core Strategy has specifically allocated land for the development of a minimum of 40 homes and in addition states that some level of development is considered necessary to ensure existing services and community cohesion is maintained. Paragraph 55 within the NPPF states that to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. As such it is considered that the policy support and potential benefits that could arise as a result of the development are sufficient to outweigh this objection.

Recycling

Head of Business Development and Street Scene Services (Waste Minimisation) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As such a condition is recommended to ensure that details are provided.

Conclusion

In conclusion, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 21 dwellings would make a significant contribution to this requirement. The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, public play and open space facilities, education, travel packs and footpath improvements. The S106 agreement is currently under negotiation and subject to the acceptability of this, it is recommended that outline permission be granted, subject to the imposition of planning conditions.

The application is accompanied by a PPA allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

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 towards the provision of affordable housing, the provision and maintenance of open space facilities, education, and travel contributions and footpath improvements the Head of Planning be granted powers to issue outline consent, subject to the conditions below. Failure to complete the said agreement within 3 months of the date of committee 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the core strategy allocation of 21 new homes, would not have an adverse impact upon the character and appearance of the countryside; would not have adverse impacts upon flooding, ecology, and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies, RES5, IMP1, BE1 (criteria i and g), BE16, REC2, REC3, NE5 (criterion iv) NE14, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 12, 15, 16, 19 and 24.

Local Plan 2006-2026: Local Development Framework: Supplementary Planning Guidance SPGs: New Residential Development and Rural Needs.

Local Plan 2006-2026: Local Development Framework: Supplementary Planning Document SPDs: Play and Open Space, Affordable Housing, Sustainable Design.

In dealing with the application, the Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years 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:
 - a) 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;
 - b) The scale of each building proposed in relation to its surroundings;
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - d) 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.
 - a) The external building materials;
 - b) The siting, external appearance and building materials of the sub-station
 - c) The provision to be made for screening by walls and fences;
 - d) The provision to be made for recycling and waste storage;
 - e) The provision to be made for vehicle parking on the site including garaging on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms;
 - f) Details of the turning facilities, access widths, gradients, surfacing materials and visibility splays;
 - g) The existing trees and hedges on the site, which are to be retained in the form of a full and detailed survey;
 - h) The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site;
 - i) Drainage plans and details for the disposal of surface water and foul sewage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

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 details: Indicative Site Layout Drawing No. 03 received by the Local Planning Authority on 27 June 2012 and Block Plan Drawing No. 04B received by the Local Planning Authority on 6 August 2012.
- 5 Notwithstanding the indicative plan submitted this consent grants permission for residential development only and does not grant approval for the number of dwellings.

- 6 No development shall commence until a programme of archaeological work for the ridge and furrow earth works, including a Written Scheme of Investigation have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 7 No development shall commence until facilities are in place, provided and maintained during the carrying out of the residential development to enable vehicle wheels to be washed prior to the vehicle entering the public highway.
- 8 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.

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&5 For the avoidance of doubt and in the interests of proper planning.
- 6 To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 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 2001.

Notes to Applicant:-

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

- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge **MUST** be made before building commences.
- 6 Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space
- 7 In relation to condition 6 the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 8 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.

Access drives, parking and turning areas, paths and patios should be constructed in permeable paving systems, 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 Western Power Distribution has Network in close proximity and within the proposed development site.

Any alteration, building or ground works proposed in the vicinity of Western Power Distribution that may or may not directly affect their equipment must be notified in details to Western Power Distribution.

Western Power Distribution Map Response Team can offer further advice and support on locating equipment and safe working around the network. For new developments, diversions and ground works contact Western Power Distribution, Records Team, Toll End Road, Tipton, DY40HH.

- 10 The indicative layout shown is not considered characteristic with the surround area and is not considered to be acceptable in its current form to be submitted as part of a Reserved Matters Application.

Contact Officer:- Ebony Mattley Ext 5691

Item: 02
Reference: 12/00892/HOU
Applicant: Mr & Mrs A J Ward
Location: Bungalow Farm Ashby Road Stapleton
Proposal: EXTENSION AND ALTERATIONS TO DWELLING
Target Date: 12 December 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as Councillors Bray and Witherford have requested it be determined by the committee due to the scale of the proposal and intrusion into the countryside.

Application Proposal

This is an application for extensions and alterations to Bungalow Farm, Ashby Road, Stapleton. The existing building consists of a detached two bedroomed bungalow with a hipped roof, located outside the settlement boundary of Stapleton and therefore considered to be in the countryside. It is proposed to extend the property to the north by 6.075m with a width of 8.315m level with the eastern boundary, and create a first floor above the existing building and proposed extension, by raising the ridge by 2m, and re-modelling the roof. The proposal introduces large gable features with timber cladding and half-hips to the southern and northern gables. The chimneys would remain along with the existing windows to all elevations except the northern elevation.

Amended plans have been received removing the half hip detail from the eastern elevation. A re-consultation was undertaken which expired on 4 December 2012.

The Site and Surrounding Area

Bungalow Farm is located 250m west of the Ashby Road, with access from a private driveway. The site is located within the countryside and consists of a detached red brick, plain clay tile, hipped roof bungalow with a red brick range of buildings to the north. There is a public footpath that runs south-east to north-west and cuts across the north eastern corner of the site, approximately 25m from the proposal.

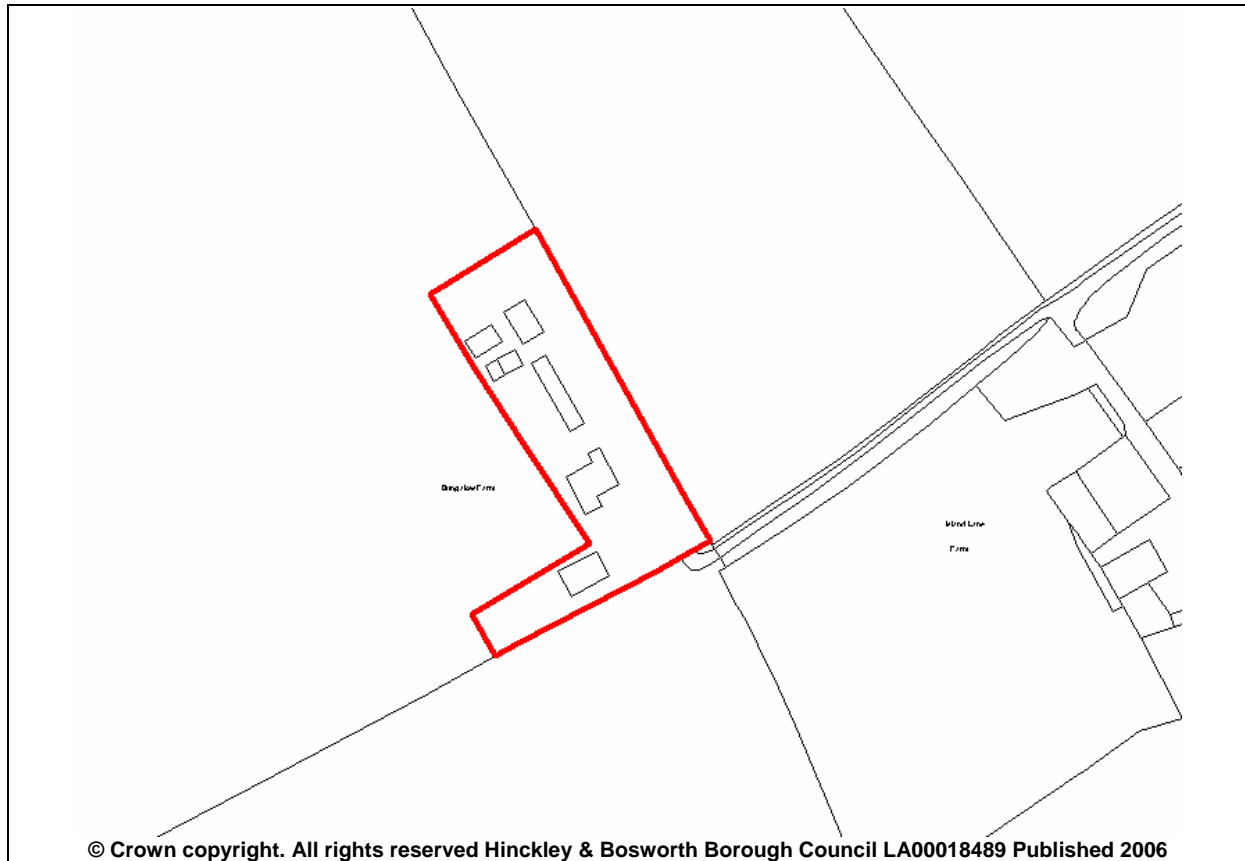
The property is located within gently undulating countryside, in agricultural use. The nearest property, Island Lane Farm, is located 140m to the south-east with no other residential properties within the vicinity of the site.

Technical Documents submitted with application

None.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from the Directorate of Chief Executive (Ecology).

Site notice was displayed and neighbours notified.

Letters of objection have been received from one address raising the following concerns:-

- a) size and dominance of the building as floor area will be increased by over 200% resulting in an intrusion into the countryside
- b) property is in open Green Belt skirted by a public footpath identified as the nearest route to that taken by Richard III to Sutton Cheney Church for the Battle
- c) there is no existing waste disposal of any sort. The ditch along side the hedge next to the property feeds a natural pond full of wildlife and fish. Discharge from the property will, via the ditch enter the pond. The septic tank is a non-functional outflow and can only go into the ditch as the property is located on higher ground
- d) building extensions in the Green Belt must not significantly enlarge the overall size of the building
- e) inappropriate development is harmful to the Green Belt and should not be approved except in exceptional circumstances
- f) contrary to Development Plan
- g) poor design
- h) the building merges with the Sutton Estate and should merge as much as possible into the surrounding landscape
- i) object to the size and dominance the building will have in the open countryside which should be protected for its own sake.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and siting of development

Policy NE2: Pollution

Policy NE5: Development in the Countryside

Supplementary Planning Guidance/Documents

House extensions (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, the design, scale and appearance of the proposal, the impact on neighbouring residents and pollution of nearby water courses.

Principle of development

Bungalow farm is not located within the settlement boundary of Stapleton, and is therefore considered to be in the countryside. Policy NE5 therefore applies which states that the countryside will be protected for its own sake and only the following forms of the development are considered acceptable by the policy:-

- a) Important to the local economy,
- b) Change of use, reuse or extension of existing buildings and
- c) For sport and recreation purposes.

And development is only acceptable where:-

- a) It does not have an adverse effect on the appearance or character of the landscape,
- b) It is in keeping with the scale and character of existing buildings,
- c) Where necessary it is adequately screened by landscaping, and
- d) The proposed development would not generate traffic likely to exceed the capacity of the highway network.

In light of the publication of the NPPF, policies adopted prior to 2004 should be given due weight according to their degree of conformity with the NPPF. The NPPF has a presumption in favour of sustainable development, and paragraph 17 recognises the intrinsic character and beauty of the countryside, however it is no longer protected for its own sake. It is considered therefore that Policy NE5 is too prescriptive and therefore criteria a-c have limited

weight. The NPPF seeks to secure a high standard of design, this is considered to conform with the objectives of points i-iv of Policy NE5 and Policy BE1 (a).

The proposal seeks an extension to the existing dwelling and notwithstanding the above complies with Policy NE5 (b). There would be no material change of use of the land and accordingly no additional highway movements. It is considered that the proposal is a form of sustainable development and the principle complies with the objectives of the NPPF.

Design, Scale and Appearance

Policy BE1 seeks to ensure a high standard of design, and development should complement or enhance the character of their surroundings with regard to scale, layout, mass design and materials. The NPPF states that one of the core planning principles is to always seek to secure a high quality design (paragraph 17). However, the NPPF also states that planning 'decisions should not attempt to impose architectural styles or particular tastes' (paragraph 60).

The proposal seeks an extension to the rear of the bungalow and to increase the mass of the roof and ridge height by 2m to accommodate a first floor. The plans indicate oak cladding to the gables, and two gables have two half hipped features reflecting the current hipped roof whilst keeping the ridge height to a minimum.

Objections have been received that the property is out of scale and the design does not respect the character of the area. The proposal is located approximately 250m from Ashby Road and 140m from the nearest residential dwelling, Island Lane Farm, a two storey dwelling. Due to its isolated position, it does not have a relationship to any other property and can therefore have a character of its own. The ridge height has been kept to a minimum and incorporation of the oak panelling to the gables reflects the rural location. The gable features break up the brick work and reduce the massing of the roof. The design, massing and scale of the proposal is therefore considered acceptable.

Impact on neighbouring residents

The nearest residential property is located 140m away from the nearest neighbouring dwelling, separated by fields, hedge rows and buildings associated with the neighbouring business. Accordingly it is not considered that the proposal would detrimentally affect the amenities of neighbouring residents, the proposal is therefore considered to comply with Policy BE1 (i).

Pollution

An objection has been received stating that the current arrangements for the disposal of foul water are inadequate and as a consequence the development will result in the pollution of nearby ground water system. The property is a residential dwelling and the maintenance of the septic tank would be down to the occupiers. However, due to the size of the development, it has been confirmed by the building control surveyor that an application under building regulations will be required which will consider the increased outflow of foul water and if the current arrangements are not suitable will rectify them. The proposal is therefore considered to comply with Policy NE2.

Other Issues

Green Belt: The application site is not within the Green Belt and therefore Green Belt Policies are not relevant.

Footpath: The footpath skims the northern most corner of the site and is located at the furthest point from the development. The footpath has no historical protection and therefore whilst a public vantage point the historical significance cannot be given any weight in the determination of the application.

Highways: There area adequate off road parking spaces provided and the access arrangements remain the same. The proposal is considered to comply with Policy T5.

Conclusion

The application seeks permission for extensions and alterations to an existing dwelling within the countryside. The proposal principally seeks a modest ground floor extension with a remodelled roof to provide first floor accommodation and bring the dwelling up to a modern day standard. The design and appearance is considered acceptable. The proposal is considered not to detrimentally affect the character or appearance of the area, or neighbouring amenity. The proposal is considered to comply with Policies NE5, BE1 (a and i) and T5.

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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the design, appearance and location of the proposal the extensions and alterations to the dwelling would not detrimentally affect the character or appearance of the area, or the amenities of neighbouring residents. The proposal is therefore considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (a and i), NE2 and NE5.

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

- 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 dwelling 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Planning 02 received 20 November 2012, planning 01, site location plan (scale 1:2500) block Plan (scale 1:500) received 17 December 2012.

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 (a) of the adopted Hinckley & Bosworth Local Plan.
- 3 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Sarah Fryer Ext 5682

Item: 03

Reference: 12/00907/HOU

Applicant: Mr Paul Cerone

Location: 29 Cunnery Close Barlestone

Proposal: EXTENSION AND ALTERATIONS TO DWELLING

Target Date: 12 December 2012

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses within the specified period of three weeks.

Application Proposal

This application seeks planning permission for the erection of a two storey side extension to 29 Cunnery Close, Barlestone. The proposed extension would have a width of 3.5m and would be set in from the boundary by 0.1m. The proposal would be set 1.5m back from the front elevation and the ground floor would extend 2m beyond the rear elevation of the original dwelling whilst the first floor would only extend 1m past this point. Due to the set back the extension would have a lower ridge height than the main dwelling.

The Site and Surrounding Area

29 Cunnery Close is a semi-detached two storey dwelling within an estate cul-de-sac. No 29 is located at the start of the turning head, with one designated off street parking space to the front of the dwelling and a single storey lean to side extension that extends to the boundary. The estate consists of a mix of detached, semi-detached and terraced properties.

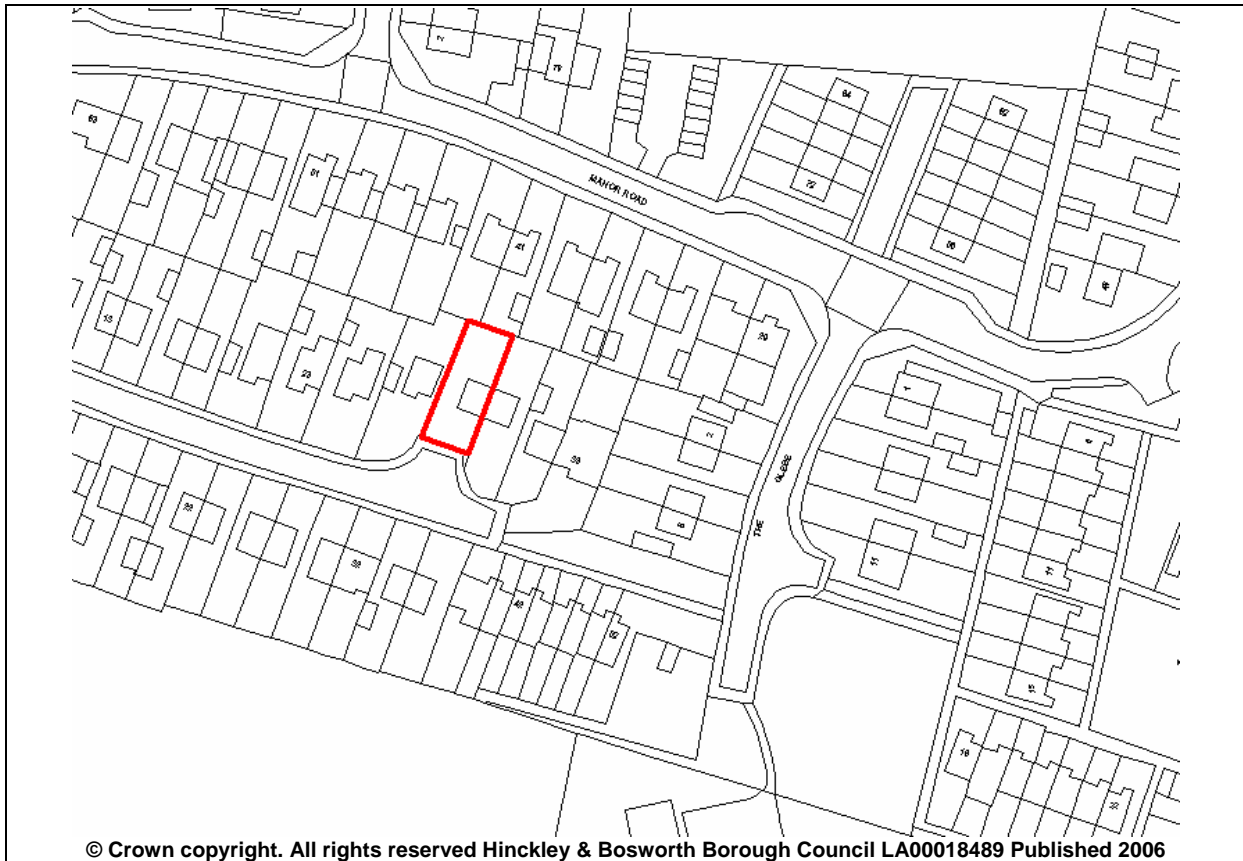
Amended plans have been received setting the extension back 1.5m behind the rear elevation and as a consequence the proposal would now extend 2m beyond the rear elevation at ground floor and 1m at first floor level.

Technical Documents submitted with application

None.

Relevant Planning History:-

12/00712/HOU	Extensions and alterations to dwelling	Withdrawn	15.10.12
--------------	--	-----------	----------



Consultations:-

Barlestone Parish Council has raised concern as to whether this would create a terracing effect and would ask that this is taken into account when a decision is made.

Eight letters of representation have been received raising the following concerns:-

- a) proposal is out of character and would spoil look of surrounding area, as all other properties are well spaced
- b) will join up to neighbouring detached house, giving it the appearance of an end terrace
- c) will not leave adequate space for maintenance
- d) will look odd as roof level appears different
- e) overshadowing
- f) harm to neighbouring plants and vegetation
- g) loss of privacy
- h) traffic/Parking.

Re-consultation on the amended plans remains open at the time of writing the report; any further representations received will be reported as a late item.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Regional Policy Guidance East Midlands Regional Plan 2009

None relevant.

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and siting of development
Policy T5: Highway design and parking standards

Supplementary Planning Guidance/Documents

House extensions (SPG)

Appraisal:-

The main considerations with regards to this application are the principle of development, the design, siting and appearance, impact on the appearance of the street scene, impact on residential amenity and highways.

Principle of development

The proposal is for an extension to an existing dwelling, creating a garden room at ground floor and an additional bedroom at first floor. The NPPF has a presumption in favour of sustainable development. The proposal is located within the settlement boundary, close to amenities and facilities and therefore is considered to be in a sustainable location. Furthermore the proposal is an extension to an existing use and would not result in any changes to the use. It is therefore considered that the proposal is sustainable development.

Design, appearance and scale

The NPPF states that one of the core planning principles is to always seek to secure a high quality design (paragraph 17). However, the NPPF also states that planning 'decisions should not attempt to impose architectural styles or particular tastes' (paragraph 60).

Policy BE1 seeks a high standard of design, one way of doing this is through the proposal complementing or enhancing the character of the surrounding area by having regard to scale, layout, density, mass, design and materials. This is supported by the SPG on House Extensions. This provides guidance on the form house extensions should take to be acceptable to the authority. This states that extensions should respect the scale and character of the existing dwelling and streetscene, by reflecting the form of the main roof, with the ridge and eaves being lower than the main dwelling and having regard to the materials. Specifically, in relation to side extensions, the guidance states that when two storey these should be not be constructed closer than 1m to the side boundary and should be set back 1m from the front elevation. The purpose of this is to ensure a terracing effect does not occur. It also suggests that extensions should not be more than half the width of the existing property.

The proposal consists of a two storey side extension that would be set back from the front elevation by 1.5 m and has a lower ridge height, than the main dwelling. Whilst the extension is over half the width of the original dwelling and extends to the boundary, the depth of set back from the main elevation results in an exaggerated stagger to the property frontage resulting in a subordinate extension to the main dwelling and achieves the objectives of the guidance whilst not complying with all aspects.

Objections have been received due to the proximity of the proposed extension to the boundary due to maintenance and the proposal would effectively result in a terrace of three dwellings. The proposal would come very close to the neighbouring dwelling, however would not be physically attached. The estate contains a variety of house types, some with smaller gaps between the properties (21, 23 and 25 Cunnery Close), and there is a row of terrace properties to the south east of the site. Two storey side extensions have also been granted planning permission at 14, 16, and 35 Cunnery Close and 37 and 39 Manor Road. The amended drawings increases the set back from 0.5m to 1.5 m which results in an increased stagger between 27 and the application site reducing the terracing effect. As the consultation period is still open at the time of writing the report any further representations will be reported as a late item.

Given that the set back has been increased it is considered that the proposal would result in a subservient extension to the existing property, and would not harm the character or appearance of the streetscene through the creation of a terrace of dwellings. The proposal is therefore considered to comply with Policy BE1 (a).

Impact on Amenity

The application is for a side extension and would project beyond the existing rear elevation by 2m at ground floor and 1m at first floor. The rear elevation of No. 27 located to the west of the site is level with the rear elevation of the application property, and has a lounge window closest to the application. The SPG document suggests that single storey extensions can extend 3m along a shared boundary and first floor extensions can extend 2m without significantly affecting the amenities of the neighbouring occupiers. The proposal is below these guidelines and therefore is considered acceptable.

To the rear the new window would serve an en-suite bathroom and is shown as being obscurely glazed. Therefore it is not considered that the proposal would result in any

significant overlooking to the properties, namely 39, 41, and 43 Manor Road and the rear garden of 27 Cunnery Close.

To the western elevation, there are no windows proposed but a high level window at ground floor. This would face the east elevation of No 27 Cunnery Close, which at present faces the wall of the car port. There are no windows within the side elevation of 27 Cunnery Close.

A first floor window is proposed to the southern elevation serving a bedroom. This would be located 32m from the properties opposite, namely 32 and 34 Cunnery Close. There are already habitable windows located at this or similar distances facing these, and other properties in the area.

Given the above it is not considered that the proposal would result in any significant overlooking resulting in a loss of privacy to neighbouring occupiers.

Objections have been received on the grounds of overbearing development. The proposal is a side extension between the two flanking walls of two neighbouring dwellings, with limited projections to the rear. The extension does not extend beyond the rear elevation of the application property or No 27. As such it is not considered that the proposal would have an overbearing effect on any neighbouring occupier.

Highways

The site currently has two off street parking spaces, including the car port. The application would create an additional bedroom, resulting in a four bedroomed property but would reduce the on-site parking to one space. Usually for such dwellings two off street parking spaces are required; however the property is at the end of a cul-de sac with no on street parking restrictions. A three bedroomed house is as likely to result in two cars being owned by the occupiers as a four bedroomed would and given the character of the highway and area it is not considered that the proposal would result in a significant increase in on street parking, leading to a highway danger to sustain a reason for refusal.

Conclusion

It is considered that the proposed side extension, due to the existing character of the area, other developments in the area and the appearance of the proposal would not detrimentally affect the character or appearance of the residential streetscene. The proposal would not result in any overlooking or overbearing impact on neighbouring residents. The proposal is considered to comply with Policy BE1 (a and i) of the adopted Hinckley and Bosworth Local Plan.

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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the siting, scale, massing, design and appearance of the two storey extension, the proposal would not detrimentally affect the character or appearance of the streetscene nor the amenities of neighbouring occupiers.

Hinckley and Bosworth Local Plan (2001):- Policy BE1.

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

- 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: Location plan (scale 1:1250), Existing and proposed side elevation Rev E., Existing and Proposed Floor Plans - Rev E. existing and Proposed Front Elevations- Rev E, Proposed Site Plan- Rev E (scale 1:100), Existing and Proposed Rear Extensions- Rev E. received 17 October 2012.
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

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 policy BE1 (a) 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 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 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.

Contact Officer:- Sarah Fryer Ext 5682

Item: 04

Reference: 12/00900/COU

Applicant: Miss Julie Hogben

Location: 1B Newtown Linford Lane Groby

Proposal: CHANGE OF USE FOR FLAT 2 TO ACCOMMODATE TREATMENT ROOMS

Target Date: 15 January 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor Batty due to the contentious planning history in respect of the premises and the previous failures of the owner of the premises to abide by planning conditions.

Application Proposal

This application seeks retrospective planning permission for use of the first floor of the premises for beauty treatment in association with the ground floor hairdressing salon.

The application proposes use of the first floor of the flat above the existing shop to provide two beauty treatment rooms, two sun shower rooms, a toilet shower room and a kitchen and store area. The two treatment rooms have been laid out with a massage couch in each.

Access to the first floor is by a staircase with a separate door between the existing hot food takeaway at no. 1 and the hairdressers at no. 2. The staircase also provides access to flat 1B above the take-away.

The first floor beauty treatment business operates in conjunction with the ground floor hairdressers and is within the same ownership. Telephone appointments and payments for treatments are taken within the existing hairdresser's salon.

Off-street parking is provided in front of the premises with three parking bays laid out to serve both the hairdressers and the beauty treatment rooms and one staff parking space. The entrance to the hairdressers is behind the parking bays within the main shop frontage.

The Site and Surrounding Area

The site is located on the corner of Newtown Linford Lane at the junction with Leicester Road in the centre of Groby and within the Conservation Area.

The premises form the northern section of a block of two units with the hot food take-away (a fish and chip shop) in the southern section of the block. There are residential dwellings to the north, a warehouse to the west and Groby library on the opposite corner to the east. Groby Social Club is located on the opposite side of the Leicester Road to the south, set amongst residential dwellings. Further along Leicester Road to the west of the take-away is the main local centre for Groby Village with a mixture of retail premises and a public house.

Both the take-away at no. 1 and the application site at no. 2 are approximately 80 metres from the defined Local Centre Boundary for Groby Village. Both units are within the February 2012 Local and Neighbourhood Centre Review.

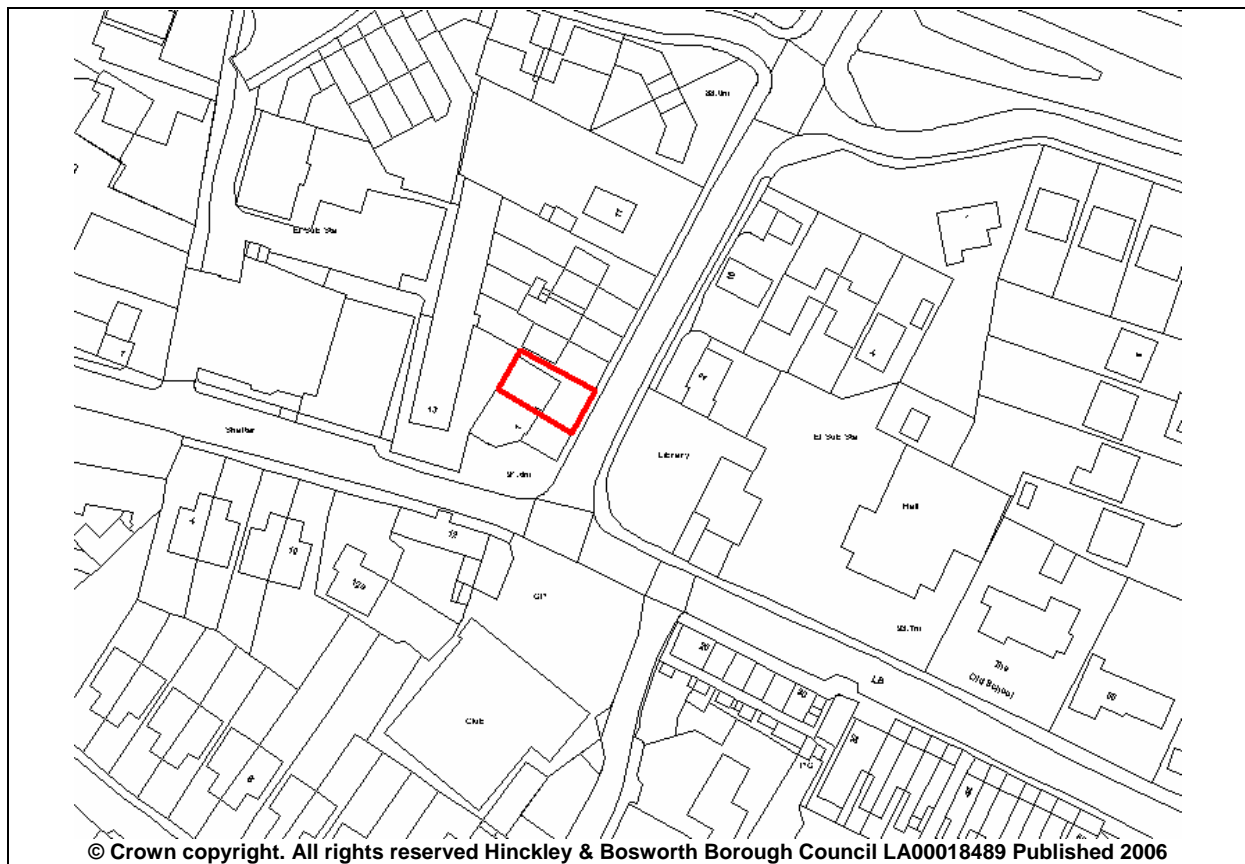
Technical Documents submitted with application

None.

Relevant Planning History:-

There is an extensive planning history for this site since 2002 but the following are the most recent/relevant:-

09/00814/COU	Change of use from store to hairdressing salon	Approved	17.12.09
07/00806/CONDIT	Variation of condition 6 on planning permission 03/01491/FUL to allow first floor flat to be let independently from ground floor business	Approved	26.09.07
03/01491/FUL	Erection of two storey extension comprising of ground floor store and first floor flat with associated parking (amended scheme)	Approved	12.02.04
03/00908/FUL	Erection of two storey extension comprising of ground floor store and first floor flat with associated parking	Approved	10.11.03
12/00217/S	Enforcement enquiry		
12/00048/S	Enforcement enquiry		
12/00047/S	Enforcement enquiry		



Consultations:-

No objections have been received from Director of the Environment and Transport (Highways).

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

- Head of Community Services (Drainage)
- Head of Community Services (Pollution)
- The Council's Conservation Officer
- Groby Parish Council
- Groby Village Society
- Neighbour notification and site notice.

Policy:-

Local Plan 2006-2026: Core Strategy 2009

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest

Hinckley and Bosworth Local Plan 2001

- Policy BE1: Design and Siting of Development (criteria a, g and i)
- Policy BE7: Development in Conservation Areas
- Policy Retail 1: General Retail Strategy
- Policy Retail 7: Local Shopping Centres
- Policy T5: Highway Design and Vehicle Parking Standards

Other Material Planning Guidance

Leicestershire County Council's 6Cs design guidance.

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposals on residential amenity and highway safety.

Principle of Development

Core Strategy Policy 7 supports new retail development to meet local need within defined local centre boundaries and seeks to resist the loss of local shops and facilities. Policy 8 identifies Groby as a Key Rural Centre relating to Leicester.

Policy Retail 1 of the Hinckley and Bosworth Local Plan indicates that planning permission will be granted for new retail development or for the change of use to retail within Hinckley Town Centre and existing or proposed local shopping centres as defined on the proposals map. The site is currently outside of the local centre boundary defined in the Local Plan but is only approximately 80 metres from the centre so is considered to be edge of centre. The February 2012 Local and Neighbourhood Centre Review extends the boundary to incorporate a number of sites, including the application site. The review identifies Groby village centre as having a variety of retail uses and public facilities such as the village hall and library. The 2012 review also incorporates the library and village hall within the defined boundary. It further indicates that there is public parking for approximately 37 spaces at the library and village hall and limited on-street parking.

Policy Retail 7 lists the local shopping centres outside Hinckley Town Centre where planning permission will be granted for retail development to serve the local community.

This is an existing hairdresser's shop where the established use has been extended to provide ancillary beauty treatments on the first floor of the premises. The extension of the retail use to the first floor is not considered to have any direct conflict with the NPPF's presumption in favour of sustainable development.

Impact on Residential Amenity

There are residential premises to the north of the site, with no. 3 Newtown Linford Lane adjoining the site with a shared side boundary. The use of the first floor is indicated to run in conjunction with the hours of the ground floor salon which is 10.00am until 7.00pm Monday to Friday, 10.00am until 5.00pm on Saturday and 11.00am until 1.00pm on Sundays and Bank Holidays. However, there are no conditions restricting opening hours for the hairdresser's salon. Given the proximity of the unit to the adjacent take-away and the commercial activities in the area it is not considered that any opening outside of the indicated hours is likely to cause additional noise and disturbance.

The proposals incorporate two treatment rooms and two sun shower rooms. The additional use of the first floor is unlikely to generate any significant increase in activity over and above the current use of the ground floor hairdressers. The number of customers attending the first floor treatment rooms is limited by the number of rooms available which operate on a booking system through the ground floor hairdressers. The use of the premises is consistent with other commercial and retail activity in the immediate vicinity and the treatment rooms are ancillary to the existing ground floor use. It is not therefore considered to have a detrimental impact on residential amenity.

There are two extractor fans positioned on the rear elevation of the unit behind the sun shower rooms. A consultation has been sent to the Head of Community Services (Pollution) and any comments received will be reported as a late item.

Impact on Highway Safety

The application site provides three on-site parking spaces for visitors and one for staff. The existing ground floor unit is approximately 35 square metres with a similar size for the first floor unit, giving a total area of 70 square metres. The parking standards for small retail shops require one space per 50 square metres, up to 100 square metres, with a minimum provision of 2 spaces. Therefore the proposed parking is in accordance with Leicestershire County Council's parking standards and sufficient to serve both the ground and first floor of the premises.

The Director of Environment and Transport (Highways) has no objections given the existing use of the building and the proximity of public car parking. The proposals are not considered to have a detrimental impact on highway safety.

Other Matters

Councillor Batty has requested that the application be considered by Planning Committee due to the contentious planning history in respect of the premises and the previous failures of the owner of the premises to abide by planning conditions. The enforcement history dates back to 2002 which is before the current occupiers commenced their hairdressing business. Each application is to be considered on its own merits and enforcement history cannot be used to refuse acceptable development and there are separate mechanisms for enforcing conditions.

In respect of the enforcement complaints, there are two that relate to the current occupation. 12/00048/S relates to use of no. 2 as a hairdressers without change of use from retail. The use of the premises as a hairdressers is included in (Use Class A1) and no change of use was required. The second complaint (12/00217/S) relates to change of use of the first floor flat to the treatment rooms. The applicants are seeking to regularise the change of use of the first floor with this planning application.

The site is located within the Groby Conservation Area. No external alterations are proposed and the change of use of the first floor of the premises is considered to preserve the character of the Conservation Area.

Conclusion

The change of use of the first floor flat to treatment rooms in association with the ground floor hairdressers is not considered to have a detrimental impact on residential amenity or highway safety and is in a sustainable location on the edge of the local shopping centre and within the extended boundary set out in the Local and Neighbourhood Centre Review (February 2012). The application is therefore recommended for approval subject to no significant material objections being received prior to the expiry of the consultation period on 21st December 2012.

RECOMMENDATION: Permit subject to no significant material objections being received prior to the expiry of the consultation period on 21 December 2012 and 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The change of use of the first floor to a treatment room is not considered to have a detrimental impact on residential amenity or highway safety. Accordingly the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 criteria a, g and i, BE7, Retail 1, Retail 7 and T5.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 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 1:1250, Site Layout at 1:500 and First Floor Plans at 1:100 received by the local planning authority on 23 November 2012.
- 2 The use of the first floor of the premises as a treatment room shall only operate in conjunction with the use of the ground floor hairdressers and shall not operate as a separate retail unit.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 The proposals have been considered on the basis of the treatment room being ancillary to the ground floor hairdressers and any independent use of the first floor would need to demonstrate appropriate, safe and convenient access for all users and on-site parking provision.

Notes to Applicant:-

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

Contact Officer:- Anne Lynch Ext 5929

National Policy Guidance

National Planning Policy Framework 2012

The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

It also states that the document should be read in conjunction with the newly released policy statement on Gypsies and Travellers.

The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the NPPF is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision making. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. (Para 14).

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground. (Para 186). They should seek for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

Early engagement in pre-application discussions is encouraged where it is offered. Developers should be encouraged to engage with the community.

	<p>The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. (Para 196)</p> <p>In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).</p> <p><u>Implementation</u></p> <p>The policies in the NPPF apply from the day of publication (27th March 2012).</p> <p>For 12 months from the day of publication, decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.</p> <p>The Hinckley and Bosworth Local Plan was adopted in February 2001, as such it is necessary to review all saved local plan policies according to their consistency with the framework. Due weight must then be given according to their consistency with the NPPF. These are appraised within each application late item.</p> <p>For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:</p> <p>Circular 05/05 Circular 01/06 NPPF (Draft) All Planning Policy Guidance and Statements</p>
<p>The Community Infrastructure Levy (CIL) Regulations 2010</p>	<p>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.</p>

East Midlands Regional Plan 2009	
<p>The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies. In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known.</p> <p>Until that revocation the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the Government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan.</p>	

That said, members should be aware of proposals set out in the Environment report in relation to which documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following;

- a) Hinckley and Bosworth Core Strategy;
- b) Hinckley Town Centre Action Plan
- c) Hinckley and Bosworth Local Plan (with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications.

Policy 2	Promoting Better Design: seeks better design and to continuously improve the level of co2 emissions and resilience to future climate change through the layout, design and construction of new development.
Policy 3	Distribution of New Development: directs development towards urban areas with priority being given to making the best use of previously developed land.
Policy 15	Regional Priorities for Affordable Housing in Rural Areas: requires new housing to contribute to addressing affordability issues and creating sustainable rural communities through a choice of well design homes.

Local Development Framework Core Strategy 2009

Policy 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 8	Key Rural Centres Relating to Leicester: supports local services and seeks to ensure people have access to a range of housing. Desford – allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; deliver improvements in the quality of Sport in Desford; deliver safe cycle routes; implement strategic green infrastructure; support traffic management measures and additional car parking; safeguard land for the development of a new passenger railway station and associated car parking on the site of the former station yard; and require development to respect the character and appearance of Desford Conservation Area. Groby - allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; support the

	<p>improvement of the GP facilities in Groby; address existing deficiencies in green space and play provision; deliver improvements to Groby Village Hall, Groby Community College, Groby County Council all weather pitches and Marine Drive; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support measures to reduce the noise and air pollution; work with existing businesses to seek a reduction in on-street employee parking; and require development to respect the character and appearance of Groby Conservation Area.</p> <p>Ratby - allocates land for a minimum of 75 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Ratby; address existing deficiencies in green space and play provision; deliver improvements to quality of Ferndale Park Outdoor Facilities; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support improvements to the existing community centres (Ratby Village Hall, Ratby Parish Church and Ratby Methodist Church) or development of a new designated community centre; support measures to reduce the noise and air pollution; support measures to direct through traffic away from Ratby Village; and require development to respect the character and appearance of Ratby Conservation Area.</p> <p>Markfield - allocates land for a minimum of 80 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; deliver safe cycle routes; protect open space linkages to the west; support the expansion of the local supermarket; support the attraction of knowledge based services to support the Markfield Institute of Higher Education; support improvement in the quality of Markfield Community and Sports Centre and Mayflower Close and Alter Stones outdoor facilities; support measures to reduce the noise and air pollution; and require development to respect the character and appearance of Markfield Conservation Area.</p>
Policy 12	<p>Rural Villages: supports housing development within settlement boundaries, development that meets local needs, development that enables home working and small scale employment uses, development of the tourism industry and transport improvements. It also seeks to resist the loss of local shops and facilities in rural villages unless it is demonstrated that the business or facilities can no longer operate in a viable manner.</p> <p>In addition this policy provides guidance for individual settlements as follows:</p> <p>Higham on the Hill – allocate land for a minimum of 40 new</p>

	<p>homes; address existing deficiencies in green space and play provision; require new development to respect the character and appearance of the conservation area; and deliver safe cycle routes.</p> <p>Stanton under Bardon – allocate land for a minimum of 30 new homes; support the relocation of the community centre; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the National Forest Strategy and Charnwood Forest Regional Park; and deliver safe cycle routes.</p> <p>Sheepy Magna – allocate land for a minimum of 20 new homes; support proposals to provide a village shop; address existing deficiencies in green space and play provision and deliver safe cycle routes.</p> <p>Nailstone – allocate land for a minimum of 20 new homes; address existing deficiencies in green space and play provision; and deliver safe cycle routes.</p> <p>Twycross – allocate land for a minimum of 20 new homes; address existing deficiencies in green space and play provision; deliver strategic green infrastructure; require new development to respect the character and appearance of the conservation area; deliver safe cycle routes; and support the role of Twycross Zoo as a tourist destination.</p> <p>Witherley – work with the Highways Agency to address identified problems with the A5/Kennel Lane junction; address existing deficiencies in green space and play provision; require new development to respect the character and appearance of the conservation area; and deliver safe cycle routes.</p> <p>Congerstone – allocate land for a minimum of 10 new homes; address existing deficiencies in green space and play provision; deliver strategic green infrastructure; and require new development to respect the character and appearance of the conservation area.</p>
Policy 15	Affordable Housing: seeks the provision of affordable housing on residential proposals in the urban areas at a rate of 20% on schemes of 15 dwellings or more or 0.5ha or more and rural area at a rate of 40% on schemes of 4 dwellings or more of 0.13ha or more with a tenure split of 75% social rented and 25% intermediate housing. The affordable housing figure can be negotiated on a site by site basis taking into account identified need, existing provision, characteristics of the site, and viability.
Policy 16	Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.
Policy 19	Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.
Policy 21	National Forest: supports: the implementation of the National

	Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTURE	
Policy IMP1	Contributions towards the provision of infrastructure and facilities: requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. <i>This policy is consistent with the intentions of the NPPF.</i>
HOUSING	
Policy RES5	Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. <i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i>
EMPLOYMENT	
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i>
Policy BE7	Development in Conservation Areas: states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted. <i>This policy is consistent with the intentions of the NPPF.</i>

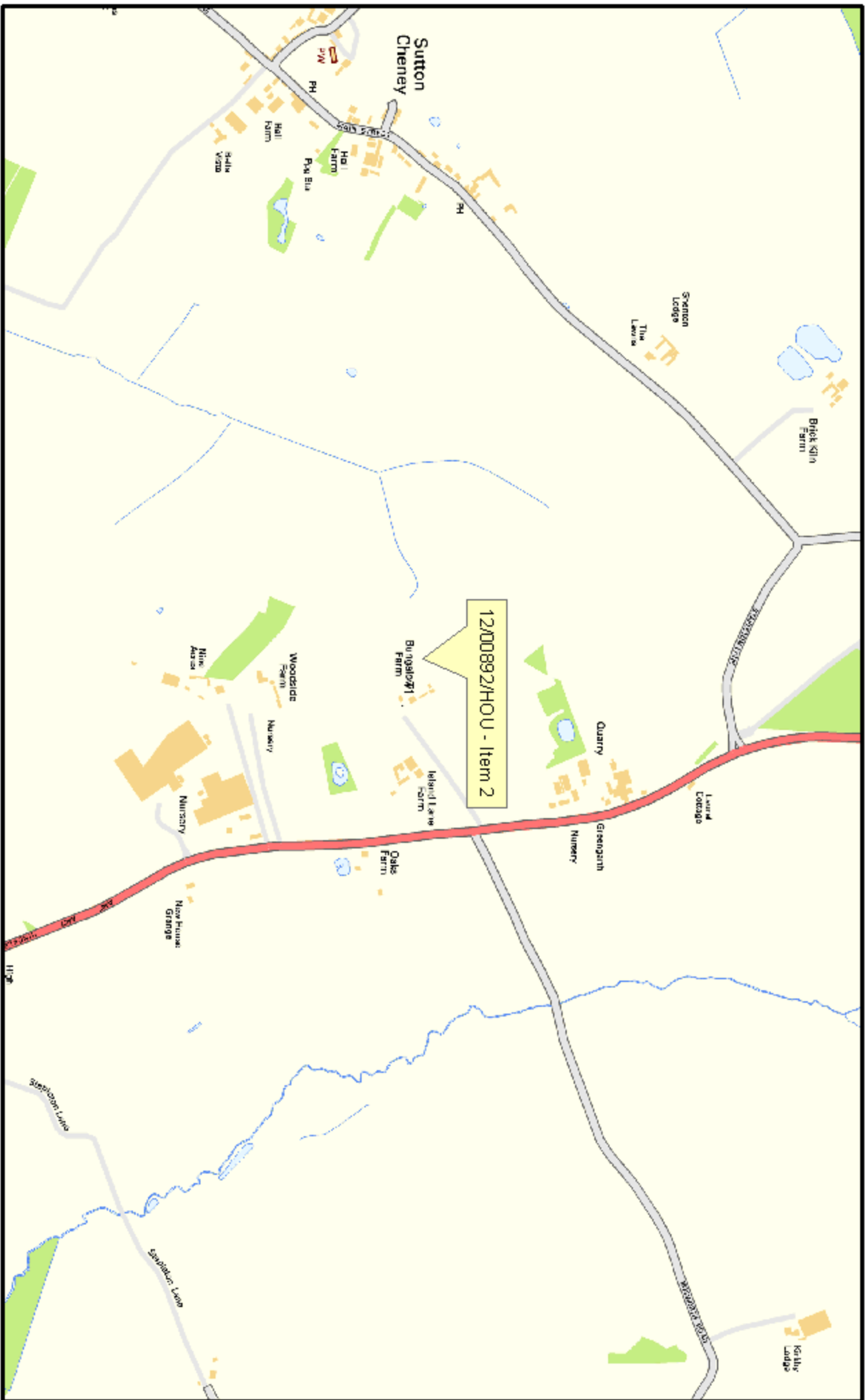
Policy BE16	<p>Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i></p>
THE NATURAL ENVIRONMENT	
Policy NE2	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE5	<p>Development in the Countryside: states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-</p> <ul style="list-style-type: none"> a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. <p>And only where the following criteria are met:-</p> <ul style="list-style-type: none"> i) It does not have an adverse effect on the appearance or character of the landscape. ii) It is in keeping with the scale and character of existing buildings and the general surroundings. iii) Where necessary it is effectively screened by landscaping or other methods. iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety. <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE14	<p>Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i></p>
TRANSPORTATION	
Policy T5	<p>Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy T9	<p>Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy T11	<p>Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF</i></p>

	<i>doesn't reference HGVs</i>
RETAILING AND TOWN CENTRE ISSUES	
Policy Retail 1	<p>General Retail Strategy: provides that new retail development should be provided within Hinckley town centre and that major retail development outside of Hinckley Town Centre will not be supported unless there is a demonstrable need; there are no suitable alternatives in the town centre, edge of town or local centre; there is no detrimental impact on the vitality and viability of Hinckley Town Centre and it can be served by frequent and convenient public transport and maximises opportunities for access by foot or cycle.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF more precise and logical in approach.</i></p>
Policy Retail 7	<p>Local Shopping Centres: identifies local shopping centres in the Borough and supports development that does not: have an adverse effect on the amenities of adjoining occupiers and general character of locality in terms of noise, smell, litter or disturbance; involve the intensified use of an access or creation of a new access which would be inadequate; and result in an under provision of off street parking, access and servicing facilities.</p> <p><i>This policy is consistent with the intentions of the NPPF however need to consider how up to date the designation is.</i></p>
RECREATION AND TOURISM	
Policy REC2	<p>New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy REC3	<p>New Residential Development – Outdoor Play Space for Children: 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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>

Supplementary Planning Guidance / Documents	
New Residential Development SPG	Provides guidance on design issues to ensure new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.
House Extensions SPG	Provides guidance on design issues to ensure extensions not only complement the character of the existing house but also the character of the area and seeks to ensure extensions do not adversely impact upon the amenity of residents of neighbouring property.
Play and Open Space Guide 2008 SPD	Sets out the Boroughs approach when considering applications for development likely to generate a demand for open space and play facilities.
Sustainable Design 2008 SPD	Promotes sustainable development to contribute towards a greener future. It offers best practice guidance to developers in the design process, and requires an effective contribution of sustainable energy on each new building across the Borough.
Affordable Housing SPD	This expands upon policies contained with the Core Strategy and provides guidance on the thresholds, targets, tenure and mix,

	local need, design and layout of affordable housing and how the provision should be delivered.
Rural Needs SPD	<p>Sets out the Council's approach to considering development in rural areas, it particular it clarifies the Council's support for specific rural initiatives to increase the supply of affordable housing and employment opportunities in the rural areas. It seeks to ensure:</p> <ul style="list-style-type: none"> • There is no 'sustainability trap', where development is only approved in areas that are already considered sustainable. Lack of any development in some settlements may result in them becoming less, not more, sustainable; • That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements; • That rural economic development is supported and encouraged; • That existing services in rural areas are supported and maintained.

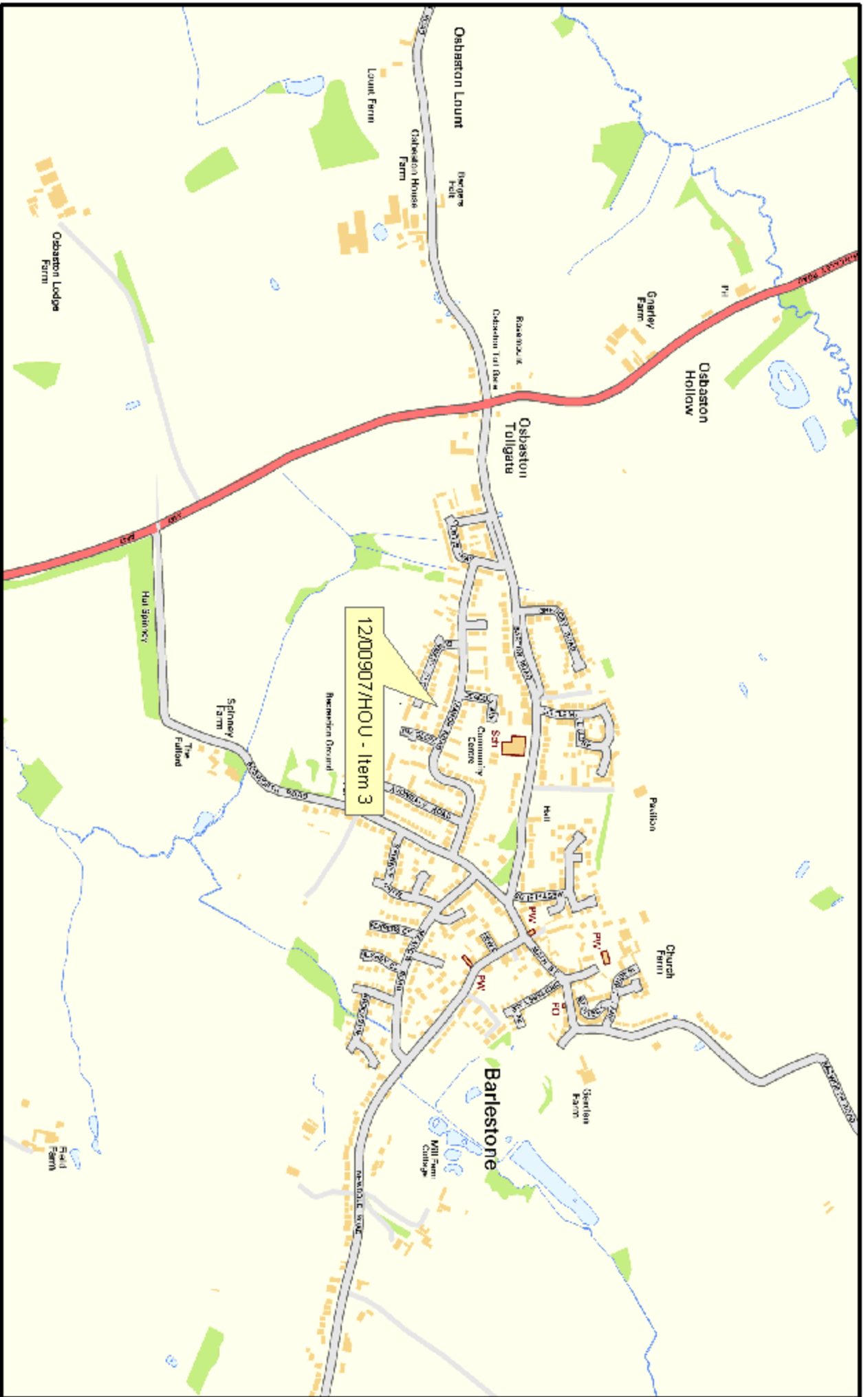
Other Material Policy Guidance	
Leicestershire County Council 6C's Design Guide (originally called Highways, transportation and development)	The guide provides guidance on highway and transportation infrastructure for new development. It aims to ensure new development is delivered in ways that promote sustainable travel and safeguard the efficient and safe functioning of the transport system.
Draft Site Allocations and Generic Development Control Policies DPD 2009	The Site Allocations Preferred Options Document was subject to public consultation during 2009. This does not however, provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide. Concern is raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process. It is considered that at present the Site Allocations Document carries little weight.
Strategic Housing Land Availability Assessment (SHLAA) Review 2010	The SHLAA Review 2010 was published in April 2011 it identifies sites that are suitable, available and achievable and, as a result, developable.



380 190 0 380 Meters



THIS MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH THE
BRIEF & SUBJECT'S OTHER DATA. ORDNANCE SURVEY
REPRODUCED MATERIAL IS COPYRIGHTED AND MAY BE REPRODUCED
OR CIVIL PROCEEDINGS, UNLESS OTHERWISE STATED.
L4100076889 2010



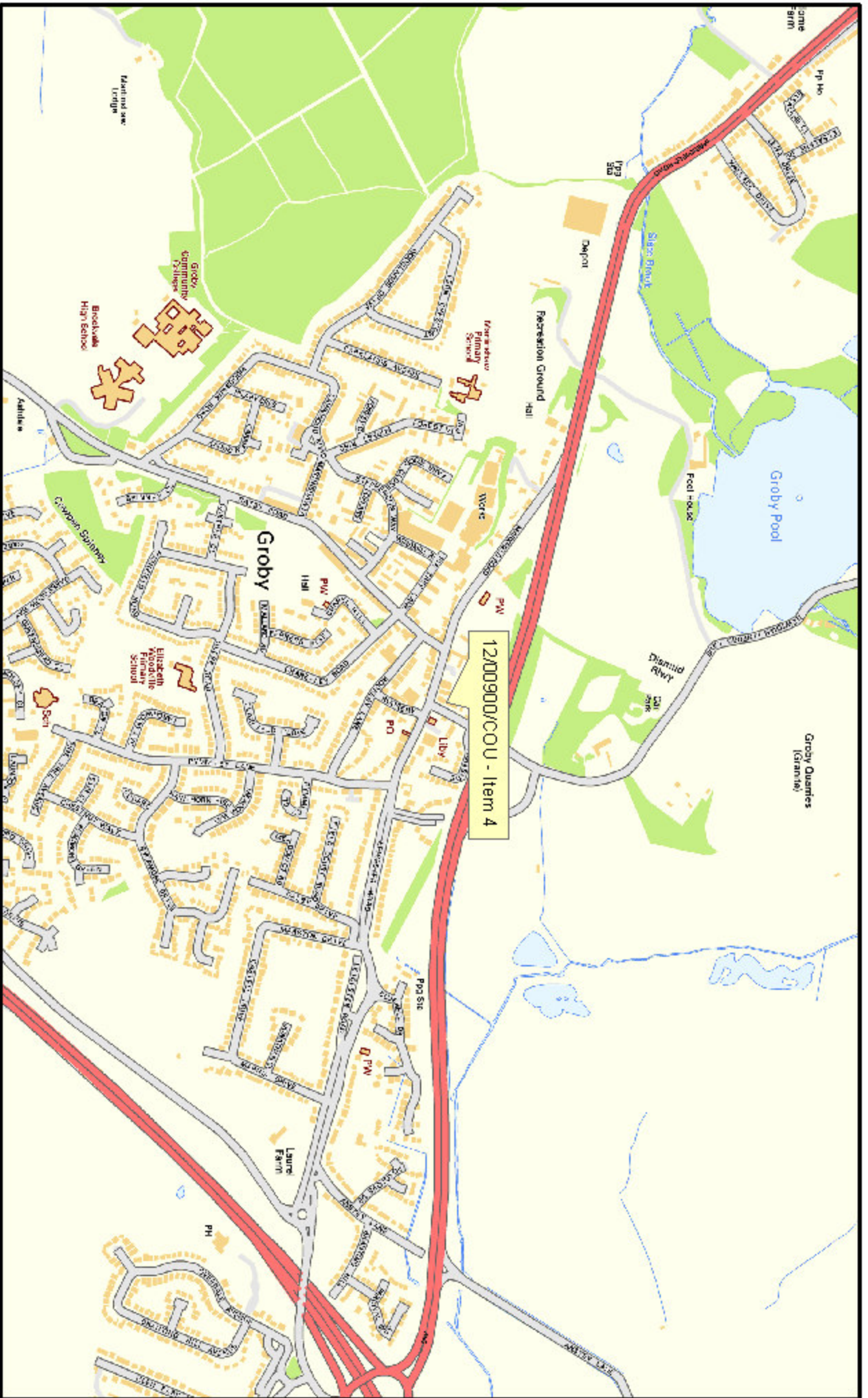
400

200

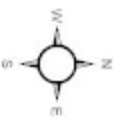
0

400 Meters

THIS MAP IS BASED UPON OSNAMED DATA PROVIDED WITH THE
 BARRIS & BARRIS OFFICE COPYRIGHT. OSNAMED DATA
 REPRODUCTION, IN WHOLE OR IN PART, IS PROHIBITED
 WITHOUT THE WRITTEN PERMISSION OF OSNAMED DATA.
 OSNAMED DATA IS A TRADE MARK OF OSNAMED DATA.
 © BARRIS & BARRIS 2010



12/00900/COU - Item 4



THIS MAP IS BASED UPON OS DATA AND IS NOT A GUARANTEE OF ACCURACY. THE MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFICIAL RECORD. THE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES.