

**PLANNING COMMITTEE**

**24 June 2014**

**RECOMMENDATIONS OF CHIEF PLANNING AND DEVELOPMENT OFFICER**

**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**

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**Item:** 01  
**Reference:** 14/00090/HOU  
**Applicant:** Mrs Clare Goodwin  
**Location:** 1 Temple Hall Farm Cottages Bosworth Road Wellsborough  
**Proposal:** Extensions and alterations to dwelling (retrospective)  
**Target Date:** 6 May 2014

**Introduction:-**

This application is to be considered at Planning Committee at the request of the Chief Planning & Development Officer.

Application Proposal

This application seeks retrospective full planning permission for a two storey rear extension to 1 Temple Hall Farm Cottages, Bosworth Road, Wellsborough. The extension has already been constructed and projects 4 metres at two storey height from the rear elevation just off the common boundary and across the full width of the dwelling. The extension accommodates a kitchen/dining room at ground floor and two bedrooms at first floor. The extension is designed with a Dutch hipped roof form and constructed of red multi facing bricks, slate roof and white uPVC window frames.

The Site and Surrounding Area

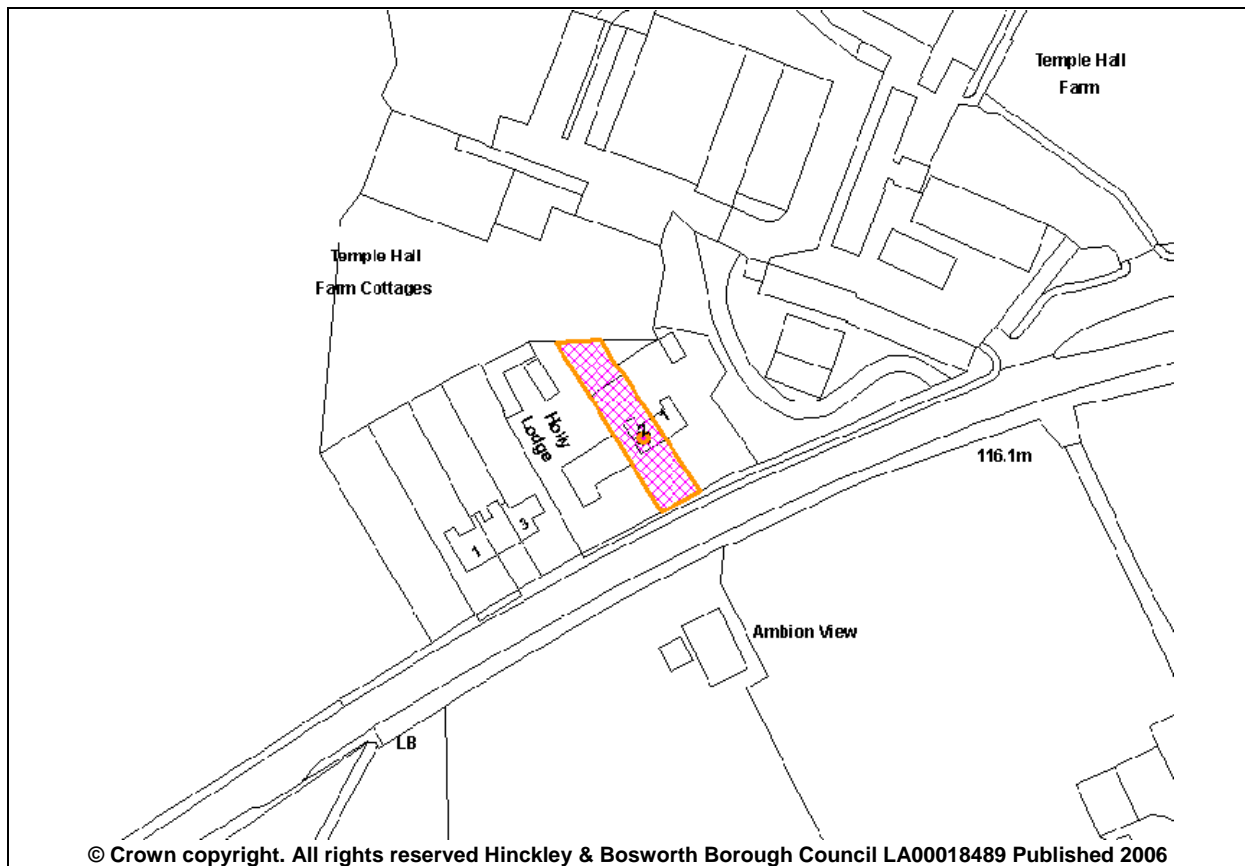
1 Temple Hall Farm Cottages is a semi-detached two storey dwelling with hipped roof form located on the North West side of Bosworth Road, Wellsborough in the countryside approximately three miles to the west of Market Bosworth. It is constructed with a red brick plinth, white painted rough rendered walls, slate roof and white uPVC window frames. The application dwelling is attached to a similar dwelling, 2 Temple Hall Farm Cottages, of similar construction that has a two storey extension to the far (north east) side. There is a detached dormer bungalow located 2.15 metres to the south west of the application dwelling with a further three dwellings beyond. There is a small grassed field and a complex of farm buildings and storage areas beyond to the north and a detached dwelling and agricultural fields to the south.

Technical Document submitted with application

None relevant.

**Relevant Planning History:-**

13/00218/UNBLDS	Development to the rear of the house without planning permission	Pending
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### Consultations:-

Neighbours notified, two letters have been received, one from the adjoining occupier and one from a legal representative acting on behalf of the owner of the adjoining dwelling, raising objections on the following grounds:-

- a) overbearing and overshadowing impact on the adjoining dwelling, 2 Temple Hall Farm Cottages, by reason of its proximity to the shared boundary, height, overall bulk/massing, depth and orientation leading to a significant loss of light to a number of habitable rooms and outside space and consequent detrimental impact on the amenity of the occupants of the adjacent dwelling contrary to the saved Policy BE1 of the Development Plan and the adopted Supplementary Planning Guidance on House Extensions
- b) the extension fails the British Research Establishment '45 degree rule' in terms of right to light of the habitable rooms to the rear of the adjacent property and more detailed tests should be carried out in order to fully determine the extent of daylight impact
- c) the development alters the relationship between the dwellings and the shared outside space
- d) the development is not subservient in scale with the ridge line of the extension read from ground level as being higher than the ridge of the original house
- e) the development is not subordinate in size and character but is grossly disproportionate to the scale of the original dwelling in terms of its height and depth
- f) the use of exposed red facing bricks to the walls appears incongruous/inconsistent with the existing white rendered cottage, a white rendered finish would lessen the dominant appearance of the extension and better reflect light back to neighbouring windows
- g) enforcement action is warranted in this case due to the conflict with the Development Plan and the materially adverse impacts on the residential amenity of the adjoining dwelling and the extension should be reduced in scale or demolished and constructed in a more appropriate position.

- h) encroachment of guttering and soffits across the shared boundary
- i) Proximity to a living tree.

No response has been received from Sheepy Parish Council.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

No relevant policies

Hinckley and Bosworth Local Plan 2001

The application site is outside any settlement boundary and is therefore in the countryside as defined on the Hinckley and Bosworth Local Plan Proposals Map.

Policy BE1: Design and Siting of Development  
Policy NE5: Development in the Countryside.

Supplementary Planning Guidance/Documents

House Extensions (SPG)

**Appraisal:-**

The main issues for consideration are the principle of development, the siting, scale, mass, design and appearance of the proposal and the impact on the amenities of the occupiers of neighbouring dwellings.

Principle of Development

The application dwelling is located in the countryside. However, the NPPF provides a presumption in favour of sustainable development. The development is an extension and alterations to an existing dwelling and therefore notwithstanding the countryside location is considered to be a form of sustainable development. Policy NE5 (criterion b) is supportive of extensions to existing buildings subject to additional design criteria and the proposal is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Siting, Scale, Design, Appearance and Impact on the Dwelling and Surrounding Area

Saved Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Policy BE1 (criterion a) requires that development complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.

The adopted SPG on House Extensions outlines the general principles used to assess householder planning applications. Although each case will be considered on its own merits an extension should respect the scale and character of the existing dwelling and street scene and should not overwhelm the existing house or neighbouring properties, should be

subordinate in size to the existing dwelling to ensure that it will be in visual harmony and in particular a two storey extension to a house with a pitched roof should have a similar roof form with ridge and eaves level or lower than the original house. External materials of an extension should match the existing house in terms of type, colour and method of construction. Architectural features should normally mirror the character of the existing dwelling to help create a unified appearance.

The extension projects 4 metres from the rear elevation of the original dwelling at two storey height and approximately 0.3 metres off the shared boundary. It is designed with a hipped roof with a ridge and eaves line that are level with the original dwelling and therefore, with the exception of the rear elevation that has a slightly higher uncharacteristic eaves level (Dutch hip), the extension is in general accordance with the adopted SPG in that respect. The extension is not subordinate in respect of its height, however, its depth (4 metres) is significantly less than that of the original house (6 metres) and therefore the extension is considered to respect the two storey scale and footprint of the original dwelling and does not overwhelm it and is therefore in general accordance with Saved Policy BE1 (criterion a) and the adopted SPG in that respect. The use of red multi facing bricks in contrast to the white painted rendered walls of the original dwelling does not result in a unified appearance contrary to Saved Policy BE1 (criterion a) and the adopted SPG. However, the extension, by virtue of its location to the rear of the application dwelling and the proximity of the dwellings either side, is not at all prominent within the street scene or from any nearby public areas and therefore, notwithstanding the contrasting external wall materials, any adverse impact on the character and appearance of the original dwelling or the surrounding area is limited.

#### Impact upon Residential Amenity

Saved Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The adopted SPG on House Extensions states that an extension should not be unduly detrimental to the amenities of the occupiers of adjoining houses or gardens. A two storey rear extension must be carefully sited to avoid undue loss of daylight and sunlight to the windows and garden of the neighbouring property. Rear extensions will not normally be permitted if they extend more than two metres along the common boundary with an adjoining dwelling in the case of a two storey extension.

Holly Lodge is a detached dormer bungalow located 2.15 metres to the south west of the application dwelling on the side boundary. The two storey extension projects 3.6 metres further than the rear elevation of Holly Lodge but at a separation distance of over 2 metres and is located to the north east. By virtue of the separation distance and location to the north east, the extension does not result in any adverse overbearing or overshadowing impact on any habitable room windows or garden areas of Holly Lodge. In addition, there are no side elevation windows in the extension and the only new window in the side elevation of the original dwelling is to a bathroom and will be obscurely glazed therefore the development does not result in any adverse impact on the residential amenity of Holly Lodge from any loss of privacy from overlooking.

The adjoining dwelling to the north east, 2 Temple Hall Farm Cottages, is a two storey semi-detached house of a similar hipped roof design with white painted rough rendered walls and slate roof. The rear elevation has a number of habitable room windows including a through lounge window at ground floor and a bedroom window at first floor that are positioned approximately 1 metre from the blank side elevation brick wall of the proposed two storey extension. The outside area to the rear of No. 2 adjacent to the extension is hard surfaced with concrete slabs.

The two storey extension projects 4 metres from the original rear elevation approximately 0.3 metres off the shared boundary and is located to the west of the adjoining dwelling (No. 2).

The projection is significantly in excess of the 2 metres maximum projection guideline contained within the Council's adopted SPG on House Extensions for two storey extensions along a common boundary. Therefore, by reason of its proximity, height and depth in relation to the adjoining dwelling and its location to the west, where it will block any direct sunlight later in the day, the extension is considered to result in a significant adverse overbearing and overshadowing impact on the garden area immediately to the rear of 2 Temple Hall Farm Cottages and the nearest habitable room windows located approximately 1 metre off the side elevation of the extension. Therefore the extension, as constructed, is considered to result in a significant adverse impact on the residential amenities of the occupiers and is therefore contrary to Saved Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions.

### Other Considerations

The British Research Establishment '45 degree rule' does not form part of any adopted Development Plan policies or adopted SPG and therefore the request for additional tests to be carried out in respect of impact on daylight/sunlight to windows is not considered to be necessary prior to determination of the application. That said, this technique is used by a number of local authorities when assessing the impact of light upon principal room windows. In this case, the extension significantly breaches the 45 degree rule when assessed in relation to the ground floor and first floor windows of the neighbours' property. This supports the conclusions raised above that the extension affects natural light and outlook from the adjoining property's rear windows.

The issue of whether any part of the extension is on or over an adjacent owners land is a legal matter not a material planning consideration.

The living tree referred to is very close to the side elevation of the extension but has been cut down to a stump with small shoots now growing back, therefore the extension will not result in any additional detriment to the tree.

### Enforcement Considerations

Paragraph 207 of the NPPF advises that effective enforcement is important as a means of maintaining public confidence in the planning system. Action is discretionary, and local authorities should act proportionately in responding to suspected breaches of planning control. Action should only ever be as a last resort when all other options for resolving the breach have been exhausted. For the reasons outlined above, the extension is considered to cause significant harm to the amenity of occupiers of 2 Temple Hall Farm Cottages. It is therefore considered expedient to take enforcement action to remedy the breach.

The council has powers under S172 of the Town and Country Planning Act 1990 to serve an enforcement notice to require works to be carried out to remedy the harm caused by the unlawful development. This can include requiring the structure to be removed in its entirety, or carrying out some works to the structure so that the impacts are reduced to an acceptable level.

The breach of planning control was originally brought to the council's attention in October 2013. A site visit and numerous letters were sent to the applicant requesting contact in order to establish whether or not planning permission would be required for the works being undertaken. Contact was made in mid November at which time the applicant was advised that planning permission would be required and that any further works would be undertaken at his own risk. The applicant disagreed that planning permission would be required and chose to continue with the construction to two storey height and the extension is now complete. As the extension is now complete, it would be extremely difficult to modify the

extension to address the harm to the amenity of living conditions. It is therefore considered reasonable to require that the extension be removed in its entirety. This would not prevent the owner submitting a revised application for a smaller extension that may be deemed acceptable.

When considering whether or not to take enforcement action it is necessary to have regard to the Human Rights of those persons against which the action might be directed. Article 8 of the Human Rights Act 1998, provides a right to respect for private and family life. This is a qualified and not an absolute right, however, in the public bodies, such as the Council, may not interfere with this right unless such interference is in accordance with the law and is necessary in the interests of, as well as other things, the protection of the rights and freedoms of others and for the prevention of disorder and crime. Furthermore, Article 6 of the Human Rights Act 1998 states that, in relation to a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time frame by an independent and impartial tribunal established by law. In this instance, anyone who is affected by an Enforcement Notice has a right of appeal to the Planning Inspectorate, and therefore it is considered that Article 6 rights would not be adversely affected.

### Conclusion

Extensions to existing dwellings in the countryside are generally considered to be a sustainable form of development and therefore acceptable in principle. Notwithstanding that the extension has been designed with an uncharacteristic roof form and constructed in contrasting red facing bricks rather than matching render to provide a unified appearance contrary to adopted Supplementary Planning Guidance on House Extensions, the proposal is to the rear where it is not a prominent and therefore has limited harm to the existing dwelling and surrounding area. However, by reason of its proximity, height and depth in relation to the adjoining dwelling and its location to the south west, the extension is considered to result in a significant overbearing and overshadowing impact on the garden area immediately to the rear of 2 Temple Hall Farm Cottages and the nearest habitable room windows located approximately 1 metre off the side elevation of the extension and therefore result in a significant adverse impact on the residential amenities of the occupiers. The proposal is therefore contrary to Saved Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions and recommended for refusal on these grounds. In view of the significant harm that the extension causes to the amenity of the occupiers of the adjacent property, it is considered expedient to take enforcement action.

### **RECOMMENDATION 1:- REFUSE for the following reasons:-**

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matter of adverse impact on residential amenity remains in conflict with the development plan and the application has been refused.

### **Reasons :-**

- 1) In the opinion of the local planning authority, the extension and alterations, by virtue of the siting, proximity, height and depth in relation to the adjoining dwelling are considered to result in a significant adverse overbearing and overshadowing impact on the garden area immediately to the rear of 2 Temple Hall Farm Cottages and the nearest habitable room windows and therefore result in a significant adverse impact on the residential amenities of the occupiers. The proposal is therefore contrary to Saved Policy BE1 (criterion i) of the adopted Local Plan and the adopted SPG on House Extensions



## **RECOMMENDATION 2:-**

That authority be given to serve an enforcement notice to secure the removal of the unauthorised rear extension.

Time period for compliance: 6 months from the date the notice takes effect.

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

**Item:**                      **02**

**Reference:**              **14/00174/OUT**

**Applicant:**              **Pegg Gilbert & Lally**

**Location:**              **Land Rear Of 178 Hinckley Road Earl Shilton**

**Proposal:**              **Erection of a single dwelling (outline - all matters reserved)**

**Target Date:**          **28 May 2014**

### **Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated more than five letters of objection.

### Application Proposal

This is an outline application with all matters reserved for the erection of a detached dwelling to land at the rear of No. 178 Hinckley Road, Earl Shilton.

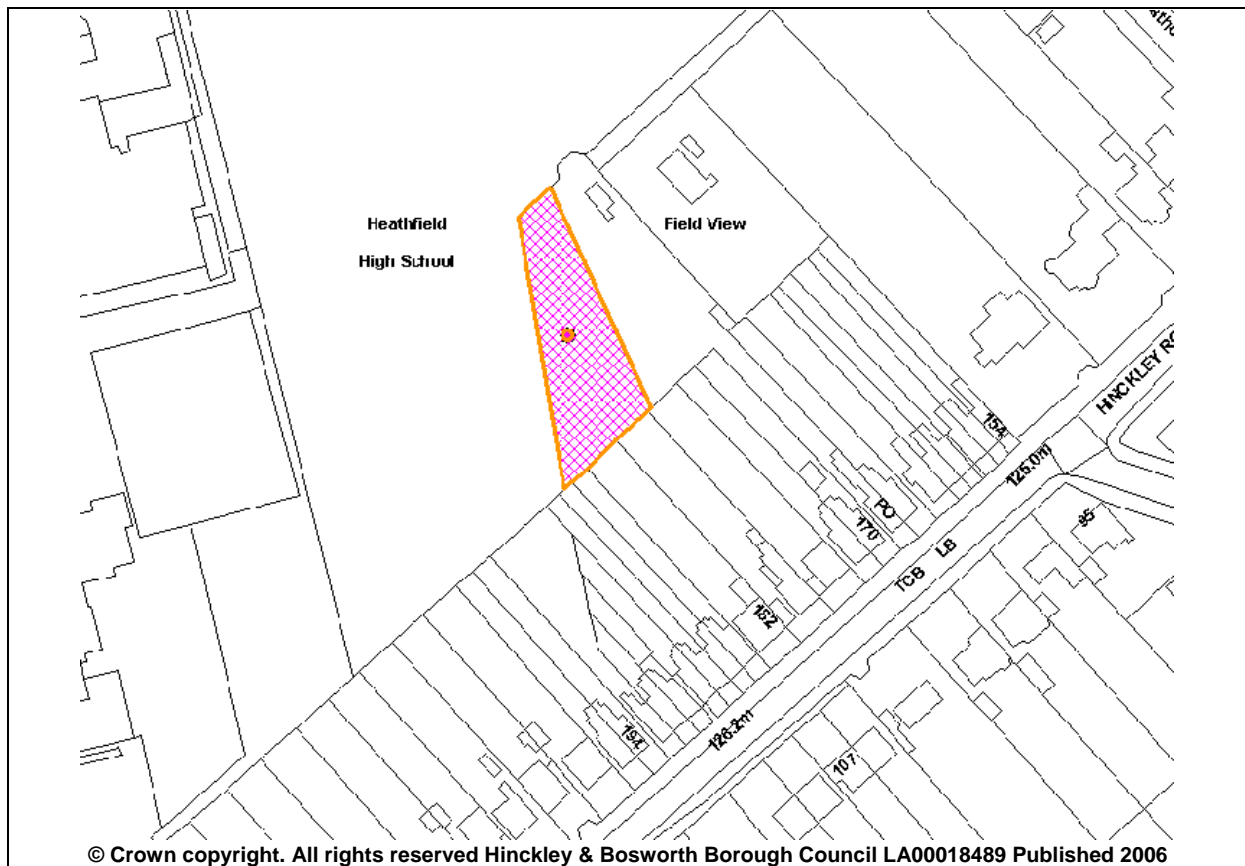
Whilst access is not a matter for consideration, the indicative layout suggests that access will be taken from Field Way a private road.

### The Site and Surrounding Area

The site roughly triangular in shape and is situated on land to the rear of No. 178 Hinckley Road. It is functionally separate and not part of the residential curtilage of any of the dwellings to the north of Hinckley Road. The site bounds the playing fields of Heathfield High School to the north and west. The site is accessed via land to the north east which forms part of the rear of No. 168 Hinckley Road. To the north east is a single track private road which turns into a metalled surface which joins Hinckley Road to the south.

### **Relevant Planning History:-**

None relevant.



**Consultations:-**

No objection has been received from:-

Earl Shilton Town Council  
 Head of Community Services (Drainage)  
 Head of Community Services (Pollution).

Objections have been received from:-

Director of Environment and Transport (Highways).

Eight letters of objection have been received from neighbouring properties. Summary of comments received:-

- Access and traffic problems along Field Way
- Field Way is a single track road with no passing places
- Development would be close to the school playing field
- Would set an undesirable precedent for future proposal off Field Way
- Impact upon privacy of dwellings along Hinckley Road.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

## Local Plan 2006-2026: Core Strategy 2009

Policy 2: Development in Earl Shilton.

## Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy RES5: Development within Settlement Boundaries

Policy T5: Highway Safety.

## Supplementary Planning Guidance/Documents

New Residential Development.

### **Appraisal:-**

The main issues for consideration are the principle of development, highway access, layout and scale and impact upon neighbouring residential amenity.

### Principle of Development

The NPPF has a presumption in favour of sustainable development, which is defined as having three strands of economic, social and environmental. The proposal is located within the settlement boundary of Earl Shilton, close to services and public transport routes, fulfilling the social and environmental roles by providing a choice of transport modes. Policy RES5 of the Local Plan supports residential development, on unallocated sites within the settlement boundary where the proposal complies with other relevant and adopted policies. It is therefore considered that subject to other material considerations the development is acceptable in principle.

### Siting, Scale, Design, Appearance and Impact on the Surrounding Area

Policy BE1 (criterion a) of the Local Plan and the Supplementary Planning Guidance (SPG) on New Residential Development require new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

Whilst layout and scale are not matters for consideration at this stage regard must be had to the impact of the proposed dwelling upon the character and appearance of the surrounding area.

The indicative layout suggests that the dwelling would be situated centrally within the plot. The area is predominantly characterised by dwellings fronting Hinckley Road which have long narrow rear gardens to the north. The exception to this is a two storey detached property known as Field View which is situated to the east of the application site and looks over the school playing fields to the north. This dwelling has been present since the 1940s/1950s and it does not generally reflect the prevailing form and pattern of dwellings within the immediate area surrounding the site. It is largely an exception which does not override the predominate strong form of linear development to the south with open school playing fields to the north and west. It is therefore considered that the introduction of a dwelling in this location would erode and harm the general prevailing pattern of development within the area contrary to Policy BE1 (criterion a) of the Local Plan.

### Impact upon Residential Amenity

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The indicative layout suggests that the proposed dwelling would be sited centrally within the plot. This would be some distance from the boundary of the rear gardens of residential properties to the south along Hinckley Road. In addition, the dwelling would be sited sufficient distance away from the property to the east Field Way to not have a detrimental impact upon the amenity of this property. The proposal is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

### Highways & Access

Policy T5 states that proposals should not have a detrimental impact upon highway safety. Whilst access is a matter reserved for subsequent approval, it is a consideration in this instance as it would affect the principle of development on this site. Access would need to be achieved from Field Way. Field Way is a single track private road with no passing places. The Director of Environment and Transport (Highways) has objected to the proposal on grounds that it would lead to an intensification in use of an access that is substandard in width and would be likely to lead to vehicles waiting within the highway or potentially vehicles backing out of Field Way into the highway. This would be detrimental to the free flow of traffic along Hinckley Road and would not be in the interests of highway safety. The proposal would therefore lead to a highway safety issue and would be contrary to Policy T5 of the Local Plan.

### Other Considerations

Policy REC3 of the Local Plan requires contributions in respect of play and open space facilities. However, as the site is not within 400 metres of an existing play and open space it is not considered reasonable or appropriate to require a contribution in this instance. The issue of whether any part of the land is within an adjacent owners land is a legal matter not a material planning consideration.

### Conclusion

Whilst the site is located within the settlement boundary for Earl Shilton residential development is supported in principle by Policy RES5 of the Local Plan. However, the siting of a dwelling in this location would result in a form of development out of character with the prevailing pattern of residential development to the south along Hinckley Road. The proposal is therefore contrary to Policy BE1 (criterion a) of the adopted Local Plan. Furthermore, access would need to be achieved from Field Way, a private road. This road is a single carriageway with no room for vehicles to pass. The proposal would therefore result in the intensification of an existing substandard access point where Field Way joins Hinckley Road as vehicles may have to wait in the highway and/or back out of Field Way onto the highway to facilitate access to the site. This would be a highway safety issues and therefore contrary to Policy T5 of the Local Plan.

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

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

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the development proposed remains in conflict with the development plan and the application has been refused.

**Reasons:-**

1. In the opinion of the local planning authority, the proposed dwelling, by virtue of its siting and location would result in a form of development out of character with the existing form and prevailing pattern of residential development in the area. The proposal would therefore have an adverse impact upon the character and appearance of the area contrary to Policy BE1 (criterion a) of the adopted Local Plan and the overarching intentions of the National Planning Policy Framework.
2. In the opinion of the local planning authority, the proposed dwelling would lead to an intensification in use of an access that is substandard in width and would be likely to lead to vehicles waiting within the highway or reversing out into the highway which would result in an adverse impact upon highway safety contrary to Policy T5 of the adopted Local Plan and the overarching intentions of the National Planning Policy Framework.

**Notes to Applicant:-**

1. This application has been determined in accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale and Proposed Block Plan at 1:500 scale received by the local planning authority on 02 April 2014.

**Contact Officer:-** Simon Atha Ext 5919

**Item:** 03

**Reference:** 14/00257/FUL

**Applicant:** Fletcher and Sons

**Location:** Groby Park Farm Bradgate Hill Groby

**Proposal:** Extension to agricultural building and hardcore apron

**Target Date:** 3 June 2014

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the floor space of the development proposed exceeds 500 square metres.

Application Proposal

This application seeks full planning permission for the erection of an extension to an existing steel framed agricultural building that forms part of an established farm complex at Groby Parks Farm, Bradgate Hill, Groby. The extension measures approximately 49 metres in length x 30.5 metres in width (1495 square metres of floor space) and is designed with a pitched roof with an eaves height of 5.5 metres up to a maximum of 10 metres in height. It is required for general purpose agricultural use for the housing of cattle in one side (612 square metres) and the storage of straw, fodder, bedding materials and machinery in the other (612 square metres), separated by a 5 metres wide central feeding passage. The proposed extension would be attached to one side of the existing building. It is to be constructed with a similar steel portal frame, the walls will be constructed with 2 metres high concrete panels and Yorkshire spaced boarding above, green gale screen, galvanised steel sheet doors and

grey fibre cement roof sheets with GRP (glass reinforced plastic) roof lights. The proposal also includes an extension to the hardcore apron to serve the extended building. Ground levels rise to the north east of the complex therefore the proposal also involves a reduction in ground levels.

The Site and Surrounding Area

Groby Parks Farm covers an area of approximately 135 acres of grassland and is located in the countryside to the north west of Groby and south east of Markfield. Access to the farm complex is off Bradgate Hill to the west via a single unmade track. The existing complex of buildings includes a farmhouse and a mix of agricultural buildings of varying size and scale, including buildings of similar size, scale and appearance to the proposed extension, together with a large slurry lagoon, silage pits and an area to the south west used for caravan storage. Ground levels fall generally from north to south with the complex being well screened from the north and south by mature tree belts. A mature field boundary hedgerow along the access track provides screening to the east.

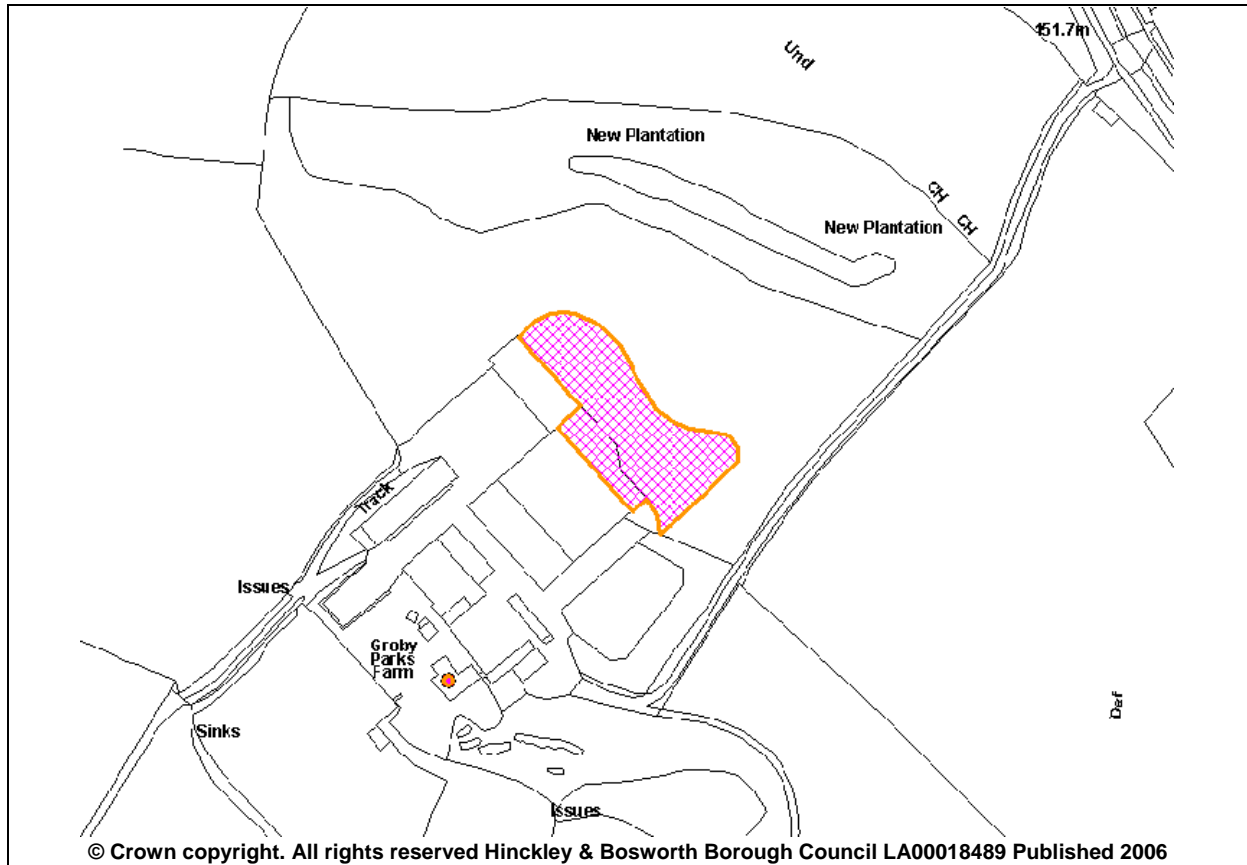
Technical Documents submitted with application

Design and Access Statement & Justification Report.

The supporting information submitted with the application states that Groby Parks Farm operates as a dairy farm, including a milking parlour, that is part of a larger mixed agricultural enterprise operating from five sites, the other four being primarily arable. The extension is required to facilitate the expansion of the dairy herd to 260 cows (84 additional) to help the long term viability of the business, take advantages of economies of scale and reduce the need for movement between the land holdings to enhance the profitability of the enterprise. The unit is above its capacity at present and the floor space is required to accommodate all cattle, including this years calves over the coming winter and beyond.

**Relevant Planning History:-**

96/00414/FUL	Agricultural Building for Cow Housing Milking Parlour & Calving Boxes	Approved	29.07.96
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**Consultations:-**

No objections have been received from:-

- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage).

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

- National Forest Company
- Friends of Charnwood Forest
- Markfield Parish Council
- Site Notice.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006 - 2026: Core Strategy (2009)

- Policy 21: National Forest
- Policy 22: Charnwood Forest.

Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy NE5: Development in the Countryside
- Policy T5: Highway Safety.

## Supplementary Planning Guidance/Documents

### Design of Farm Buildings (SPG).

#### **Appraisal:-**

The main considerations in respect of this application are the principle of development, the siting, scale, design and appearance of the building and impact on the visual amenities of the site and the surrounding countryside, including the National Forest and Charnwood Forest, and impact on residential amenity and highway safety.

#### Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. One of the overarching principles of the NPPF is to protect the countryside but to allow sustainable development where it is appropriate. Paragraph 28 of the NPPF supports the development of agricultural businesses in order to promote a strong rural economy. In addition, Policy NE5 (criteria a and b) of the adopted Local Plan supports development in the countryside that is important to the local economy and cannot be provided within or adjacent to existing settlements and for the extension of existing buildings in the countryside subject to a number of design criteria being satisfied.

The farm is a well established dairy business and the proposed extension to the existing livestock building is considered to have been justified by the information submitted to support the application. The proposal is an appropriate use in the countryside and will enhance the viability of this rural business. The proposal is therefore considered to be sustainable economic development and in accordance with the overarching principles of the NPPF and Policy NE5 (criteria a and b) of the adopted Local Plan and therefore acceptable in principle subject to all other planning matters being addressed.

#### Siting, Design and Impact on the Surrounding Countryside

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development. The design criteria i, ii and iii of Saved Policy NE5 of the adopted Local Plan require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings and is effectively screened by landscaping. Saved Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials. Policies 21 and 22 of the adopted Core Strategy seek to protect the character and appearance of the National Forest and Charnwood Forest areas. In addition the SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features and within the farm complex itself.

The proposal is an extension to the north east side of an existing agricultural building of similar scale, design and appearance and is therefore well related to the existing farm complex in terms of its siting, scale and appearance and is typical of the form and design of modern agricultural livestock and storage buildings. By virtue of its siting adjacent to an existing building of similar scale, higher ground levels to the north and screening provided by tree belts to the north and south and mature field boundary hedgerow to the east, the proposal will not be seen from the public highway or appear unduly prominent or have any material adverse impact on the character or visual appearance of the surrounding landscape,



the National Forest or Charnwood Forest. The proposal is therefore considered to complement the character of the site and surrounding landscape in accordance with Policy NE5 (criteria i, ii and iii) and BE1 (criterion a) of the adopted Local Plan, Policies 21 and 22 of the adopted Core Strategy and the SPG on the Design of Farm Buildings together with the overarching design principles of the NPPF.

#### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties.

Other than the associated farmhouse, the nearest residential properties lie approximately 250 metres to the east fronting onto Bradgate Hill. By virtue of the existing agricultural/livestock uses of the site, the separation distance and screening provided by existing mature trees and field boundary hedgerow, the proposal will have no adverse impact on the amenities of any residential properties and is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

#### Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site.

There is adequate access, parking and manoeuvring within the farm complex to accommodate traffic associated with the proposed livestock and storage building extension. The submitted Design and Access Statement suggests that there would be less vehicle movements required between the various sites that make up the agricultural enterprise than the current situation due to the proposal enabling the storage of straw etc. on site. The proposal is therefore considered to be in accordance with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

#### Conclusion

Notwithstanding the countryside location within the National Forest and Charnwood Forest, the NPPF supports sustainable development of agricultural businesses in rural areas. An extension to an existing agricultural livestock building for herd expansion and general storage within an existing farm complex is considered to be sustainable and therefore acceptable in principle. By virtue of its siting, scale, design and appearance the proposal will complement the character of the site and will not have any adverse impact on the character or appearance of the surrounding countryside, National Forest or Charnwood Forest areas. By virtue of the existing agricultural livestock use of the site, separation distances and existing screening by mature trees and hedgerows the proposal will have no adverse impact on the residential amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety. The proposal is therefore in accordance with adopted Local Plan Policies NE5 (criteria a, b, i, ii, iii and iv) and BE1 (criteria a, g and i) of the adopted Local Plan, Policies 21 and 22 of the adopted Core Strategy, the SPG on the Design of Farm Buildings together with the overarching principles of the NPPF.

**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 as it is a sustainable use and form of development in the countryside and by virtue of its siting, scale, design and appearance the proposal would complement the character of the site and would not have any adverse impact on the character or appearance of the surrounding countryside, National Forest or Charnwood Forest, the amenities of any neighbouring residential properties or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies NE5 (criteria a, b, i, ii, iii and iv), BE1 (criteria a, g and i) & T5

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 21 and 22

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 be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale; Block Plans at 1:5000 and 1:2500 scale; Existing Block Plan Sheet No. 4 of 6 Rev 1; Existing Elevations Sheet No. 1 of 6 Rev 1; Proposed Block Plan Sheet No. 5 of 6 Rev 1; Proposed Floor Plan Sheet No. 3 of 6 Rev 1; Proposed Internal Floor Layout Sheet No. 6 of 6 Rev 1 and Proposed Elevations Sheet No. 2 of 6 Rev 1 received by the local planning authority on 8 April 2014.
3. The development shall be implemented in accordance with the finished floor levels and external materials details as indicated on approved Proposed Elevations Sheet No. 2 of 6 Rev 1 received by the local planning authority on 8 April 2014.

**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 the satisfactory visual appearance of the development in accordance with Policy BE1 (criterion a) of the adopted 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](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
5. Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and as amended 2013 (SSAFO).

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

**Item:**                      **04**

**Reference:**              **14/00275/FUL**

**Applicant:**              **Mr & Mrs Stephen & Anne Parkinson**

**Location:**              **New Hall Farm Main Road Sheepy Magna**

**Proposal:**              **Proposed livestock building, manure and slurry storage areas and rainwater harvesting system**

**Target Date:**        **16 July 2014**

**Introduction:-**

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the floor space of the development proposed exceeds 500 square metres.

Application Proposal

This application seeks full planning permission for a purpose built livestock building, manure and slurry storage facilities and installation of a rainwater harvesting system at an established farm complex at New Hall Farm, Main Street, Sheepy Magna.

The proposed livestock building measures approximately 61.35 metres in length x 30.5 metres in width (1871 square metres footprint) and is designed with a pitched roof with an eaves height of 3.8 metres and ridge height of 7.3 metres. It is to be constructed with a steel portal frame, the walls will be constructed with 2 metres high concrete panels and Yorkshire spaced boarding above, Corus Trisomet 333 System roof cladding panels in 'Forest Green' with multiple roof lights and ridge vent along the full length of the building. No doors are proposed but it is envisaged that foldable curtains or mesh screens will be used when necessary.

A manure storage compound is proposed between the existing and proposed livestock buildings adjacent to the existing sunken compound. A slurry storage tank of 100,000 litres capacity is proposed at ground level alongside the water tank and will have no connection to the rain water storage tank or watercourses.

The proposed rainwater storage tank is cylindrical measuring approximately 15 metres in diameter and 3 metres in height with a capacity of 600,000 litres collected from the roof of the buildings via gullies and down pipes to underground drains to a pump housing feeding the water to the storage tank for onward distribution to the water troughs within the building.

Overflow in periods of unusually excessive rainfall, will be taken via a new overflow pipe to existing drainage ditches to the west. An additional storm water pipe is proposed from the other farmyard buildings in a south westerly direction to the existing drainage ditch that flows south to the River Anker.

### The Site and Surrounding Area

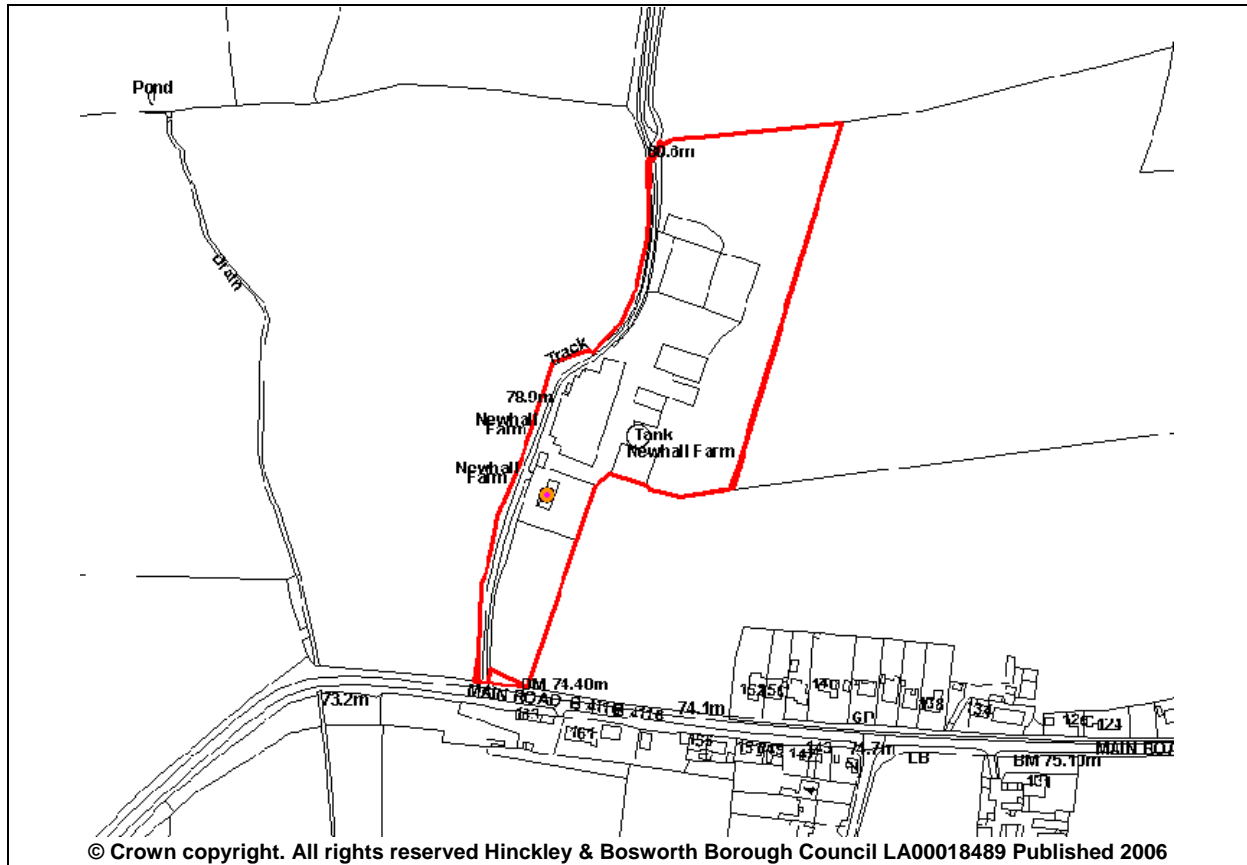
New Hall Farm is a mixed farm (pigs, sheep, cattle and arable for fodder) and operates on a total landholding of 283 hectares although only two fields of a total of 21.5 hectares are immediately adjacent to the farm complex. The farm complex is located in the countryside on the western outskirts of Sheepy Magna and surrounded by open agricultural land on all sides although there are residential properties to the south and east, the nearest being approximately 270 metres to the south of the proposal. Access to the farm complex is off Main Road which runs to the south. The existing complex of buildings includes a farmhouse and a mix of agricultural buildings of varying size and scale, including buildings of similar size, scale and appearance to the proposal building, together with a manure storage compound to the north. Ground levels fall generally from north to south and west to east. Fields surrounding the complex are divided by mature hedgerows with scattered hedgerow trees.

### Technical Documents submitted with application

Design and Access Statement & Justification Report.

The supporting information submitted with the application states that the new building is required to enable expansion of the beef rearing and fattening enterprise and improve animal health and welfare, with livestock being moved from other less suitable buildings and distant parts of the landholding to a central point. The rain water harvesting system will enhance the profitability of the enterprise by greatly reducing the need for and cost of water from the public supply and reducing the risk of surface water flooding.

Amended plans have been submitted following receipt of the Environment Agency consultation response. Whilst no objection was raised to the scheme, suggestions to further control/reduce surface water run-off from the site were made. The amended plans now propose that the existing large scale livestock building closest to the proposal building is also connected to the proposed rainwater harvesting system as the proposed tank has sufficient capacity and will result in the removal of rainwater from the existing building entering the existing ditch and culvert to the south of the site adjacent to residential properties on Main Road. The amended plans also indicate that the existing drainage ditches to the west of the site are to be cleaned out to increase their capacity by approximately 15%. It is intended that this will be carried out in a phased programme over a 12 month period to enable plant and animal life to recover following the completion of each section. Re-consultation has been undertaken.



**Consultations:-**

No objections have been received from:-

Environment Agency  
 Severn Trent Water Limited  
 Head of Community Services (Pollution).

No objections subject to conditions have been received from Head of Community Services (Land Drainage).

Press notice and site notice posted and neighbours notified, one letter of objection received raising concerns regarding the potential increase in flood risk as a result of the proposed surface water drainage from the site.

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

HM Principal Inspector of Health & Safety  
 Sheepy Parish Council.

**Policy:-**

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012.

## Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development  
Policy NE5: Development in the Countryside  
Policy NE13: The Effects of Development on Natural Watercourses  
Policy NE14: Protection of Surface Waters and Ground Water Quality  
Policy T5: Highway Safety.

### Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG).

#### **Appraisal:-**

The main considerations in respect of this application are the principle of development, the siting, scale, design and appearance of the building and impact on the visual amenities of the site and the surrounding countryside and impact on residential amenity, highway safety and drainage.

#### Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. One of the overarching principles of the NPPF is to protect the countryside but to allow sustainable development where it is appropriate. Paragraph 28 of the NPPF supports the development of agricultural businesses in order to promote a strong rural economy. In addition, Policy NE5 (criteria a and b) of the adopted Local Plan supports development in the countryside that is important to the local economy and cannot be provided within or adjacent to existing settlements and for the extension of existing buildings in the countryside subject to a number of design criteria being satisfied.

The farm is a well established mixed farming enterprise and the proposed livestock building is considered to have been justified by the information submitted to support the application. The proposed scheme is an appropriate use in the countryside and will enhance the viability of this rural business. The proposal is considered to be sustainable economic development and also has environmental benefits and is considered to be in accordance with the overarching principles of the NPPF and Policy NE5 (criteria a and b) of the adopted Local Plan and therefore acceptable in principle subject to all other planning matters being addressed.

#### Siting, Design and Impact on the Surrounding Countryside

The NPPF in paragraphs 56 and 58 identify good design as a key aspect of sustainable development. The design criteria i, ii and iii of Saved Policy NE5 of the adopted Local Plan require that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings and is effectively screened by landscaping. Saved Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials. In addition the SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features and within the farm complex itself.

The proposed scheme is located to the north of the farm complex adjacent to an existing agricultural building of similar scale, design and appearance and enclosed by mature field boundary hedgerows to the west and north. It is therefore well related to the existing farm complex in terms of its siting and is typical of the form, scale and appearance of modern agricultural livestock buildings. Notwithstanding that the new building will be visible on the horizon, by virtue of its siting, scale and appearance the proposal will not appear unduly prominent or have any material adverse impact on the character or visual appearance of the surrounding countryside. The proposal is therefore considered to complement the rural character of the site and surrounding area in accordance with Policy NE5 (criteria i, ii and iii) and BE1 (criterion a) of the adopted Local Plan and the SPG on the Design of Farm Buildings together with the overarching design principles of the NPPF.

#### Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties.

Other than the associated farmhouse, the nearest residential properties lie approximately 270 metres to the south fronting onto Main Road. By virtue of the existing agricultural/livestock uses of the site and the separation distances the proposal will have no adverse impact on the amenities of any residential properties and is therefore in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

#### Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site.

There is adequate access, parking and manoeuvring within the farm complex to accommodate traffic associated with the proposed livestock building. The submitted Design and Access Statement suggests that there would be no increase in vehicle movements as the existing vehicle movements have spare capacity to absorb the increase in stock on the site. The proposal is therefore considered to be in accordance with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

#### Impact on Drainage/Flood Risk

The NPPF in paragraph 103 encourages the use of opportunities created by new development to reduce the causes and impacts of flooding. Policy NE13 of the adopted Local Plan seeks to protect the drainage functions of natural watercourses. Policy NE14 of the adopted Local Plan seeks to protect surface water and groundwater quality and ensure satisfactory drainage.

An objection has been received raising concerns regarding a potential increase in flood risk as a result of the proposed surface water drainage from the site. The Environment Agency has raised no objection to the scheme and suggestions made in respect of the further control of surface water run-off from the site have been incorporated into the amended plans submitted.

The amended plans propose that the existing large scale livestock building closest to the proposal building is also connected to the proposed rainwater harvesting system which has sufficient capacity and this will result in the removal of rainwater from the existing building entering the existing ditch and culvert to the south of the site adjacent to residential

properties on Main Road that have been subject to flooding in the past. The amended plans also indicate that the existing drainage ditches to the west of the site are to be cleaned out to increase their capacity. By virtue of the amended drainage proposals, it is considered that the scheme will reduce the amount of surface water drainage from the site and improve the drainage function of the existing ditches and therefore reduce the potential risk of flooding. The proposed scheme is therefore in accordance with Policies NE13 and NE14 and the overarching principles of the NPPF.

### Conclusion

Notwithstanding the countryside location the NPPF supports sustainable development of agricultural businesses in rural areas. An additional modern purpose built livestock building for herd expansion and improvements in the health and welfare of the existing stock within an existing farm complex is considered to be sustainable and therefore acceptable in principle. By virtue of its siting, scale, design and appearance the proposal will complement the character of the site and will not have any adverse impact on the character or appearance of the surrounding countryside. By virtue of the existing agricultural livestock use of the site and separation distances the proposal will have no adverse impact on the residential amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety and will reduce flood risk. The proposal is therefore in accordance with adopted Local Plan Policies NE5 (criteria a, b, i, ii, iii and iv), BE1 (criteria a, g and i), NE13, NE14 and T5 of the adopted Local Plan, the SPG on the Design of Farm Buildings together with the overarching principles of the NPPF.

### **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 as it is a sustainable use and form of development in the countryside and by virtue of its siting, scale, design and appearance the proposal would complement the character of the site and would not have any adverse impact on the character or appearance of the surrounding countryside, the amenities of any neighbouring residential properties, highway safety or drainage.

Hinckley & Bosworth Local Plan (2001):- Policies BE1 (criteria a, g and i), NE5 (criteria a, b, i, ii, iii and iv), NE13 (criteria a, b and c), NE14 & T5.

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: Site Location Plan Drawing No. 288/212/01 Rev C at 1:1250 scale and Block Plan and Rainwater Harvesting System Drawing No. 288/212/02 Rev E received by the local planning authority on 5 June 2014 and Proposed Livestock Building Floor Plan and Elevations Drawing No. 288/212/03 Rev B received by the local planning authority on 16 April 2014.



3. The livestock building hereby permitted shall be implemented in accordance with the external materials details as indicated on approved Proposed Floor Plan & Elevations Drawing No. 288/212/03 Rev B received by the local planning authority on 16 April 2014 and shall be constructed with a finished floor level no higher than 0.5 metres above the finished floor level of the existing livestock building located to the south.
4. The rainwater harvesting scheme and manure and slurry storage systems hereby permitted shall be installed and fully operational on completion of the livestock building hereby permitted and shall be maintained as such at all times thereafter.

**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 the satisfactory visual appearance of the development in accordance with Policies BE1 (criterion a) and NE5 (criterion i) of the adopted Local Plan.
4. To ensure satisfactory surface water and foul water drainage of the site and reduce the risk of flooding in accordance with Policy NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and paragraph 103 of the National Planning Policy Framework.

**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](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
5. The applicant's attention is drawn to the advice contained within the consultation response of the Environment Agency dated 10 June 2014 and copied to your planning agent.

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

**Item:** 05

**Reference:** 14/00380/CONDIT

**Applicant:** Mr And Mrs David Denyer

**Location:** 68 The Ridgeway Burbage Hinckley

**Proposal:** Variation of condition 2 of planning permission 13/00933/HOU to amend approved plans

**Target Date:** 10 June 2014

**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 Inman on the grounds of impact on residential amenity.

Application Proposal

Full planning permission was approved (under reference 13/00933/HOU) for single storey extensions and alterations to the side and rear of 68 The Ridgeway, Burbage. This application seeks retrospective planning permission for the variation of condition 2 to planning permission 13/00933/HOU to enable the development to be carried out in accordance with alternative plans and to regularise the construction of a single storey extension and alterations of a different design and footprint to that already approved.

<u>Comparison Table</u>	<u>Approved Scheme</u>	<u>As Built/Proposed Scheme</u>
Depth	7.3 metres	5 metres
Height to Eaves	2.1 metres (set in 1 metre from boundary)	2.3 metres (set in 1 metre from boundary)
Ridge Height	3.7 metres (at 3.6 metres from the boundary)	3.5 metres (at 1 metre from the boundary)

The approved proposal extended 2.8 metres to the rear of the existing dwelling and across the rear elevation to abut an existing conservatory whereas the proposal now extends across the entire rear elevation as the previously existing rear conservatory has been demolished. In the approved scheme the roof was hipped away from the neighbour with two windows in the side elevation (utility and toilet). The proposals now present a blank gable facing the side boundary.

The Site and Surrounding Area

The application dwelling is a semi-detached two storey house with traditional roof form located within a residential estate within Burbage There is a single flat roof detached garage located to the side elevation. The dwelling is constructed of red facing bricks, brown concrete interlocking roof tiles and white uPVC window frames and doors and the extension has been constructed using matching materials.

There are similar two storey dwellings to the east and west and bungalows to the north and south. The application dwelling is the end property in a row before the road turns 90 degrees to the south which results in the rear elevations of the dwellings to the east facing the side elevation of the application dwelling (22 Aster Close) and the side elevation of the extension (24 Aster Close). The side boundary between them is defined by a 1.8 metres high shiplap panel timber fence. The ground level of the application dwelling is marginally higher than that of 22 and 24 Aster Close.

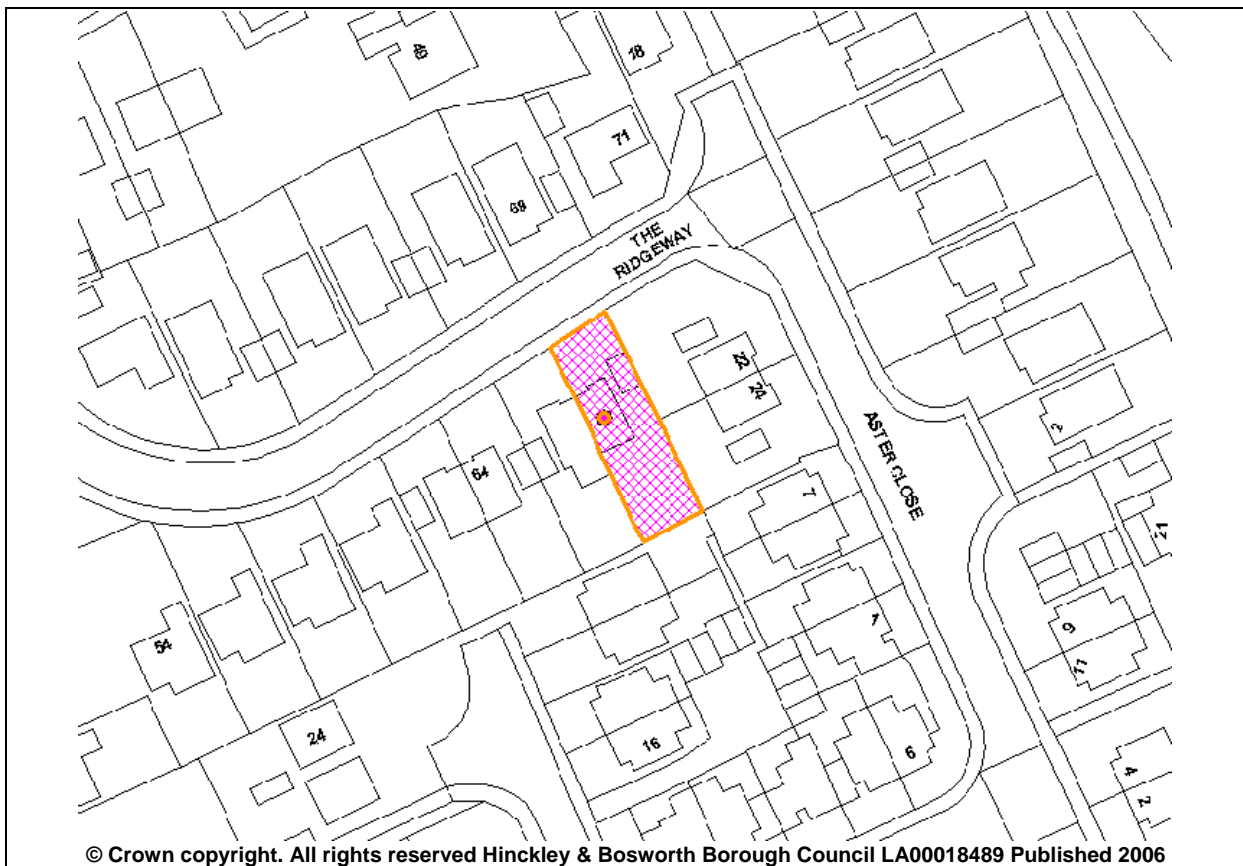
Technical Document submitted with application

None relevant.

**Relevant Planning History:-**

14/00076/UNBLDS Enforcement Enquiry Pending

13/00933/HOU Extensions and Alterations to Dwelling Approved 18.12.13



**Consultations:-**

No objection has been received from:-

Burbage Parish Council  
Head of Community Services (Land Drainage).

Councillor Inman objects to the application on the grounds that the extension as constructed (with a gable wall) has a massively overbearing effect on No 24 Aster Close and also badly affects Nos. 7 and 22 Aster Close. The already approved plans should be adhered to.

Neighbours notified. Three letters of objection have been received raising the following issues:-

- a) the extension has not been built in accordance with the approved plans which, by virtue of the height and hipped roof design sloping away from the boundary, would not have impacted negatively on any adjacent neighbours
- b) the as built extension has an adverse impact on adjacent neighbours by virtue of the slightly lower ground level of the neighbouring properties and its height and gable roof design resulting in overshadowing.

**Policy:-**

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

Local Plan 2006-2026:Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement boundary of Burbage as defined on the Proposals Map in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development.

Supplementary Planning Guidance/ Documents

Supplementary Planning Guidance (SPG) on House Extensions  
Burbage Village Design Statement (BVDS).

**Appraisal:-**

The principle of a single storey extension and alterations to the side and rear of the application dwelling has already been established through the earlier grant of planning permission (reference 13/00933/HOU) therefore the main considerations with regards to this application are the impact of the proposed amendment to the design of the scheme on the character and appearance of the dwelling, the wider street scene and impact on the amenities of neighbouring properties.

Design

Policy BE1 (criterion a) states that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials and is considered to have a high degree of conformity with the intentions of the NPPF. The Council's adopted SPG on House Extensions states that extensions should respect the scale and character of the existing dwelling, have a similar roof form and be constructed of matching external materials to ensure a unified appearance. The Burbage Village Design Statement guidance note 2.7 requires extensions and alterations to use materials and be of a design and scale compatible with original buildings.

The extension as built is only single storey in scale and has been constructed in matching external materials with a traditional roof form that reflects the main roof of the dwelling, albeit with a lower roof pitch. It is set back 6.5 metres from the front elevation and to the rear of the existing garage and is set off the side boundary by 1 metre thereby retaining access to the

rear garden. By virtue of its siting, scale, design and appearance the extension as built is considered to complement the character and appearance of the existing dwelling and have no adverse impact on the wider street scene. The proposal is therefore acceptable in design terms and in accordance with Policy BE1 (criterion a) and guidance within adopted SPG on House Extensions and the Burbage Village Design Statement.

### Impact upon Residential Amenity

Policy BE1 (criterion i) states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties. The Council's adopted SPG on House Extensions states that extensions should not be unduly detrimental to the amenities of the occupiers of adjoining houses or gardens. In respect of side extensions where the window of a habitable room faces a blank wall, the distance between them should not be less than 12 metres for single storey development.

As a result of the consultation process, letters of objection have been received from Councillor Inman and three separate addresses raising concerns that the as built extension has an adverse impact on adjacent neighbours by virtue of the slightly lower ground level of the neighbouring properties and its height and gable roof design resulting in overshadowing and having an overbearing impact.

The amended design results in a blank side elevation gable that faces towards the dining/kitchen patio window on the rear elevation of 24 Aster Close which is located approximately 8 metres to the east and on a slightly lower ground level. 22 Aster Close, also on a slightly lower ground level, has been extended to the rear with a conservatory which extends to within approximately 5 metres of the blank gable of the extension and by virtue of the location of the extension to the south west some limited degree of overshadowing to a small part of this garden may occur. However, notwithstanding the marginal difference in ground levels and that the separation distances to the blank gable are significantly less than the guidance within the adopted SPG on House Extensions, in this case, the extension is only single storey in scale, has been constructed with a shallow gable and low pitched roof, is 2.5 metres shorter in depth than the previously approved extension and is constructed 1 metre inside the side boundary on a similar line to the previously approved extension. As a result it is considered that the extension as built does not have any material additional or adverse overbearing or overshadowing impact on the windows or gardens of the adjacent neighbouring properties. There are no windows in the side elevation that would result in any loss of privacy from overlooking. The amended proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

### Conditions

Application ref: 13/00933/HOU was subject to three conditions. Amendment to Condition 2 is for consideration by this application. Condition 1 related to the time period for the commencement of development and Condition 3 required that the materials to be used shall match the corresponding materials on the existing dwelling. As this is a retrospective application, Conditions 1 and 3 are no longer required but Condition 2 will need to be amended to refer to the alternative proposed plans for the avoidance of doubt.

### Conclusion

The principle of a single storey side and rear extension has already been established through the earlier grant of planning permission (ref: 13/00933/HOU). By virtue of its siting, single storey scale, design and appearance the amended proposal is considered to complement the character and appearance of the existing dwelling and surrounding area and not have any material adverse impact on the residential amenity of neighbouring occupiers. The

amendments are considered to be in accordance with Policy BE1 (criterion a and i) and the overarching principles of the NPPF and are therefore recommended for retrospective approval in this case.

**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, the previously approved extant planning permission (reference 13/0933/HOU), 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 by virtue of the siting, scale, design and appearance, the amended proposal complements the character and appearance of the existing dwelling and wider street scene and does not result in any material adverse impact on residential amenity of neighbouring dwellings.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 (criteria a and i)

In dealing with the application, through ongoing negotiation, 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 scale; Block Plan at 1:500 scale; Proposed Floor Plan & Elevations Drawing No. HP3520/c/10, Proposed Sections Drawing Nos. HP3520/c/4 Rev A and HP3520/d/11 received by the local planning authority on 15 April 2014.

**Reasons:-**

1. 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](http://www.planningportal.gov.uk).
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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

**Item:** 06  
**Reference:** 14/00503/FUL  
**Applicant:** Helen Bareford  
**Location:** Land Off Hilary Bevins Close Higham On The Hill  
**Proposal:** Erection of 43 dwellings with associated access (revised proposal)  
**Target Date:** 18 August 2014

**Introduction:-**

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

Application Proposal

Full planning permission is sought for the erection of 43 dwellings and associated access.

Members will recall that the previous application 13/01053/FUL was reported to Planning Committee on 29 April 2014 where it was refused for the following reason:-

'In the opinion of the Local Planning Authority the proposed development represents an over provision of housing on part of an unallocated site ahead of the adoption of the emerging Site Allocations and Development Management Policies DPD. Therefore the development would be contrary to Policy 12 of the Adopted Core Strategy.'

The applicant has submitted an appeal against the council's decision to refuse application ref. 13/01053/FUL. As part of that process, discussions have taken place about the reason for refusal and whether the reason could be overcome with amendments or the submission of further information. The applicant has advised that they need to make minor revisions to the scheme, proposing amendments to boundary treatments, with the addition of brick walls to plots 18, 36, 37, 38 and 43. This presents the council with an opportunity to consider the merits of the planning application afresh against all material planning considerations.

The scheme proposes 25 open market dwellings and, at present, 18 affordable dwellings. During the course of the application a viability appraisal and subsequent affordable housing statement has been submitted which proposes 32 open market dwellings and 11 affordable dwellings which will be considered within the report.

The scheme proposes a mixture of 2, 3, 4 and 5 bed detached, semi detached and terraced dwellings.

Vehicular access is proposed from Hilary Bevins to the west of the site.

Following concerns raised by officers on the previous application, the applicant has submitted a statement of justification and housing need in respect of a reduction in number of affordable housing units, should the viability offer be accepted.

A separate application for an associated surface water drainage balancing lagoon (14/00097/FUL) was approved at Planning Committee on 24 April.

## The Site and Surrounding Area

The use of the site is currently agricultural 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 Bevin's Close a 1970's 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 falls 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.

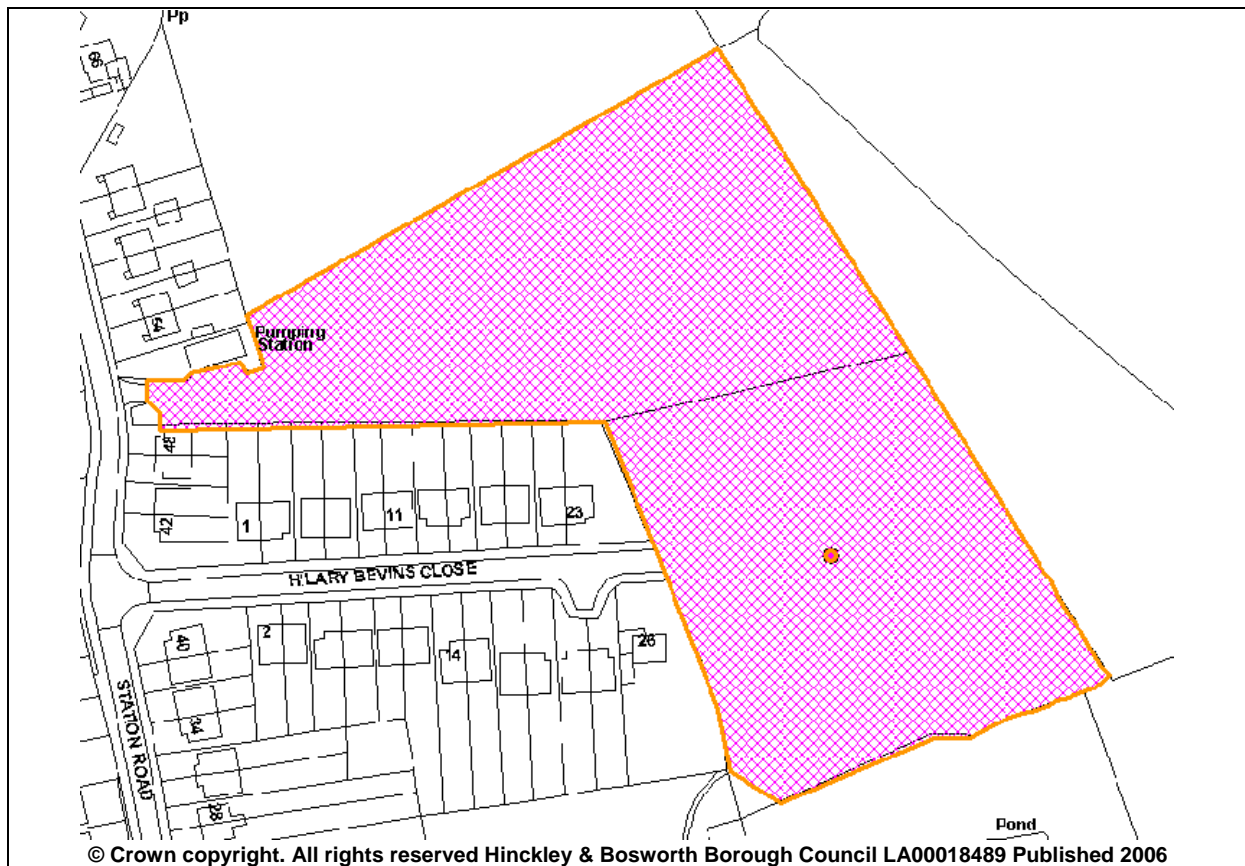
## Technical Documents submitted with application

Design and Access Statement  
Ecology Report  
Flood Risk Assessment  
Building for Life Assessment  
Planning Statement  
Geophysical Survey Report  
Statement of Community Involvement  
Phase I Site Appraisal  
Viability Assessment

## **Relevant Planning History:-**

13/01053/FUL	Erection of 43 dwellings with associated access	Refused	07.05.14
14/00097/FUL	Formation of surface water balancing pond and associated infrastructure (linked to application ref: (13/01053/FUL).	Approved	07.05.14
12/00482/OUT	Erection of 21 dwellings (Outline - Access Only) Pending Completion of S106 Agreement		
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:-**

In relation to the previous application, no objections were received from the following:-

Director of Environment and Transport (Rights of Way).

No objection subject to conditions have been received from:-

- Environment Agency
- Severn Trent Water Limited
- Director of Environment and Transport (Highways)
- Directorate of Chief Executive (Ecology)
- Directorate of Chief Executive (Archaeology)
- Head of Community Services (Pollution)
- Head of Corporate and Scrutiny Services (Tree Officer)
- Head of Community Services (Land Drainage)
- Head of Business Development and Street Scene Services (Waste Minimisation).

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

- a) Director of Children and young Peoples Services (Education) requests £76,465.74 for the primary school sector, £76,867.53 for the high school sector and £78,927.19 for the upper school sector.
- b) Director of Environment and Transport (Civic Amenity) requests £2,023
- c) Director of Adults and Communities (Libraries) requests £2,640
- d) Director of Environment and Transport (Highways) requested travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) 6 month bus passes

(which can be supplied through Leicestershire County Council at £325 per pass) new or improvements to the 2 nearest bus stops at £3,263.00 per bus stop, information display cases at the two closest bus stops costing £120.00 per display and a total of £3000 towards equipping the nearest suitable bus stop(s) with Real Time Information systems.

The Directorate of Chief Executive (Ecology) has not made a request.

Site notice and press notice were displayed and neighbours notified. Whilst no objections have currently been received to this application, the following objections and comments were received in respect of the previous application:-

Councillor Michael Mullaney and Councillor Reg Ward objected to the application stating that local residents have raised concerns in relation to the scale of the development as 46 houses is too many for the size of the village and originally there was outline permission for 21 dwellings in Higham.

Higham on the Hill Parish Council has submitted a covering letter detailing the concerns of residents and a petition containing 95 signatures.

- a) traffic generation and the dangerous junction at the top of Station Road have not been addressed
- b) unfair to expect just one side of the village to have to take the burden of the extra traffic
- c) survey should be undertaken on the present traffic movements to give an accurate insight into the traffic issues
- d) habitats of great crested newts could be affected and further investigation should be undertaken
- e) effect of the development on the flora and fauna
- f) loss of countryside views.

One letter of support was received stating the following:-

- a) the development will help support the local amenities such as the shop school and pub and bring new life into the village.

69 letters of objection were received raising the following concerns:-

#### Location and Scale

- a) size of the development; too many houses
- b) siting of the 5 houses is inappropriate
- c) change the character of the village
- d) outside of the settlement boundary and in the open countryside
- e) spoil the view
- f) increase the population of the village by up to 50%
- g) visual impact and harm on the countryside
- h) contrary to Policy NE4 and NE8
- i) not sustainable
- j) development is partly outside of the plan area
- k) huge amounts of brownfield land elsewhere; must be other suitable places to develop
- l) allocation of 40 houses is over Higham on the Hill's allocation
- m) 12 years left of the scheme so more dwellings could come forward.

### Highway safety

- a) danger to life
- b) unsafe access; access is not suitable for pedestrians, wheelchair users and vehicles
- c) a path is not proposed
- d) additional problems for existing parking arrangements
- e) increased vehicular, pedestrian, cyclists and service vehicles traffic
- f) traffic flow
- g) 80 more vehicles
- h) village already used as a rat run
- i) increased traffic through the village
- j) school and peak times will be exacerbated
- k) impact on Station Road and Hilary Bevins
- l) exit from Station Road on to Main Street
- m) work carried out at MIRA will cause more problems on the A5
- n) highway Agency should conduct a count/census.

### Residential Amenity

- a) the siting of the houses has no sensitivity to existing residents
- b) loss of privacy and overlooking
- c) contrary to Policy BE1 and SPG on New Residential Development
- d) reduce visual amenity
- e) noise pollution
- f) MIRA has received noise complaints from residents in Higham regarding noise from the circuit
- g) proximity of the proving ground track and the new dwellings could lead to detrimental impact on residential, amenity and could lead to complaints.

### Conservation Area

- a) adjacent to the village Conservation Area
- b) development would alter the character of the Conservation Area
- c) contrary to Policies BE5, BE7
- d) protected view and 5 dwellings would affect the view
- e) has the Conservation Area Appraisal been re-adopted?
- f) is there a margin around the Conservation Area which is also protected?

### Amenities

- a) village with limited infrastructure and local services
- b) school will not be able to cope with the influx this development will bring
- c) not likely to be any funds for the infrastructure investment to support the extra families.

### Ecology

- a) landscape and wildlife
- b) ecology is not taken seriously
- c) great crested newt found
- d) toads, frogs and common lizard affected
- e) trees and hedgerows are around 400 years old
- f) likely future removal of trees.

### Archaeology

- a) the field is of English Heritage interest
- b) medieval ridge and furrow.

### Footpath

- a) formalising of old footpaths would be out of character
- b) the plans do not show the route of the footpath T49f
- c) footpaths should be protected.

### Flooding and Sewage

- a) drainage and flood risk
- b) inadequate system at present
- c) the smell from the pumping station
- d) sewerage comes into the garden along Main Street.

### Other

- a) crime from path at the rear of the garden
- b) previous reasons for refusal are still relevant from 1987
- c) prevent us maintaining our fencing
- d) noise from trucks
- e) quality of life
- f) safety
- g) no informed choice before purchasing our house
- h) what has been the consultation process?
- i) no mobile phone signal and broadband facilities.

### **Policy:-**

#### National Policy Guidance

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

#### Local Plan 2006-2026: Core Strategy 2009

Policy 12: Rural Villages  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 17: Rural Needs  
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 REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development - Outdoor Play Space for Children  
Policy NE2: Pollution  
Policy NE5: Development within the Countryside

Policy NE12: Landscaping Schemes  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy BE1: Design and Siting of Development  
Policy BE16: Archaeological Investigation and Recording  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians.

#### Supplementary Planning Guidance/Documents

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

#### Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission)

The Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) was approved for consultation at Council on 21 January 2014. The consultation phase has been completed and the responses are now being considered.

The part of the site which already has outline planning permission (subject to the signing of the S106 Agreement) is allocated within the DPD. However, the additional parcel of land to the north, within this current application, has not been selected for allocation. While the DPD carries only limited weight at present given it has not been considered at examination, it should be noted that this document does not prevent other sites being considered acceptable provided they meet other policies of the development plan and guidance contained within the NPPF.

#### Strategic Housing Land Availability Assessment (SHLAA)

The SHLAA identifies the site as developable. The additional parcel of land submitted as part of this planning application to the north has not been submitted to the Local Authority to be considered through the SHLAA. It should be noted that the SHLAA only serves to identify potential sites for housing development and carries no weight in planning application process.

#### **Appraisal:-**

The main considerations in the determination of this application are the principle of development, impact upon the character and appearance of the countryside, overall appearance, impact on residential amenity, highway considerations, drainage and flood risk, archaeology, ecology, contamination, affordable housing and infrastructure improvements, viability and other matters.

#### Principle of Development

##### National Planning Policy Framework 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.

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

When the previous planning application for this site was considered in April 2014, officers advised members that the council's 5-year housing supply position was uncertain, having been interpreted differently by different Inspectors at appeals. Since that report was written, further consideration has been given to the implications of those decisions having regard to the council's record of not delivering its housing targets.

In allowing the appeal in the Stanton-under-Bardon appeal decision, the Inspector took the view that because the council has failed to deliver its housing targets in six out of seven years since the adoption of the Core Strategy, this amounts to persistent under-delivery. That Inspector had regard to previous Inspectors' decisions in relation to other appeals and drew conclusions that could not be disputed. The Inspector found in that case that, in accordance with paragraph 47 of the NPPF, a 20% buffer, moved from later in the plan period, should be applied to the housing land supply figure.

Since the previous report was considered in April 2014, further work has been carried out to calculate the current 5-year housing supply figure. While this calculation is not yet complete, taking account of the guidance contained within the NPPF, it is clear that the council can no longer sustain the argument that it has a 5-year housing supply. Calculations suggest that the figure is likely to be 4 years, which means that the authority has a significant shortfall of land for new housing development.

Where the council does not have a 5-year housing supply, regard must be had to paragraphs 14 and 49 of the NPPF and support proposals for sustainable residential development to significantly boost the supply of housing.

Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which 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 the NPPF taken as a whole, or
- Specific policies in the NPPF indicate development should be restricted.

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 do not include residential development. However, in light of the recent Stanton Under Bardon appeal decision Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies afford only limited weight in consideration of the application.

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** - 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** - 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. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a rural housing shortfall which will enhance the quality, vibrancy and health of the local community.

**Environmental** - 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, these policies are considered to have limited weight and national planning guidance states that housing applications should be considered in the context of the presumption in favour of sustainable development. For the reasons discussed above, the scheme is considered to satisfy the three core strands of sustainable development. In accordance with the guidance contained within the NPPF, there is therefore a presumption in favour of approving this application.

Objections have been raised through the course of the previous application regarding the level of existing amenities and pressure of services.

Paragraph 4.4 of the Core Strategy states that "These Rural Villages will be the focus of 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 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 of 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.

#### Higham on the Hill Housing Numbers and Demonstrating Housing Need

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.

Part of the application site has received planning permission under reference 12/00482/OUT for 21 dwellings and has been deducted from the overall housing requirement for Higham on the Hill as dwellings committed.

This recent planning application forms part of a larger scheme for 43 dwellings which provides 22 dwellings above the original outline planning permission (of 21 dwellings).

The residual minimum housing requirement for Higham on the Hill is 13 dwellings and this planning application provides 9 dwellings above the residual.

In accordance with policy 12, the applicant is required to demonstrate that the number of units proposed meets the needs of Higham-on-the-Hill.

The demonstration of the need should be considered in line with the sustainability of the settlement (Social, Economic and Environmental) to accommodate number of units proposed, the benefits this additional development will bring to the local community and the impact that the overprovision will have in the context of the Core Strategy spatial vision.

The application has been accompanied with a Planning Statement and during the course of the application a justification of housing need.

The statement discusses the sustainability credentials of Higham on the Hill and lists its amenities of a primary school, public house, corner shop, Methodist Church, formal and informal recreational land (public open space) and a Church of England. It confirms that the village has an hourly bus service that runs along Main Street with services to Hinckley and Nuneaton with bus stops located within 400m of the site. The statement concludes that the proposed development would make an important contribution to the strategic housing supply and deliver a sustainable development which will respect the character and appearance of the locality and create a high quality and attractive residential environment.

The justification of housing need similarly states that the requirement for new housing in Higham on the Hill is aimed at supporting services and facilities within the local community and this application will ensure the deliverability of much needed homes in Higham on the Hill. The justification concludes that an additional nine dwellings over the minimum figure will benefit existing services and facilities, helping to ensure their sustainability. This analysis is considered to be reasonable and therefore the additional nine units in Higham on the Hill is justified.

It is considered that the strategy for housing in rural areas is to maintain services so that they continue to act as sustainable hubs for their own populations and surrounding villages. This is to be achieved by maintaining 2004 population levels unless monitoring and review under



paragraph 4.12 of the Core Strategy indicates that the maintenance of services requires a higher level of population growth and development.

The type of housing proposed is likely to attract new families, young working professionals and ensuring continued population growth within the settlement. The additional nine dwellings would not have a negative impact upon the settlement and would not undermine or impact upon the aspirations of the spatial provision contained within the Core Strategy.

#### Pre-submission Site Allocations and Development Management Policies DPD

As stated above, the emerging Site Allocations and DM Policies DPD identifies land to be allocated for housing in Higham on the Hill to meet the minimum Core Strategy housing figure identified in Policy 12. The Plan Document was approved for consultation at Council on 21 January 2014. The consultation phase has been completed and the responses are now being considered.

The part of the site which already has outline planning permission is allocated within the DPD. The additional parcel of land to the north within this current application site boundary have not been allocated. The fact that an alternative site is being promoted through the DPD does not prevent other sites in Higham-on-the-Hill from being approved provided the development complies with other policies of the plan and guidance contained within the NPPF.

A planning application for the erection of 13 dwellings to the site behind the Oddfellows Arms has now been received and is awaiting determination. That application will be considered on its merits at the appropriate time and does not affect the determination of this planning application.

#### Principle Summary

An application for residential development on this site was refused in 1987 (ref: 87/00028/4). At the time of determination the relevant plan was the Leicestershire Structure Plan (1996-2016) which was replaced back in 2009. Since that time the National Planning Policy Framework has come into force, which places an emphasis on approving sustainable development. The 1987 refusal carries little weight in the determination of this application given the significant changes in planning policy and the development plan.

The adopted Core Strategy requires the allocation of land for the development of a minimum of 40 new homes and the proposed development of 43 dwellings will provide an over provision of 9 dwellings. It must be emphasised however that the figure in Core Strategy Policy 12 is a minimum figure to provide for flexibility and does not give rise to any significant adverse impacts upon Higham on the Hill.

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 assessment, 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 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 remain 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.

The layout and appearance of the proposed residential development is discussed later in this report, but it is considered that there is no identified harm upon the character and appearance of the countryside. Therefore it is considered that the residential scheme would not have a significantly detrimental impact upon the character and appearance of this countryside setting.

### Overall Appearance

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This is considered to be consistent with the intentions of the NPPF and therefore carries weight in the determination of this application.

### Layout

The layout proposes a main access road off Hilary Bevins which follows through to the north and south of the site with smaller roads running east and west, creating smaller cul-de-sac style areas.

All plots are located so that they front the road to which they are sited which creates strong defined streetscenes. All private amenity spaces are provided to the rear or side of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages.

The amenity spaces are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

### Affordable Housing Location

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to scrutiny by the Council's Housing and Enabling Officer. The scheme provides three areas of affordable housing, one to the south east of the site (plots 38-43); One to the eastern periphery of the site (plots 21-26) and the other to the

north west of the site (plots 11-16). The Council's Housing and Enabling Officer is in agreement with the current siting of the affordable housing units as it reflects the preference of the Social Providers. The scheme provides affordable housing in three locations across the site ensuring a separation between the affordable units and integration within the wider open market dwellings. It is therefore considered that this layout is the preferred option and best achievable result. Accordingly, it is considered that the current siting of the affordable housing units is acceptable.

The scheme as shown within the submitted layout proposes the full 40% affordable housing provision and therefore 18 affordable units. However, the applicant has submitted a viability appraisal and during the course of the application, following the request from officers the applicant has submitted an additional layout plan showing the reduced offer of 25.58% of affordable housing which equates to 11 affordable units. This shows a layout of two areas of affordable housing, removing the previously proposed plot 11-16. The alternative layout is considered acceptable as the number of units is preferred by the Social Providers and the integration with the wider open market dwellings remains. The viability offer is discussed later in the report.

### Scale and Design

The surrounding area consists predominantly of two-storey proportions to Hilary Bevins Close and Station Road.

The scheme proposes a mixture of 2, 3, 4 and 5 bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. In terms of footprint, the proposed dwellings also occupy fairly similar footprints to dwellings on Station Road and Hilary Bevins Close.

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as bay windows, canopies, dormers, arched and flat brick headers, and other brick detailing which adds additional interest to the external appearance of the site as a whole. During the course of the application, there have been alterations to the design to ensure that some house types include external chimney stacks, to reflect the local vernacular.

In respect of other visual elements there is a mixture of frontage and side parking with single and double garages providing both natural surveillance and attractive streetscene.

The subservient scale, roof design and architectural detailing on the garaging are reflective of the style of the dwellings to which they serve.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

### Hard and Soft Landscaping

The application shows indicative landscaping details. It is considered necessary to impose a planning condition which secures comprehensive details of all landscaping on site to ensure that it is reflective of this countryside setting. Tree species will be negotiated once a comprehensive landscaping plan has been submitted to the Local Planning Authority, which will be secured by way of a planning condition.

Policy NE12 criterion (d) requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is

considered necessary to impose a condition ensuring that the scheme is maintained for a period of five years from the date of planting.

In respect of other visual elements there is a mixture of frontage and side parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Roads are broken up with both hard surfaced and block paving which will be secured by way of condition. In addition the mixture of 1.8 metre high close boarded wooden fencing, brick walls and post and rail fencing will also be subject to a condition in order to ensure that the fencing is appropriate in its appearance.

This revised application is proposing brick walls as boundary treatments to plots 18, 36, 37, 38 and 43 which is considered to be acceptable and would improve the overall form and appearance of the development.

### Summary

The proposed dwellings reflect the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area and overall provides strong attractive streetscenes. The variation in design is welcomed and the scale and design of garaging and scale of garden sizes is considered acceptable.

It is therefore considered that on balance, having regard to the matters raised above, the scheme would not have an unacceptably adverse impact upon the countryside.

As such, the scheme is considered to be in accordance with guidance contained within Saved Policies NE5 (criteria i-iii), BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, the principles outlined in the Council's SPG on New Residential Development and the overarching guidance contained within the NPPF.

### Impact on Residential Amenity

Policy BE1 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 residential dwellings most immediately impacted upon as a result of the proposal would be No. 26 Hilary Bevins Close, the neighbouring dwellings to the north of Hilary Bevins Close.

There is a distance of approximately 15 metres between the closest point of plot 35, and 7 metres between the closest point of plot 34 between the side wall of No. 26 Hilary Bevins Close, which given the proposed plots siting further to the north and angle would not result in any significant overlooking, overshadowing or overbearing impacts.

There is a distance of approximately 18 metres between the rear wall of plot 1 and side wall of No. 23 Hilary Bevins Close and 22.5 metres between the side wall of plot 13 and rear wall of No. 23. There is sufficient separation distance to both elevations of No. 23 to not result in any unacceptable adverse impacts upon the occupiers of No. 23

There is a distance of approximately 21 metres between the side wall of plot 14 and rear wall of No. 15 Hilary Bevins and a minimum of 31 metres between the rear wall of plot 18 between neighbouring dwellings to the north of Hilary Bevins (No's 5-11). The separation distances are well in excess of the SPG's guidelines.

In respect of the neighbouring dwellings to the east of Station Road there is a distance of 35 metres between the closest point with No. 48 Station Road and 36 metres between closest point of plot 18 and No. 54 Station Road. Accordingly given the distances there are no significant impact upon these neighbouring dwellings.

The Head of Community Services (Pollution) has confirmed that complaints have recently been investigated by Environmental Health department into noise generated by the adjacent MIRA site and a noise investigation undertaken by MIRA identified levels on Station Road as being at times at such a level that they are likely to cause complaint. Accordingly in order to ensure that the new development is given maximum protection submission of a scheme of noise protection is recommended by the following condition.

In summary, the Head of Community Services (Pollution) raises no objection to the scheme, subject to the imposition of a noise attenuation condition to secure the suggested mitigation measures and the scheme is considered to have minimal impacts upon amenity of existing neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 (criteria h and 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.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions.

Objections have been raised as part of the previous scheme regarding highway safety and increased in traffic levels. A key issue in this application is the acceptability of the access arrangements. The Director of Environment and Transport (Highways) has previously confirmed 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.

In response to the suggested conditions from the Director of Environment and Transport (Highways):-

Suggested Condition 2: Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling 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. The parking spaces so provided shall thereafter be permanently so maintained.

The submitted layout shows the number of car parking spaces, and garages for each plot. Overall the parking provision is commensurate to the number of bedrooms proposed. Accordingly this condition is not required to be carried forward.

The Director of Environment and Transport (Highways) has also recommended the details of the routing of construction traffic to be included within the S106 Agreement. 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.

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 but would need to be in place prior to the commencement of the development.

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.

### Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage).

During the course of the previous application, the area to the north of the site showing a surface water run off attenuation pond was submitted and approved under a separate application ref: 14/00097/FUL.

The issues of drainage and flood risk are discussed in details as part of application ref: 14/00097/FUL.

In the event of this application being approved, the two applications would be linked by way of legal agreement to ensure that the surface water run off attenuation pond was provided in conjunction with the residential development.

### Archaeology

The application has been accompanied by a Geophysical Survey Report in conformity with Saved Policy BE14 of the Local Plan. 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 revised site area has been considered by the Directorate of Chief Executive (Archaeology) who has confirmed that the application site appears to contain Ridge and Furrow earthworks, which represent the remains of medieval and post-medieval agricultural cultivation so it is recommended that a topographic survey of the earthworks should be undertaken prior to their loss.

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; no protected

species or habitats of note were found, and no further surveys or mitigation measures are required at this time.

The Directorate of Chief Executive (Ecology) however requires that if no development commences within 3 years then an updated badger survey should be required which is to be secured by way of a planning condition. It is not considered that a condition to this effect would be required as if no development commenced within 3 years then the permission will have expired anyway.

During the course of the application a Great Crested Newt was found by a local resident and contacted the Directorate of Chief Executive (Ecology). Accordingly the Directorate of Chief Executive (Ecology) has requested additional information from the applicant. The applicant has submitted an additional statement containing consideration in respect of Great Crested Newt which has subsequently been considered by Directorate of Chief Executive (Ecology) who raises no objection subject to the imposition of a planning condition.

In summary, 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.

#### Contamination

Saved Policy NE2 is generally consistent with the NPPF and therefore remains relevant to the determination of this application.

The application has been accompanied by a phase 1 ground investigation report which has been considered by the Head of Community Services (Pollution) who recommends that conditions relating to land contamination are imposed to ensure the completion of a stage 2 intrusive investigation.

In summary, the scheme subject to the imposition of planning conditions is considered to be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

#### Affordable Housing and Infrastructure Improvements

The application proposes 43 residential units which attracts infrastructure contributions.

The general approach to developer contributions must be considered alongside the requirements 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 17.2 units (rounded up to 18 units) 9 units; 6 for social rent and 3 for intermediate tenure.

For the reasons discussed later in this report the applicants offer is for 25% affordable which would equate to 11 units. Of the 11 units, 8 for social rent and 3 for intermediate tenure.

The latest housing register for Higham on the Hill (as of January 2014) states that 193 applicants are seeking 1 bedroomed properties, 154 applicants are seeking 2 bedroomed properties, 67 applicants are seeking 3 bedroomed properties and 23 applicants are seeking 4 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.

#### Viability

The application has been accompanied by a viability assessment which has been reviewed in accordance with current working arrangements with Coventry City Council.

The applicant's viability assessment which states that they believe financially that they can provide 5 no. on site social rented units, representing an 11.62% affordable housing provision. Since this proposal was made, an application on the same site, with the same applicant for 21 units (reference 12/00482/OUT) was considered at planning committee on 1 April 2014. During the planning committee members requested that 5 affordable units be provided. The applicant has since agreed that in that instance they could accept a lower corporate developer's profit margin and provide the 5 units as requested. In light of this and in order to maintain consistency the applicant is willing to take a similar approach with this application and provide a 25.58% affordable housing provision which would equate to 11 units.

The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

Paragraph 173 within the NPPF states that sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Paragraph 205 also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 40%, but that this figure may be negotiated on a site by site basis taking into account a number of factors.

In accordance with current internal working arrangements Coventry City Council were consulted on the submitted viability appraisal as part of the previous application and they confirm that the scheme could support 8 affordable units which equates to an 18.6% provision. This is an improved position on the original offer, but short of the revised offer made of 25% (11 affordable units). Accordingly the independent assessor confirms that the



applicant would be making a loss and that it would be sensible to take the revised offer. Coventry City Council conclude that the viability assessment is fair, have reviewed the development costs and there are no identified areas for further scrutiny based upon the revised offer.

In recent years officers have sought to take a pragmatic view towards the delivery of development whilst meeting policy objectives, therefore embracing the planning authority's role as a controller and enabler. This has been reinforced through the implementation of the NPPF. It is also important to consider the Council's five year housing land supply position and it is considered that the proposed development of 43 dwellings would make a contribution to this requirement. As such bringing forward this scheme has a number of benefits, albeit with a reduction in the quantum of infrastructure, in respect of affordable housing.

The viability assessment has been assessed and it has been confirmed by an independent viability consultant that the full 40% target would mean that the scheme would be unviable and it is on this basis only that a 25.58% provision of affordable dwellings is considered acceptable in this case.

### 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.

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: - The application site falls within 1 kilometre of King George V Playing Field and as such financial contributions of £13,880.40 for the provision and £11,352.00 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 £31,192.20 is required for the provision and £15,200.50 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 £3,973.20 is required for the provision and £3,418.50 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 43 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.

Accumulatively at this time the development attracts contributions for off site play and open space of £79,016.80.

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

Should members be minded to approve this revised viability offer a Section 106 Agreement will progress to secure the following:-

- Affordable Housing (11 units; 8 for social rent and 3 for intermediate tenure)
- Play and Open Space (£79,016.80)
- Education (£232,260.46)
- Transport (Travel Packs).

Neither the request from the Director of Environment and Transport (Civic Amenity) for £2,023, the request from the Director of Adults and Communities (Libraries) for £2,640 or the requests from the Director of Environment and Transport (Highways) for improvements to the bus stops, information display cases or Real Time Information systems are considered to be CIL compliant.

### Other Matters

#### Sustainability

Inline 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 inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

#### 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 revised 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 43 dwellings would make a significant contribution to this requirement. It is therefore material in the context of a lack of five year supply that the proposal should be approved without delay in the context of achieving sustainable development. 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, and travel packs.

It is recommended that planning permission be granted, subject to the imposition of planning conditions and the signing of a S106 Agreement.

That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards play and open space, education and travel, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by three months 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, would not have an adverse impact upon the character and

appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE2, NE5, NE12, NE14, BE1, BE16, T6 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 12,15,16,17,19 and 24.

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 Drawing No. S6540/500/01; Planning Layout Drawing No. S06540/100/01 Rev K; Chimney Allocation Layout Drawing No. S0000/500/01 Rev A; House Type H588 (AS - Plot 19,28 and 30 and OPP -Plots 18 and 37); House Type H485 (AS - Plots 27 and 31 and OPP - Plots 1 and 17); House Type H455 (AS - Plots 7 and 34 and OPP - Plots 6 and 35); House Type P341 (AS - plots 8, 36 and 43 and OPP - Plot 26), House Type H421 (AS - Plots 2 and 3 and OPP -Plot 29); House Type P206 (AS - Plots 14,15,23 and 41 and OPP - Plots 16,24,40 and 42); House Type T310 (AS - Plot 9 and OPP - Plot 10); House Type H469 (AS - Plot 20 and OPP - Plots 5 and 32, 4 and 33) and House Type P383 (AS - Plots 11,21,25 and 39 and OPP - Plots 12,13,22 and 38) received by the Local Planning Authority on 19 May 2014.

3. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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. The materials to be used on the external elevations of the proposed garages shall match the corresponding materials of the proposed dwelling to which it serves.
4. No development shall commence on site until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
5. Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - a) Means of enclosure and boundary treatments
  - b) Hard surfacing materials
  - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
  - d) Implementation programme.

6. No development shall commence until details of the design for off-site highway works being improvements to visibility at the junction of Station Road with Main Street/Wood Lane by means of kerb realignment/carriageway and footway widening have been submitted to and approved in writing by the Local Planning Authority the works shall be implemented in accordance with the approved details prior to the occupation of the 10th dwelling.
7. No development shall commence until pedestrian visibility splays at the junction of each private access with the main access road shall first be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian visibility splays shall be provided prior to the first occupation of the respective dwelling. Within the splays there shall be nothing higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be maintained that way thereafter.
8. Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
9. No development shall take place until the detailed design of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and implementation period has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated by all rainfall events up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details and implementation period.
10. No development shall commence until a scheme for the disposal of foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and implementation period.
11. No development shall commence until a programme of archaeological work, comprising a topographic Ridge and Furrow survey has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. 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.
12. No development shall commence until a scheme for the investigation of any potential land contamination on the site has first been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with and a period of implementation. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out in accordance with the agreed implementation period.
13. No development shall commence until a scheme for protecting the proposed dwellings from noise from adjacent commercial operations has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme

for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

15. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved 'Additional Consideration in Respect of Great Crested Newt' (aspect ecology, April 2014) including the mitigation measures detailed within it.
16. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the access onto Main Street, they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
17. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
18. The windows at first floor serving wc's, bathrooms and en-suites as shown on the submitted drawings shall be fitted with obscure glass and be top hung and retained this way thereafter.

**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 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
4. To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
5. In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
6. To improve the visibility at the junction of Station Road with Main Street/Wood Lane where visibility is substandard in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
7. In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
8. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.

9. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem to accord with guidance contained within the National Planning Policy Framework.
10. To ensure that the development is provided with a satisfactory means of foul drainage to accord with guidance contained within the National Planning Policy Framework.
11. To ensure satisfactory historical investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan 2001.
12. To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
13. To ensure the surrounding uses do not have an adverse impact on the amenities of future occupiers in terms of noise to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
14. To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with the overarching intentions of the NPPF and Saved Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
15. To ensure that satisfactory mitigation measures are implemented to accord with the intentions of the National Planning Policy Framework.
16. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
17. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
18. To ensure that the development is not detrimental to the privacy and amenity of neighbouring properties and future occupiers of the residential properties to accord with Policy BE1 (criterion i) 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](http://www.planningportal.gov.uk).

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

**Contact Officer:-** Simon Atha Ext 5919