

**PLANNING COMMITTEE**

**14 October 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: 14/00367/OUT**  
**Applicant: Foregreen Ltd**  
**Location: Land Rear Of Oddfellows Arms 25 Main Street Higham on the Hill**  
**Proposal: Erection of 10 dwellings (outline - access and layout)**  
**Target Date: 27 August 2014**

**RECOMMENDATION: - Grant subject to S106 obligations and subject to conditions.**

**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

Outline planning permission is sought for residential development with access and layout to be agreed at this stage. All other matters are reserved. The layout suggests that the development would be 10 dwellings. Four of the 10 dwellings proposed would be affordable.

Vehicular access is proposed from Main Street to the south of the site.

The indicative layout suggests a mix of dwellings semi-detached bungalows and two storey detached houses.

An amended layout has been received following the potential for impacts to ecology on the site. Accordingly the number of dwellings has been reduced from 13 to 10 and a biodiversity mitigation area is proposed to the north of the site.

The Site and Surrounding Area

The site is currently vacant and is bounded to the north, east and south by mature hedgerows and trees. To the south of the site is the Oddfellows Arms public house and car park. The site is separated from the public house by a post and rail fence. The site is approximately 0.86 hectares in size. It lies adjacent to a recreation area to the west of the site, agricultural land to the east and to the north. The land to the north of the site has been recently granted planning permission for residential development of 43 dwellings. The site slopes down gently to the north west corner.

The site falls outside of, but adjacent to, the settlement boundary of Higham on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). The site also lies outside of but adjacent to the Conservation Area boundary.

Technical Documents submitted with application

Design and Access Statement  
Ecology Report  
Flood Risk Assessment  
Planning Statement  
Archaeology Survey  
Transport Statement

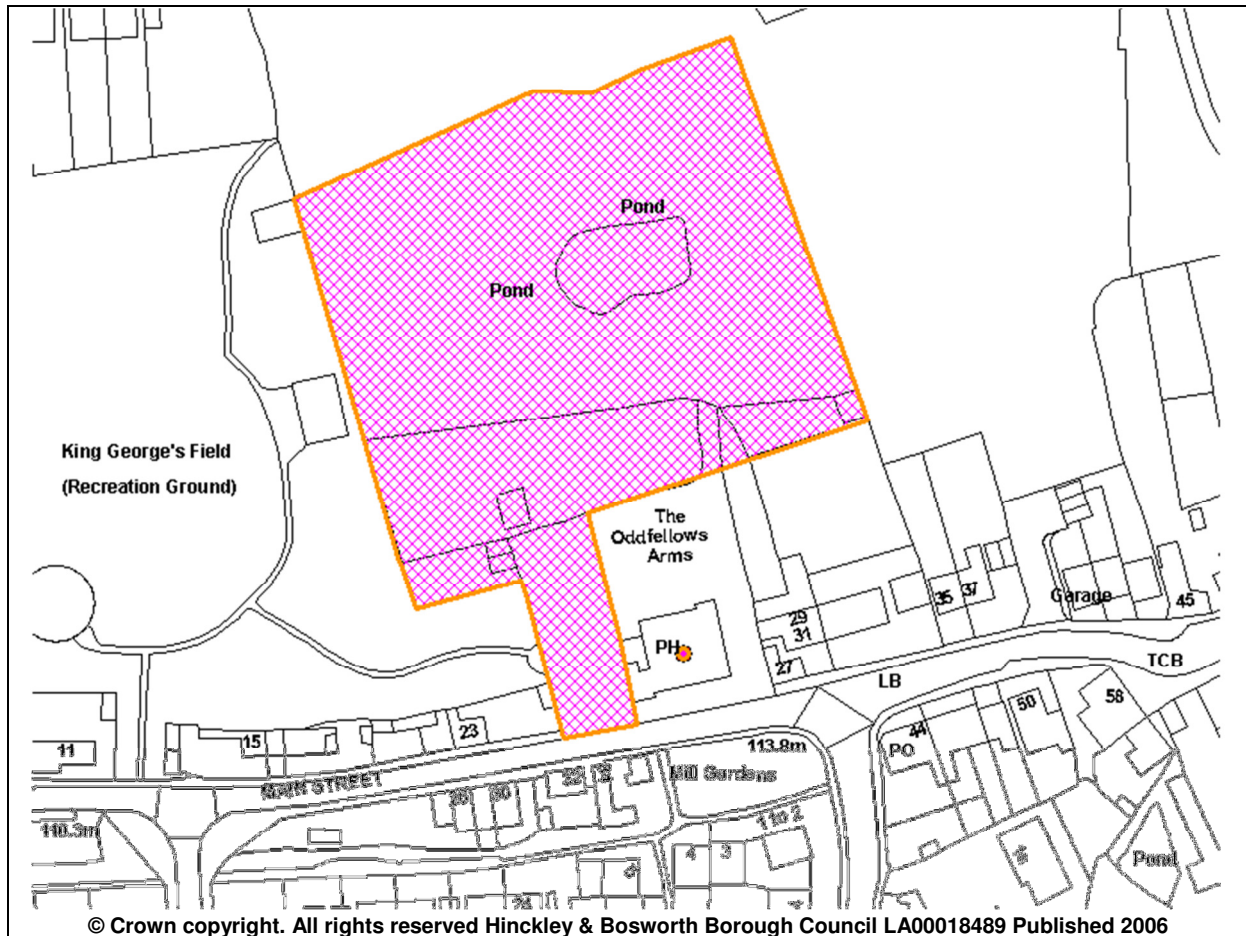
## Relevant Planning History:-

14/00362/COU

Change of use of land from  
agricultural to equestrian

Withdrawn

18.08.14



## Consultations:-

The following consultees have raised no objection subject to conditions:-

Environment Agency  
Severn Trent Water Limited  
Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Minerals)  
Head of Community Services (Pollution)  
Head of Community Services (Land Drainage)  
Conservation Officer.

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Higham on the Hill Parish Council has raised the following objections:-

- a) the development would radically spoil the open aspect of the village afforded to the remaining public house
- b) environmentally it would damage a small pond and green field site
- c) traffic coming from the development will compromise the safety of residents using the recreation ground and create further problems accessing Main Street
- d) development of the site would be claustrophobic and would urbanise the rural village
- e) a development of 43 houses has been passed on a green field site below the planned development
- f) the four affordable bungalows planned are a type of affordable housing already present within the village
- g) loss of ecology from the site.

Councillor Mullaney has raised the following comments on behalf of local residents:-

- a) the land is one of the last visual amenities in the village
- b) loss of view from the pub
- c) loss of wildlife including pond
- d) the access proposed from Main Street is dangerous
- e) safety with children accessing the recreation ground
- f) loss of parking where the access is proposed for village residents
- g) the village has a right of way over the land.

22 letters of objection have been received from local residents. Summary of comments received:-

- a) village housing target has been considerably exceeded
- b) the site is a village wildlife site
- c) the site adds character to the conservation area with protected views
- d) the pub would close as it would lose its beer garden
- e) highway safety dangers at the access point
- f) loss of important greenfield site
- g) loss of village car park
- h) harmful impacts in terms of the character and landscape
- i) the layout is inappropriate as the side elevation is only 5 metres from the rear boundary of a neighbouring property
- j) would increase the risk of flooding
- k) there are alternative better located sites within the village
- l) the site should be removed from the draft Site Allocations DPD
- m) conflicts with the Council's sustainability appraisal
- n) development would damage habitats of birds and animals
- o) the proposed access point would create a risk to children using the recreation ground
- p) noise from MIRA would affect residents.

Two letters of support has been received.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Framework (NPPF) March 2012  
National Planning Practice Guidance (NPPG) 2014  
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

### 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 BE7: Development in Conservation Areas  
Policy BE16: Archaeological Investigation and Recording  
Policy T5: Highway Design and Vehicle Parking Standards

### Supplementary Planning Guidance/Documents

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

### Other Material Policy Guidance

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

### **Appraisal:-**

The main considerations in the determination of this application are:-

- Principle of development
- Impact upon the character and appearance of the countryside
- Impact upon the Conservation Area
- Impact on residential amenity
- Highway considerations
- Ecology
- Drainage and flood risk
- Archaeology
- Affordable housing
- Infrastructure improvements

### Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material

consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there 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.

### Core Strategy

Policy 12 of the Core Strategy states that in Rural Villages housing will be provided within settlement boundaries to provide for a mix of housing types and tenures. Higham on the Hill is defined as a Rural Village due to the limited local services and facilities it has in place.

Policy 12 states that through the plan period land will be allocated for a minimum of 40 dwellings to be provided within Higham on the Hill that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels.

### Emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March 2014. Responses have now been received and consideration is being given to whether modifications to the document will be required before it is submitted for Examination in Public in early 2015. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage.

Paragraph 8.12 of the emerging (pre-submission) Site Allocations and Development Management Policies DPD sets out that the residual minimum housing requirement for Higham on the Hill as of October 2013 was 13 dwellings and as such this application site to the rear of the Oddfellows Arms was put forward as a proposed allocation. This minimum requirement was met through granting planning permission for 43 dwellings at Land off Hilary Bevins Close (ref: 14/00503/FUL) in June 2014. However, despite this requirement being met this does not mean that planning permission should be refused for additional dwellings, where the site is sustainable and where there are no material considerations to resist the development.

### Housing Land Supply

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.

As at April 2014, the Borough Council does not have a five year supply of deliverable housing sites. 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.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there 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.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

### Local Plan

The site lies outside of the current settlement boundary of Higham on the Hill, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

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. 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 affords only limited weight in consideration of the application. This is supported by the view of a Planning Inspector at Stanton under Bardon (ref: APP/K2420/A/13/2200224) where in that appeal it was considered that those policies were not NPPF compliant.

### The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-



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 for a mix of both market and affordable housing, which is appraised below, 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 housing shortfall which would enhance the quality, vibrancy and health of the local community.

Environmental - While the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built to reflect the character of the surrounding area. This point is appraised in further detail below in addition to the impact of the development upon the countryside and local environment.

### Summary

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 the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

Local residents within the parish of Higham on the Hill may consider that their 'quota' has been met in terms of the requirement of 40 dwellings as set out in Policy 12 of the Core Strategy which has been achieved. However, it is clear following recent appeal decisions such as those at Three Pots and Workhouse Lane, Burbage and Main Street, Stanton-under-Bardon that the onus of the Council achieving a five year supply of deliverable housing sites applies Borough wide.

In the absence of a five year supply of housing sites, the settlement housing targets as set out in the Core Strategy can be afforded little weight. Furthermore, the housing requirements as set out in Policy 12 is expressed as a minimum to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need across the Borough.

The proposal would help to meet the Council's housing shortfall and would contribute towards achieving a five year supply of housing land. The development is therefore considered to be acceptable in principle subject to all other material considerations being addressed.

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

As discussed above 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.

In addition, 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.

The south and west of the site is bound by the defined settlement boundary of Higham on the Hill. The proposal would involve building on a greenfield site on land beyond, but adjacent to, the settlement boundary. Whilst the land is currently classed as being within the countryside, it would in effect form a natural extension to the village by virtue of the existing built development to the south, recreation ground and houses to the west and residential development (consented) to the north at land off Hilary Bevins Close. The site is bound by mature hedgerows to the north and east and as such it is not considered that this site, given its setting, constitutes an open rural countryside location.

The layout would offer the potential to provide a high quality development of 10 dwellings laid out in an arrangement that would provide sufficient amounts of open space, in-curtilage parking and sizeable rear gardens. The detailed design, scale, appearance and landscaping of the dwellings proposed would be considered as part of the reserved matters submission to ensure that the development would be well integrated within the pattern and form of the village and the surrounding landscape.

It is considered that the proposal would have minimal harm to the character and appearance of the countryside, the surrounding area or the setting of the village. The proposal is therefore considered in environmental terms to be sustainable as per the NPPF and would be in accordance with the design criteria of Saved Policies NE5 and BE1.

The appearance, siting and landscaping for the dwellings proposed has been reserved and would be considered as part of any forthcoming reserved matters application.

#### Impact upon the Character and Appearance of the Conservation Area

Policy 12 of the Core Strategy states that new development will be required to respect the character and appearance of the Higham on the Hill Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

Furthermore, Saved Policy BE7 of the Local Plan states that proposals will be required to preserve or enhance the character of Conservation Areas.

Whilst the site is not directly included within the Conservation Area boundary it does lie directly adjacent to the north of the boundary. Given Higham on the Hill's rural setting as a village, there are important views out of the Conservation Area, particularly from the open access points to either side of the public house.

The Conservation Officer has raised no objection to the proposal given that the scheme proposes to retain two open views to the north of the site through the layout of dwellings proposed. As such the development is considered to preserve the character and appearance

of the Conservation Area in accordance with Policy 12 of the Core Strategy and Saved Policy BE7 of the Local Plan.

The design, appearance and scale of dwellings would be considered in detail at the reserved matters stage. Given the location of the site on the edge of the Conservation Area, the expectations of delivering a high quality development that enhances and contributes to the existing character of the Conservation Area would be high. Traditionally designed dwellings making best use of local architectural features and materials would be sought with specific sustainable design and construction features to ensure a high degree of sustainability.

### 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 scheme, based on 10 dwellings, the provision should be for 4 affordable units. The Council's Affordable Housing Strategy Officer has considered the applicant's offer of 4 x 2 bedroom bungalows and due to the difficulties of marketing single units as intermediate tenure properties accepts that all 4 bungalows would be suitable being provided as social rented properties.

The four affordable housing semi-detached bungalows are proposed to the western part of the site, in a cluster of units which is considered to be acceptable. As the site is also located within a rural area a local connections policy to Higham on the Hill would be included within the S106 Agreement to require applicants for affordable housing in the first instance to have a connection to Higham on the Hill and then to the Borough.

There is a high demand in Higham on the Hill for affordable properties of the type proposed and the waiting list shows that there is an acute housing need. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

It is considered that the delivery of 40% affordable housing in this rural area is a key material consideration that weighs favourably in the balance of meeting the social needs of sustainability as supported by the NPPF.

### Impact on Residential Amenity

Saved Policy BE1 (criterion i) states that development proposals should not detrimentally impact upon residential amenity.

The nearest neighbouring residential dwellings are located to Main Street to the south of the site. No's 12 and 23 would be situated approximately 28 metres to the south west of the semi-detached bungalows across from the existing recreation ground. No's 27, 29 and 31 Main Street back onto the application site and would be located approximately 37 metres from the side elevation of the nearest two storey detached dwelling proposed to the south of the site.

It is considered that due to the separation distances between the proposed dwellings and the nearest dwellings on Main Street, there would be an acceptable separation distance to not create an impact from overlooking or overshadowing.

The Head of Community Services (Pollution) has commented that noise complaints have been recently investigated by Environmental Health in respect of noise from the adjacent MIRA site. Whilst there is evidence historically of noise disturbance taking place in the village of Higham on the Hill generally it is unlikely that noise would be a significant issue that would

affect the amenity of the occupiers of the dwellings proposed. Environmental Health would be given the opportunity to comment on the detailed design at Reserved Matters stage.

The proposal is therefore considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

### Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The scheme has been considered by Leicestershire County Council (Highways) who raises no objection to the scheme, subject to conditions.

There is an existing access point to the west of the public house that currently serves the rear of the public house and the village recreation ground. This is currently hard surfaced and also provides informal parking for local residents. Whilst the concerns of local people are noted in respect of the loss of this parking, the land is private and no public right exists for residents to park their vehicles on this land. There is sufficient parking to the rear of the public house that will still continue to exist and would continue to be accessed from the east of the public house.

Whilst visibility is restricted to the west of the site entrance, it is not considered that the number of vehicles using this access for 10 dwellings would materially exceed the traffic movements associated with the existing car park.

There would be sufficient space within the curtilage of each dwelling to accommodate a satisfactory level of car parking provision.

Concerns raised by local residents are noted in respect of the existing footpath access to the recreation ground which exists to the west of the proposed access and the potential for conflict for pedestrians and children. A footpath is proposed from the site entrance where it joins the existing footway along Main Street which would ensure that vehicles and pedestrians are appropriately separated and as such it is not considered that any significant conflict or safety issue would take place.

In summary, Leicestershire County Council (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 Saved Policy T5 of the Local Plan and highway guidance contained within the NPPF.

### Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An initial ecology report was submitted with the application, which was considered by Leicestershire County Council (Ecology). Concerns were raised as the survey was carried out in February outside of the optimal survey period. A further survey was carried out in the summer. Leicestershire County Council (Ecology) has considered the existing pond to the centre of the site and has found that the pond is unsuitable for Great Crested Newts and is of low ecological value. The report also found some species rich grassland on the site. An

amended plan was submitted to address the ecological concerns raised and to create a biodiversity area to the rear (north) of the site. Consequently the number of dwellings proposed has been reduced from 13 as shown on the plans as originally submitted to 10.

Leicestershire County Council (Ecology) has accepted the revised layout and has withdrawn its objection to the scheme. It is considered that the mitigation proposed is satisfactory to overcome the ecological concerns raised and that the scheme will bring about biodiversity benefits by safeguarding a biodiversity improvement area to the rear of the site. A biodiversity management plan has been conditioned to be secured to ensure future maintenance and preservation of this part of the site. The land is intended to be left as a separate natural biodiversity enhancement area with minimal formal management required, to allow flora and fauna to flourish naturally and remain undisturbed. It would not form part of public open space and general access would be restricted to allow the site to become species rich and of high ecological value.

Residents have mentioned that the site is used as an amenity and wildlife site for the village with bonfires and events taking place from time to time. From an ecological perspective use of the site for bonfires is likely to have a detrimentally harmful impact on biodiversity whereas the maintenance and management of the rear part of the site for ecological purposes is likely to bring about biodiversity benefits and add value to the village. It is accepted that the site also provides community benefits in the form of social gatherings with bonfires and events which would be a negative loss to the village in this respect.

The proposed development is therefore not considered to have any significant detrimental impacts upon ecology or protected species and with appropriate biodiversity mitigation the proposal is therefore considered to be in accordance with the guidance as set out within the NPPF.

#### Hard and Soft Landscaping

The application shows indicative landscaping details. Tree planting will be negotiated once a landscaping scheme has been submitted as part of the reserved matters submission.

Details of wooden fencing, brick walls and general boundary treatment will also be subject to consideration as part of the reserved matters application in order to ensure such treatment maintains privacy and is visually acceptable. High quality boundary treatments would be required to plots where they face public spaces.

#### Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage). No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement of development. Sustainable drainage will be required in the form of soakaways and swales to ensure the sustainable treatment of surface water drainage and to reduce the risk of flooding.

The proposal is therefore considered to be in accordance with Saved Policy NE14 and would not create a flood risk and would be able to satisfactorily provide new surface water drainage and foul water to accommodate the proposed development.

## Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. 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.

The applicant's desk-based Archaeology Survey has been considered by Leicestershire County Council (Archaeology) who confirms that the site is unlikely to host archaeological remains that are likely to be impacted upon by the development proposed.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

## Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities.

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

## Play and Open Space

Policy 19 of the Core Strategy 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).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of King Georges Field Recreation Ground, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 states that a contribution for formal play and open space will be required on sites of 20 or more dwellings. As the proposal is for 10 dwellings this would not apply.

The application site is located within 400 metres of equipped place space at King Georges Field Recreation Ground and as such a financial contribution may be secured against this site. A contribution of £7,254.00 is required for the provision and £3,535.00 for the maintenance.

In respect of informal un-equipped children's play space a contribution of £924.00 is required for the provision and £795.00 for the maintenance.

The total cost per dwelling of play and open space contributions would be £1,250.80 or £12,508.00 in total.

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.

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 Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

#### Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £17,876.17 is sought for secondary education at Redmoor High School. A contribution of £18,355.16 is sought for upper school education at John Cleveland College. The total contribution request is £36,231.33. The contribution would be used to address existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

#### Libraries

A contribution request has been made from Leicestershire County Council Library Services for £540.00 for use of provision and enhancement of library facilities at Hinckley Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

#### Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £495.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 2 tonnes of waste generated by the development and given that the total waste collected is 8,200 tonnes per annum, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

## Other Matters

Concerns relating to flood risk and drainage have been considered above and neither the Head of Community Services (Drainage), the Environment Agency or Severn Trent have raised an objection.

In response to wildlife concerns, the applicant has conducted an ecological survey which has been considered and found that the development would not adversely affect wildlife or protected species. The biodiversity enhancement area to the rear of the site will encourage a high quality environment for flora and fauna and will help to ensure the development integrates into the semi-rural area and village setting.

Concern has been raised that the development would result in the closure of the Oddfellows Arms Public House. The development would take place on private land to the rear of the public house. Sufficient parking would continue to exist to the rear of the public house. It is not considered that the development would impact or effect the viability of the public house. Additional residents living on this site may become future customers of the public house, which would help to sustain the business.

## Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares as the site area totals 0.86 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3. Overall it is not considered to the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area that the proposal would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

## Conclusion

In conclusion, the proposal would not be wholly in accordance with policies contained within the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan. These policies respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF advises that development plan policies governing housing land supply, such as policy RES5 of the Local Plan and Policy 12 of the Core Strategy, should not be considered up to date.

In these circumstances, full weight can not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a reasonably sustainable location within a Rural Village. The delivery of housing would bring



economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 40%, meeting the policy requirement, is considered to be a material consideration that weighs favourably in the balance.

The development would not harm the character and appearance of the area or Conservation Area and biodiversity mitigation and enhancements are proposed that would safeguard the ecological value of the site as a local wildlife asset.

Collectively the above factors weigh heavily in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have carefully been taken into account.

**RECOMMENDATION:- Grant subject to S106 obligations and subject to 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 would not have an adverse impact upon the character and appearance of the countryside, 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):- Policies RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, BE7, BE16, T5 and T9.

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

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.

**Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-
  - a) The scale of each building proposed in relation to its surroundings.
  - b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - c) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: - Dwg No. 355/02A Site Location Plan 1:1250 and Dwg No. 355/01.3 Proposed Site Layout Plan 1:500 received 18 August 2014.
- 4 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 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.
- 5 No development shall commence on site until such time as the and 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.
- 6 Prior to the commencement of development a Tree Survey and Tree Protection Plan including hedgerows to be retained shall be prepared to BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.
- 7 No development shall take place until a management plan for the protection and maintenance of the 'naturalistic area' as shown on Dwg No. 355/01.3 is prepared by a suitably qualified ecologist and submitted to and agreed in writing by the Local Planning Authority.
- 8 No development shall commence until a scheme for the disposal of surface water and 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.
- 9 No development shall commence until a detailed construction environmental management plan has first been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme. The details shall include:-
  - a) how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination
  - b) wheel washing facilities
  - c) road sweeping arrangements
  - d) site traffic management plan
  - e) a plan showing how such controls will be monitored
  - f) procedure for the investigation of complaints.
- 10 Before first occupation of any dwelling, visibility splays shall be provided at the junction of the access with Main Street as shown on Dwg No. 355/01.3. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained.
- 11 Before first occupation of any dwelling the pedestrian/cycle access from Main Street, the recreation ground and the development shall be provided in accordance with the detail as shown on Dwg No. 355/01.3.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 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.
- 5 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity, ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 7 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 8 To ensure that the development is provided with a satisfactory means of surface water and foul drainage and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 In the interests of safeguarding residential amenity and appropriate construction management in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 In the interests of pedestrian safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

**Notes to Applicant:-**

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

**Item:** 02  
**Reference:** 14/00281/FUL  
**Applicant:** Evans Bros Ltd  
**Location:** Manchester Hosiery Manufacturing Co Ltd Queens Road Hinckley  
**Proposal:** Erection of 14 dwellings with associated car parking  
**Target Date:** 4 September 2014

**RECOMMENDATION:- Refuse planning permission.**

**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**

The application seeks full planning permission for the erection of 14 dwellings on a former factory site close to the centre of Hinckley. The site was formally occupied by Manchester Hosiery Works. This building comprised a two and three storey brick built factory with a flat roof two storey addition to the rear, two single storey timber buildings and a two storey part brick and steel framed building. This building was demolished following the granting of prior approval (14/00142/GDOD) earlier this year.

In further detail, the scheme comprises two uniform rows of two storey, terraced properties. These would be pitched roofed and of simplistic form. Fenestration would be vertically emphasised and aligned, and would incorporate header and cill detail. To add further interest, chimneys and pitched roofed canopy porches are proposed.

The houses would follow the established building lines of existing terraced houses adjacent to the road frontages (Princess Road and Southfield Road). Plots 1 - 8 would be sub-divided into two blocks and face onto Southfield Road. These dwellings would be set back by roughly 0.5 metres from the highway, with pedestrian access provided to their frontage. These would have small enclosed gardens and space for car parking within a rear courtyard.

Plots 9 - 14 would be subdivided into two blocks of three and face onto Princess Road. Parking for these dwellings are sited at either end of the blocks and centrally between them, along with 7 spaces, including three visitor parking spaces sited to their rear. Enclosed rear gardens are also proposed. These dwellings will be set back 2 metres from the highway, with landscaped areas and enclosed front gardens. Pedestrian access would be gained from Princess Road. Vehicular access to plots 9, 11, 12 and 14 would also be via Princess Road.

Overall the scheme would provide 31 off road parking spaces.

The existing access is from Queens Road, towards the north eastern corner of the site. This is intended to be repositioned centrally along the Queens Road boundary and would provide access to the courtyard.

## Site and Surrounding Area

The site comprised an attractive former factory that was occupied by Manchester Hosiery Manufacturing Co. Ltd. The main manufacturing building occupied the primary Southfield Road frontage and wrapped around to face Queens Road. This was a two-storey brick building with a traditional pitched roof. It had large arched 20-pane windows with blue-brick cills and arched brick headers. This building stood as an attractive and prominent building in the street, complementing the form and character of the traditional brick terraced housing on surrounding streets. To the rear of the factory were less attractive outbuildings that were used for storage/manufacturing purposes.

The collection of factory buildings has been recently demolished and the site is cleared. It is roughly square in shape and has an area of 1900m<sup>2</sup>. The site comprises an end parcel of land, being bounded to three sides by the highway; to the north, Princess Road, the east, Queens Road and to the south, by Southfields Road. The western boundary of the site is adjacent to dwellings on Southfield Road and Princess Road. An existing 2 metre-high wall runs along the length of this boundary. The road-facing boundaries are currently open. The only building that remains is a sub-station. This is sited towards the north eastern corner of the site and is to be incorporated within the scheme. The topography of the site is varied resulting in a two-metre fall from north to south.

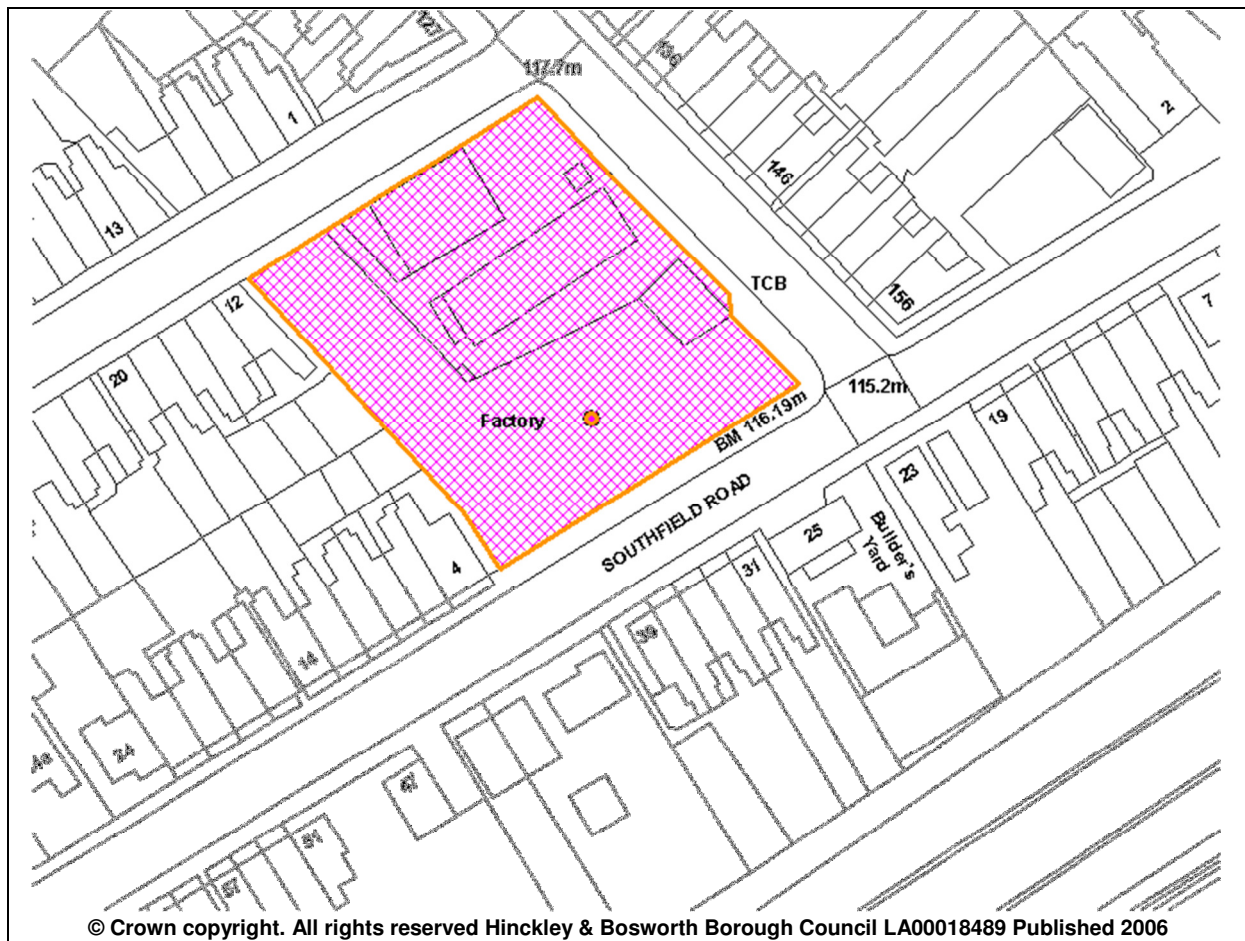
The site is within the settlement boundary of Hinckley and is identified as an employment site within the Local Plan. The site is approximately 600m to the north east of the town centre and 800m east of the railway station. Residential development surrounds the site to all sides. This predominantly comprises high density terraced housing dating to the late 19th and early 20th Century. The form of housing and its regimented linear form results in a strongly definable residential character.

## Technical Documents submitted with application

Design and Access Statement  
Viability Report  
Protected Species Survey  
Flood Risk Assessment  
Contamination Report

## **Relevant Planning History:-**

14/00142/GDOD	Demolition of factory building	General Development Order 14.03.14
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**Consultations:-**

No objection has been received from:-

Directorate of Chief Executive (Ecology)  
 Director of Environment and Transport (Footpaths).

No objection subject to conditions has been received from:-

Environment Agency  
 Severn Trent Water Limited  
 Director of Environment and Transport (Highways)  
 Head of Business Development and Street Scene Services (Waste and Recycling)  
 Head of Community Services (Pollution)  
 Head of Community Services (Land Drainage).

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

- a) Director of Children and young Peoples Services (Education) requests £40,652 for the primary school sector
- b) Director of Environment and Transport (Civic Amenity) requests £693
- c) Director of Adults and Communities (Libraries) requests £760.

Director of Environment and Transport (Highways), the Police and Leicestershire and Rutland PCT have made no requests.

Neighbours notified, two letters of representation received raising the following issues/concerns:-

- a) supportive of the development as it comprises a well designed scheme which is reflective of the street scene
- b) concerns over the retention of the existing brick boundary wall. This needs to be retained as it provides a noise/privacy barrier
- c) concerns over parking; this should be sited to the rear of the dwellings and access should be taken off Queens Road.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Guidance (NPPG) 2014  
National Planning Policy Framework (NPPF) March 2012  
Community Infrastructure Levy (CIL) Regulations 2010

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

Policy 1: Development in Hinckley  
Policy 16: Housing Density and Mix  
Policy 19: Green Space Provision  
Policy 24: Sustainable Design

#### Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development  
Policy RES5: Residential Proposals on Unallocated Sites  
Policy EMP1(b): Existing Employment Sites  
Policy T5: Highway Design and Vehicle Parking Standards  
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities  
Policy REC3: New Residential Development Outdoor Play Space for Children  
Policy NE12: Landscaping  
Policy NE2: Pollution

#### Supplementary Planning Guidance/Documents

New Residential Development (SPG)

### **Appraisal:-**

The main considerations in determination of this application are:-

- Principle and 5 year Housing Land Supply
- Relationship with the character of the area
- Impacts on residential amenity
- Highway safety
- Viability, Developer Contributions and Play and Open Space
- Land Contamination
- Other Issues

### Principle of Development

The site is located within the settlement boundary of Hinckley as defined in the adopted Local Plan Proposals Map.

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. It states that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. For decision taking this means:-

- Approving development proposals that accord with the development plan...
- 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 of the framework as a whole; or
  - specific policies within the framework indicate that development should be restricted

### Local Plan

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This policy can now be given only limited weight since the publication of the NPPF which provides a presumption in favour of sustainable development.

### Core Strategy

Policy 1 of the Core Strategy: Development in Hinckley states that land will be allocated within Hinckley for a minimum of 1120 new residential dwellings. This figure has not yet been met.

### Housing Land Supply

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.

As confirmed in April 2014, Hinckley and Bosworth Borough Council do not have a five year supply of deliverable housing sites. 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.



The housing supply policies as set out in the Core Strategy, including Policy 1, which relates to development within Hinckley, are thus not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

### National Planning Policy Framework

There are three core strands underpinning the presumption in favour of sustainable development, which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. These roles are mutually dependant and result in sustainable development. In relation to this scheme, the dimensions are met in the following ways:-

**Economic** - the local and wider economy would both directly and indirectly benefit through the creation of jobs, the purchasing of materials and through the sale of the end product.

**Social** - The scheme would contribute towards a housing shortfall in Hinckley which would enhance the quality, vibrancy and health of the local community.

**Environmental** - this is a Brownfield site which would be remediated through the development. This will result in the efficient recycling of previously developed land (as encouraged by 111 of the NPPF) and will provide the opportunity to enhance the ecology and landscape of the area. Further, the development will be reflective of the character of the area and will thus be complementary to its setting. The development will also be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect.

Based on the above the scheme is considered to comprise sustainable development, in accordance with the NPPF, would result in the re-use of Brownfield land and would contribute towards the Borough's housing shortfall and five year housing land supply. The development is therefore considered to be acceptable in principle subject to all other material considerations being appropriately addressed.

### Relationship with the Character of the Area

Criterion (a) of Policy BE1 seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area.

This is considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application.

The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area, is well integrated into its surroundings, offers a good standard of security and amenity to future residents and protects the amenity of existing occupiers. In addition, paragraph 64 within the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The scheme proposes two blocks of development, one fronting Princess Road and one fronting Southfield Road. The architectural treatment of these dwellings is simplistic, typical of modern sub-urban town housing. While the fenestration proportions disappointingly do not take references from the Victorian housing nearby, there is sufficient detail and interest to suggest that the street Southfield Road and Princess Road would not be unattractive. The

submitted plans show horizontal alignment with adjoining houses in terms of ridge and eaves detail, but no information has been provided to demonstrate horizontal fenestration alignment. If the application were acceptable in all other regards, this detail would need to be agreed by condition.

With regard to the frontage to Queens Road, the layout/design and architectural approach is poor. The units facing Southfield Road and Princess Road fail to 'turn the corner' of the street. The side gables of the corner units are blank with the exception of a small window opening at first floor. This results in a lifeless and uninteresting façade to the street corners. The Queens Road elevation would be dominated by low-level picket fencing and 2m high timber fencing. This is a missed opportunity to provide a higher quality form of development that responds to the character of the street. It is also a significant dilution of the quality of the street frontage compared with the factory building that used to occupy the lower part of the site.

The car parking solution for the scheme is to create a central car parking courtyard behind the rear gardens of the two blocks of houses. Access would be off Queens Road. This courtyard space would be segregated from individual plots by 2m high timber fencing that provides privacy/enclosure to private gardens. While there would be a small element of overlooking of the court yard, from a distance, from existing houses on Queens Road, this large hard surfaced area has the potential to become an unpleasant space that is unlikely to be well maintained and could be used inappropriately. These types of spaces tend to be either mis-used or under-used. Local residents generally don't like leaving their cars out of sight so would be more likely to park on-street where there are known problems of congestion. This is likely to cause further problems for existing residents. The applicant has attempted to break up the appearance of the court yard by introducing trees and shrubs. These features are unlikely to be well maintained and are likely to cause long-term problems.

The proposed parking court yard creates a large gap in the built up frontage along Queens Road. While a solid row of development along this frontage is unlikely to be achievable, there is the potential for a much better quality design solution to this street frontage. Despite attempts to negotiate improvements, the applicant has been unwilling to discuss ideas.

Details of some boundary treatment and landscaping have been shown on the submitted plans.. The scheme proposes picket fencing to the front of the Princess Road elevations and the same wrapping round on to the Queens Road elevation. No boundary treatment is shown to the Southfield Road elevation. Given the character of the street, if the application were to be recommended for approval, a more robust boundary treatment would be required to these prominent street frontages.

With regard to landscaping, a full scheme would be required if the application were to be recommended for approval. Notwithstanding this, the submitted drawings show low-level planting to the Southfield Road and Queens Road elevations. This is likely to be poorly maintained and would collect litter. Again a better quality boundary and landscaping solution would be required to ensure a durable and attractive solution is proposed.

An existing 2 metre high wall runs along the western boundary, is identified on the plan as 'potentially' being retained. This is considered necessary to provide both a visual screen and to safeguard existing residents from the impacts of adjoining occupiers..

The scheme, by virtue of its layout and proposed boundary treatment and landscaping would create a poor quality environment for existing and future occupiers, and would result in an unattractive frontage to Queens Road. The scheme is therefore considered contrary to Policy BE1 (a) and Section 7 of the National Planning Policy Framework.

### Housing Density and Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In Hinckley development is required to meet a minimum density requirement of 40 dwellings per hectare. In this case the density of development would be roughly 70 dwellings per hectare, given the high density of the surrounding development, this scheme is considered compatible with the character of the area in this respect.

The proposed dwellings would all comprise 2 bed properties. Although the scheme would not provide a mix of dwelling size, this scheme comprises the most viable development and thus this issue would not warrant refusal of the application.

The development provides adequate numbers of off road parking provision and rear amenity space and retains adequate separation distances. However, for the reasons set out above, there is a concern that the rear parking court may not be attractive for residents to use because it is remote from individual plots and not very well overlooked.

### Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Concerns have been raised within the letters of representation that the proposal does not comply with the standards within the SPD and will result in a detrimental impact in terms of residential amenity.

The dwellings most likely to be impacted upon by the proposal will those facing the development on Princess Road and Southfield Road and the adjacent dwellings Number 12 Princess Road and Number 4 Southfield Road.

### Privacy

In order to ensure that a development does not result in an adverse impact on the privacy of surrounding dwellings, the SPD recommends a separation distance of 23 metres between elevations containing principle room windows.

In this case there would be a distance of approximately 13 metres between the dwellings along both Princess Road and Southfield Road and those of the proposed development. Although this distance is below that recommended within the SPD, a similar relationship is found in most densely developed areas, including ones such as this, which comprise rows of Victorian terraced properties. Further, given that the facing dwellings would be separated by the highway and that in the majority of cases, facing windows would not be directly aligned, although there may be some impacts in terms of overlooking/privacy, these are not considered to result in material harm that would warrant refusal of the application.

Over-dominance/overshadowing

The layout has been designed to ensure that there will be no consequential overbearing impacts or overshadowing to any of the surrounding dwellings.

### Vehicle Movements

Given that the parking areas are sited internally within the site, there would be associated noise and disturbance from vehicle movements. However given that this is a densely developed town centre area, the resultant level of disturbance is not considered to result in a material level of harm to the occupants of surrounding properties, or future occupants of the development.

It is considered, by virtue of the layout, scale and design of the proposal, that the development will not give rise to any materially adverse impacts on the residential amenity of the surrounding dwellings either by way of overbearing/overshadowing/over dominating impact, loss of privacy from overlooking or loss of amenity from noise and disturbance. The proposal is therefore in accordance with Policy BE1 (criteria i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

### Access and Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. These policies are considered consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

Two off road parking spaces would be provided for each of the two bed dwellings, along with the provision of three visitor parking spaces. These visitor parking spaces are remote from the plots to which they would serve (2-7) and are therefore unlikely to be used. There are two existing accesses on Queens Road, which serve the site. The northern most access is to be closed, and the remaining access is to be repositioned more centrally along this elevation.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objections subject to nine conditions. The suggested conditions relate to pedestrian and vehicular visibility splays, the erection of gates on Princess Road, dimensions of the driveway, the provision and surfacing of parking and turning, site drainage, closure of the existing accesses and a construction site management plan. Of the recommended conditions, seven are considered necessary and would be reasonable to impose if the application were being recommended for approval.

Condition 7 requires site drainage to be provided. Full drainage details have been requested by Head of Community Services (drainage) and thus this request will be incorporated into the standard drainage condition.

Condition 9 requires the submission of a construction traffic/site traffic management plan. Given the relatively minor scale of development proposed this request is considered too onerous and thus would not be approved if the application were recommended for approval.

Based on the above, and subject to seven of the recommended conditions, in terms of highway safety, the proposal is considered to be in accordance with Policy BE1 (criterion g) and Policy T5 of the adopted Local Plan.

### Viability, Developer Contributions, Affordable Housing and Play and Open Space Contributions

The application has been accompanied by a viability assessment. This has been independently assessed and it has been concluded that it would not be possible for the

development to provide the full amount of developer contributions. Further clarification was sought in respect of land purchase price, build costs and the need for additional contamination surveys. This information has been provided and is considered acceptable. The viability report which accompanies the application concludes that there will be a surplus of £20,000 available for developer contributions.

### Developer Contribution Requests

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

The following requests have been received:-

#### Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £40,652 is sought for primary education provision at Hinckley St Mary's C of E Primary School. It is stated that this school has a deficit of places, 4 of which are created by this development. The contribution would be used to address existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

#### Libraries

A contribution request has been made from Leicestershire County Council Library Services for £760 for use of provision and enhancement of library facilities at Hinckley Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not clearly demonstrated how the contribution is necessary or how the proposed solutions would mitigate against the impacts. Accordingly the request is not considered to be CIL compliant.

#### Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £693 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there would be an additional 3 tonnes (approx.) of waste generated by the development and given that the total waste collected is 8,200 tonnes per annum, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

#### Play and Open Space

Core Strategy Policy 19 and Saved Local Plan Policy REC3 require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. Policy REC3 is 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 Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study (2011) once the

Green Spaces Delivery Plan has been completed. However, as the evidence base is not yet complete to complement Policy 19, this application is to be determined in accordance with the requirements of Policy REC3, the SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development would result in 14 residential units and is within 400 metres of Queens Park, a Local Equipped Area of Play the application triggers a requirement for contributions in accordance with Policy REC3 and the Council's SPD on Play and Open Space. The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this case contributions would be used to improve and maintain an equipped children's play space. The required contribution in this case would be £17,511.20 (which comprises of £11,449.20 for the provision element and £6,662 for the maintenance element). The size of the units proposed would appeal to families and given the proximity of the application site to this open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it 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 instance. Negotiations to secure these obligations are currently under negotiation.

#### Viability

As stated within the viability report which accompanies the application, the development would be able to afford £20,000 to be spent on developer contributions. Where viability is demonstrated as being a concern, the Local Planning Authority, as decision maker, needs to consider whether the absence or reduction of planning contributions would mean that the harm from the scheme could not be satisfactorily mitigated.

In this case, the planning contributions towards education and play & open space are both important. However a reduction in the normal level of provision would not render the scheme unsustainable. In these circumstances, in the event that the application was to be recommended for approval, the sum that could be afforded would be proportionally split as follows:-

Education:- £40,652. The viable education contribution request is £13,958.62

Play and Open Space:- £17,511.20. The viable play and open space contribution request is:- £6,041.38 this would be subdivided between provision £3,987 and maintenance £2,054.38.

#### Other Matters

##### Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

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).

No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement.

Subject to the suggested conditions, the proposal would be in accordance with Saved Policy NE14 and would not create a flood risk. The scheme would be able to satisfactorily provide surface water drainage and foul water to accommodate the proposed development.

#### Contamination

Head of Community Services (Pollution) has commented that based on the historic potentially contaminative use of the site and the Phase 1 desk study submitted with the application, that conditions be imposed requiring intrusive ground investigation in order to further characterise the site and provide details of any necessary remediation. The suggested conditions are considered necessary and would be imposed if the application were recommended for approval.

#### Conclusion

The proposed dwelling would be located within the settlement boundary of Hinckley where there is a presumption in favour of development subject to all other matters being addressed. The development would result in the sustainable re-use of brownfield land is therefore acceptable in principle. However, the scheme, by virtue of its design/layout and the poor quality boundary treatment & landscaping proposed would fail to complement or enhance the Queens Road frontage and is therefore considered to have a materially adverse impact on the visual amenity of the street scene. If approved, the scheme would be contrary to Policy BE1 (a) and Section 7 of the NPPF. Accordingly the application is recommended for refusal.

#### **RECOMMENDATION:- Refuse planning permission.**

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

##### **Reasons:-**

- 1 In the opinion of the Local Planning Authority, the scheme would result in a poor quality design as a result of the inappropriate layout, boundary treatment and landscaping. The scheme would result in a lifeless and unattractive frontage to Queens Road and would fail to complement or enhance the character and visual amenity of the area. The proposal would therefore be contrary to Policy BE1 (l) of the adopted Hinckley and Bosworth Local Plan and the principles on requiring good design within Section 7 of the NPPF.

##### **Note to Applicant:-**

- 1 The development has been determined in accordance with Drawing No's:- 01, 04B, 05A, 06, 07 received by the Local Planning Authority on 5 June 2014.

**Contact Officer: -** Eleanor Overton      Ext 5680

**Item:** 03  
**Reference:** 14/00699/COU  
**Applicant:** Mr Gavin Robertson  
**Location:** 23 Harrowbrook Road Hinckley  
**Proposal:** Change of use from to a mixed use comprising of office/industrial and motor vehicle sales with associated parking at Whittle Road, Hinckley. (retrospective)  
**Target Date:** 17 October 2014

**RECOMMENDATION:** - Grant subject to S106 obligations and subject to conditions.

**Introduction:-**

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

Application Proposal

The application seeks retrospective planning permission for the change of use from a Go Kart Centre to a mixed use comprising office, industrial and motor vehicle sales at 23 Harrowbrook Road together with associated parking at land off Whittle Road, Hinckley. The two sites are located at different parts of the industrial estate, but operate as part of a single business.

23 Harrowbrook Road

The site is located within the Harrowbrook Industrial estate and has been left unused for a number of years. It was previously used as a Go Kart centre before the current business occupied the unit in December 2012. The site accommodates a wide range of vehicles that are advertised for sale on the internet. The applicant has stated that two thirds of the customers call by appointment to collect their purchases, with the remainder visiting as speculative buyers. Within the industrial building, photographs are taken of the vehicles to be advertised on their website. To the rear of the industrial building is a section where the cars are maintained, valeted and washed in preparation for sale. These activities are considered ancillary to the mixed use of office, industrial and sale of motor vehicles.

To the front of the industrial building are offices for the sales team and also a private office to deal with general enquires and booking of appointments. There is a toilet block and a customer waiting area available within the industrial building. To the front, there are car parking spaces available for 13 customers. The business employs approximately 45 local people.

Land off Whittle Road

The company has acquired a separate piece of land within the Harrowbrook Estate off Whittle Road. This section of land had been unused and derelict for a number of years. This application seeks permission to continue to use the site for the purpose of parking up to 37 vehicles for employees. During the day the site is locked and cannot be accessed by any members of the public. The Whittle Road site is used for the purpose of unloading new



vehicles via fixed wheelbase car transporters. New vehicles purchased ready for sale are brought to the land off Whittle Road site to reduce the potential for a number of vehicles parking along Harrowbrook Road. Once the cars have been delivered to the land off Whittle Road site each vehicle are then driven onto the 23 Harrowbrook Road site where they are prepared ready for sale.

A plan has been submitted to show that the land off Whittle Road site can accommodate up to 60 vehicles (37 employee spaces and 23 car storage spaces). Most of the 37 employee spaces on the site layout are shown to be stacked behind one another. This is sufficient to accommodate employee parking and new vehicles being delivered to the site. On the Whittle Road site, no vehicles are advertised for sale, and no customers park on the site. The main customer-facing side of the business operates from 23 Harrowbrook Road.

This application has been submitted following an enforcement complaint that was received expressing concern about the parking situation along Harrowbrook Road.

The Site and Surrounding Area

Harrowbrook Industrial Estate is a mixed use development with light industrial units (B1), general industry (B2), storage and distribution (B8) and some element of selling to the general public. The site is located to the North of Hinckley town centre and is adjacent to the A5.

The sites at 23 Harrowbrook Road and land off Whittle Road are within the industrial estate and have been left derelict and unused for a number of years. The business is bringing an increased amount of activity and employment to the industrial estate. The site can be easily accessed by members of the general public with good road and bus links to the industrial estate.

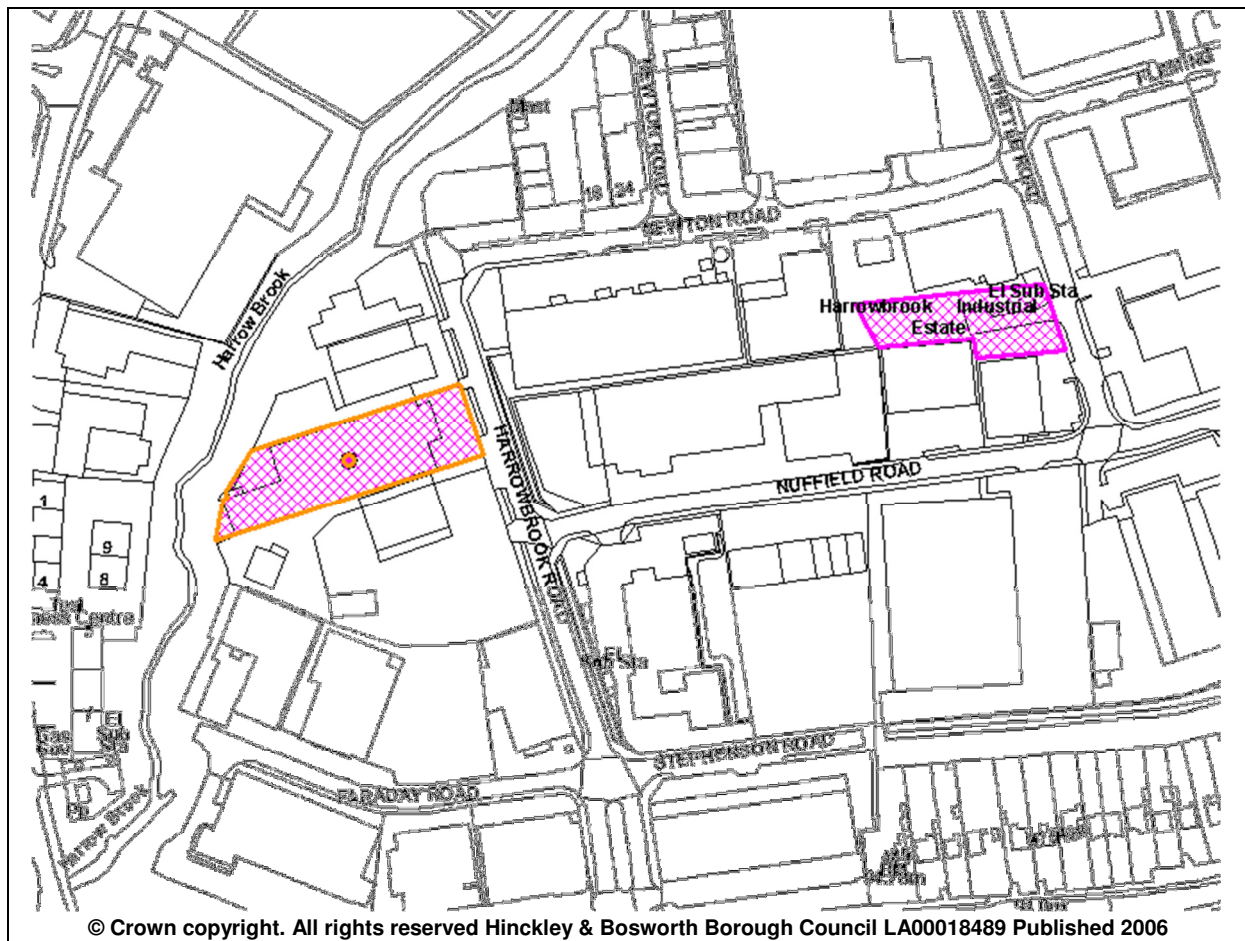
**Relevant Planning History:-**

23 Harrowbrook Road

05/01115/COU	Change of use to Indoor Go Kart	Approved	07.12.05
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Land off Whittle Road site

95/00387/COU	Change of use to open storage	Approved	13.07.95
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**Consultations:-**

Neighbours notified and advert posted in the Hinckley Times.

No objections have been received from Environmental Health Pollution.

West Clarendon Neighbourhood Forum raises no objection to the application but raises the following comments:-

If this application is for two sites and is for a lawful business it must have conditions set upon it;

- a) no employee vehicles to be parked on the roadway, to ensure that there is a through fare for other vehicles accessing other business
- b) that there is set opening hours, possibly between 0700 and 1800 Monday to Saturday. If trading is proposed for Sunday then hours should be between 0900 and 1600
- c) that no vehicles for sale are displayed anywhere other than on the approved site(s)

Saxon Paddock Committee raises no objection to the application.

Leicestershire County Council Highways raise no objections to the application. However they have made the following comments:-

- a) the Highway Authority would normally seek to resist a proposal that would fail to provide appropriate space for servicing and deliveries. However on the basis of the available facilities and taking into consideration the existing use of the site and the existing

- potential for deliveries, it is unlikely that it would be possible to sustain a reason for refusal on highways grounds in the event of an appeal
- b) the Highway Authority has some concerns that the remoteness of the proposed car parking facilities for employees could lead to additional car parking taking place within the highway. However, taking into consideration the walking distance between the proposed employee car parking spaces on Whittle Road and the main use, and in the light of the absence of an accident record on the industrial roads in the vicinity of the site, the proposals will be acceptable
  - c) It is considered that further details should be provided to give clarity in connection with the number of car parking spaces that will be provided and permanently remain available for customers
  - d) due to the applicant providing a separate site for parking of employees and delivery of vehicles, if the land off Whittle Road site was no longer available, the Highway Authority would have concerns as employees working at 23 Harrowbrook Road would have no off-street parking, so would be forced to park on the highway, causing problems on the highway.

### **Policy:-**

#### National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

#### Local Plan 2006-20206: Core Strategy 2009

Policy 1: Development in Hinckley

#### Hinckley and Bosworth Local Plan 2001

Proposal EMP1: Existing Employment Sites

Policy EMP2: Expansion of Existing Employment Sites

Policy BE1: Design and siting of development

Policy T5: Highway design and vehicle parking standards

### **Appraisal:-**

#### Principle of Development

The National Planning Policy Framework (NPPF) at paragraph 19 and 20 states that significant weight should be placed on the need to support and help achieve economic growth through the planning system and those local planning authorities should plan proactively to meet the development needs of business and support economy. Policy 1 of the Core Strategy supports development in Hinckley which provides for a range of employment opportunities.

The retrospective application seeks to regularise the planning use of the facility at 23 Harrowbrook Road, Hinckley. The site has been used for a car sales facility since December 2012. Prior to that time, the former warehouse was unused for a number of years and was last used for a Go Kart centre which remains its lawful use.

The current use provides employment and is located within an area where this type of industrial/commercial activity is appropriate. Accordingly, the continued use would benefit the economy and provide jobs for local people. The company currently employs 45 local people on a full time basis.

The proposal is considered to be sustainable economic development and in accordance with the overarching principles of the NPPF and Policy 1 of the Core Strategy. The proposal is therefore considered acceptable in principle subject to all other planning matters being addressed.

### Highway Safety and Parking

On the 23 Harrowbrook Road site, there are currently 13 car parking spaces made available at all times to members of the general public. The applicant intends to display a sign to make this clear that the car park is for customers only. Within the 23 Harrowbrook Road site there is adequate parking and manoeuvring space to accommodate visitor traffic associated with the mixed use development. As the original enforcement complaint was in regard to parking issues along the Harrowbrook Road, the owner has acquired the freehold of the land off Whittle Road to enable employees' cars to be parked away from the site and to ease the amount of vehicles along the highway.

The land off Whittle Road is used as an employee car park (37 car parking spaces) and vehicle storage (23 car parking spaces). The land off Whittle Road site is currently being used for the parking of employee cars and the transportation of new vehicles to the land off Whittle Road site. The newly delivered vehicles will be transported to 23 Harrowbrook Road ready for sale. There will be no car sales on the Whittle Road site and a planning condition is recommended to secure this, in order to prevent employee or visitor cars being displaced onto the highway.

On the land off Whittle Road site, the plan shows that the 37 employee car parking spaces are stacked against one another so can not be independently accessed. In this instance this is not a concern as the car park is purely for the people who work on the 23 Harrowbrook Road site. Therefore, vehicle owners are likely to know each other and the business will be able to make arrangements to allow staff to leave the site.

The Highways Authority have stated that if the land off Whittle Road site became unavailable, for instance if the lease were to cease or the site were to be sold to a third party, there would be concerns as the applicant would be unable to demonstrate sufficient off-street car parking for employees. In order to address this concern, a unilateral undertaking under Section 106 is required.

In addition the Director of Environment and Transport (Highways) stated that a condition for cycle parking provision should also be made available on the 23 Harrowbrook Road site in the interests of discouraging single occupancy car journeys.

The West Clarendon Neighbourhood Forum has stated that would like the council to impose a condition to prevent employee vehicles from being parked on the roadway. This type of restriction would be extremely difficult to enforce, particularly as it would not be clear whether a car parked on the street belonged to an employee of one of the other businesses. Harrowbrook Road has no parking restrictions and on-street parking could therefore not be controlled. Notwithstanding this, the owner has stated that the freehold of the land off Whittle Road site and has stated that all employees will park there.

A further request by the Forum was that no vehicle sales should be displayed for sale other than on the approved sites. While there is no evidence to suggest this would happen, the display of vehicles outside the application site is likely to be either in breach of planning and/or highway regulations and can therefore be addressed under separate legislation.

Subject to receipt of a unilateral undertaking under Section 106 to ensure the Whittle Road site is retained for staff parking, the application is considered to be in accordance with Policy T5 of the adopted Local Plan.

### Other Issues

The West Clarendon Neighbourhood Forum has mentioned that there should be a restriction on the hours of use; although no reasons for this have been given the applicant has advised that the business operates during normal daytime hours. A condition of this type would not be appropriate as the use is within an industrial estate, where other businesses are able to operate without restriction. The sites are not close to residential properties and therefore a restriction would be unreasonable in these circumstances.

### Conclusion

The NPPF supports sustainable economic development. The proposal is considered to support sustainable economic development and is acceptable in principle. The external appearance of the two sites has not changed in appearance and the use of the unit does not have any adverse impact on the character of appearance of the area. The development, and the acquisition of the Whittle Road site for employee parking, will ease the traffic congestion on the highway in the vicinity of the 23 Harrowbrook Road site.

The proposal is in accordance with Core Strategy Policy 1, Local Plan Policies BE1 and T5 of the adopted Local Plan together with the overarching principles of the NPPF.

**RECOMMENDATION: - Grant subject to conditions and that subject to receipt of an acceptable Section 106 Agreement (or Unilateral Undertaking) of the Town and Country Planning Act 1990 to ensure that the Land off Whittle Road site is retained and kept available for employee parking in connection with the business at 23 Harrowbrook Road, the Chief Planning and Development Officer shall be granted delegated powers to granted planning permission subject to the conditions below.**

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

Having regard to the 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 the receipt of an acceptable Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 and with the conditions attached to this permission, the application is in accordance with the development plan as the principle of development is acceptable and would not have an adverse impact on the industrial estate or affect highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policy 1.

In dealing with the application, the local planning authority has 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.

**Conditions:-**

- 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 (Drawing Number 3818-05), Block Plan (Drawing Number 3818-05), Proposed Site Layout Whittle Road (Drawing Number 3818-04B), Proposed Site Layout Harrowbrook Road (Drawing Number 3818-02B) received by the Local Planning Authority on 18 July 2014. The Whittle Road Parking Plan submitted by the Local Planning Authority on the 4 September 2014.
- 2 The Whittle Road site shall not be used for the purpose of displaying or advertising vehicles for sale or for the repairing, valeting or preparation of vehicles.
- 3 The Whittle Road site shall not be used for the parking of more vehicles than the number of spaces shown on the Whittle Road Parking Plan submitted into the Local Planning Authority on the 4 September 2014 and the Proposed Site Layout Whittle Road (Drawing Number 3818-04B) received by the Local Planning Authority on the 18 July 2014.
- 4 A scheme showing proposals for the provision of safe and secure cycle parking provision for the 23 Harrowbrook Road site shall be submitted in writing to the Local Planning Authority within two months of the date of this approval. The approved cycle parking facility shall be installed within two months of the date of written approval and thereafter maintained and kept available while the business is in use.

**Reasons:-**

- 1 To define the permission.
- 2 To ensure that the land of Whittle Road site is purely used for its defined use and to ensure that the site does not affect the amenities of other users of the Industrial estate in accordance with Policy BE1(i) of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure there is not an over development of the site that may affect the amenities of nearby occupiers in accordance with Policy BE1 (i) of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of the sustainability of the development and to encourage alternative transport choice.

**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:-** Craig Allison Ext 5700

**Item:** 04  
**Reference:** 14/00731/FUL  
**Applicant:** Twycross Zoo  
**Location:** Twycross Zoological Park Burton Road Norton Juxta Twycross  
**Proposal:** Erection of a giraffe house and landscaped pedestrian access  
**Target Date:** 10 October 2014

**RECOMMENDATION:- Grant subject to conditions.**

**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

The proposal seeks to provide a new giraffe house on the site of an existing storage yard. The new house is required in order to accommodate a number of giraffe on the site. The giraffe house would be located to the west of the site and adjacent to the elephant house.

The enclosure would be a 2-storey quadrilateral structure measuring 32.5m in length by 25m in depth. The roof would be of a hipped design measuring 6m to the eaves and 9m to the ridge. An additional smaller single storey building for storing hay is also proposed and measures 7m in length by 6m in depth. The roof of this smaller building would also be of a hipped design measuring 2.5m to the eaves and 4m to the ridge. This development would constitute a built area of 854.5m.

Site and Surrounding Area

The site comprises a long, narrow parcel of land with an area of 0.89 hectares. The land is adjacent to the sites western boundary, which runs parallel to Orton Hill. This boundary is maturely vegetated. The land was formally used as a 'back of house' service and storage yard.

The site of the zoo has an area of approximately 40 hectares and is located to the south of Burton Road (A444) and to the east of Orton Hill, bounded on all sides by agricultural land. To the southwest lies Orton House Farm, to the west lies Spinney Farm and to the north lies Norton House Farm. The village of Norton Juxta Twycross lies approximately 500 metres north of the site.

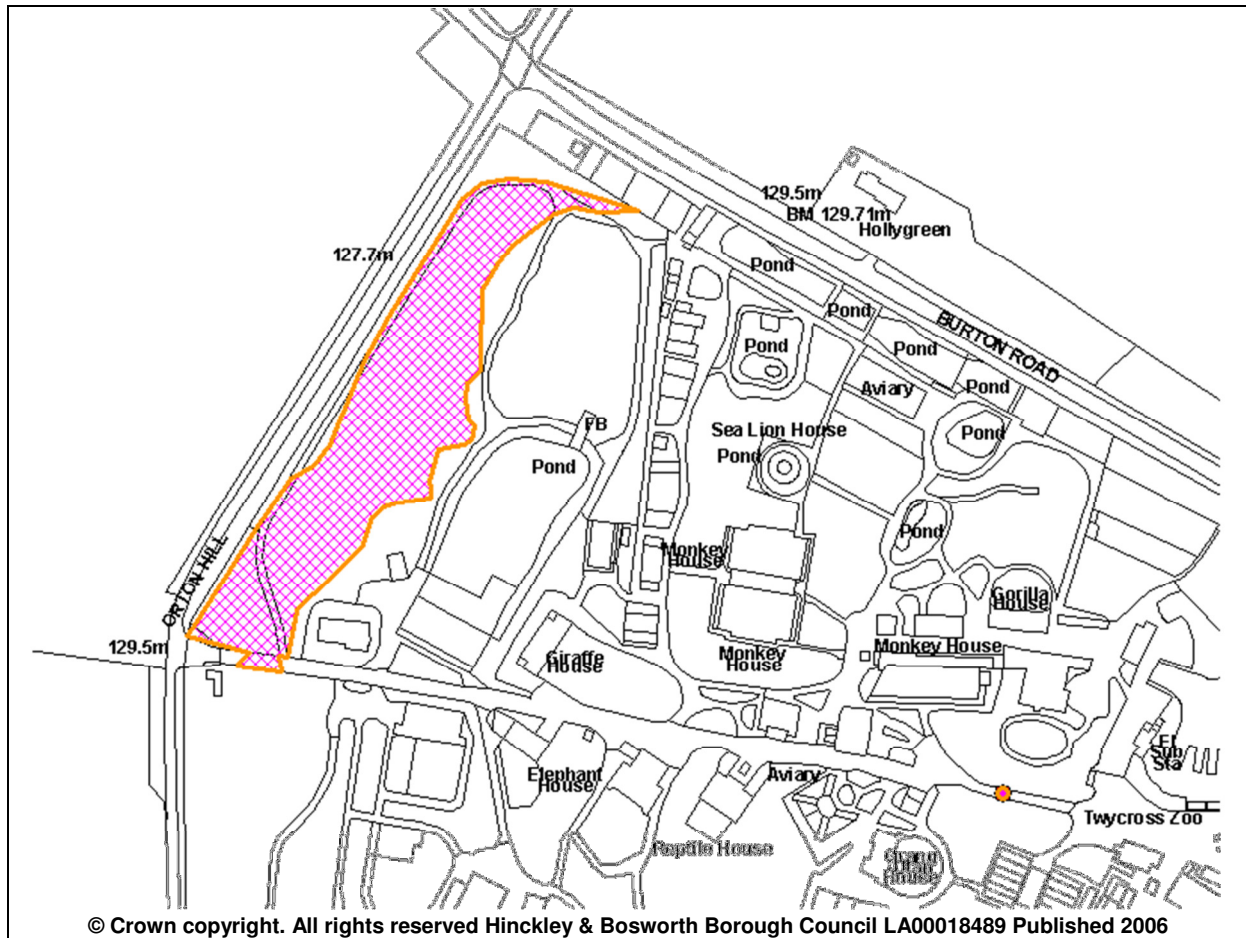
Technical Documents submitted with application

Design and Access Statement  
Planning Statement

**Relevant Planning History:-**

Twycross Zoo has an extensive planning history. However no applications are of specific relevance to this scheme.





**Consultations:-**

No comments/objections have been received from:-

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

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

**Policy:-**

National Policy Guidance

Planning Practice Guidance (2014)  
 National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2020: Core Strategy (2009)

Spatial Objective 1: Strong and Diverse Economy  
 Policy 23: Tourism Development

## Hinckley and Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside  
Policy NE12: Landscaping  
Policy NE14: Drainage  
Policy BE1: Design and Siting of Development

### **Appraisal:-**

The main considerations in determination of this application are:-

- Principle of Development
- Design and Character
- Drainage

### Principle of Development

The site is located outside of the settlement boundary of Twycross and Orton on Hill, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

The NPPF provides a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In respect of development within rural areas, paragraph 28 of the NPPF seeks to support sustainable rural tourism through supporting the expansion of tourist and visitor facilities in appropriate locations.

At a local level Core Strategy Spatial Objective 1 seeks to strengthen and diversify the economy and to encourage appropriate sectors with growth potential including tourism whilst Policy 23 states that new tourism development for extended visitor attractions will be encouraged in suitable locations where the development can help support existing local community services and facilities; is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and adds to the economic wellbeing of the area. In addition, Policy NE5 of the adopted Local is supportive of development that is important to the local economy and where it is for recreation purposes.

It is considered that this scheme intends to extend the attractions and facilities available at the existing zoo, thus benefiting this rural business and enhancing the local economy through its ability to encourage more visitors to the area. Accordingly the development is considered acceptable in principle.

### Design and Character

The proposed giraffe house would take the form of a timber clad agricultural barn with a hipped roof. The majority of the openings, due to functional need would be large (5.5m x2m). The upper storey of the building would be formed by continuous horizontal ship lapped or open jointed weatherboarding. This boarding is repeated vertically on the lower band to the north and east elevations. The lower band of the south and west elevations, which would not be visible either internally or externally, consists of grey composite panels. The east

elevation is inset from the roof edge to create a covered colonnade. Windows set into this elevation allow views into the house.

The framing to the walkway would be either timber or painted metal with a faux timber boardwalk. Views of the main elevation of the building would be limited, due to the existing planting and the buildings set back position from the adjacent walkway. This will reduce the visual prominence of the building. The hipped roofed design would also help reduce the visual impact of the east and western elevations of the building.

Extensive landscaping is proposed, to help assimilated the building and enclosure into its setting (adjacent to the elephant enclosure) and reinforce and further strengthen the identity of this area of the zoo as the 'African savannah'.

The building is sited within the existing complex, albeit to the edge. Thus internally it would be largely screened by existing buildings. Externally, there would be some views of the enclosure and building. However these would be largely screened by existing vegetation along the highway boundary. The development would bring back into use a currently under-utilised parcel of land within the existing zoo site. Although the scale of the building is extensive, given its siting within the existing site, it is not considered that there would be any significant material impacts upon the character and appearance of the surrounding countryside.

The design of the building is functional and reflective of its end use and is not disproportionate with existing buildings on site. As far as possible, interest has been added to the elevations through the use of a varying pallet of materials, openings and viewing platforms. Accordingly, the development, in terms of design and impact on the character of the area is considered acceptable.

### Drainage

Head of Community Services (Drainage) have commented that roofed and hard-paved surfaces should be drained to existing sustainable drainage systems on the zoo site or to new soakaways, filter drains or swales close to the new facility.

Animal waste and surface water contaminated by animal waste would not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure would need to be collected in tanks or lagoons and disposed of appropriately. These matters will be secured by planning conditions.

### Other Matters

Given the distance of residential properties from the site, the development is not considered to result in any impacts in terms of residential amenity.

The scheme does not propose any alterations to the parking or access arrangements. Nor is it expected to result in any material changes to the number of vehicles using the local highway network. The Director of Environment and Transport (Highways) has no comments/objection to the scheme.

### Conclusion

In conclusion, the scheme could bring benefits to the local economy and the wider tourism industry of the Borough in accordance with the requirements of Saved Policy NE5 of the Local Plan and Policy 23 of the Core Strategy and the overarching intentions of the NPPF. The development would not adversely affect the character of the surrounding countryside or

the immediate setting and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for approval, subject to planning conditions.

**RECOMMENDATION:- Grant subject to conditions.**

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposal represents sustainable development, would enhance and improve an existing tourist facility and would be beneficial to the local economy.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 and NE5, NE12 and NE14.

Local Plan 2006-2026: Core Strategy (2009):- Policy 23.

In dealing with the application, through ongoing negotiation the local planning authority has 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.

**Conditions:-**

- 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 following details: Drg Nos:- A0750-A, A1110-A, A1010-A, A0450-A received by the Local Planning Authority on 15 August 2014.
- 3 The development shall be finished in the following materials: - Walls - European Larch weatherboarding and coloured composite panelling - Goosewing Grey (BS10A05), Roof - Composite roof panels - Merlin Grey (BS18B25).
- 4 Before any development commences full details of both hard and soft landscape works shall be 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) proposed finished levels or contours
  - b) means of enclosure
  - c) hard surfacing materials
  - d) existing trees and hedgerows to be retained and details of their protection
  - e) planting plans
  - f) written specifications
  - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - h) implementation programme
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of the dwelling hereby approved. 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.

- 6 Development shall not commence until surface and foul drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (where applicable), along with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the building has a satisfactory external appearance and is complimentary to the setting of the area in accordance with Policies BE1 (i) and NE5 of the Hinckley and Bosworth Local Plan.
- 4 To enhance the appearance of the development in accordance with Policies NE12 (criteria a - d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE12 (criteria c and d) and BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the site is adequately drained and in the interests of the protection of surface waters and groundwater quality in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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 In reference to condition 6 Head of Community Services (Drainage) have commented that roofed and hard-paved surfaces should be drained to existing sustainable

drainage systems on the zoo site or to new soakaways, filter drains or swales close to the new facility.

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 and disposed of appropriately

**Contact Officer:-** Eleanor Overton      Ext 5680

**Item:** 05  
**Reference:** 14/00515/OUT  
**Applicant:** Mrs Pauline Rosa Taylor  
**Location:** Land Rear Of Bungalow 4 Pipe Lane Orton on the Hill  
**Proposal:** Erection of two dwellings (outline) access only  
**Target Date:** 26 August 2014

**RECOMMENDATION:- Grant subject to conditions.**

**Introduction:-**

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

This application follows previously -refused applications 11/00602/FUL and 11/00603/CON, which proposed the demolition of the existing bungalow and the erection of 6 dwellings. The decisions were appealed and the appeals were dismissed.

The appeal relating to the Conservation Area consent for the demolition of the bungalow (4 Pipe Lane) is no longer relevant, as this dwelling has been sold and no longer forms part of the application site.

The appeal decision relating to application 11/00602/FUL remains relevant. In summary this was dismissed on grounds of design and siting, impact on the character of the Conservation Area and pedestrian safety.

**Application Proposal**

This application seeks outline planning permission for the erection of 2 dwellings. All matters are reserved for consideration aside from access. During the course of this application, concerns have been raised in respect of the access being via Pipe Lane and the consequential impacts on a protected Horse Chestnut tree. Accordingly amended plans have now been received which illustrate access via The Green.

Illustrative plans and elevations accompany the application. These show two 1.5 storey dwellings with double garages. The dwellings are proposed to be dug-in to the ground and thus accommodation is also proposed on the lower ground floor. The dwellings would appear as pitched roofed properties, incorporating pitched roofed dormer windows and would have a 'T' shaped footprint (resultant on their centrally projecting gables).

The access drive would enter the site in the northern corner. There would be a courtyard style parking/turning area to the front of the dwellings, onto which the principal elevations will face. The site would be sub-divided, unit 1 would have an enclosed rear garden to the south west, and unit 2 would have a garden to the south.

## The Site and Surrounding Area

The site comprises paddock land containing a horse chestnut tree covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides by mature hedgerows.

The site comprises part of a larger paddock owned by the applicant. This has road frontages with both The Green and Pipe Lane. The site has an area of approximately 0.188 hectares is situated roughly 20 metres from Pipe Lane to the south and 27 metres from The Green to the north east. Numbers 4 and 10 Pipe Lane are sited adjacent to the plot. These comprise large detached dwellings. The land rises to the west and north west, away from the cross roads junction.

The site is located within the settlement boundary of Orton on the Hill and within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

The Conservation Area is characterised by a varied mix of dwellings. These include large individual houses in generous grounds or gardens; smaller dwellings both modern and traditional, some representing conversions of earlier working buildings and the occasional pair of cottages. Dwellings occupy a varied building line, with most being sited at depth and thus having a limited relationship with the street scene.

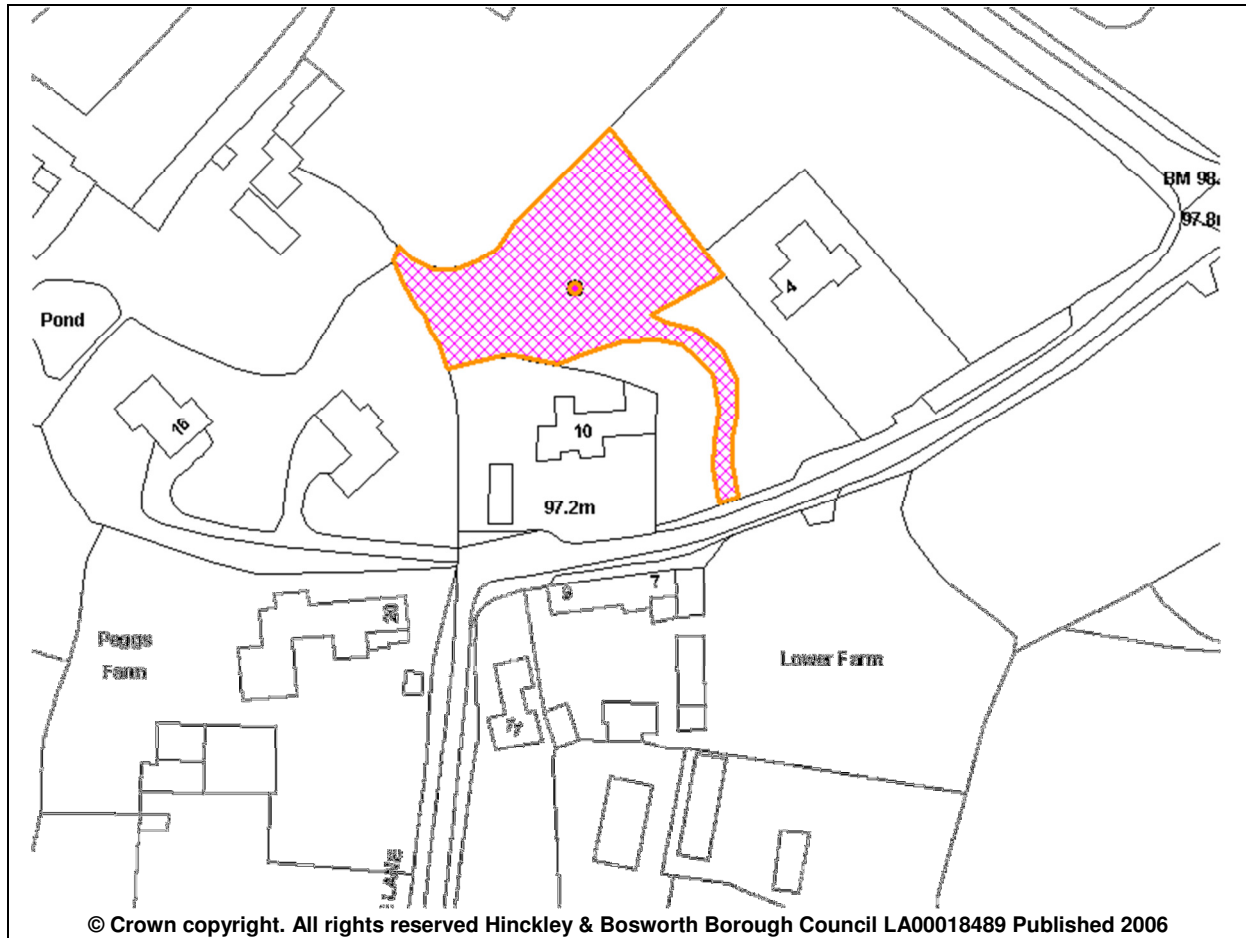
## Technical Documents submitted with application

Legal Agreement  
Drainage Statement  
Engineers Letter  
Arboricultural Report  
Design and Access Statement  
Photographic Survey  
Ecology Survey and Update

## **Relevant Planning History:-**

11/00602/FUL	Demolition of existing dwelling and the erection of 6 dwellings with associated access	Refused Appeal Dismissed	23.11.11
11/00603/CON	Demolition of existing dwelling And the erection of 6 dwellings With associated access	Refused Appeal Dismissed	23.11.11





**Consultations:-**

No objection has been received from:-

Severn Trent Water Limited  
 Directorate of Chief Executive (Archaeology)  
 Directorate of Chief Executive, LCC (Ecology)  
 Head of Community Services (Land Drainage)  
 Head of Community Services (Pollution)  
 Conservation Officer.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)  
 Head of Business Development and Street Scene Services (Waste Minimisation)  
 The Borough Council's Tree Consultant.

Twycross Parish Council has objected on the following grounds:-

- a) the site is within the Conservation Area where 'proposed development should ensure the significance of a Conservation Area is preserved and enhanced. The proposed access drive would have an impact on an 'important hedge' and will require work to form an access over a green verge. These works will detract from the rural nature of this part of the Conservation Area and would emerge in the sight line of a designated 'important view' from the cross roads towards St Edith's Church

- b) the new access would increase the amount of road side furniture which would be at odds with the rural nature
- c) the access road is routed across an area which should not be developed (as per the Orton on the Hill Conservation Area plan) Thus, this development should therefore not be approved
- d) visitors and tradesman would park on the nearby green verges causing damage and detracting from the rural nature of the area.

County Councillor Ould has raised the following concerns:-

- a) site is within an unsustainable location
- b) development will result in highway and pedestrian safety concerns
- c) Once the principle is established it will be easier to develop the plot further
- d) countryside and Conservation Area location unacceptable
- e) the accompanying documents are contradictory
- f) concerns over the Horse Chestnut Tree.

Site notice and press notice were displayed and neighbours notified.

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

- a) the critical dimensions stated are now incorrect
- b) the separation distances do not meet the required policy standards
- c) the extensions at No's 4, 10 and 12 are not illustrated on the plans
- d) new access will have an adverse impact on views and management of the Conservation Area
- e) the development will be visually prominent
- f) the existing access would result in widening and therefore the impacts of this should be considered by way of a full application
- g) the excavations to lower the dwellings will impact upon the tree roots
- h) relieved that the previous footpath has been removed from the scheme
- i) New layout will result in pockets of un-developable, hard to maintain land
- j) previous agricultural use of the land will be no longer possible
- k) adverse impact on the character of the area
- l) concerns over design and layout
- m) adverse impacts on residential amenity (all aspects)
- n) concerns over foul and surface water drainage/management
- o) concern over impacts to Horse Chestnut Tree
- p) the submitted plans lack detail and contradict each other
- q) the design of the access needs more detail
- r) the footpath should be relocated adjacent to the new access
- s) does not contribute to or enhance the Conservation Area
- t) the lane is too narrow and would result in further vehicle and pedestrian highway safety concerns
- u) clarification required of the distance to surrounding dwellings
- v) would like the new access to be 2 metres from the adjacent property boundary
- w) concerns over the boundary line and that part of the site is not within the applicants ownership
- x) what will happen to the existing trees along the site boundary
- y) concerns over the removal of the hedgerow
- z) the new access will have an adverse impact on the street scene
- aa) waste bins will have an adverse impact on the character of the area on collection day
- bb) there is no street lighting on this part of The Green
- cc) vehicle movement will have an adverse impact on residential amenity
- dd) is the proposed footpath public?

- ee) where is the access point?
- ff) will result in increased vehicle movements/accidents
- gg) there are other, more preferable plots in the village
- hh) pipes and cables for internet services would be impacted on during construction
- ii) ii) the development will result in considerable re-grading of the land
- jj) the area is prone to flooding, which the development will exacerbate.

**Policy:-**

National Policy Guidance

National Planning Policy Guidance (NPPG) 2014  
 National Planning Policy Framework (NPPF) March 2012  
 Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 13: 'Rural Hamlets' states that because of the limited services in these hamlets, development will be confined to infill housing development. The Policy states that in Rural Hamlets, the council will:-

- Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16
- Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provide a mix of types and tenures appropriate to the applicable household type projections and requires at least 30 dwellings per hectare within and adjoining 'Rural Hamlets'.

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites  
 Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities  
 Policy REC3: New Residential Development - Outdoor Play Space for Children  
 Policy BE1: Design and Siting of Development  
 Policy BE7: Development in Conservation Areas  
 Policy NE14: Protection of Surface Waters and Groundwater Quality  
 Policy T5: Highway Design and Vehicle Parking Standards  
 Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

The Orton on the Hill Conservation Area Appraisal (March 2009)

The Conservation Area appraisal has identified the site as a potential development area and for boundary improvements.

The appraisal states that the village is divided into two distinct areas; one being the Church of St. Edith and the other being the area round The Green and Pipe Lane, which is

characterised by relatively unplanned organic pattern of buildings which are separated by distance, green spaces and hedges. The appraisal states that it is important to the character of the Conservation Area in this location that the large green spaces between groups of buildings are retained. The appraisal also states that to maintain the distinctive character and appearance of the Conservation Area it will be necessary to, amongst other criteria ensure new development contributes positively to the character and appearance of the Conservation Area in terms of siting, scale, design and materials used.

### **Appraisal:-**

The main considerations in determination of this application are:-

- Principle of development and 5 year housing land supply
- Previous appeal decision
- Impact on the Character and appearance of the Conservation Area,
- Impact upon residential amenity,
- Access and highway safety
- Drainage and flood risk,
- Ecology,
- Impact upon trees recipe

### Principle of Development

The site is located within the settlement boundary of Orton on the Hill as defined in the adopted Local Plan Proposals Map.

Paragraph 12 of the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 14 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. For decision taking this means:-

- Approving development proposals that accord with the development plan...
- 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 of the framework as a whole; or
  - specific policies within the framework indicate that development should be restricted

### Local Plan

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. The site is situated within the settlement boundary of Orton on the Hill.

## Core Strategy

Orton on the Hill is classified as a Rural Hamlet within Policy 13 of the adopted Core Strategy. Policy 13 states that development will be confined to infill housing development, and the Orton on the Hill Conservation Area Appraisal has identified this site as a potential development area.

## Housing Land Supply

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.

As confirmed in April 2014, Hinckley and Bosworth Borough Council do not have a five year supply of deliverable housing sites. 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.

The housing supply policies as set out in the Core Strategy, including Policy 1, which relates to development within Hinckley, are thus not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

## National Planning Performance Framework

There are three core strands underpinning the presumption in favour of sustainable development, which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. These roles are mutually dependant and result in sustainable development. In relation to this scheme, the dimensions are met in the following ways:-

Economic - the local and wider economy would both directly and indirectly benefit through the creation of jobs, the purchasing of materials and through the sale of the end product.

Social - The scheme would contribute towards a housing shortfall in the borough which would enhance the quality, vibrancy and health of the local community.

Environmental - This is a site within the settlement boundary of Orton on the Hill, through its redevelopment, the local planning authority will be provided with the opportunity to enhance the ecology and landscape of the area. Further, the development will be reflective of the character of the area and will thus be complimentary to its setting. The development will also be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect.

Based on the above, the scheme is considered to comprise sustainable development, in accordance with the NPPF, and would contribute towards the Borough's housing shortfall and five year housing land supply. The development is therefore considered to be acceptable in principle, subject to all other material considerations being appropriately addressed.

### Previous Appeal Decision

The previous appeal relating to the erection of 6 dwellings on site was dismissed on the following grounds:-

1. The siting, layout, scale and design of the development and proposed parking area, would be visually dominant and would detract from the rural character of the area and would not be in keeping with the character of dwellings within the wider Conservation Area. Accordingly the development was not considered to preserve or enhance the character or appearance of the Orton on the hill Conservation Area.
2. The proposal would add significantly to the number of vehicles using the stretch of Pipe Lane between the crossroads junction and the site entrance. In the absence of a footway or similar provision for segregation from the vehicular route, pedestrians would have to walk within the carriageway of Pipe Lane and to stand and wait within the carriageway. Pedestrians would thus be vulnerable to vehicular movements on Pipe Lane and at the junction.

### Siting and Design and Impact upon the Character and Appearance of the Conservation Area

Policy BE7 seeks to ensure that developments preserve or enhance the special character of the Conservation Area. Criterion (a) of Policy BE1 reaffirms the requirements of BE7. Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance and will make a positive contribution to the Conservation Area.

The Orton on the Hill Conservation Area appraisal has identified the site as a potential development area and for boundary improvements, but it is also considered necessary that any development maintains the distinctive character and appearance of the Conservation Area.

Although not for detailed consideration at this stage, indicative plans illustrating the appearance and siting of the proposal have been provided. These will be briefly considered, however the detail could be subject to change at reserved matters stage.

The plans illustrate two dwellings with roughly 'T' shaped footprints sited towards the north western boundary of the site. The dwellings have a similar footprint to those of surrounding properties and accommodate a similar plot size. The layout provides enclosed garden areas and parking and turning space to the frontage of the dwellings. Furthermore, the siting of the development do not extend to the peripheries of the paddock land (applicants landownership) and thus the scheme ensures that there are ample separation distances and that the large green spaces between groups of buildings, which contributes to the character of the Conservation Area as identified within the Conservation Area appraisal are largely retained.

In terms of design, the dwellings comprise 1 and ½ storey dwellings which would be dug into the ground. They are of simplistic gabled design and follow the general characteristics and proportions of ancillary farm buildings.

The indicative plans illustrate that two dwellings could be accommodated on the site and that the development would, in general terms be in keeping with the character and layout of surrounding dwellings. Furthermore the prominence of the development are shown to be both visually and physically reduced. The indicative plans draw on design principles for historic agricultural buildings, which would be in keeping with the rural character of the area.

Concerns have been raised that waste bins will have an adverse impact on the character of the area on collection day. This is a short term impact that will not result in sustained adverse impacts on the character of the conservation area or street scene.

Based on the limited detail provided by the indicative plans, a satisfactory scheme could be designed so that the development would not detract from the character of the Conservation Area. The previous reason for refusal, relating to design, is therefore considered to have been addressed by the submitted information.

#### Impact upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The NPPF seeks to ensure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As the layout and detailed design is reserved for subsequent approval, it is not possible to comprehensively assess impacts in terms of residential amenity within this proposal, given the limited detail provided. However based on the indicative plans, amenity can be broadly assessed.

#### Noise and disturbance from vehicle movements

The repositioned access would be taken from The Green and will run in a south westerly direction through the paddock land between Numbers 4 Pipe Lane and 24 and 26 The Green. Given the relatively minor scale of development proposed, the resultant level of disturbance from the use of the access is not considered to result in a material level of harm to the existing or future occupants.

Number 4 Pipe Lane is to the south east of unit 2. The projecting rear gable of unit 2 would be 12 metres from the corner of side extension to this property. Given this distance and the orientation of these dwellings, in that their elevations will not directly face one another, based on the indicative plans, unit 2 is not considered to give rise to any material impacts in terms of privacy, overshadowing/over dominance.

Number 10 Pipe Lane is to the south west of unit 2. There is a 20 metre separation distance between the closest parts of these dwellings, which ensure there would be no material impacts in terms of over-dominance/overshadowing. In respect of impacts on privacy, the submitted plans show the layout could be designed in a satisfactory way. Number 10 is also to the south of Unit 1. Based on the details submitted, a satisfactory interface distance could be provided to prevent any material harm in terms of overshadowing/over-dominance.

Number 14 Pipe Lane is indicatively shown to be 41 metres to the north west of plot 1. This demonstrates that there would not be any material impacts on residential amenity between these dwellings.

#### Highway Considerations

During the course of determining this application, the originally-proposed access off Pipe Lane has been removed. A new access has been proposed off The Green. This overcomes previous concerns regarding the width of the carriageway, the lack of pavements and the impacts in terms of pedestrian safety and impacts to the protected Horse Chestnut Tree to the front of the site.

The access is to be sited towards the western end of the paddock boundary running adjacent to The Green. The access driveway (approx.63m) would continue in a south western direction towards the site. Concerns have been raised that the access track could harm the rural character of the area and the Conservation Area. In order to minimise the visual impact, sensitively designed surfacing material will be secured by way of condition. Subject to this condition, it is considered that the character of the Conservation Area will be maintained.

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

Concerns have been raised that there is no street lighting on this part of The Green. This is a highways consideration and has not been raised by the Director of Environment and Transport (Highways) as an issue.

In summary, it is not considered that there would be any significant impacts upon highway safety, subject to conditions. Accordingly the development accords with Policies T5 and T9 of the adopted Local Plan.

#### Play and Open Space Contributions

The erection of a dwelling requires a financial contribution towards play and open space as set out in Policy REC3 of the Local Plan. In this instance, there is no existing open space within 400 metres of the site, or within the wider area. As such a contribution cannot be requested under the terms of the policy.

#### Drainage and Flood Risk

It has been acknowledged that there are variations in the on site land levels in comparison to the surrounding land levels. The application has been accompanied by a Drainage Assessment which has been considered by statutory consultees.

Both the Head of Community Services (Land Drainage) and Severn Trent Water have no objection to the scheme and therefore the application is considered acceptable in this respect. The application complies with Policy NE14 of the Local Plan.

#### Ecology

The application has been accompanied by a protected species report.

The Directorate of Chief Executive (Ecology) is satisfied with the level of survey work and that the resulting mitigation and compensation is sufficient for bats and badgers. The mitigation suggested within the report is recommended to be secured by planning condition and on this basis the proposal would not have an adverse impact upon protected species.

#### Impact upon Trees

To the south of the site is a protected horse chestnut tree. Initially the Tree Officer raised concerns in respect of the impact of the driveway on the root system of the tree. As mentioned above, the site access and driveway has now been re-sited. Consequently, there will be no further impacts upon the tree from this. However, as a result of the re-siting of the access, the indicative position of the units has also been revised. This would result in Unit 2 being on the edge of the root protection area. The final position / design of the dwellings would be subject to consideration at reserved matters stage where the impact on the protected tree will be taken into consideration.



## Archaeology

The application has been accompanied by an Archaeological Report which states that there are no archaeological remains with statutory or non-statutory designations on the site and concludes that the current evidence indicates that the archaeological potential of the site is not of sufficient importance to constrain development. The Directorate of Chief Executive (Archaeology) confirms that the proposals are unlikely to have a significant impact on archaeological remains and therefore no further work is necessary.

## Other matters

It has been suggested that the critical dimensions stated are now incorrect. The dimensions on the originally submitted illustrative plans are now incorrect. However as this application is for access only, further detail in this respect is necessary until detailed siting is considered at reserved matters stage.

A resident has stated that extensions at No's 4, 10 and 12 are not illustrated on the plans. There is no validation requirement for extensions of surrounding dwellings to be illustrated on submitted plans. During the process of the application, a site inspection is conducted whereby impacts upon surrounding dwellings (including any extensions) are fully considered.

It has been stated that the submitted plans lack detail and contradict each other. Sufficient information has been submitted to allow the proposal to be considered.

It has been suggested that the footpath should be relocated adjacent to the new access. There is no footpath provided for the development.

A neighbour would like the new access to be 2 metres from the adjacent property boundary. The applicant has proposed a solution for the access and this has been considered on its merits. As stated above, the siting of the access has been considered acceptable.

Clarification has been requested as to what will happen to the existing trees along the site boundary. As the site is within the Conservation Area, works to trees can only be carried out if the council does not serve a Tree Preservation Order on the trees following the serving of a statutory notice. Details have not been provided yet as to the landscaping of the site or its boundary treatment. These will be considered at reserved matters stage.

Concerns have been raised over the removal of the hedgerow. The local planning authority does not have powers of control over the removal of this hedgerow. However, as mentioned above, details of landscaping have not been considered at this stage and it might be that a scheme can be agreed that proposes a mixture of new and existing planting.

It has been suggested that once the principle of development has been approved, it will be easier for the developer to further develop the site. Each application is determined on its own specific merits, and thus even if permission is granted in this case, this does not mean it will be easier to carry out additional development in the future.

Visitors and tradesmen would park on the grass verge degrading it and impacting adversely on the rural character of the area. This is a short term impact which will have no long term impacts on the character of the conservation area or wider streetscene.

The following issues are not considered to constitute material planning considerations in the determination of this application, and thus will have no bearing on the decision made:-

- a) New layout will result in pockets of un-developable, hard to maintain land
- b) Previous agricultural use of the land will be no longer possible
- c) Concerns over the boundary line and that part of the site is not within the applicant's ownership
- d) There are other, more preferable plots in the village
- e) Pipes and cables for internet services would be impacted on during construction

### Conclusion

In conclusion, the dwellings would be located within the settlement boundary of Orton on the Hill, where there is a presumption in favour of development subject to all other matters being addressed. The proposed access, subject to conditions, is considered acceptable and its siting is considered to preserve the character of the Conservation Area. Furthermore the principle of the development is not considered to have any materially adverse impacts in respect of ecology, protected trees or archaeology and at this stage no other material considerations have been identified which would result in the application being unacceptable. Concerns raised as part of previous applications have been overcome by this revised scheme. Detailed impacts would be considered at reserved matters stage and therefore the application is recommended for approval, subject to the imposition of planning conditions.

### **RECOMMENDATION:- Grant subject to 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 within the settlement boundary of Orton on the Hill, the proposed access is considered acceptable and its siting is considered to preserve the character of the Conservation Area. Furthermore the development is not considered to raise any materially adverse impacts in respect of ecology, protected trees or archaeology and at this stage no other material considerations have been identified which would result in the application being unacceptable.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a), BE7, RES5, T5, T9 and NE14.

Local Plan 2006-2026: Core Strategy: Policy 13.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority has 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.

#### **Conditions:-**

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Ref: PF/9075.03 received by the Local Planning Authority on the 2 September 2014.
- 4 Prior to commencement, details of the surfacing for the access drive shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of the dwellings hereby approved.
- 5 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
- NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 6 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- 7 Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
- 8 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.
- 9 The mitigation and recommendations within the Protected Species Assessment Report, Ref: 2014 - 09 (02) Rev A - addendum Only 17 September 2014 shall be strictly followed and implemented.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 In the interest of highway safety and the preservation of the character of the conservation area in accordance with policies BE7 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway. In accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 9 To ensure that the development minimises impacts on biodiversity In accordance with paragraph 109 of the NPPF.

**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 In relation to condition 4, the surfacing details provided should ensure that the driveway and access has a minimal impact on the rural character of the Conservation Area, but the material/ solution proposed should also be porous and hard bound for the first 5 metres behind the highway boundary.

**Contact Officer:-** Eleanor Overton      Ext 5680

**Item:** 06  
**Reference:** 14/00480/FUL  
**Applicant:** Westmoreland Investments Ltd  
**Location:** 3 - 5 Hawley Road Hinckley  
**Proposal:** Erection of class A1 retail development with associated access, servicing, car parking and landscaping  
**Target Date:** 14 August 2014

This report will follow.