

PLANNING COMMITTEE

7 January 2015

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: 14/00881/REM
Applicant: Mr Dean Shaw
Location: Jarvis Porter Coventry Road Hinckley
Proposal: Reserved matters submission (appearance, landscaping, layout and scale) to outline planning permission 12/01119/OUT for the erection of 122 dwellings and associated works

RECOMMENDATION:- Approve Reserved Matters 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

This application is the reserved matters submission for the erection of 122 dwellings. Outline consent, including access, was approved on 27 August 2013 under reference 12/01119/OUT. This proposal seeks approval for all outstanding reserved matters.

The application proposes the following mix of units:-

9	1 bedroom flats
7	2 bedroom flats
12	3 bedroom houses
94	4 bedroom houses

A total of 16 units (13%) is offered as affordable housing which are proposed in a mix of 9, 1 bedroom flats and 7 2, bedroom flats.

The proposed houses would be in a mix of semi-detached, terraces and detached houses with all houses having at least two parking spaces and 24 parking spaces for the flats.

The layout proposes a series of perimeter blocks with pedestrian accesses onto the neighbouring Clarendon Park.

The proposals also include a new substation. The proposed access would use the existing shared access from Coventry Road.

During the course of the application amended plans have been received which have sought to improve the relationship of the development to Coventry Road and the neighbouring developments.

The Site and Surrounding Area

The application site extends to 3.7 hectares between Coventry Road and Clarendon Park, Hinckley. The site has been cleared with the exception of the concrete hardstanding to the former buildings. Site levels are relatively flat; however the site is approximately 1.5m lower than Coventry Road, and significantly lower than the neighbouring National Grid Offices. It is

located approximately 200m from the town centre boundary to the west and is accessed directly off Coventry Road via a shared access with the neighbouring commercial property.

The nearest residential properties are 106-118 Coventry Road which are opposite the site.

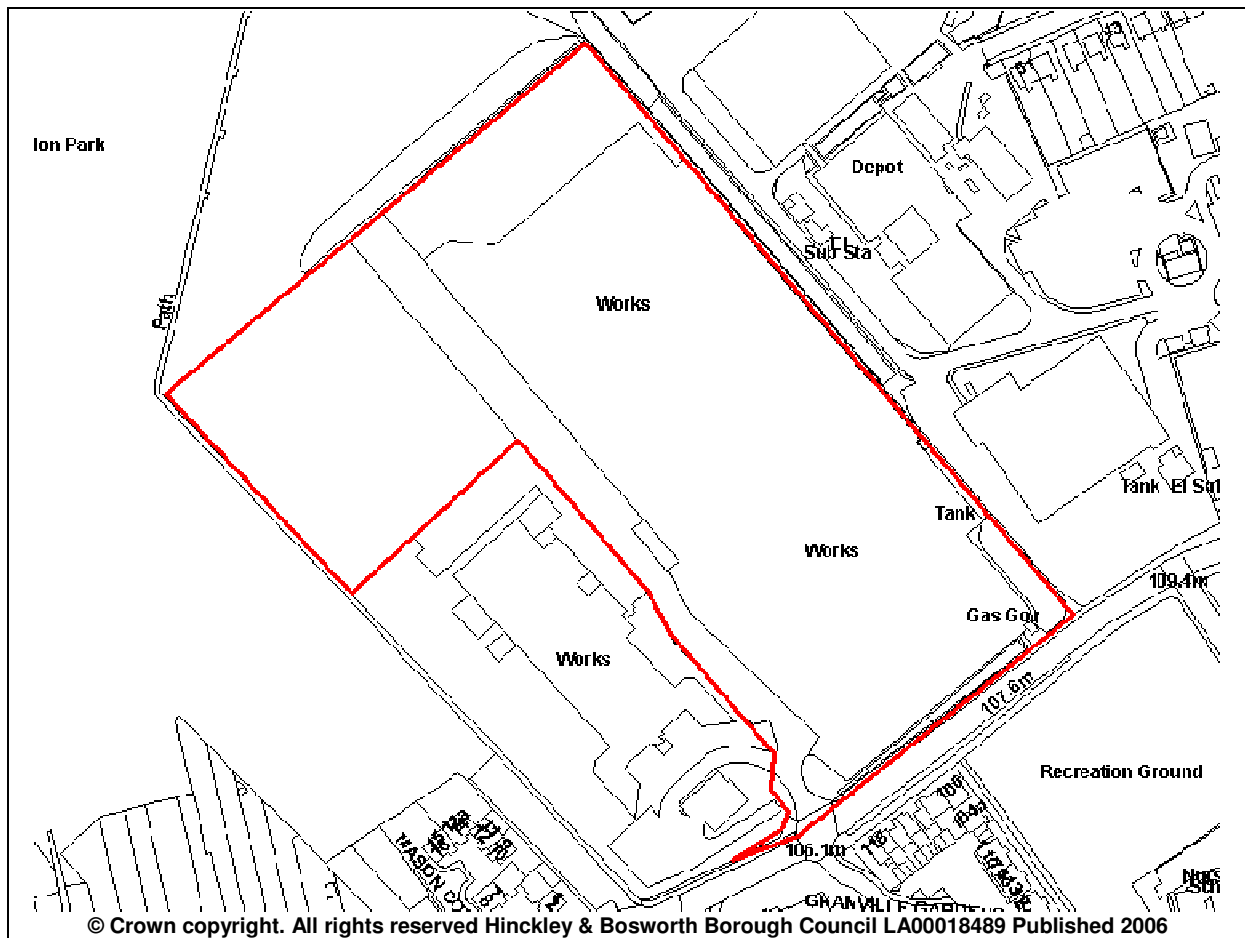
The site is an existing employment site located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001) and the Hinckley Town Centre Area Action Plan (2011).

Technical Documents submitted with the application

Design and Access Statement
Photomontage images

Relevant Planning History:-

12/01119/OUT	Erection of 122 dwellings (Outline - access only)	Approved	27.08.13
11/00046/FUL	Mixed used development comprising light industrial (B1c), storage and distribution (B8) and retail warehousing (A1) with associated parking and access	Approved	11.10.11
10/00051/REM	Approval of Reserved Matters of 07/00231/OUT for a mixed use development comprising warehouse/storage units (use class B8), retail warehousing (use class A1) and drive-thru restaurant (use class A3/A5) with associated parking and access	Approved	22.04.10
07/00231/OUT	Erection of warehouse/storage units retail warehousing, drive-thru restaurant and associated parking	Approved	23.05.07
06/00850/OUT	Erection of warehouse/storage units, retail warehousing, drive-thru restaurant and associated parking	Refused	11.01.07
05/01369/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Withdrawn	12.06.06
97/00639/FUL	Erection of warehouse with office accommodation	Approved	17.09.97



Consultations:-

Environmental Health (Pollution) has no comments to make in respect of this application.

No objection subject to conditions received from:-

- Leicestershire County Council (Highways)
- Environmental Health (Land Drainage)
- Street Scene Services (Waste Minimisation)

Cyclists Touring Club (CTC) object until satisfied that cyclists are catered for.

National Grid have advised that there is apparatus within the vicinity of the site.

A site notice and press notice was displayed and neighbours notified.

Policy:-

National Policy Guidance

- National Planning Policy Framework (NPPF) March 2012
- National Planning Practice Guidance (NPPG) (Amended December 2014)
- The Community Infrastructure Levy (CIL) Regulations 2010
- Environmental Impact Assessment (EIA) Regulations 2011

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011

Spatial Objective 1

Policy 12b: Transco HQ/Jarvis Porter

Policy 15: Transport Infrastructure Delivery and Developer Contributions

Policy 16: Cycle routes

Appendix 3: Key Diagram

Appendix 6: Hinckley Cycle Network Plan

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Policy 15: Affordable Housing

Policy 16: Housing Density, Mix and Design

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy BE1: Design and Siting of Development

Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation

Policy REC3: New Residential Development - Outdoor Play Space for Children

Policy NE14: Protection of Surface Waters and Groundwater Quality

Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians

Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)

Affordable Housing (SPD)

Sustainable Design (SPD)

New Residential Development (SPG)

Other Material Policy Guidance

Employment Land and Premises Study 2010 recommends that 75% of the site should be retained as employment use and the other 25% for other uses.

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development
- Layout, scale, appearance
- Siting and mix of affordable housing units
- Hard and soft landscaping,
- Residential amenity of future residents of the proposed development and relationship to nearby residents
- Flood Risk and Drainage
- Access, parking provision, and the promotion of walking and cycling
- Environmental Impact Assessment Regulations

The Principle of Development and the Town Centre Area Action Plan (AAP)

The principle of the development and access has been established by the granting of outline planning permission in 2013 alongside the Section 106 Agreement attached to the permission. This approval was made in the full knowledge of the Town Centre AAP and Employment Land and Premises Study which seeks to retain the area for employment uses.

As a result of the outline planning permission, the site forms part of the Council's five-year housing land supply and the certainty arising from the Reserved Matters submission enhances the potential for delivery of the housing.

The principle of residential development is accepted.

Layout, scale and appearance

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

A concept masterplan was submitted as part of the outline permission and this has been adhered to within the current proposal.

The predominant scale of the development will be two storeys, with a small number of two and a half storey terraced properties, and two blocks of three and four storey apartments.

The apartments have been positioned in front of the existing elevated National Grid unit on the eastern boundary.

Dwellings have been orientated to face onto the access roads with most being set back from the pavement allowing for landscaping and parking. A private drive runs parallel with both Coventry Road and Clarendon Park which creates an aesthetical streetscene and surveillance across the recreation space.

There are a number of house types proposed within the scheme which provide a mix of 3 and 4 bed properties. Each house type provides variation within the street scene through design features such as brick headers and cills, canopies and bay windows which add interest to the external appearance of the development as a whole. A materials plan has been submitted with the application which suggests a mixture of red facing brickwork, red/brown and grey roof tiles, and white render to compliment the timber detailing.

The proposal is considered to be acceptable in respect of its layout, scale and appearance in accordance with Policy BE1 of the adopted Local Plan and Policy 16 of the adopted Core Strategy.

Siting and mix of affordable housing units

The outline planning permission was accompanied by a viability statement. As a result the approved affordable housing provision secured within the Section 106 was agreed at 13%.

The Housing Strategy and Enabling Officer has advised that the optimum mix from the local authority's current need evidence would be for the rented properties to consist of 6 x 1 bed flats, 4 x 2 bed 4 person houses and 2 x 3 bed 5 person houses, and for the intermediate

tenure to consist of 2 x 2 bed and 2 x 3 bed houses. On this basis amendments have been sought in respect of the mix and location of affordable housing. However, the applicant has advised that the land take up alone for a number of houses as opposed to apartments would dramatically affect the viability of the site and if pursued would result in them having to withdraw from the development of the site.

Notwithstanding this, following further discussions with the Housing Strategy and Enabling Officer the applicant has submitted amended plans varying the mix of flats to provide more 1 bed flats within the overall scheme to meet the specific needs of the area.

In this case, due to location and design of the apartment blocks, heights of existing adjacent buildings together with the viability of the scheme, it is not considered necessary to pursue the dispersal of affordable units within the site.

Accordingly it is considered that the current siting of the affordable housing units together with the mix should receive full support in this case.

Hard and Soft Landscaping

The application has been accompanied by a landscaping plan which details the location and species of trees, hedgerows and shrubs throughout the site which mainly fall to the fronts and sides of plots. Amended plans have been submitted which vary some of the species.

In respect of boundary treatment a timber knee rail is proposed along the private drive facing onto Coventry Road A combination of 1.8 metre high close boarded fences and 1.8 metre screen walls and fence panels form the boundaries to the dwellings and a 1.2 metre high post and rail fence separates the development from Clarendon Park.

Pedestrian openings into Clarendon Park are proposed together with a pedestrian access point running parallel with the proposed crossing point across.

Due to the level differences between the National Grid Office and the site the existing retaining structure is to remain.

The proposed planting and appearance of the boundary treatments is considered appropriate in its appearance and will complement the overall design concept of the scheme and enhance the character of the immediate area.

Residential amenity of future residents of the proposed development and relationship to nearby residents

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

In the determination of the outline application the Environmental Health Officers raised concerns over the proximity of the site from the adjacent uses. In addition there was concern that there has been no consideration of whether light sources from the adjacent premises could have an impact. No objections have been received from Environmental Health (Pollution).

Accordingly it is considered that the scheme is in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Given the location of the site no neighbours are considered to be affected by this development.

Flood Risk and Drainage

Condition 4 of the outline planning permission required a detailed drainage scheme incorporating sustainable drainage principles prior to the commencement of development. Detailed drainage remains outstanding however, as per the reserved matters this detail can be satisfactorily accommodated on the site and it is not considered that the proposals will result in flooding on the site or affect neighbouring areas in terms of flooding.

Access, parking provision, and the promotion of walking and cycling

The scheme proposes a single access point for the site off Coventry Road which was approved as part of the outline planning permission. The access is to be shared with the National Grid building adjacent to the site. A plan has been submitted which identifies the roads proposed for adoption.

Consideration has been given to the pedestrian linkages across the site to Clarendon Park and the amended layout provides direct routes through the site improving connections for the wider public.

The dwellings have a minimum of two off-street car parking spaces per unit. The apartments have one allocated space with eight visitor spaces.

As a result of the consultation on the outline planning permission the Cyclists Touring Club (CTC) identified a need for additional cycle lane facilities to the front of the site. The report to committee on the outline planning permission advised that the Highway Authority was no longer supporting the provision of these facilities because the dangers for cyclists entering and leaving this relatively short length of cycle path across the site frontage would outweigh any benefits. However, since the determination of the outline planning permission the Highway Authority has developed a scheme along Coventry Road which falls short of the application site.

The Highway Authority had, in the initial consultation response to this application, requested further contributions to continue the cycle provision. On the basis that this did not form part of the original Section 106 contribution requests this cannot be sought in this instance. However, following negotiation, the applicant has agreed to amend the layout to allow for the necessary land to be left vacant to allow the Highway Authority to continue the cycle scheme. Negotiations are still ongoing and will be pursued by the County Council through the adoption of highways and footpaths.

Parking serving the apartments is located in two areas, a parking court to the rear of the buildings and three spaces to the front of one of the blocks. Parking for houses proposes at least 2 spaces per house with most proposing higher levels of parking provision.

Highways Officers have raised no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9 and T11 of the adopted Local Plan.

Environmental Impact Assessment Regulations

The development has been considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The proposed development falls within the description contained in paragraph 10(b) of Schedule 2 of the 2011 Regulations, Urban Development projects. The applicable thresholds states that the area of the development exceeds 0.5 hectares. The site area would exceed the applicable thresholds, and the development proposed is Schedule 2 development within the meaning of the 2011 Regulations.

Having taken into account the criteria set out in Schedule 3 of the 2011 Regulations that the proposed development would not be likely to have significant effects on the environment by virtue such as its nature, size or location and would not be in a sensitive location. Having considered the relevant legislation, case law and guidance the proposed development is not considered to require an Environmental Statement under the meaning of the EIA Regulations.

Conditions of the Outline Planning Permission

The following conditions of the outline planning permission have been satisfied by the submission:-

- 1 Timeframe for Submission
- 2 Reserved Matters detail

Further details are required for the following conditions:-

- 4 Sustainable Drainage Scheme
- 5 Code for Sustainable Homes Pre Assessment
- 6 Land Contamination Investigation Scheme
- 7 Land Fill Gas Investigation Scheme

Conditions 3, 8, 9, 10, 11, 12 do not require further details to be submitted for determination.

Conclusion

The principle of development has been established by the approval of the outline planning permission. The layout, scale, appearance and landscaping of the proposed development will complement the character of the surrounding area and the scheme will not have any adverse impact on the amenities of properties or highway safety. Accordingly, the application is considered compliant with relevant local development plan policies and the overarching aims of the National Planning Policy Framework (2012).

RECOMMENDATION:- Approve Reserved Matters 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 contribute to the core strategy allocation of 122 new homes, would not have adverse impacts upon flooding, ecology and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, IMP1, REC2, REC3, NE14, T5 and T9.

Local Plan 2006-2026: Core Strategy (2009):- Policies 1, 15, 16, 19 and 24.

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan (2001):- Policies Spatial Objective 1, 12b, 15 and 16.

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

Conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details:-

1640-08-01-030- Location Plan, 1640-08-02-001 RevE - Proposed Site Plan (Coloured), 1640-08-02-001 RevE - Proposed Site Plan, 1640-08-02-015 RevE - Materials Plan, 1640-08-02-004 RevC - Proposed Access Plan, 1640-08-02-006 RevD - Street Scenes 1 of 2, 1640-08-02-007 RevD - Street Scenes 2 of 2, 1640-08-02-010 RevD - Enclosures Plan, 1640-08-02-041 RevC - Proposed FFL, 1640-08-04-030 RevA - Adoption Plan, 1640-08-02-008 - 3D Anometrics, 1640-08-01-005 - Topographical Survey, 1640-08-02-040 RevB - Sections 1 of 2, 1640-08-02-042 RevC - Sections 2 of 2, 1640-DAS01 RevB - Design and Access Statement, Planting Plan overview 5356/PP.01 Rev B, Planting Plan 1 of 4 5356 PP.02 Rev B, Planting Plan 2 of 4 5356 PP.03 Rev B, Planting Plan 3 of 4 5356 PP.04 Rev B, Planting Plan 4 of 4 5356 PP.05 Rev B, Letchworth - EF-LETC-SM.1.0-901, Letchworth - EF-LETC-SM.1.0-902, Letchworth - EF-LETC-SM.1.0-903, Cambridge - EF-CAMB-DM.1.0-901, Cambridge - EF-CAMB-DM.1.0-902, Cambridge - EF-CAMB-DM.1.0-901 HANDED, Cambridge - EF-CAMB-DM.1.0-902 HANDED, Kenilworth (Four Block) - EF-KK4_M.1.0-901, Kenilworth (Four Block) - EF-KK4_M.1.0-902, Kenilworth (Four Block) - EF-KK4_M.1.0-903, Kenilworth (Four Block) - EF-KK4_M.1.0-904, Marlow - EF-MARW_DM.1.0-901, Marlow - EF-MARW_DM.1.0-901 HANDED, Oxford - EF-OXFD_DM.1.0-901, Oxford - EF-OXFD_DM.1.0-902, Oxford - EF-OXFD_DM.1.0-901 HANDED, Oxford - EF-OXFD_DM.1.0-902 HANDED, Shrewsbury - EF-SHRW_DM.1.0-901, Shrewsbury - EF-SHRW_DM.1.0-902, Shrewsbury - EF-SHRW_DM.1.0-901 HANDED, Shrewsbury - EF-SHRW_DM.1.0-902 HANDED, Stratford - EF-STRA_DM.1.0-901, Stratford - EF-STRA_DM.1.0-902, Stratford - EF-STRA_DM.1.0-901 HANDED, Stratford - EF-STRA_DM.1.0-902 HANDED, Sunningdale - EF-SUND_DM.1.0-901, Sunningdale - EF-SUND_DM.1.0-902, Sunningdale - EF-SUND_DM.1.0-901 HANDED, Sunningdale - EF-SUND_DM.1.0-902 HANDED, Welwyn - EF-WELN_DM.1.0-901, Welwyn - EF-WELN_DM.1.0-902, Welwyn - EF-WELN_DM.1.0-903, Windsor - EF-WINS_DM.1.0-901, Windsor - EF-WINS_DM.1.0-902, Windsor - EF-WINS_DM.1.0-903 (CNR.), Windsor - EF-WINS_DM.1.0-904 (CNR.), Windsor - EF-WINS_DM.1.0-901 HANDED, Windsor - EF-WINS_DM.1.0-902 HANDED, Windsor - EF-WINS_DM.1.0-903 (CNR.) HANDED, Windsor - EF-WINS_DM.1.0-904 (CNR.) HANDED, Shaftesbury-EF-SHAF_DM.1.0-901 HANDED, Shaftesbury-EF-SHAF_DM.1.0-902 HANDED, Shaftesbury-EF-SHAF_DM.1.0-903 HANDED, Single Garage - Type 1 (GAR01_901), Double Garage - Type 10 (GAR10_903), APTK - Apartments - Elevations 1 (Rev A), APTK - Apartments - Elevations 2 (Rev A), APTK - Apartments - Floor Plans (Rev A), APTL - Apartments - Ground Floor Plan, APTL - Apartments - First Floor Plan, APTL - Apartments - Second Floor Plan, APTL - Apartments - Third

Floor Plan, APTL - Apartments - Front Elevation, APTL - Apartments - Side Elevations, APTL - Apartments - Rear Elevations received by the Local Planning Authority on 26 November 2014 and 12 December 2014.

- 2 Prior to the first occupation of each of the dwellings hereby approved the erection of enclosures and boundary treatments for the respective dwellings shall first be implemented in accordance with plan entitled '1640-08-02-010 RevD - Enclosures Plan' received by the Local Planning Authority on 12 December 2014. The enclosures and boundary treatment to the site boundaries shall be completed prior to the occupation of the final dwelling within each phase of development located along the site perimeter.
- 3 Prior to the first occupation of each of the dwellings hereby approved, the respective car parking provision shall be made within the curtilage in accordance with the plan entitled '1640-08-02-004 RevC - Proposed Access Plan' received on 12 December 2014 . The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 4 Before first occupation of each of the dwellings hereby approved, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained this way thereafter.
- 5 Prior to the first occupation of each of the dwellings hereby approved, pedestrian visibility spays to the access points serving the associated dwelling shall be provided on the highway boundary on both sides of the access in accordance with the plan entitled '1640-08-02-004 RevC - Proposed Access Plan' received on 12 December 2014 with nothing in those splays higher than 0.6 metres above the level of the adjacent footway/verge/ highway, in accordance with the current standards of the Highway Authority and shall be so maintained that way thereafter.
- 6 The types and colours of materials to be used on the external elevations of the dwellings and garages hereby approved shall be those strictly specified within plan entitled '1640-08-02-015 RevE - Materials Plan' received by the Local Planning Authority on 12 December 2014.
- 7 The landscaping shall be carried out in strict accordance with the plans entitled 'Planting Plan Overview Drawing No. 5356/PP.01 Rev B, Planting Plan 1 of 4 Drawing No. 5356/PP.02 Rev B, Planting Plan 2 of 4 Drawing No. 5356/PP.03 Rev B, Planting Plan 3 of 4 Drawing No. 5356/PP.04 Rev B, Planting Plan 4 of 4 Drawing No. 5356/PP.05 Rev B. As each construction phase is completed, landscaping shall be undertaken in the first available planting season or prior to the occupation of each individual dwelling, whichever comes first. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reasons:-

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

- 2 In the interests of visual amenity, to accord with Policy BE1 (criteria a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 3 To ensure that adequate off-street parking facilities are available to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 In the interests of pedestrian safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 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.
- 7 In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies BE1 (criterion a) and Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

Notes to Applicant:-

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

Contact Officer:- Cathy Horton Ext 5605

Item: 02
Reference: 14/00596/OUT
Applicant: Mr Keith Baxter
Location: Garden Farm Bagworth Road Barlestone
Proposal: Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline - access only)

RECOMMENDATION:- Grant subject to conditions and S106 obligations.

Introduction:-

This application was considered by Planning Committee on 11 November 2014. At that meeting, Members were broadly supportive of the scheme, but raised concerns about the proposed site access and associated earth re-grading works. Members were also concerned about the proximity of the access to the bungalows opposite and the potential for vehicle lights to shine into residents' windows. In order to deal with these issues, the Committee resolved to defer consideration of the application to allow officers to seek to negotiate an alternative access arrangement. Following constructive discussions with the applicant, amended plans have been received illustrating an access to the south of the originally proposed entrance, roughly opposite to number 21 St. Giles Close. These amended plans have been subject to a full re-consultation.

The sections of the appraisal which have been updated (following the earlier committee report) predominantly relate to:-

- a) Principle of development and 5 Year Housing Land Supply
- b) Character Impacts
- c) Access and Highway Considerations

The application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development and has generated responses from occupiers of more than five properties.

Application Proposal

This application seeks outline planning permission for the erection of up to 64 residential units.

Access is the only matters for determination at this stage, with all other matters being reserved for approval at a later stage. The scheme also proposes the demolition of the existing farmhouse and associated outbuildings.

The existing farmhouse comprises a substantial three story red brick building. Its principal elevation faces Bagworth Road, and is set back from the Road by a mature garden. To the rear of the house is a courtyard of traditional red brick farm buildings, one of which is two storey. These buildings are used for stabling, kennels and storage. Further beyond these buildings are various modern agricultural buildings and a stable block. The farm is accessed via a long driveway leading of Bagworth Road. This is to the south of the dwelling and leads to the rear of the farmhouse and courtyard of traditional farm buildings.

The Site and Surrounding Area

The site has an area of 2.5 hectares and comprises part of the landholding known as Garden Farm. The land is currently subdivided into paddocks and is used for the grazing of horses. The land sits at a higher level than Bagworth Road and levels vary considerably across the site, falling to the east and south east. Native hedgerow encloses the paddocks and there are mature trees dispersed within these.

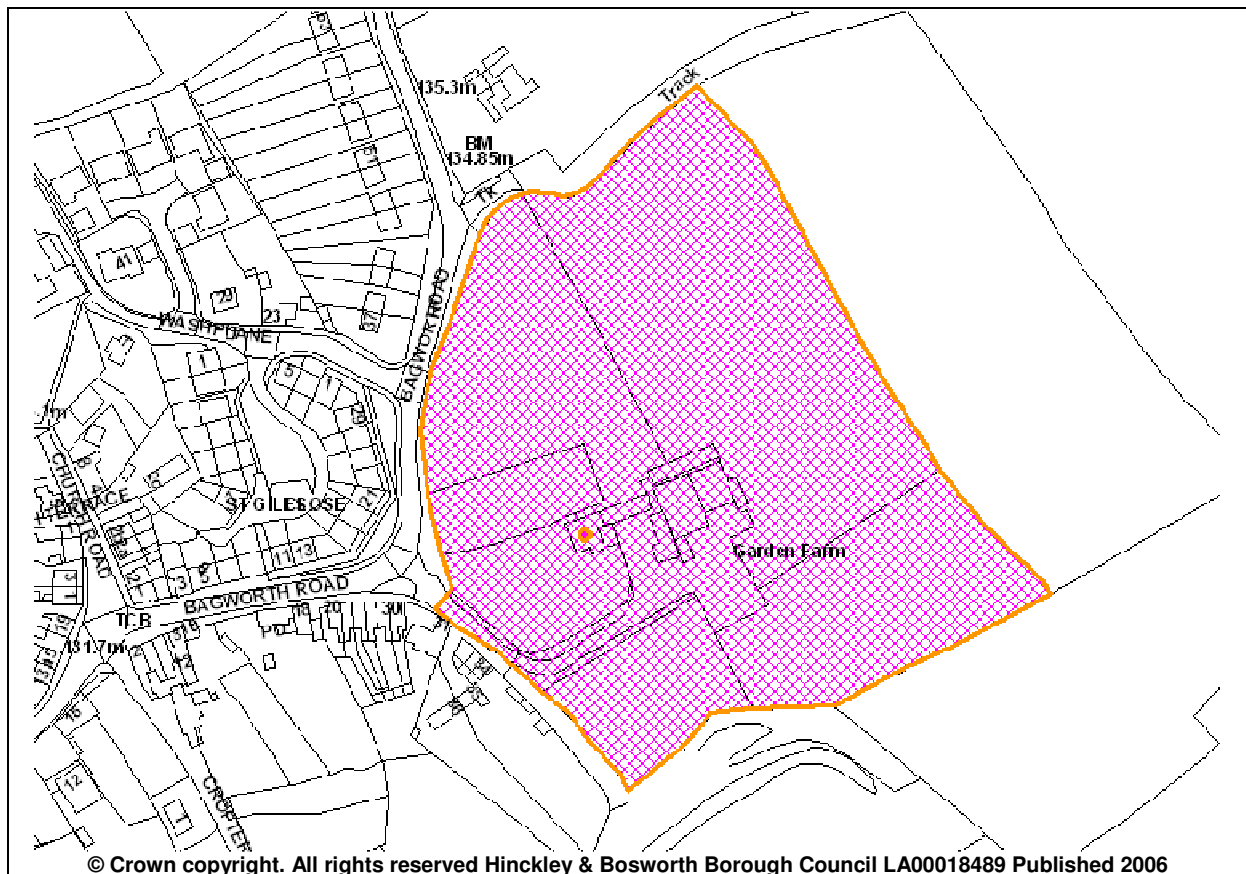
The site is situated to the north eastern periphery of the village. On the opposite side of Bagworth Road is residential development of various style, design and age. The village core is a short distance to the west. A playing field bounds the site to the south and a smaller agricultural holding to the north. The remainder of the site is bounded by agricultural land (within the applicant's ownership).

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Transport Statement and Amendment
Archaeology Survey
Ecology Survey
Tree Survey
Flood Risk Assessment
Draft Heads of Terms

Relevant Planning History:-

None relevant.



Consultations:-

The amended access plan re-consultation has generated the following responses:-

No objections have been received from Leicestershire County Council (Public Rights of Way).

No objections subject to conditions have been received from:-

Leicestershire County Council (Highways)
Environmental Health (Pollution)

No objections subject to Standing Advice from:-

Leicestershire Fire and Rescue
Council for the Protection of Rural England has objected on highway safety grounds.

Four letters of neighbour representation received raising the following concerns:-

- a) the existing roads in Barlestone are too narrow to accommodate the existing traffic and the traffic generated by the proposed development will exacerbate this
- b) the proposal would exacerbate congestion and pollution within the area
- c) The proposal would destroy an attractive area of countryside and its wildlife
- d) inadequate employment and services to serve the new development
- e) existing services including sewage are at capacity
- f) new residents would have to commute to work/services which would not be sustainable
- g) concern that the fire service will be unable to access the development
- h) queries as to whether the existing footpaths would be lost.

No comments have been received from Barlestone Parish Council.

Consultation responses in relation to the planning application as originally submitted:-

No objection received from Leicestershire County Council (Public Rights of Way).

No objections subject to conditions have been received from:-

Environment Agency
Severn Trent Water Limited
Leicestershire County Council (Highways)
Street Scene Services (Waste)
Environmental Health (Pollution)
Environmental Health (Drainage)

Barlestone Parish Council objected to the application on the following grounds:-

- a) dangerous access and parking issues
- b) loss of historic building within village
- c) school accommodation concerns
- d) capability of sewers.

Council for the Protection of Rural England objected on the following grounds:-

- a) the highway network is inadequate to cater for the increased volume in traffic
- b) will result in detrimental impacts on the character of the surrounding countryside

- c) the housing allocation for Barlestone is 49 dwellings. This application exceeds this number and the development is therefore unnecessary
- d) the site is outside the settlement boundary and is required to grow food
- e) there are two large scale planning applications for housing proposed within the village. The combination of these will have an adverse impact on the quality of life and character of the village
- f) there are errors in the Transport Statement.

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

- a) Director of Environment and Transport (Civic Amenity) requests £3,120
- b) Director of Adults and Communities (Libraries) requests £0
- c) Director of Children and young Peoples Services (Education) requests £188,057.31 (secondary)
- d) Director of Environment and Transport (Waste) requests £3,120.
- e) Police (£22,446)

Site notice and Press notice were displayed and neighbours notified.

38 letters of neighbour representation received raising the following issues:-

- a) highway, access and parking issues
- b) unsustainable development
- c) loss of agricultural land
- d) there are no local employment sites so residents will have to travel to work
- e) contrary to Core Strategy policies
- f) noise concerns
- g) village does not have the facilities and amenities to support the development
- h) there are already high levels of congestion within the village, this development will exacerbate this.
- i) concerns raised over the disposal of foul sewage
- j) there are many properties for sale within the village so is there the demand for this development?
- k) where will the new residents work?
- l) queries over education and medical facilities
- m) safety concerns relating to children walking on the nearby roads
- n) loss of farmhouse and outbuildings of character and quality should be avoided
- o) limited shopping and public transport facilities
- p) flooding and drainage issues
- q) This application should be considered cumulatively alongside other applications for housing in Barlestone
- r) residents have not been consulted on the scheme by the developer
- s) the site is outside the settlement boundary
- t) the scale of development currently proposed for the village will destroy its character
- u) concerns raised over the future maintenance of the lake at Garden Farm.

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 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone
Policy 14: Rural Areas: Transport
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 20: Green Infrastructure
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy BE1: Design and Siting of Development
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Supplementary Planning Guidance/Documents

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

Other Material Policy Guidance

Emerging Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) - Feb 2014.

Appraisal:-

This is an outline application for access only; therefore layout, appearance, landscaping and scale do not form part of the application and will be considered at the reserved matters stage. As such the main considerations with regards to this application are:-

- a) Principle of development and 5 year Housing Land Supply
- b) Impact on the character of the area
- c) Residential Amenity
- d) Access and highway considerations
- e) Developer contributions, Play and Open Space and Affordable Housing
- f) Trees and Ecology
- g) Drainage and Flood Risk

Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state 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 11 of the Core Strategy states that through the plan period land will be allocated for a minimum of 40 dwellings to be provided within Barlestone that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels. This minimum requirement was met through granting permission for 49 dwellings at Land of Spinney Drive (ref:13/00735/FUL).

Local Plan

The site lies outside of the current settlement boundary of Barlestone, 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.

Policy NE5 seeks to protect the countryside for its own sake and constitutes a criteria based policy indicating suitable types of development within the countryside. Residential development is not included within this. Policy RES5 relates to residential development on unallocated sites, suggesting that such development within the countryside should be resisted. Whilst these policies are restrictive, their emphasis is to safeguard the intrinsic value and beauty of the countryside, which is not considered as inconsistent with the intentions of the NPPF, or as out of date. The amount of weight they are to be attributed in the determination of applications must be balanced against the positive impacts of a development on a site by site basis.

Pre-submission Site Allocations and Development Management Policies DPD (Feb 2014)

The proposed application site is identified within the emerging Site Allocations document as a proposed residential allocation, labelled BARL02 for 45 dwellings.

The 'Rural Areas Site Selection Justification Paper' provides the justification for this allocation as:-

- A suitable access confirmed as possible by the Highway Authority
- Close proximity to Barlestone Local Centre
- A low level of objection at the Preferred Options Stage when proposed as an Alternative Option.

This document has been subject to considerable public consultation and is now at Pre-Submission 'Proposed Modifications' stage. This consultation will run until 30th January 2015. This site is still included within the document as a housing allocation and the Council intends to submit the document for Examination in Spring 2015. Given that the document has

not yet been to Examination, and has not been adopted, the amount of weight it can be attributed at this stage is limited.

Strategic Housing Land Availability Assessment (SHLAA)

This document comprises an evidence base which informs the site allocations document.

The 2013 SHLAA identifies this site as site reference As45 and notes it as greenfield in nature and currently forms a paddock and farmstead. The site was identified as suitable, available and achievable, with an overall assessment of developable.

This application proposes 64 dwellings, which would exceed the minimum figure of 45 as set out in the SHLAA however, this figure is a minimum and was based on a generic calculation, it did not take into consideration the specific merits of the site or the needs of the locality. Furthermore, the SHLAA does not represent policy and does not determine whether a site should be allocated or granted permission for development; it simply determines which sites are suitable, available and achievable for housing development to inform the Site Allocations DPD.

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.

The Sketchley House (Burbage) appeal decision (APP/K2420/A/13/2208318) was received on 18 November 2014. This appeal was allowed and planning permission was granted. In that case, the Secretary of State endorsed the use of the Liverpool method of calculating supply and the application of a 5% buffer. The appeal decision identified that the Council is not considered to be a 'persistent under deliverer' of housing (and therefore a 5% buffer is justified) and also that if the current shortfall in housing supply were made up by the end of the plan period then provision would meet the full objectively assessed housing needs for the Borough (therefore justifying the Liverpool method).

Based on the Liverpool method and 5% buffer, as of 1 October 2014 the Council's five year housing supply position is 5.22 years. This compares with the position at 1 April 2014, where the Council had a supply of 4.25 years (using the Sedgfield method and a 20% buffer). The supply relies on the progression of large sites as set out in the Core Strategy and emerging Site Allocations Development Plan Document such as the SUEs at Barwell and Earl Shilton and the land west of Hinckley. A summary of the calculation is set out in the table below:

		Dwellings
a	Borough Housing Requirement (2006-2026)	9,000 450 per annum
b	Completions (1 April 2006 – 30 September 2014)	3,379
c	Remaining Borough Requirement over remaining 11.5 years (1 October 2014 – 31 March 2026) ((a-b)\11.5)	5,621 489 per annum
d	Requirement for 5 years (c x 5)	2,445
e	Requirement for 5 years with 5% buffer ((c + 5%) x 5) (489 + 24 (5%)) = 513 x 5	2,565 513 per annum
f	Housing Supply (1 October 2014 – 30 September 2019)	2,679
g	Overprovision/Shortfall (f - e)	+114
h	Number of years supply (f / 513 dwellings per annum)	5.22 years (5 years and 3 months)

The Secretary of State affirmed in the Sketchley House appeal decision that the Council's housing supply policies as set out in the Core Strategy could be brought 'up-to-date' and would not be considered inherently outmoded or redundant. As the Council now has a five year supply of housing sites full weight can be afforded to Policy 11 of the Core Strategy which sets out that land will be allocated for a minimum of 40 dwellings within Barlestone.

Notwithstanding this, the National Planning Policy Framework sets out at Paragraph 14 that development proposals should be considered in the context of the presumption in favour of sustainable development and that the overall planning balance needs to be considered when applying weight to housing supply policies.

Therefore planning applications for residential development on sites which are considered to be sustainable should be given favourable consideration to ensure that the Council continues to boost the supply of housing sites in order to maintain its five year housing land supply.

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, as 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 applicant has included details as to the sustainability credentials of the scheme within the documents supporting the application.

The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic

It is considered that the local economy would benefit both directly and indirectly from the development and through the creation of jobs related to construction of the development itself. In addition financial contributions would be secured for the provision and future maintenance of local infrastructure.

Social

The scheme would provide a mix of both market and 40% affordable housing. This would appeal to a wider spectrum within the local market and to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. The scheme would, through the delivery of a site allocated for residential development within the pre submission Site Allocations and Development Management policies DPD contribute towards the 5 year supply of housing, which would enhance the quality, vibrancy and health of the local community and would further support local business and services.

Environmental

As mentioned, the site falls within the countryside, where residential development is restricted by Local Plan Policies NE5 and RES5. Accordingly harm to the countryside must be balanced against the benefits of the scheme.

The land is currently operated as a livery yard and is thus subdivided into small, intensively grazed paddocks. The land therefore has no association with either arable or livestock farming, does not constitute prime agricultural land and does not make a contribution to the farming economy. Development of the site would inevitably result in the removal of vegetation and disruption to ecosystems; however no protected species, or trees worthy of retention (or TPO'd) have been identified on the site.

Whilst 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 and through the sites redevelopment, the local planning authority would be provided with the opportunity to enhance the ecology and landscape of the area. Furthermore, detailed designs of the access have been provided, which illustrate that only minimal removal of the existing front boundary hedgerow would be required in order to provide the required viability splays. The development would also be constructed to the latest building regulations standards resulting in the end scheme being energy efficient and environmentally sustainable in this respect.

Whilst the rural character of the area would be eroded, opportunities would be provided through the development of the site to enhance the character and ecology of the area.

Further, it must be noted that there would be inadequate areas of land within the existing settlement boundary of Barlestone to accommodate the growth proposed; and thus that some sites within the countryside are required to meet the housing needs of the area. Although Barlestone has provided its minimum allocation of 40 dwellings, as stipulated by Policy 11, this figure is minimum; and thus allows for redistribution of growth across the Borough. Further the site comprises a proposed residential allocation, which has been deemed as sustainable within the SHLAA and once adopted would contribute towards the 5 year housing land supply.

Accordingly, on balance, the scheme is considered to comprise of sustainable development, in accordance with the NPPF, would contribute towards the maintenance of the 5 year housing land supply and would deliver a site allocated within the Pre submission Site Allocations and Development Plan Polices DPD. Although there would be some harm to the character of this area of countryside, this is considered limited when assessed against the benefits associated with the scheme. Thus these benefits are considered to outweigh the policy objections of Policies NE5 and RES5 of the Local Plan. The development is therefore considered to be acceptable in principle, subject to all other material considerations being appropriately addressed.

Character

As discussed above, in policy terms the site lies outside of the defined settlement boundary for Barlestone 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 Policy NE5 is 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.

Loss of Farmhouse and Outbuildings

The application proposes the demolition of the existing farmhouse and a range of traditional and more modern agricultural buildings. The buildings are not within a conservation area and are not listed. The site is no longer in operation as a working farm and instead provides equestrian livery. Given the concerns raised within the letters of neighbour representation relating to the loss of the buildings, consideration has been given to the character and value of these buildings. The farmhouse appears to date back to Georgian times. However through the years it has been subject to maintenance which has resulted in the introduction of standard UPVC windows and plastic rainwater goods. Brickwork has also been subject to maintenance on an ad-hoc basis which has resulted in a variation of brick type and detail. The group of original outbuildings have retained their courtyard form, with the two storey building being generally in good condition and retaining the majority of its original features. The single storey buildings have been subject to repair and the original oak trusses have been replaced with modern equivalents. There are also signs of structural defect. Whilst the two story building clearly has merit, it would be difficult to integrate the building within the wider development. Although the loss of these historic buildings would be regrettable in this case it is considered that the benefits associated with the wider scheme outweigh the consequential harm.

Immediately to the west of the site are a number of residential dwellings, a mixture of bungalows and two storey properties. Further west are terraced, semi detached and detached dwellings and further west lies the centre of Barlestone and the surrounding residential estates. The settlement boundary of Barlestone runs along the western boundary of the site along Bagworth Road. Further to the north, east and south is open countryside.

Although the majority of the site comprises greenfield land, it is situated adjacent to the settlement boundary and from the north, east and south, would be read against the context of the existing development within the village. The site is contained on four boundaries by mature vegetation and given this there would be limited visibility into the site. However, this

said, by virtue of the undulating height of the hedgerow, the site would be partially visible from the northern boundary along Bagworth Road and from the dwellings on the opposite side of the Bagworth Road. The indicative details provided seek to retain the existing vegetation on the northern and eastern boundaries of the site, as they help frame the rural setting of the site and act as a natural buffer between the open countryside and the development. The existing trees and hedges to all boundaries are proposed to be retained and further enhanced with Hawthorn/Blackthorn hedgerows and indigenous tree planting. Accordingly the rural character of the area would be preserved as much as possible and the boundary treatments/landscape features would aid assimilation of the development within its semi-rural setting.

The revised access would be positioned along the western boundary of the site, almost aligned with the existing principal elevation of the farmhouse. This would be further south than the originally proposed access. Given that the land level falls to the south, the change in level between the site and the highway is not as great with this revised position as it would have been previously. The limited change in level would negate the requirement for an extensive amount of hard engineering, which would have been required in respect of the original plans. Furthermore, because of the existing road alignment, less vegetation would be lost in forming the required visibility splays. The applicant has provided 3D visual images to further illustrate these impacts. As a consequence of the revised position of the access and its cumulative impacts, the effect on the character of character of the surrounding landscape are considered to have been reduced. To ensure that the impact to the character of the area is kept to a minimum, as suggested above, as far as possible existing boundary vegetation would be retained, and where possible enhanced. Landscaping and sensitive design and layout are considered key to the acceptability of this development, to ensure it is well assimilated within its setting and is not detrimental to the character of the area. Although these matters are not for consideration at this stage, indicative plans and key concepts for the development have been provided.

The indicative layout of the site proposes a soft entrance adjacent to the public open space and retained and enhanced landscaped buffers to the boundaries. Dwellings that have a direct relationship to the boundaries would predominantly have their gardens facing this; allowing for a buffer between open countryside and development. This is with the exception of the development proposed along Bagworth Road, which is shown indicatively to address the street scene, to provide identity, a visual link with the remainder of the village and an active frontage. The indicative layout is generally acceptable; however there remain queries in respect of the plots abutting the countryside and the specific boundary treatment details in this sensitive location. Further work is also required in relation to the smaller dwellings and their proposed parking areas. The layout will be discussed in further detail within any subsequent reserved matters application.

The mix of properties has also been influenced by the surrounding developments with a mixture of detached, semi-detached and terraced two storey developments. However these design details would be considered in more depth at reserved matters stage.

There are a range of dwelling types and materials found across the village. The central core of Barlestone is a mixture of historic and modern dwellings, with buildings predominantly constructed of red brick. The majority of developments surrounding the historic core have been constructed from the 1960's onwards. These properties are predominantly of red brick facades and concrete roofs. Therefore, to ensure the development would have an acceptable relationship with its setting, a similar pallet of materials would be suggested.

Although the development would inevitably urbanise this historically rural area, subject to acceptable and sensitive landscaping, design and layout, the consequential impacts are not considered to result in detrimental harm to the character of the area, and could enhance the

local landscape and provide increased opportunities for biodiversity and environmental upgrade.

The proposal is considered in environmental terms to be sustainable development. Furthermore, the supporting information has demonstrated that it is likely that a design solution is likely to be achievable, in accordance with the design criteria of Saved Policies NE5 and BE1.

Housing Density, Mix and Design

Policy 16 sets out the requirements of housing density, mix and design on all sites of 10 dwellings or more. It states that there should be 'at least 30 dwellings per hectare within and adjoining Key Rural Centres in exceptional circumstances, where individual site characteristics dictate and are justified a lower density may be acceptable'.

While the submitted layout shows a relatively low density, at 26 dwellings per hectare, as the layout is reserved for subsequent approval, the final density and design would be agreed at a later stage, having regard to site's setting in relation to the countryside and the established pattern of development in the area.

The applicant's Design and Access Statement provides an indication of the composition of the proposed market and affordable housing. The indicative information suggests that the affordable dwellings comprise primarily terraced properties and the market housing comprises primarily 4-5 bedroom detached and three bedroom semi-detached properties with large curtilages. This is unlikely to be considered to be an appropriate mix of housing types. The details of the affordable housing provision would be discussed and agreed with the Housing Strategy and Enabling Officer, with the mix informed by the latest housing needs survey for Barlestone. The mix of open market housing would be agreed as part of a reserved matters submission.

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. The scheme proposes 64 dwellings with 26 of those proposed as affordable. This equates to approximately 40% of the development and adequately meets this policy requirement.

Policy 15 dictates the tenure split of the affordable housing proposed, which may be revised to reflect changes in the housing market and local circumstance. In this case this would mean 19 properties for social rented housing and 7 properties for intermediate tenure.

The numbers of applicants on the waiting list for rented properties in Barlestone is as follows:-

1 bedroomed properties	109 applicants
2 bedroomed properties	89 applicants
3 bedroomed properties	44 applicants
4 or more bedroomed properties	9 applicants
Total	251 applicants

The Council owns 5 two bedroomed houses and 17 three bedroomed houses in Barlestone. There are in addition 30 x 2 bedroomed houses, 20 x 3 bedroomed houses, 2 x 1 bedroomed bungalows and 5 x 2 bedroomed bungalows provided by Registered Providers in Barlestone. The optimum mix for affordable housing on this site would therefore be for 4 x 1 bed 2

person flats or quarter houses, 10 x 2 bed 4 person houses and 3 x 3 bed 5 person houses, to be split into 3 or 4 clusters on the site.

As this is an outline application full details of the siting and layout of the affordable dwellings are not for consideration and will be considered at the reserved matters stage. However, in accordance with the Affordable Housing SPD a clause would be included in the S106 Agreement to ensure that the affordable housing is spread across the site in small clusters of four to six dwellings. As the site is also located within a rural area a local connections policy to Barlestone would be included to require applicants in the first instance to have a connection to Barlestone and then to the Borough.

There is a high demand in Barlestone for affordable properties 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 upon Residential Amenity

Criterion (i) of Policy BE1 of the adopted Local Plan required 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.

In respect of criterion i) as appearance, layout and scale are not for consideration at this time, consequential impacts in terms of the residential amenity of surrounding properties, in terms of loss privacy, loss of sunlight and daylight and overbearing form can not be fully considered at this stage. As such the full impact on adjacent occupiers in terms of such would be a primary consideration at the reserved matters stage.

By virtue of its scale, the development would result in impacts in terms of noise and disturbance, both from vehicle movements and the development itself. The dwellings opposite may be subject to a degree of disturbance from vehicle headlights when leaving the site, however; given that the ground level change is not so significant at the revised point of access, and that the access is to be gently graded, impacts in this respect are not considered so severe as to warrant refusal of the application. Furthermore, impacts in terms of noise have been considered by Environmental Health (Pollution) and no objections on such grounds have been received.

Access and Highway Considerations

Saved Policies T5 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and should be given appropriate weight in the determination of this application.

As explained above, while Members were broadly supportive of the scheme, the decision was deferred from the November Planning Committee meeting to allow officers to seek to negotiate an improved, alternative means of access. The revised access has been positioned more closely in line with the existing farmhouse.

The application was originally accompanied by a Transport Statement (TS) and update, much of the data within the TS remains relevant to the amended access point.

The TS assessed existing conditions on the surrounding highway network and in relation to accessibility to public transport and local amenities. As part of the Transport Statement, the personal injury accident records in the vicinity of the application site have also been assessed. This has established that there have been no recorded personal injury accidents for the latest five year period.

To support the planning application there has been a review of current planning policy guidance and the sustainability criteria set out by Leicestershire County Council in their 6Cs Guide. Based upon this, the TS concludes that the proposed development accords with relevant national and local planning policies and that the site is located in a sustainable location and therefore there are no material or overriding highway or transport reasons why planning permission should not be granted for the development.

Leicestershire County Council (Highways) has reviewed the TS and the amended application details and is satisfied that the revised access proposals are acceptable and is supportive of the applicant's proposal to reduce the level on the site to overcome the existing level difference between Bagworth Road and the site.

The site is well located to the village centre with its range of services and hourly bus service and can be considered to be reasonably sustainable. There are existing concerns with parked cars on Bagworth Road and on Main Street, reducing traffic to a single lane in close proximity to a sharp bend with minimal forward visibility. The additional traffic from this development would exacerbate this situation, as most traffic will be accessing the A447 to the west of the village through the village centre.

In response to the request for parking restrictions in the area; Director of Environment and Transport (Highways) has stated that it would be unlikely that the imposition of double yellow lines would receive approval due to the consequential reduction this would have on available parking within the area. Accordingly, to reduce congestion and improve highway safety within the central area of Barlestone, Leicestershire County Council (Highways) proposes to implement a 20mph limit in the central area of Barlestone. In addition to this, it is considered that parking restrictions on the roads close to the site would be required to improve traffic flow around a bend with poor forward visibility. To help fund this, a contribution request of £15,000 is sought from the development.

In addition, in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use, the following S106 contributions have been requested:-

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area.
- 6 month bus passes to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- Bus shelter at nearest bus stop (Coalville bound) to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
- Real Time Information (RTI) displays at 2 nearest bus stops; as RTI is known to increase bus patronage where it is available. At £5,840 per display.

These contribution requests are considered necessary to comply with the NPPF, the CIL Regulations, and the County Council's Local Transport Plan 3. Therefore they would be included with the S106 agreement.

In addition to the contribution requests, Leicestershire County Council (Highways) has recommended ten conditions. These have been considered and two are considered reasonable and necessary and are recommended to be included. Suggested condition 1 requires details of a footpath link between the site and the existing footpath on Bagworth Road to be provided. This would be designed into the development at reserved matters stage and thus will be included as a note to applicant. Suggested conditions 2, 3, 4, 6 and 8 require various highway related design guidance to be secured. Such detail will be secured during reserved matters stage, and the advice contained within these conditions will instead be included as a note to applicant. Suggested condition 5 concerns the submission of a drainage scheme. This request is proposed to be dealt with by the submission of a drainage scheme, which is recommended as a condition. Suggested condition 7 requires details of the routing of construction traffic. This condition would not be enforceable and therefore does not form part of the recommendation. Suggested condition 10 refers to access widths. However, this condition is only applicable to schemes of between 5 and 25 dwellings, as this scheme is for 64 dwellings, the condition is not considered relevant to this application.

Accordingly, subject to the suggested developer contributions and conditions, the proposal accords with Saved Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Drainage and Flood Risk

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

As the site area is over 1 hectare, a Flood Risk Assessment also accompanies the application. This states that the site falls within Flood Zone 1. By virtue of this classification, the site is considered acceptable for all types of development, including residential. It is acknowledged that by virtue of the development, areas of hard, impermeable surfacing would be increased, however, it is suggested that the associated surface water runoff would be managed by a sustainable urban drainage system. The report therefore concludes that the development will not result in increased flood risk and that the development is not compromised by surface water flows.

Environmental Health (Drainage), Severn Trent and the Environment Agency require conditions to secure drainage details, incorporating sustainable drainage principles for the site.

Accordingly, subject to the imposition of planning conditions, it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Land Contamination

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

The application has been considered by the Environmental Health (Pollution) who recommends that conditions relating to land contamination are imposed. As such conditions relating to land contamination and landfill gas are recommended to accord with Saved Policy NE2.

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

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 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. It has been stated that the contribution would be for The Market Bosworth School and Bosworth Academy. The schools have a joint net capacity of 1750 and 1825 pupils are projected on roll should this development proceed; a deficit of 75 pupil places. A total of 14.60 pupil places are being funded at these schools from S106 agreements from other developments in this area which reduces the total deficit for these schools to 60 (of which 49 are existing and 11 are created by this development). There are no other 11-16 schools within a three mile walking distance of the site.

A contribution of £188,057.31 is sought for secondary education provision, which would be used to address existing capacity issues created by this 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.

Civic Amenity

A contribution request has been made from Leicestershire Shire County Council Environmental Services for £3,120 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 17 tonnes (approx.) of waste generated by the development and given the total waste collected is 7,874 tonnes per annum, it would be difficult to argue that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Police Contribution

Leicestershire Police has provided detailed justification for a S106 request of £22,446. This would be split into £2,234.00 for start up equipment for a new police officer that would be required as a result of the development, £1,378.00 towards associated vehicle costs, £132.00 towards additional radio call capacity, £69.00 towards Police National Database additions, £152.00 towards additional call handling, £2,055.00 towards ANPR cameras, £375.00 towards mobile CCTV equipment, £15925.00 towards additional premises and £126.00 towards hub equipment for officers.

It is considered that this contribution request is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Play and Open Space Contributions

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 St Giles play field, Bosworth Road Open Space and Barlestone Playing Fields. Either of these facilities would fall within the remit of Policy REC2. There are planned improvements to the Bosworth Road area of open space comprising of a new pavilion. Saved Policy REC2 applies which states a contribution of £36,968.40, as set out in the Play and Open Space SPD would be required for the development. This would be subdivided into £20,336.40 for provision and £16,632.00 for maintenance. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space.

The indicative layout proposes an equipped LEAP and informal open play space. This would not only be used by the new residents but would also have the added benefit of offering use to the existing local community as there are linkages proposed with the main settlement.

The onsite play and open space would be required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council; otherwise the developer may retain the public space in private ownership and maintain it accordingly. Should the developer wish the Parish Council or Borough Council to maintain this open space then the maintenance contribution for the equipped play space would be £22,270.50 in total based upon 63 dwellings. The maintenance contribution for the informal on-site play space would be £5,008.50 based upon 63 dwellings. These amounts are as set out in the Play & Open Space SPD.

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.

As the plans are at this stage only indicative, there are no assurances that the equipped and informal play space would be provided on site. Accordingly a clause would be written into the S106 agreement stating that if the provision were not provided on site, a capital and maintenance sum would be required for May Meadow Local Open Space. The site is located within 400 metres of the site. The quality of the spaces has been considered within the Quality and Accessibility Audit update of 2007 which awarded this open space a quality score of 38%. The Equipped capital contribution in this case would be £45,700.30 and the informal capital contribution would be £5821.20.

It is considered that Barlestone has both a deficit of both equipped and casual/informal play space and May Meadow has been shown to have a quality deficit relating to facilities. The indicative size of the units proposed would appeal to families and given the proximity of the

application site to these open spaces 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 and therefore meets the requirements of Policies IMP1 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Recycling

Street Scene Services (Waste) states that it is essential for storage and collection points for the wheeled bins to meet the Council's standards. As layout is a matter for consideration and no such details are provided it is considered that a condition can be imposed.

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. 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.

Additional concerns raised from the re-consultation:-

Concerns raised relating to how fire engines would access the site. In response to this, Standing Advice has been received from Leicestershire Fire and Rescue. This details the design requirements of an access to ensure it is accessible to fire engines'. Whilst such details are predominantly subject to control under Building Regulations, the guidance should be taken into consideration at reserved matters stage when designing the final layout of the development.

Queries have been raised as to whether the existing footpaths crossing the site would be lost. Comprehensive comments have been received from Leicestershire County Council (Public Rights of Way) in respect of the existing footpaths. It has been suggested that these be incorporated within the final layout (to be determined at reserved matters stage). If the applicant is not willing to do this, a separate application would be required to apply for the routes of the footpaths to be diverted.

Issues raised within the original letters of representation not considered elsewhere in the report:-

Residents have stated that there are no local employment sites nearby which could mean that residents will have to travel to work. Of those residents who do work, some would be employed locally while others would need to travel further afield. In order to mitigate against the reliance on the private car, initiatives are recommended within the S106 agreement to encourage the use of sustainable modes of travel.

Local residents have raised concerns that the village does not have the facilities and amenities to support the development, including an adequate number of shops, health facilities, dental provision and waste collection. In response to this, it is considered that this application for further residential development would increase the sustainability, vitality and

viability of the village and thus may attract more private service provision. The publicly delivered services have been subject to a developer contributions consultation, and where need has been identified, contributions have been sought.

Residents have raised concerns about how foul sewage would be disposed of. In response to this, although full details are not required to be provided as part of a planning application submission, they are required as part of a buildings regulations approval. Thus prior to commencement of any development on the site, full details of foul sewage disposal would be required.

Queries have been raised by local residents as to where the new residents would work. The employment details of future residents are not known, however this development would increase the local population and sustainability of the settlement, which would in turn sustain additional local employment and may result in the creation of new businesses and jobs in the locality.

Concerns have been raised that residents have not been consulted on the scheme by the developer. Whilst it may have been advantageous for the developer to consult with the local community, developer led consultation is not subject to control by the Local Planning Authority. However residents have been extensively consulted through the planning application process and all issues raised within the consultation responses have been taken into consideration.

Queries have been raised as to what will happen to the lake at Garden Farm and its future maintenance. The Lake at Garden Farm is approximately 90 metres to the south east of the application site and although within the applicant's ownership, does not form part of the application site. Accordingly the lake would not be affected by the proposal.

Conclusion

Following deferral of the application in November, through positive negotiations with the developer, the Council have secured an improved access to the site, which would overcome the previously raised amenity and character concerns whilst also providing a viable solution from a highway safety perspective.

The NPPF sets out at Paragraph 14 that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a sustainable location close to the centre of Barlestone which offers facilities and services. 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 in the balance of meeting the social sustainability requirements. The development would contribute towards sustaining the borough's five year supply of deliverable housing sites, which is a key material consideration, which should be attributed considerable weight. The development would not impact adversely upon the drainage and flood risk, ecology or archaeology and impacts in terms of highway safety can be mitigated. It is recognised that the proposal would have an impact upon and change the character of the existing undeveloped countryside, landscape and wider views of the countryside; however overall the proposal is not considered to have significant environmental impacts that would outweigh principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

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

RECOMMENDATION:- Permit subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and public open space together with financial contributions towards highway improvements, public play and open space and education, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the Core Strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, T5 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 19, 20 and 24.

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

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 Refs-Proposed Site Plan Drg 150D, Proposed Site Access information Drg Ref 153 received by the Local Planning Authority on 26 November 2014.

- 4 No development shall commence until details of all external materials (including samples) to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 5 No development shall commence until such time as the existing 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 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 If during the course of development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the contamination shall be dealt with. Remediation works should be carried out prior to first occupation of any dwelling.
- 8 No development shall commence until drainage plans for the disposal of surface water, based on sustainable drainage principles and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9 No development shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.
- 10 No development shall commence until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 11 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Bagworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained.
- 12 All boundary treatments, planting, seeding, and turfing comprised in the approved landscaping details shall be carried out in accordance with the approved implementation scheme submitted with the reserved matters application. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the reserved matters.
- 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 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To safeguard the amenity of future occupiers in accordance with Policies BE1 (criterion i) and Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8&9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure safe pedestrian access to the village centre in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 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.
- 12 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

Contact Officer:- Eleanor Overton Ext 5680

Item: 03
Reference: 14/00963/FUL
Applicant: Mr Ian Bullions
Location: 20 Springfield Road Hinckley
Proposal: Erection of a dwelling

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been called in by Councillor Bray due to the impact of the proposals on neighbouring properties and objections have been received from more than five addresses.

Application Proposal

This application seeks full planning permission for the erection of a detached, two storey, four bedroom dwelling, detached double garage and associated access. The main roof has an asymmetric design with low eaves design with a subordinate offset two storey projecting gable to the front (north) elevation and two storey height rear (south) elevation with subordinate twin projecting gables. The proposed dwelling has a ridge height of approximately 7.6 metres and eaves heights vary from 2.3 metres (front) to 4.4 metres (rear). The footprint measures approximately 10.4 metres in depth x 14.8 metres in width. The proposed dwelling is set approximately 20 metres within the north boundary of the site, 15 metres within the south boundary of the site, 2 metres within the west boundary and 0.6 metres within the east boundary. The double garage is located close to the north west corner of the site and has a steep pitched roof design. It measures approximately 6.3 metres square with an eaves height of 2 metres and ridge height of 5 metres. The proposed layout includes large private gardens to front and rear and parking and turning space. The existing hedgerows around the site are to be retained along with an existing Ginkgo tree and one of a pair of Lawson Cypress trees, other trees within the site are to be removed. The application includes alterations to the existing private drive to increase the width and provide a pedestrian visibility splay to the west side. The site already benefits from an extant outline planning permission (access only all other matters reserved) for the erection of one dwelling (reference 14/00921/OUT).

Amended plans have been received to address concerns raised during the consultation process. In respect of concerns of overlooking/loss of privacy the amended plans seek to reduce the scale of the front elevation in relation to neighbouring properties and have removed side elevation windows and roof lights. In respect of highway safety concerns alterations to the junction of the access with Springfield Road are proposed. An additional tree and hedgerow are to be retained to seek to address concerns raised in respect of visual amenity and wildlife habitat. Reconsultation has been undertaken.

The Site and Surrounding Area

The roughly rectangular site measures approximately 800 square metres (excluding the access) and is located to the rear of 20 Springfield Road. It is currently grassed, contains a

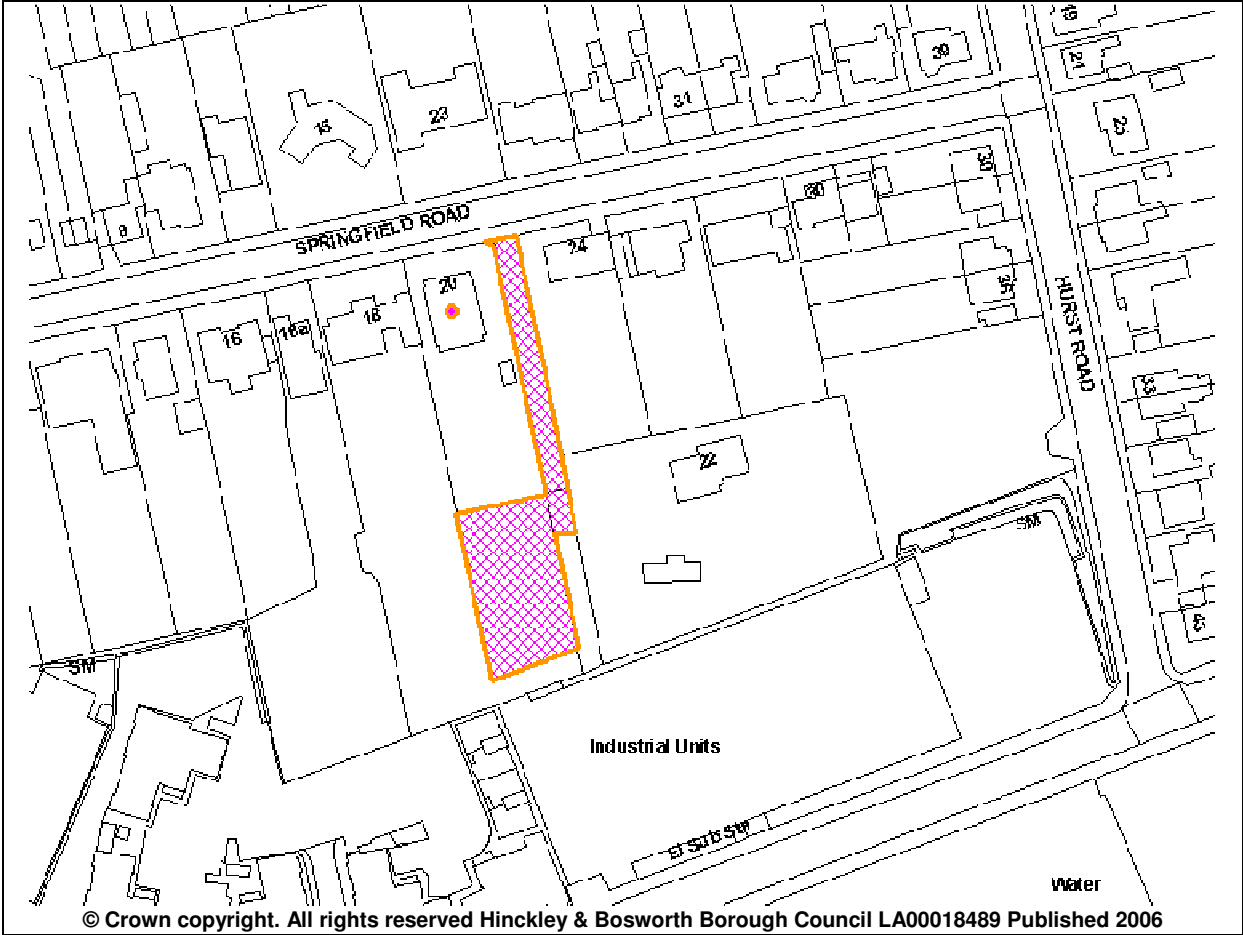
number of apple trees and is enclosed by mature hedgerows to all sides with occasional hedgerow trees. To the west of the site in a neighbouring garden there is a mature Ash tree. Ground levels fall gradually from north to south. The remaining rear garden of 20 Springfield Road lies to the north, residential gardens of neighbouring properties lie to the east and west and there are light industrial units close to the south boundary. Access is from Springfield Road between Nos. 20 and 24 via a single width private drive bounded by 2 metres high hedgerows on both sides. The drive currently serves a two storey dwelling (No. 22) located to the rear of Nos. 24 and 26 and provides access to the rear of No. 18.

Technical Documents submitted with the Application

The application is supported by an Arboricultural Implications Assessment and Heads of Terms Information for public play and open space contributions.

Relevant Planning History:-

14/00291/OUT	Erection of One Dwelling & Detached Garage (Outline-access only)	Outline	07.07.14
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Consultations:-

No objection has been received from:-

- Environmental Health (Pollution)
- Environmental Health (Land Drainage)

No objection subject to conditions has been received from:-

Leicestershire County Council (Highways)
Street Scene Services (Waste)
Arboriculture Officer

Site notice posted and neighbours notified, objections have been received from four different addresses. A summary of the issues/concerns raised is as follows:-

- a) overbearing/oppressive to private amenity areas of neighbouring properties
- b) loss of privacy from overlooking to neighbouring properties
- c) loss of amenity from noise and disturbance during construction
- d) loss of amenity due to obstruction of the access by construction traffic
- e) undesirable backland development harmful to the established pattern of development and character of the area
- f) similar proposal to a previously dismissed appeal
- g) inadequate access lacking in width (single track) and highway/pedestrian visibility which is obstructed by high hedges either side
- h) additional traffic using the access will be detrimental to highway safety as on-street parking in Springfield Road restricts visibility and carriageway width and therefore makes access and egress dangerous
- i) inadequate access width, visibility and turning space for larger construction traffic
- j) loss of important trees, hedgerow and wildlife habitat
- k) potential damage by construction traffic to services located underneath the access drive
- l) breaches restrictive covenants on the land (due to proximity to access drive)
- m) will set a precedent for future similar proposals that will harm the established character of the area.

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

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

Policy 1: Development in Hinckley
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE12: Landscaping Schemes
Policy T5: Highway Design & Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Supplementary Planning Documents

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

Appraisal:-

The main considerations with regards to this application are the principle of development, layout, scale and design and relationship to the character and appearance of the surrounding area, the amenities of neighbouring properties, highway safety, wildlife, trees and hedgerows and other issues.

Principle of Development

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. The application site is located in a sustainable location within the settlement boundary of Hinckley and within a reasonable distance of services and facilities. The proposal will contribute, albeit on a small scale, to the social role of sustainable development by providing additional housing, to the economic role through the construction/development of the site and to the environmental role through the retention of a majority of the significant vegetation around the site. The proposal is therefore considered to be a sustainable development and in accordance with Policy RES5 (criterion a) of the adopted Local Plan that supports residential development within settlement boundaries. In addition, there is an extant outline planning permission for the erection of one dwelling on the site (reference 14/00291/OUT) and therefore the proposal is considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Notwithstanding that the site may be considered to be in a sustainable urban location, the NPPF at paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

Layout, Scale, Design and Relationship to the Character and Appearance of the Area

In addition to paragraph 53 above, the NPPF in paragraph 58 seeks to ensure that development responds to local character and history and reflects the identity of local surroundings and materials whilst not preventing or discouraging innovation. Paragraph 60 states that planning decisions should not impose architectural styles or unsubstantiated requirements to conform to certain development forms or styles but that it is proper to seek to promote or reinforce local distinctiveness. Policy BE1 (criterion a) of the adopted Local Plan 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. 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 and is well integrated into its surroundings. These policies are considered to have a high degree of conformity with the NPPF and can therefore be given weight in the determination of the application.

Objections have been received that the proposal would result in undesirable backland development that would be harmful to the established pattern of development and character of the area; that the proposal is similar to a scheme on a nearby plot to the rear of No. 24

that was dismissed at appeal on such grounds and that approval of the scheme would set a precedent for future similar proposals that would further erode the established character of the area.

There is a variety of house styles and sizes along Springfield Road and the prevailing pattern of development clearly consists of frontage two storey and single storey dwellings with long rear gardens, particularly to the south side of Springfield Road. The anomaly to this is 22 Springfield Road, a two storey dwelling with an asymmetric roof designed in similar fashion to the application proposals located on a large plot to the rear of Nos. 24 - 28 and immediately to the east of the application site.

Access to No. 22 is via the shared private drive proposed to provide access to the application site. It is suggested by objectors to the scheme that No. 22 cannot be considered as backland development as it formed part of the original plans for the area. Notwithstanding this view, it is clear that the position of the proposed two storey dwelling at considerable distance from the rear elevations of the dwellings fronting Springfield Road complements the relative position of No. 22.

Notwithstanding references to the previously dismissed appeal decision in 1998 (reference T/APP/K2420/A/98/299044/P7) relating to land to the rear of No. 24, it is considered that this should be afforded only limited weight in relation to the determination of this application. The appeal decision was issued 16 years ago on a different site and there have been significant changes in the Development Plan and National Planning Guidance since that time, particularly with the presumption in favour of sustainable development provided by the NPPF in 2012. In addition, the appeal site was much smaller in size and the dwelling located considerably closer to the rear of No. 24. The proportion of the footprint of the dwelling to the size of the plot was much greater and the garden area much more restricted. Objections on the grounds of precedent have been carefully considered but can be given only limited weight as each application must be considered on its own planning merits in relation to the character of the area.

The siting of the proposal does not reflect the prevailing frontage development pattern of Springfield Road however it does complement the position and scale of the dwelling to the east (No. 22) and there is an extant outline (access only) planning permission (reference 14/00291/OUT) for one dwelling on the site. The siting and two storey scale of the proposed dwelling is considered to complement the character of No. 22 and by virtue of the variety of designs and styles in the vicinity the proposed more contemporary design is considered to be acceptable. Notwithstanding the ridge height of approximately 7.6 metres, by virtue of the significant distance from Springfield Road the proposal would not be prominent within the street scene and therefore it is considered that the scheme would not result in any material harm in this respect. The proposed layout provides a well proportioned garden area in relation to the footprint of the dwelling and whilst at over 500 square metres it is in well in excess of SPG standards, the proposed density is considered to be in keeping with the character of the area in this case.

Notwithstanding the objections received, which have been carefully considered, by virtue of its position to the rear, the layout, scale and design of the proposal and subject to a condition to control external appearance, the scheme is considered to complement the character of existing development immediately to the east and to have only limited impact on the character of the wider area and is therefore considered to be in accordance with Policy BE1 (criterion a), the Council's SPG on New Residential Development and the overarching principles of the NPPF with regard to paragraphs 53, 58 and 60.

Relationship to the Amenities of Neighbouring Properties

Policy BE1 (criterion (i) of the adopted Local Plan and SPG on new Residential Development require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

An objection has been received on the grounds that by reason of its height and position the proposal would have an overbearing/oppressive effect on private amenity areas of neighbouring properties, would result in a loss of privacy from overlooking to neighbouring properties and during the construction phase would result in a loss of amenity from noise and disturbance and obstruction of the access. Objectors also refer to the contents of the previous delegated report in respect of the extant outline (access only) planning permission on the site for one dwelling (reference 14/00291/OUT) which suggests that development should be restricted to a single storey dwelling.

Notwithstanding the suggestion of a restriction to single storey development in the delegated report in respect of the previous outline planning permission, no condition to restrict the scale of development was imposed on that permission and this application must also be considered on its own merits and on the basis of the design proposed.

The west side elevation of the proposed dwelling is located approximately 2 metres inside the side boundary with No. 18 Springfield Road, a two storey dwelling located to the north west. The double garage is located closer at approximately 1 metre from the boundary. Notwithstanding their proximity to the boundary, and the ridge heights of approximately 7.6 metres and 5.5 metres respectively, the proposed two storey dwelling and double garage are located approximately 43 metres and 28 metres from the rear elevation of No. 18 respectively and are offset to the east. In addition, the rear garden of No. 18 is approximately 72 metres in length and the side elevation of the dwelling is only 9 metres in depth, the double garage only 6 metres in depth. The existing 1.8 metres high mature hedgerow that defines the side boundary would provide partial screening of the scheme and is to be retained and would therefore protect the privacy and amenity of the respective occupiers. Therefore, the relationship of the development to No. 18 and its private amenity space is not considered to give rise to any material adverse overbearing/oppressive impacts in this case. In addition, there are no side elevation windows that would give rise to any adverse impact from overlooking or loss of privacy.

The amended plans have 'handed' the dwelling so that the first floor gable windows in the two storey front elevation gable are now further away from the west side boundary. Whilst there are two roof lights to bedroom 4 in the front elevation, these are still offset from the adjacent garden and are well in excess of the 25 metres separation distance suggested in SPG guidance from opposing habitable room windows therefore the proposal would not give rise to any adverse impact from overlooking or loss of privacy to the occupiers.

The east side elevation of the proposed dwelling is located only approximately 0.6 metres inside the east side boundary closest to No. 22 Springfield Road, a two storey dwelling located to the east. However, notwithstanding the proximity to the side boundary, and the ridge height of approximately 7.6 metres, the proposed two storey dwelling and double garage are located approximately 27 metres and 36 metres from No. 22 respectively and are offset to the south and north. In addition, there is a 4.5 metres wide access track between the site and garden of No. 22 bounded on both sides by 1.8 metres high mature hedgerows that are to be retained and protect the privacy and amenity of the respective occupiers. Therefore the relationship of the development to No. 22 and its private amenity space is not considered to give rise to any material adverse overbearing/oppressive impacts in this case. In addition, there are no side elevation windows that would give rise to any adverse impact from overlooking or loss of privacy.

20 Springfield Road is a two storey dwelling located to the north of the application site and separated from the site by a well maintained mature Yew hedge of approximately 2.5 metres in height. The proposed dwelling and double garage are located approximately 20 metres and 5 metres respectively inside the north boundary of the site and approximately 40 metres and 25 metres respectively from the rear elevation of No. 20. Therefore the relationship of the development to No. 20 and its private amenity space is not considered to give rise to any material adverse overbearing/oppressive impacts in this case. In addition, whilst there first floor windows facing towards the rear of No. 20 these are well in excess of the 25 metres separation distances suggested in SPG guidance from opposing habitable room windows. Therefore the proposal would not give rise to any adverse impact from overlooking or loss of privacy to the occupiers.

24 Springfield Road is a bungalow located to the north east of the application site and separated from the site by the 4.5 metres wide access drive and mature boundary hedgerows of approximately 1.8 metres in height. The proposed dwelling and double garage are located approximately 17 metres and 15 metres respectively from the garden boundary of No. 24 and approximately 50 metres and 40 metres respectively from the rear elevation of No. 24. Therefore the relationship of the development to No. 24 and its private amenity space is not considered to give rise to any material adverse overbearing/oppressive impacts in this case. In addition, whilst there first floor windows facing north these are offset from the rear of No. 24 and are well in excess of the 25 metres separation distances suggested in SPG guidance from opposing habitable room windows. Therefore the proposal would not give rise to any adverse impact from overlooking or loss of privacy to the occupiers.

The application site borders the private amenity areas of Nos. 18, 20 and 22 and the proposed access drive runs along the side boundaries and amenity areas of both Nos. 20 and 24. The additional noise and disturbance likely to result from normal domestic activity and comings and goings of traffic associated with the occupation of one additional dwelling, (where some degree of activity already exists in respect of occupation of No. 22), is unlikely to be unacceptably intrusive to the amenities of any neighbouring properties, a point also made by the Inspector in his 1998 appeal decision. With regard to noise and disturbance and obstruction of the access drive as a result of comings and goings of construction traffic and activity during the construction phase of the development, this is temporary in nature and would not result in any long term impacts on residential amenity. However, in view of the proximity of the site to surrounding private amenity areas and the constraints of the access drive, it is considered that a condition requiring the submission of a construction traffic/site management plan for prior approval would not be unreasonable in this case to protect residential amenity during this phase of the development.

The rear elevation of the proposed dwelling is approximately 20 metres from the blank rear elevation and air conditioning units of the adjacent commercial units to the south and is considered to be satisfactory distance to mitigate for any noise or disturbance from their operations. Environmental Health (Pollution) raises no objections to the scheme.

Notwithstanding the objections received which have been carefully considered, by virtue of the position, layout, scale and amended design, it is considered that the proposal would not result in any adverse overbearing/oppressive relationship to the amenities of any neighbouring properties or result in any loss of privacy from overlooking or undue noise or disturbance from occupation of the dwelling. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development in this respect.

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.

Objections have been received on highway safety grounds that the access to the site is inadequate, lacking in width (single track) and highway/pedestrian visibility which is obstructed by high hedges either side and by on-street parking in Springfield Road which further restricts visibility and carriageway width. Concern is also raised in respect of the use of the access for larger vehicles associated with construction of the site and lack of turning facilities within the site.

The private access drive is currently approximately 4.5 metres in width and is bounded by mature hedgerows of approximately 1.8 metres in height up to the highway boundary. Amended plans submitted propose alterations to the junction of the access with Springfield Road to increase its width to 4.75 metres for the first 10 metres behind the highway boundary to enable two vehicles to pass at this point and provide a 2 metres x 2 metres pedestrian visibility splay to the west of the drive by removal of a section of hedgerow and its replacement with iron railings to the boundary. The proposed improvements to the width and visibility of the access are considered to outweigh the impact of any additional comings and goings from the additional use of the access for the proposed dwelling. On-street car parking is not a matter that can be controlled by the applicant and is subject to the management of Leicestershire County Council (Highways). Leicestershire County Council (Highways) have no objections to the scheme subject to a number of highway related conditions in respect of the implementation of the improvements to the access width and visibility proposed and satisfactory surfacing and parking and turning provision being provided within the site as detailed on the submitted amended plans.

Subject to the imposition of these conditions it is considered that the proposal will not result in any adverse impact on highway or pedestrian safety and that the amended proposal is therefore in accordance with Policies BE1 (criterion g) and T5 of the adopted Local Plan. There is nothing to suggest that surface water drainage from the site will have any adverse impact on highway safety and therefore this condition is not considered to be reasonable or necessary in this case and has been omitted.

The use of the access for construction traffic would be temporary in nature and not result in any long term impacts on highway or pedestrian safety. However, in view of the constraints of the access drive, it is considered that a condition requiring the submission of a construction traffic/site management plan for prior approval would not be unreasonable in this case in the interests of highway and pedestrian safety during this phase of the development.

Trees and Hedgerows

Policy BE1 (criterion b) requires that development protects and avoids the loss of vegetation that contributes to the quality of the local environment.

Policy BE1 (criterion b) requires that development protects and avoids the loss of vegetation that contributes to the quality of the local environment. The application is supported by an Arboricultural Implications Assessment. This identifies a number of trees in and around the site of varying importance and quality along with a number of good quality hedgerows.

Objections have been received that the proposal would result in the loss of important trees, hedgerows and wildlife habitat.

The amended scheme proposes to retain a majority of the hedgerows surrounding the site. The removal of hedgerow is limited to two separate 10 metres sections to provide access to the site from the private drive and to improve visibility and width at the junction with Springfield Road. The amended scheme proposes to retain an important Ginkgo tree and one of a pair of Lawson Cypress trees considered by the Borough Council's Arboricultural Officer to be worthy of retention. A large mature Ash tree located in the neighbouring garden (No. 18) lies approximately four metres to the west of the side elevation of the proposed dwelling. By virtue of the proximity of the trees to the development, a condition to require the submission of mitigation measures for prior approval to protect the root system and health of the trees is considered to be reasonable and necessary in this case, as were imposed on the previous outline permission, in the interests of the visual amenity of the area. The development site is well maintained grass and therefore considered to be of low habitat value. The Borough Council's Arboricultural Officer has no objections to the scheme subject to a satisfactory tree protection plan and a construction method statement being submitted to the local planning authority for prior approval before any development commences.

Subject to satisfactory mitigation measures, the proposal is considered to be in accordance with Policy BE1 (criterion b) of the adopted Local Plan.

Developer Contributions

Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

On 28 November 2014 the Secretary of State announced revisions to s.106 and CIL contributions and the NPPG. Following the announcement of the Secretary of State, the Council's ability to request affordable housing and other tariff style s.106 contributions on smaller sites (which would include play and open space contributions) has been removed. Such contributions can not now be sought on developments less than 10 dwellings and therefore no play and open space contribution has been pursued in this case.

Other Matters

Objections have been raised on the grounds that the proposal breaches restrictive covenants on the land due to the proximity of the development to the access drive. Whilst these concerns are noted, covenants are a civil matter and not a material planning consideration that would affect the determination of the application.

Objections have been raised on the grounds that the use of the private drive by construction vehicles may result in damage to services located underneath the access drive. Whilst these concerns are noted, this is a civil matter and not a material planning consideration that would affect the determination of the application.

A condition requiring a scheme for the provision of a waste and recycling collection point for the dwelling is considered to be reasonable in this case to enable satisfactory collection from the highway boundary.

Conclusion

Paragraph 14 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application site is in a sustainable location within the settlement boundary of Hinckley where residential development is acceptable in principle and there is an extant outline planning permission for one dwelling within the site. Whilst the proposal would not complement the prevailing street frontage pattern of development, the layout and scale of the proposed dwelling would complement the character of development immediately to the east and by virtue of the significant distance of the site from the highway would have limited impact on the character of the street scene. The design of the dwelling complements the varied designs of surrounding development. By virtue of separation distances to neighbouring dwellings and existing screening by landscaping the proposal is not considered to result in any adverse impacts on the amenities of neighbouring properties. The amended scheme would not result in any adverse impacts on highway safety and would retain a majority of the important trees, hedgerows and wildlife habitats around the site. Therefore, on balance, the proposal is not considered to result in any significant or demonstrable adverse impacts that would weigh against the presumption in favour of sustainable housing development supported in paragraph 14 of the NPPF. As a result the scheme is considered to be in accordance with Policy 1 of the adopted Core Strategy, Policies BE1 (criteria a, b, g and i), RES5, NE12 (criterion c) and T5 of the adopted Local Plan together with the overarching principles of the NPPF.

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 a sustainable development and would not have any significant adverse impacts on the character and appearance of the surrounding area, the amenities of neighbouring dwellings, highway safety, significant trees, hedgerows or wildlife habitat.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, b, g and i), RES5, NE12 (criterion c) and T5.

Local Plan 2006 - 2026: Core Strategy:- Policy 1.

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

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 submitted application details, as follows: Site Location Plan drawing No. 06a, Site Survey drawing No. 04 and Proposed Double Garage

Floor Plans & Elevations drawing No. 03 received by the local planning authority on 29 September 2014 and Proposed Site Layout drawing No. 01C and Proposed Floor Plans and Elevations drawing No. 02D received by the local planning authority on 25 November 2014.

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and double garage shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Notwithstanding the submitted details, before any development is commenced on the site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 6 Before first occupation of the dwelling hereby permitted, the access shall be widened to a minimum of 4.75 metres in accordance with the details shown on Site Layout drawing No. 01C. The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times thereafter.
- 7 Before first occupation of the dwelling hereby permitted, the 2 metres x 2 metres pedestrian visibility splay to the west of the access junction with Springfield Road shall be provided on the highway boundary in accordance with the details shown on Site Layout drawing No. 01C with nothing within that splay higher than 0.6 metres above ground level. The pedestrian visibility splay once provided shall be so maintained at all times thereafter.
- 8 Before first occupation of the dwelling hereby permitted, vehicle parking and turning facilities shall be provided, hard surfaced and made available for use within the site in accordance with Site Layout drawing No. 01C. The vehicle parking and turning areas so provided shall not be obstructed and shall be so maintained at all times thereafter.
- 9 No development shall commence on the site until such time as a working practices schedule and construction traffic management plan, including vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reasons:-

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

- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory appearance and in the interests of visual and residential amenity to accord with Policy BE1 (criteria a and i) of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the existing trees to be retained are adequately protected during construction in the interests of the visual amenities of the area to accord with Policies BE1 (criterion b) and Policy NE12 (criterion c) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious materials (loose stones etc.) being deposited in the highway in the interest of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that adequate off-street parking and turning facilities are available to serve the dwelling hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 To protect the amenities of the occupiers of neighbouring properties and in the interest of highway and pedestrian safety to accord with Policies BE1 (criterion i) and T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the more recently developed, modular water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

- 6 The access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
- 7 This planning permission does NOT allow you to carry out access alterations in the highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning Team. For further information you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), or email roadadoptions@leics.gov.uk.
- 8 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. If Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council may become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

Contact Officer:- Richard Wright Ext 5894

Item: 04
Reference: 14/00712/OUT
Applicant: Mr M Stephens
Location: Land To The Rear Of 19 Ratby Road Groby
Proposal: Erection of 3 dwellings (outline - access, appearance, layout and scale)

RECOMMENDATION:- Refuse planning permission.

Introduction:-

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

Application Proposal

The application seeks outline planning permission for the erection of three residential units on garden land to the rear of numbers 19 and 21 Ratby Road. Access, appearance, layout and scale are the matters for determination at this stage, with landscaping being reserved for approval at a later stage.

The scheme comprises one uniform row of three, two storey terraced properties. The dwellings would be pitched roofed and of simplistic form. As the proposal is situated on a land that slopes down towards the north-west, the dwellings would be stepped down accordingly. The height to ridge would be approximately 8 metres and the height to eaves approximately 5 metres. Fenestration would be aligned and chimneys and lean to porches are also incorporated as part of the proposal.

The dwellings would front onto Rookery Lane, set back approximately 15.5 metres from the highway. The application proposes to demolish the existing granite stone wall enclosing the site to north to enable access from Rookery Lane to the development. There would be courtyard style parking/turning area to the front of the dwellings, providing a total of six parking spaces. Three parking spaces would be located to the front east corner of the plot and three parking spaces would be to the front west corner of the plot.

Site and Surrounding Area

The site measures approximately 600 square metres and is situated within a mixed commercial and residential area. It is enclosed by residential units to the south, an industrial unit (Automatic Precision Turning) to the east. There is a granite stone wall to the north. Numbers 19 Ratby Road (Cathy Stevens Jewellery shop) and number 21 Ratby Road (a residential flat which currently utilises the application site as rear garden land) are situated west of the site. Rookery Lane runs north of the site. The Blacksmith's Cottage, a grade II listed building, is sited immediately opposite the site and the Earl of Stamford Arms, another grade II listed building, is sited north-east of the site.

The application site is within the settlement boundary of Groby and within Groby Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan 2001.

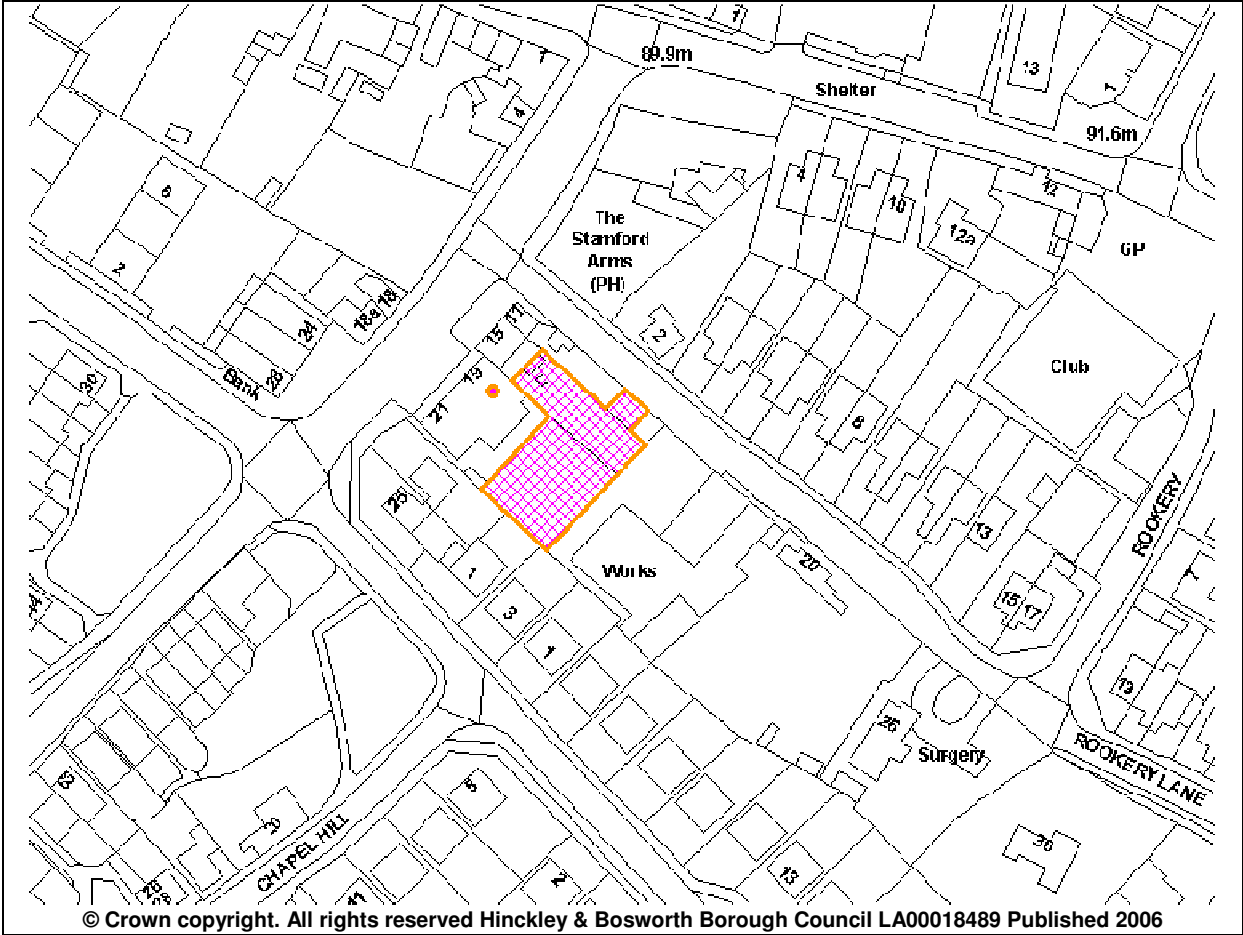
The Conservation Area is characterised by dwellings of various designs, styles and ages. These include large detached houses sited on extensive plots; semi-detached dwellings; Victorian brick terraces and Victorian cottages that date back to the Tudor period, including the timber-framed Blacksmith's Cottage.

Technical Documents submitted with application

Design and Access Statement
Draft S106 Legal Agreement

Relevant Planning History:-

None relevant.



Consultations:-

A consultation was undertaken at the stage when all matters other than access was reserved.

No objections have been received from Groby Village Society.

No objections subject to conditions have been received from:-

- Environmental Health (Drainage)
- Environmental Health (Pollution)
- Street Scene Services

The Conservation Officer objected on the following grounds:-

- a) the granite stone wall bounding Rookery Lane provides a strong sense of enclosure and is a particularly significant feature of the conservation area, as identified in the Groby Conservation Area Appraisal. The removal of this wall to provide access is not acceptable as it would have a significant detrimental impact on the special character of the conservation area.

Site notice and press notice were displayed and neighbours notified.

Two letters of neighbour representation were received raising the following concerns:-

- a) proposal would compromise privacy of dwellings that enclose the site
- b) scheme would restrict views of the village centre
- c) development would reduce property values
- d) the development would adversely impact the character of the area, particularly as development is on such a small plot of land
- e) there is limited access/egress to the site which would lead onto an already difficult road
- f) the development would adversely impact neighbouring dwellings within the immediate vicinity of the site.

A further consultation was undertaken following receipt of amended plans, which included details of access, appearance, layout and scale.

No objections subject to conditions has been received from:-

Environmental Health (Drainage)
Environmental Health (Pollution)

Leicestershire County Council (Highways) recommends refusal of the application on highway safety grounds:-

- a) the proposal, if permitted, would lead to the creation of an access onto a road where the horizontal alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the consequential turning manoeuvres could lead to increased dangers for road users.

The Conservation Officer has objected on the following grounds:-

- a) the granite stone wall bounding Rookery Lane provides a strong sense of enclosure and is a particularly significant feature of the conservation area, as identified in the Groby Conservation Area Appraisal. The removal of this wall to provide access is not acceptable as it would have a significant detrimental impact on the special character of the conservation area.

Groby Parish Council has objected on the following grounds:-

- a) The proposal would impacts upon No 1 and 3 Chapel Hill, the proposed access into Rookery Lane and the Conservation area and grade II listed Blacksmith's Cottage. Notwithstanding this, the proposal would provide affordable housing which is needed as set out within the Groby Housing Needs Survey.

Site notice and press notice were displayed and neighbours notified.

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

- a) proposal would have an adverse effect on the heritage of the Blacksmith Cottage on Rookery Lane
- b) the access to the proposed dwellings is a narrow and busy village centre side road, any more traffic would result in additional highway safety issues
- c) proposal would undermine a vertical girder situated 0.5 metres from the boundary wall of the application site
- d) providing access from Rookery Lane would result in loss of a number of parking spaces which are not readily available in the area
- e) if the development is granted permission, reassurance is needed to ensure that the construction of the dwellings would not affect businesses within the vicinity
- f) the development would overshadow and overlook surrounding properties
- g) the development would generate a lot of noise in the area
- h) impact upon the character and nature of the village and conservation area.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 8: Key Rural Centres

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in Conservation Areas
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Sustainable Design (SPD)
New Residential Development (SPG)
Groby Conservation Area Appraisal (2010)

Appraisal:-

The main considerations in determination of this application are:-

- Principle of development;
- Impact on the character and appearance of the conservation area and the setting of a listed building;
- Impact upon residential amenity;
- Access and highway safety.

Principle of Development

Paragraph 14 of the National Planning Policy Framework (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

The site is located within the settlement boundary of Groby as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map 2001 and therefore, there is a presumption in favour of sustainable development subject to all other material considerations being appropriately addressed.

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.

Local Plan

Policy RES5 of the adopted Hinckley and Bosworth Local Plan (2001) 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 Groby.

Core Strategy

Groby is classified as a Key Rural Centre within Policy 8 of the adopted Hinckley and Bosworth Core Strategy (2001). Policy 8 States that land will be allocated for a minimum of 110 new homes. 84 homes still need to be provided for to meet this target. The application site has not been identified as a potential development area; however, it would contribute to the housing supply in Groby.

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 land to meet anticipated 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 of 1 October 2014 the council's five year housing supply position is 5.22 years. In order to maintain a 5-year housing land supply and meet the housing trajectory, it is important that the council continues to boost the supply of housing and that schemes are considered in the context of the presumption in favour of sustainable development.

In this case, given the site is within the settlement boundary of Groby and would help to boost the borough council's housing supply, the development is acceptable subject to appropriately addressing other planning matters.

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 boost the supply of housing in Hinckley which would enhance the quality, vibrancy and health of the local.

Environmental

The site is within the settlement boundary of Groby and as this is garden land development, the local authority will be provided with the opportunity to enhance the ecology and landscape of the area. The development will 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 sustainable development, in accordance with the NPPF and would contribute towards meeting the borough council's housing stock. The development is therefore acceptable in principle subject to all other material considerations being appropriately addressed.

Paragraph 53 of the NPPF suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The application site comprises garden land and thus Paragraph 53 of the NPPF is applicable. This seeks to resist inappropriate development of garden land where development would cause harm to the local area or would result in overdevelopment. This is further reinforced through the requirements of saved Local Plan Policy BE1.

Impact upon the Character and Appearance of the Conservation Area and the setting of a Listed Building

Policy BE7 seeks to ensure that developments preserve or enhance the special character of conservation areas such that planning permission for proposals which would harm that special character or appearance will not be granted. Criterion (a) of Policy BE1 reaffirms the requirements of Policy BE7 through seeking to ensure a high standard of design to secure attractive development and to safeguard and enhance the existing environment. 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.

Policy BE1 and BE7 of the Hinckley and Bosworth Local Plan are considered to have a high degree of conformity with the NPPF and can therefore be given significant weight in the determination of this application.

Policy BE5 seeks to ensure that the setting of a listed building is preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, sitting and design of the proposal in relation to the listed building and its setting.

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 and is well integrated into its surroundings. 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.

Objections have been received on the grounds that the proposed development would be detrimental to the character of the conservation area and the setting of the Grade II listed Blacksmith Cottage, and that its setting, adjacent to an industrial site, is unacceptable.

The scheme proposes one block of three, two storey terraced dwellings fronting onto to Rookery Lane. The dwellings would be set back from the highway by 15.5 metres. The development takes into account the differing site levels and plot orientation such that the dwellings would be stepped down accordingly. While there are no dwellings situated on the south side of Rookery Lane within the immediate vicinity, given the layout proposed by the scheme, the dwellings would have sufficient road frontage and would retain the characteristics of the plot. The development would not be considered to compromise the character of the area in this respect.

The scheme proposes simplistic modern terraced dwellings with associated car parking courtyard to the front corners of the plot. The design and sitting of the proposal, is not characteristic of existing dwellings within the immediate vicinity of the site, which are generally detached and semi-detached dwellings. In addition, terraced dwellings within the Groby Conservation area generally comprise of Victorian brick terraces. However, given that there are no dwellings situated to the south side of Rookery Lane within the immediate vicinity, combined with the fact that the conservation area comprises dwellings of both modern and traditional design and of various characters and styles, it is not considered that the introduction of terraced dwellings on this site, would adversely impact upon the character of the conservation area. Parking provision for dwellings on Rookery Lane and within the vicinity is generally provided in form of integral garages to the front elevation of the dwelling, and therefore the introduction of a parking courtyard to the front of the dwellings is also acceptable and would not harm the character of the conservation area.

The proposed dwellings would comprise a mix of two, two bedroomed dwellings and one three bedroomed dwelling. Approximately 60 square metres of private amenity space in respect of the rear gardens would be provided for each dwelling. The Council's SPG recommends 80 square metres of private amenity space for a three bedroomed dwelling, but provides further guidance suggesting that where land to the rear of the dwelling is unlikely to be developed, the minimum garden depth may be reduced if necessary minimum garden area has been provided. In light of this, it is considered that the 60 square metres provision for the three bedroomed dwelling is acceptable. Notwithstanding this, the site comprises of garden land that currently serves a flat at number 21 Ratby Road thus its development would lead to the loss of garden land. Given the small size of the garden to be retained to serve 19 Ratby Road, this proposal would result in overdevelopment of the site that would cause significant loss of amenity space provision (rear garden) for occupiers of 21 Ratby Road.

This small garden area would be inadequate and uncharacteristic to the Groby conservation area.

The scheme proposes an access off Rookery Lane to serve the development. Forming this access would require the demolition of the existing granite stone wall that encloses the site to the north. The Groby Conservation Area Appraisal identifies granite stone walls as significant features of the conservation area and their retention and sensitive maintenance is seen as key in retaining the unique character of Groby's conservation area. The removal of this stone wall would have a significant detrimental impact on the special character of the conservation area. It is therefore considered that the proposal would be contrary to Policy BE7 of the Local Plan that states that planning permission for development which would harm the special character or appearance of the conservation areas should not be granted.

The proposed scheme by virtue of its scale, siting and design would result in overdevelopment of the site such that if the proposal were to be approved it would result in inappropriate development of garden land that would harm the local area. The proposal would also result in a development that is detrimental to the conservation area by failing to either compliment, preserve or enhance its character through the loss of the granite stone wall which significantly contributes to the special character of the Groby Conservation area. For these reasons, the proposal is considered to be contrary to Policies BE1 (criterion a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the NPPF.

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.

The Council's adopted Supplementary Planning Guidance on New Residential Development contains guidance in respect of design and separation distances, which aim to ensure that new development offers a good standard of security and amenity of future residents and do not impact adversely upon the amenities of surrounding properties.

Concerns have been raised within the letters of neighbour representation that the proposal would result in adverse impacts on neighbour amenity in respect of overlooking, loss of privacy, overshadowing and noise impact to be generated from the new dwellings.

Overlooking/Loss of Privacy

Number 1 Chapel Hill is the nearest dwelling to the application site. It is situated to the rear of and on significantly higher ground than the application site such that impacts upon neighbour amenity in respect of overlooking/loss of privacy is likely to affect the future occupiers of the houses rather than this neighbouring dwelling. In order to ensure that new development does not result in an adverse impact on privacy, the SPG recommends a separation distance of 25 metres between elevations containing principle room windows. The proposed development would provide just 9.9 metres separation. Given the siting of this neighbouring property on elevated ground in comparison to the application site, this property would directly overlook principal and private amenity space (rear garden) of the proposed dwellings from its first floor windows. While the varying land levels ensures that there will be no direct views to rear windows of the proposed development, this dwelling would still significantly overlook the rear windows of the proposed development.

Number 3 Chapel Hill is also sited to the rear of application site and from the first floor windows, would also have views across principal private amenity space in respect of rear gardens of the proposed development. This raises further concerns about the loss of privacy for future occupiers.

Loss of Private Amenity Space

The proposed development would occupy garden land currently serving a flat at number 21 Ratby Road. By virtue of the scale, mass and siting of the units, it is considered that the proposal would result in overdevelopment of the site that would compromise the residential amenity of this neighbouring dwelling by severely reducing its private amenity space.

Overbearing

The proposed dwellings, despite being stepped down in response to the changing land levels, would be on higher ground in comparison to the neighbouring flat to the west at 21 Ratby Road. When considering that the proposed dwellings would be at two storey level and that only a 4.6 metre distance would be retained between the buildings, the nature of the proposed development would be overbearing to this neighbouring flat.

Noise

The proposed dwellings would be sited 1 metre from the eastern common boundary and would retain a 5 metres distance from an industrial unit situated east of the application site. The noise generated from the industrial unit would need to be mitigated in order to safeguard the amenities of future occupiers of the proposed dwellings. The proposed dwelling would be situated closer to the industrial unit in comparison to other dwellings; the impacts would therefore be more pronounced and sufficient mitigation need to be secured. The scheme has been considered by Environmental Health (Pollution) who has no objections to the proposal subject to a condition requiring noise mitigation details. While there is concern about whether a satisfactory attenuation scheme could be achieved, if the application were acceptable in all other respects, a condition would be required to deal with this issue.

The car parking courtyard that would accommodate six vehicles is proposed to be sited to the front corners of the site. The disturbance from the movement of vehicles in association with the proposed dwellings is unlikely to harm to the occupants of surrounding properties.

By virtue of the proposed scheme's design, siting and scale, the proposal would result in adverse material impacts in respect of neighbour amenity upon the future occupiers of the proposed development by reason of overlooking that would consequently lead to loss of privacy. Accordingly the development would be contrary to Policy BE1 (I) of the Adopted Hinckley and Bosworth Local Plan.

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 seeks to secure an appropriate highway design and vehicle parking standards. These policies are consistent with the intentions of the NPPF and so are afforded weight in the determination of this application.

The scheme proposes two off road parking spaces for each of the dwellings which is sufficient and consistent with parking targets set out in Policy T5 and Appendix D of the Hinckley and Bosworth Local Plan 2001.

The application proposes to form an access of Rookery Lane. The scheme has been considered by Leicestershire County Council (Highways) who has recommended refusal of the application based on concerns that the development would lead to the creation of an access onto a road that lacks appropriate visibility for the speed of traffic on the main road. The County Council is also concerned that the likely turning manoeuvres could lead to increased dangers for road users. Accordingly, the proposal would be contrary to Policies BE1 (criterion g) and T5 of the Local Plan (2001).

The proposed access is considered to result unacceptable adverse impacts upon highways safety which is contrary to Policies BE1 (a) and T5 of the Local Plan (2001).

Other Matters

Developer Contributions

On 28 November 2014 the Secretary of State for Communities and Local Government announced, by means of an amendment to the NPPG, circumstances where infrastructure contributions through planning obligations should not be sought from developers.

The amendments related to affordable housing and to what are termed tariff style planning obligations (which definition catches HBBC's requests for POS contributions).

Essentially the position is that with effect from 28 November 2014 affordable housing and POS contributions cannot be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm.

Drainage

Policy NE14 of the Hinckley and Bosworth Local Plan (2001) states that proposals should provide satisfactory surface water and foul water attenuation.

Given that no drainage details have been submitted this application, these details would be secured by condition if the application were acceptable in all other respects. Environmental Health (Drainage) have been consulted in respect of the application and they have no objections to the scheme subject to details being agreed in respect of the construction, design and materials to be used on the soakaway.

Conclusion

The proposed dwellings would be situated within the settlement boundary of Groby, where there is presumption in favour of sustainable development subject to all other matters being addressed, and would provide a mix of two and three bedroomed dwellings that would boost Hinckley's housing supply. However, the scheme by virtue of its design, scale and sitting fails to respect its special conservation area context and would be detrimental to its character. Accordingly, the proposal would be contrary to Policies BE1 (criterion a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001 and the overarching intentions of the NPPF.

The proposed development has a poor relationship with neighbouring properties. Its design, scale and sitting would result compromise the amenities of future occupants of the proposed dwellings. For this reason the proposal would be contrary to the intentions of Policy BE1 (criterion i) of the Adopted Hinckley and Bosworth Local Plan.

The proposed access off Rookery Lane is inadequate and would lead to safety concerns on the nearby highway. The scheme would therefore be contrary to Policies T5 and BE1 (criterion g) of the adopted Hinckley and Bosworth Local Plan 2001.

RECOMMENDATION:- Refuse planning permission.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority has worked with the applicant in a positive and proactive manner based in seeking solutions to problems arising in relation to dealing with the planning application.

Reasons:-

- 1 In the opinion of the Local Planning Authority, by virtue of its siting, scale and design, the proposed dwellings would result in the development of residential garden land that would harm the local area by failing respect, enhance or compliment the character of the Groby Conservation Area. The proposal would result in the loss of the granite stone wall, an architectural feature that contributes to define the character of the Groby Conservation Area such it would be detrimental to its special character. The proposal is therefore considered to be contrary to Policies BE1 (criterion a) and BE7 of the adopted Hinckley and Bosworth Local Plan 2001 and advice contained within the NPPF.
- 2 In the opinion of the Local Planning Authority, by virtue of the scale, mass and siting of the units, the proposal would compromise the residential amenity of future occupants of the proposed dwellings due to overlooking leading to the loss privacy. Accordingly the development would be contrary to Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001 and advice contained within the NPPF.
- 3 In the opinion of the Local Planning Authority, the proposed development would lead to the creation of an access onto a road where the alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the consequential turning manoeuvres is likely to lead to increased dangers for road users. Accordingly, the proposal would be contrary to Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan (2001).

Notes to Applicant:-

- 1 The development has been determined in accordance with Drawing Nos:- 14/2703/02; 14/2703/01 and Design and Access Statement received by the Local Planning Authority on 9 October June 2014 and Site Block Plan received by the Local Planning Authority on 1 September 2014.

Contact Officer:- Beatrice Kunaka Ext 5691

Item: 05
Reference: 14/01050/FUL
Applicant: Mr Ivor Chambers
Location: Fleece House Cow Lane Ratby
Proposal: Erection of a grain store

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

This application seeks full permission for the erection of a new agricultural building to be used for the storage and conditioning of up to 2500 tonnes of grain prior to sale and to ensure that the farm complies with the Assured Combinable Crops Scheme (ACCS) regulations.

The proposed grain store is located in an agricultural crop field approximately 100 metres to the north west of a much smaller building and the farm house and is to be accessed off an existing unmade farm track.

The proposed building measures approximately 42.7 metres in width x 30.5 metres in depth (1300 square metres of floor space) with an eaves height of 7 metres and low pitched roof with a ridge height of 9.5 metres. It is to be constructed with a steel frame and horizontal concrete wall panels to a height of 3.5 metres and plastic coated box profile steel sheets above. The roof is to be natural grey profiled non asbestos fibre cement sheets. The east elevation is designed with three 6 metre x 6 metres galvanised roller shutter doors and two pedestrian doors and two 1.2 metres squared ventilation louvres. Two additional louvres and a pedestrian door are located on the west elevation.

The applicant currently farms approximately 200 hectares (500 acres) of land and intends to either purchase or rent additional land in the future to expand the business. The applicant owns 180 acres of land around Fleece House and 240 acres of land at Bagworth and rents a further 100 acres of land at Markfield. The existing building is in a dilapidated condition and is not of a size or construction to meet the requirements of the ACCS regulations or modern grain trailers or to meet the grain storage capacity requirements of the land holding.

The additional storage capacity (500 tonnes) is to allow for increased yields. Internal separators will enable the storage of more than one crop and allow for rotation.

The Site and Surrounding Area

Fleece House lies in the countryside to the north west of Ratby and within the National Forest area. There is an existing agricultural building on the site used for the storage of tractors and grain trailers. It is constructed of profiled fibre cement sheets. It measures approximately 26 metres in length x 10 metres in depth with an eaves height of

approximately 4 metres and ridge height of approximately 5 metres. Fleece House, the two storey brick farmhouse and another bungalow lie approximately 30 metres to the south east of the building. There is a small copse of trees to the north of the existing building containing a mobile home type structure.

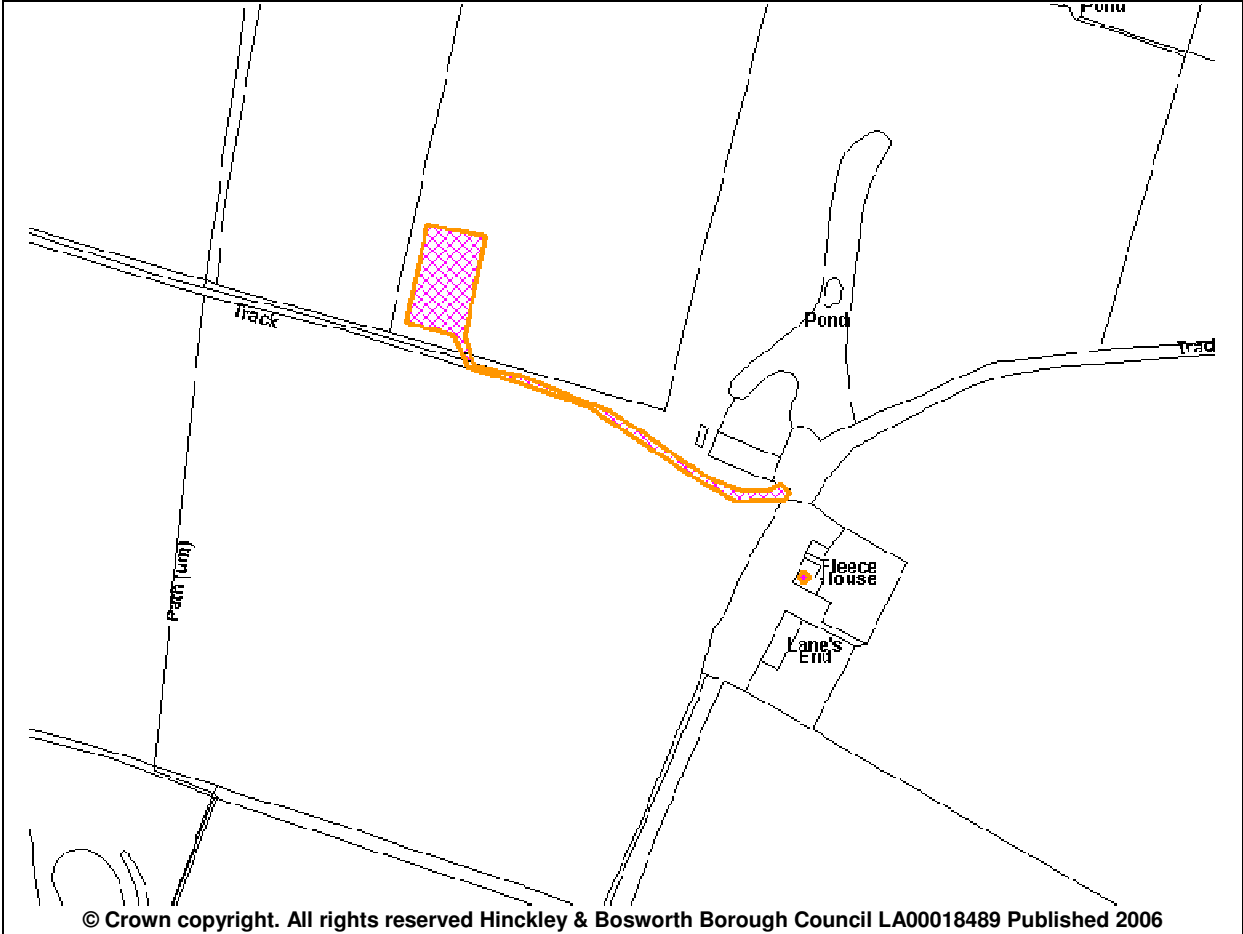
There is a mature field boundary hedgerow 5 metres to the west of the building and similar hedgerows at much greater distance to the east and north. The hedgerow that formed the south boundary of the field has been removed at the time of the site visit and the boundary is an open ditch. Land levels fall gradually from the application site to the northeast and south east. Access to the application site is via Cow Lane.

Technical Documents submitted with application

Design and Access Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

- Environment Agency
- Environmental Health (Pollution)

Leicestershire County Council (Ecology) raises no objection in principle but seeks to protect the hedgerow to the south of the proposed building and limit the extent of any removal of the hedgerow to provide access as this is known to be species rich and of importance as a potentially ancient hedgerow and wildlife corridor.

No response has been received from:-

Leicestershire County Council (Archaeology)
Severn Trent Water Limited
National Forest Company
Ratby Parish Council

A site and press notice have been displayed and neighbours notified. No responses have been received.

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy

Policy 21: National Forest

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway Design & Vehicle Parking Standards

Supplementary Planning Guidance

Design of Farm Buildings (SPG)

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development
- The siting, scale, design and appearance of the building
- The relationship to the visual amenities of the surrounding countryside, including the National Forest
- The relationship to neighbouring and nearby residential properties
- Highway safety
- Ecology

Principle of Development

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

There is an established arable agricultural use on the land and there are no existing buildings within the site that can provide reasonable or necessary storage/conditioning of grain to meet the storage capacity requirements of the land holding. The agricultural use of the site is appropriate to the countryside location and the proposed building is considered to be justified by the information submitted to support the application.

The proposed building would enable the applicant to have greater control over the sale price of the yield and enable further expansion of the landholding and would contribute to the effective operation and viability of this rural business. The proposal is considered to be sustainable development in accordance with the overarching principles of the NPPF and Policy NE5 (criterion a) of the adopted Local Plan and is acceptable in principle subject to all other planning matters being addressed.

Siting, Design and Impact on the Surrounding Countryside and National Forest Area

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

The location of the proposed building has been identified for its flat site levels. The existing storage building has a limited life span and it is envisaged that any replacement in the future would be relocated adjacent to that now being proposed. Ground levels fall away from the application site to the north, east and south.

The proposal is located adjacent to an existing mature hedgerow to the west that provides screening from that direction but is more open to the south and to a lesser extent to the north and east where there are mature field boundary hedgerows and a small copse at some distance that would provide screening from the wider landscape. Due to the location and relatively elevated position of the proposed building, it is considered that the requirement for a landscaping scheme is reasonable and necessary in this case to soften its visual appearance within the landscape and National Forest area in the interests of visual amenity.

The design and external construction materials of the proposed building are typical of the scale, form and appearance of modern agricultural storage buildings and are acceptable.

The scale of the building is required to enable capacity requirements to be met and for modern grain transporters to operate effectively.

Subject to a condition requiring the implementation of an appropriate landscaping scheme to be submitted for prior approval, by virtue of its siting, design and appearance the proposal will not appear unduly prominent or have any material adverse relationship to the character or visual appearance of the surrounding countryside or National Forest area. The proposal is considered to be in accordance with Policies NE5 (criteria i, ii and iii) and BE1 (criterion a) of the adopted Local Plan, Policy 21 of the adopted Core Strategy and the SPG on the Design of Farm Buildings together with the overarching design principles of the NPPF.

The Relationship to Neighbouring and Nearby Residential Properties

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

Other than the associated Fleece House, the nearest dwelling (Lane's End) is located approximately 165 metres to the south east of the proposed building. Due to the distances from residential properties, the proposal will have no adverse relationship to the amenities of any nearby residential properties and is in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

Highway Safety

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

There is adequate access to the site for farm and other vehicles associated with the agricultural operations on the site. Whilst the provision of the purpose built grain storage building on the site is likely to generate additional traffic as a result of the transfer of grain from other landholdings, it is considered that the increase would not be of a scale that would be likely to exceed the capacity of the local highway network. There is adequate space for turning and manoeuvring within the site. The proposal is therefore considered to be in accordance with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Ecology

Leicestershire County Council (Ecology) raises no objection in principle but sought to limit the extent of any removal of the hedgerow to the south of the proposal required for access as the hedgerow was known to be species rich and of importance as a potentially ancient hedgerow and wildlife corridor. However, at the time of the site visit the hedgerow had already been removed. Under these circumstances the replacement of the hedgerow is considered to be reasonable and justified in this case and can be secured as part of a landscaping scheme by condition.

Conclusion

Notwithstanding the countryside location within the National Forest, the NPPF supports sustainable development of agricultural businesses in rural areas and the proposal is considered to be reasonable, necessary and sustainable and therefore acceptable in principle. Subject to the implementation of a comprehensive landscaping scheme to replace the hedgerow removed to the south and to provide additional screening, by virtue of its siting,

scale, design and appearance the proposal would not be overly prominent or result in any material adverse impact on the character or appearance of the surrounding countryside, the National Forest or the amenities of any neighbouring properties. Adequate access is available to serve the site such that the proposal will have no adverse impact on highway safety. The proposal is therefore in accordance with adopted Local Plan Policies NE5 (criteria a, i, ii, iii and iv) and BE1 (criteria a, g and i) of the adopted Local Plan, Policy 21 of the adopted Core Strategy, the SPG on the Design of Farm Buildings together with the overarching principles of the NPPF and therefore recommended for approval subject to 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 a sustainable use and form of development in the countryside and by virtue of its siting, scale, design and appearance the proposal would not have any adverse impact on the character or appearance of the surrounding countryside or National Forest, or the amenities of any neighbouring residential properties or highway safety.

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

Local Plan 2006 - 2026: Core Strategy (2009):- Policy 21.

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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan at 1:2500 scale; Block Plan at 1:500 scale; Proposed Elevations Drawing No. 26434-001 and proposed Floor Plan & Roof Plan Drawing No. 26434-002 received by the local planning authority on 30 October 2014.
- 3 The development shall be constructed in accordance with the material details shown on the approved Proposed Elevations Drawing No. 26434-001 and within section 9 of the submitted Planning Application form.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) hard surfacing materials

- c) proposals for restoration of historic landscape features (species rich hedgerow to the southern boundary)
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - g) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Local Plan.
- 4 To restore an important landscape feature and to enhance the appearance of the development to accord with Policies BE1 (criterion b) and NE12 (criterion c) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 4, the landscaping scheme shall include proposals to replace the hedgerow to the southern boundary of the site that has recently been removed and additional landscaping to further screen the development. The proposed replacement hedgerow should include a mix of species comparable with the original hedgerow. You are advised to discuss these requirements with the Principal Ecologist at Leicestershire County Council (Ecology) (Tel 0116 305 4108).

Contact Officer:- Richard Wright Ext 5894

Item: 06
Reference: 14/01104/FUL
Applicant: Mr Adam Preston
Location: Land Leicester Lane Desford
Proposal: Erection of agricultural building

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

This application seeks full planning permission for the erection of a multipurpose agricultural building to store agricultural machinery and straw located within an existing farm complex at Manor Hill Farm, Desford.

The existing farmstead comprises three agricultural buildings utilised for storage and to house cattle and a temporary dwelling permitted under planning permission ref: 14/00533/FUL.

The proposed building would have a gross floor space of 603 square metres and would be approximately 67 metres in length by 9 metres in width. The height of the proposal would be approximately 4.6 metres with a mono-pitch roof. The proposal would be constructed from green corrugated sheeting to match the existing farm buildings. The frontage will be open with supports 6.1 metres apart. The building would be erected on the existing hardstanding of the farm yard.

The Site and Surrounding Area

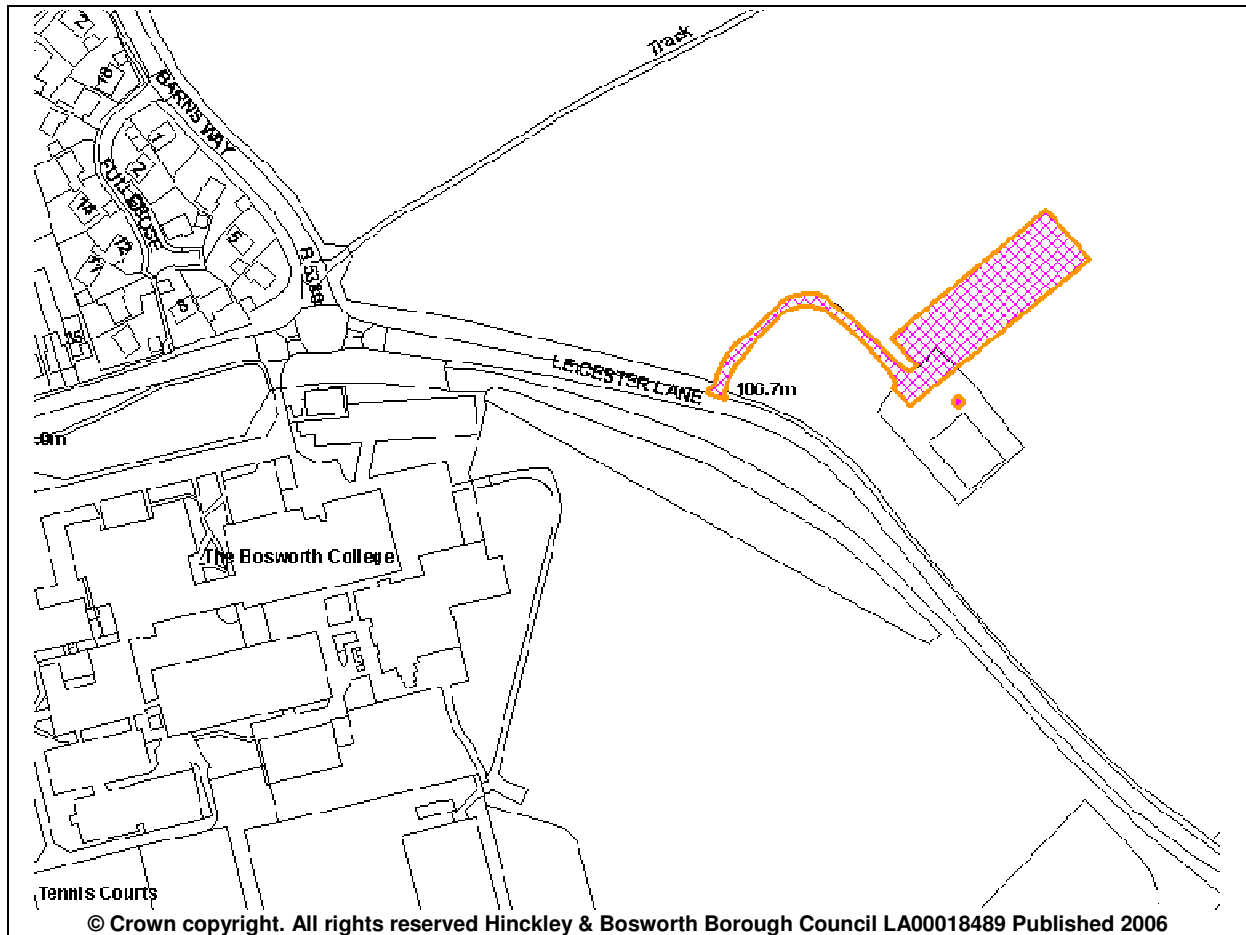
Manor Hill Farm is located to the east of Desford within the countryside. The site is accessed from Leicester Lane via an existing single track concrete roadway. The site benefits from open views from the surrounding countryside and is visible from Leicester Lane.

The existing farm complex features three agricultural buildings of a uniform style and a temporary dwelling in the form of a mobile home is located west of the proposed site. There is a raised grass bank adjacent to the existing farmyard partially obscuring the temporary dwelling. The plot that will accommodate the proposed agricultural dwelling will be sited directly adjacent to the grass bank and will sit opposite the principle elevations of the existing agricultural buildings. Agricultural machinery is currently being stored on the proposed application plot.

Relevant Planning History:-

02/00289/GDO	Erection of agricultural grain storage building	Prior Approval Not Required 26.03.02
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13/00055/FUL	Erection of agricultural dwelling	Refused	30.05.13
13/00605/GDO	A portal framed agricultural link building to fit between two existing agricultural buildings	Prior Approval Not Required	19.08.13
14/00533/FUL	Erection of a temporary farm dwelling (revised proposal)	Approved	24.09.14



Consultations:-

A site notice was displayed and neighbours notified.

No objections have been received from:-

- Desford Parish Council
- Environmental Health (Land Drainage)
- Environmental Health (Pollution)
- Environment Agency

Policy:-

National Policy Guidance

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

Local Plan 2006-2026: Core Strategy 2009

Policy 7: Key Rural Service Centres
Policy 8: Key Rural Service Centres Relating to Leicester

Hinckley and Bosworth Local Plan 2001

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

Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG)

Appraisal:-

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

Principle of Development

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

The function of the proposed agricultural storage building is an appropriate and justifiable use as part of the existing agricultural enterprise within the countryside. The proposal and principle of development is therefore considered to be in accordance with the NPPF and Policy NE5 of the Local Plan.

Siting, Design and Impact on the Surrounding Countryside

Policy BE1 and Policy NE5 of the Local Plan state that development should not have an adverse effect on the appearance or character of the landscape and should be in keeping with the scale and character of existing buildings and its general surroundings. In addition the SPG on Design of Farm Buildings states that the position of a new farm building or structure is usually dependent on its function and the space available, but that the siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. As such, wherever possible new buildings should be located close to existing buildings or landscape features and within the farm complex itself.

The proposed building will be located within the existing farm complex and be constructed on the hardstanding of the farmyard. The proposed building will be open fronted with supports 6 metres apart. The proposal will feature a mono-pitched roof and will be finished in green replicating the design of the existing agricultural buildings within the farm complex. The site of the proposal is partially obscured by an existing grass bank which is approximately 2.0 metres in height. The building would be visible from the public highway, however, it is substantially subservient to the existing agricultural buildings and is thus not unduly prominent or visually harmful. It is therefore considered that the proposal complements the character of existing buildings and its surroundings and is in accordance with Policy NE5 (criterion ii) and BE1 (criterion a) of the adopted Local Plan together with the SPG on the Design of Farm Buildings.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenity of neighbouring properties. The nearest residential property is the temporary dwelling itself and as a result of the existing agricultural use of the site, together with its proposed use (storage), no adverse impact on residential amenity will result. No other residential properties are located near enough to the site to be affected by the development. The proposal is therefore in accordance with Policy BE1 (criterion i).

Impact on Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site. There is adequate access, parking and manoeuvring within the farm complex to accommodate traffic associated with the farm. There is an existing tarmac/concrete access track from Leicester Lane which is adequate to serve the proposed development. The proposal is therefore considered to be in accordance with Policy NE5 (criterion iv) and T5 of the adopted Local Plan.

Other Matters

The Environment Agency has raised no objection to the proposal in respect of flood risk, surface water run off or the storage proposals for the collection and spreading of slurry. It is not considered that the proposed building would lead to a surface water drainage or pollution issue.

Conclusion

The NPPF supports the development of agricultural businesses and as such an agricultural building within an existing farm complex is sustainable and acceptable in principle. As a result of the siting, scale and design of the building together with the proposed materials the proposal would not have any adverse impact on the character or appearance of the site or the surrounding countryside. As a result of the existing use of the site and scale of the proposal there will be no adverse impact on the amenities of any neighbouring properties. The proposal will not have any adverse impact on highway safety or the existing public right of way. The proposals are therefore in accordance with adopted Local Plan Policies NE5 and BE1 together with the SPG on Design of Farm Buildings and Paragraph 28 of the NPPF.

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 the principle of development is considered acceptable within the farm setting and by virtue of the siting, scale, design and proposed materials there would not be any adverse impact on the character or appearance of the site or surrounding countryside, residential amenity, or highway safety.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, BE1 and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7 and 8.

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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan 1:1250, Dwg: Proposal of agricultural building, Manor Hill Farm, Leicester Lane, Desford, LE99JL Floor/Base of proposed building, Front elevation of proposed building, Rear elevation of proposed building, Proposal of agricultural building, Manor Hill Farm, Leicester Lane, Desford, LE99JL Side elevation of proposed building scale 1:50 & 1:200, and Proposal of agricultural building, Manor Hill Farm, Leicester Lane, Desford, LE99JL side elevation of proposed building scale 1:50 & 1:200 received by the local planning authority on 3 November 2014.
- 3 The development shall be constructed in accordance with the material details shown on section 9 of the application form.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the adopted Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 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).

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