

Reference: 15/01089/COU

Applicant: Miss Joanna Squires

Location: Land Adjacent To Dalebrook Farm Leicester Road Earl Shilton

Proposal: Change of use from agriculture to a ten pitch gypsy/traveller site with associated infrastructure and landscaping

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from occupiers of more than four properties.

Application Proposal

The proposed development seeks full planning permission for the change of use of agricultural land to a ten pitch gypsy and traveller caravan site. The proposal is likely to result in an extension to the existing approved site. The proposal was originally submitted to provide five permanent pitches and five transit pitches. Following discussions with the gypsy and traveller liaison officer, the applicant has since agreed to amend the application to provide all 10 pitches as permanent.

Each pitch is proposed to accommodate two caravans and would have a minimum area of 300m². The access and hardstanding are proposed to be free draining gravel and the scheme also proposes lighting bollards 0.9m in height for each pitch. The scheme proposes additional landscaping along the northern boundary comprising a mixture of Blackthorn, Hawthorn, Dog Rose and Alder. The planting would be spaced so not to interfere with the public footpath (Ref. T86) that crosses the site.

The pitches would be accessed via an extension to the existing access road that meets with Leicester Road. This would run to the north of an area of the site that falls within defined flood zones 2 and 3. The width of the access would be approximately 7m wide.

The Site and Surrounding Area

This 0.6ha site comprises part of a small holding known as Dalebrook Farm. This is located to the north of Earl Shilton. There is no built development on the site. It is in a countryside location and is currently used for the grazing of horses. To the west of the site is a detached dwelling which was formerly a petrol filling station with open fields to the north, south and west. A bridleway (Ref. T75) sits opposite the site access.

To the northeast is a roundabout that connects the A47 with Leicester Road. As a relatively new road layout, planting on the edges of the roundabout is still in its infancy. The site sits lower than neighbouring roads and the land falls quite significantly to the south. The site access partially falls within Flood Zones 2 and 3 of Thurlaston Brook that runs east to west to the south of the application site. Flood zones 2 and 3 are higher risk areas for flooding. The area where the pitches are located is in Flood Zone 1.

Technical Documents submitted with the application

Design and Access Statement

Flood Risk Assessment

Relevant Planning History:-

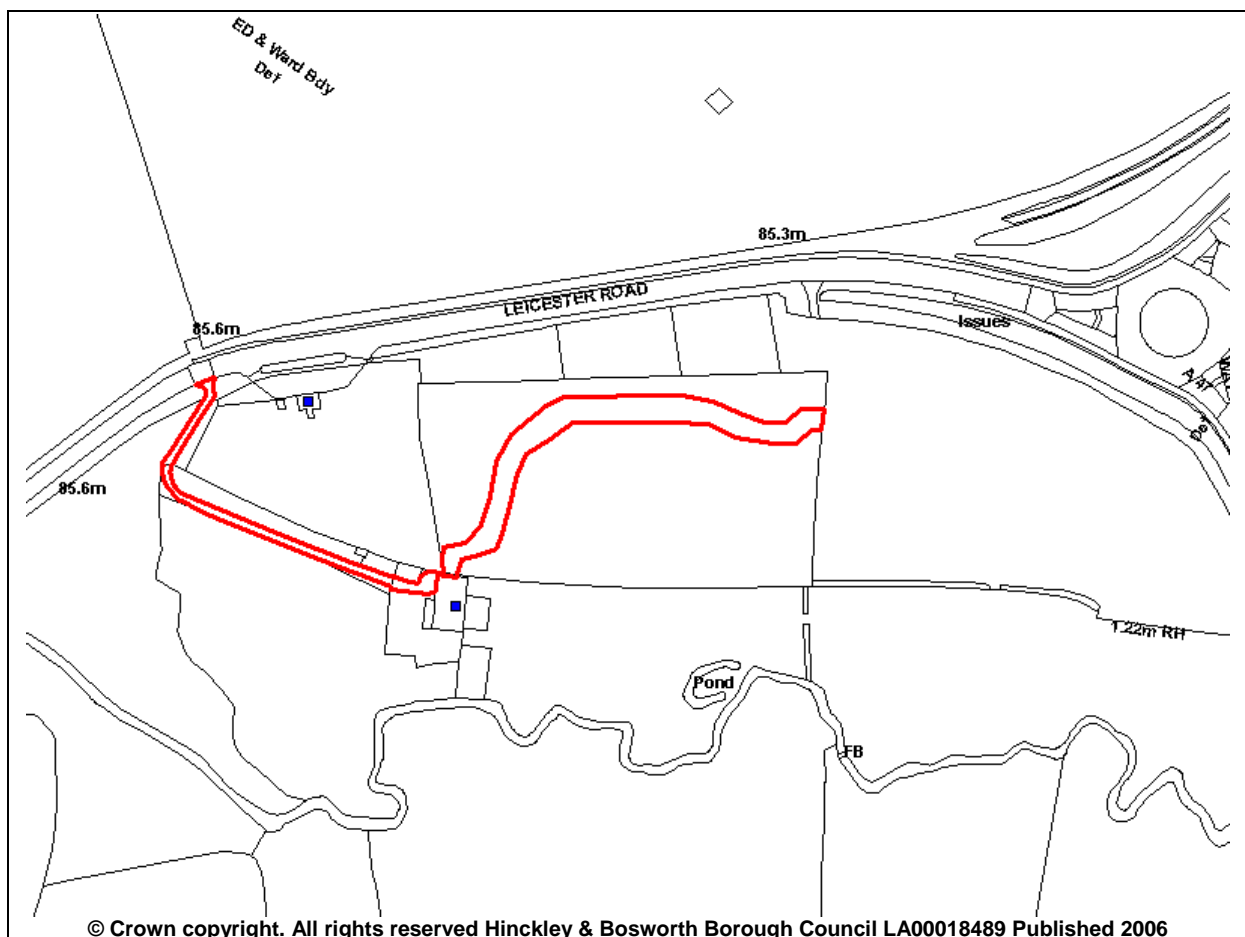
13/00395/COU	Change of use to a 10 pitch caravan site and part demolition of buildings.	Approved	10.17.13
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The application site for this proposal sits to the west of the current application site and used the same access from Leicester Road. Whilst this was approved 10th July 2013, development has not yet been implemented.

In April 2014, a high court challenge to quash permission ref. 13/00395/COU was unsuccessful.

11/00158/COU	Change of use of land to gypsy site for four caravans	Withdrawn	04.05.11
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This application was withdrawn 4th May 2011 and the proposal was located approximately 80m southeast of the former petrol station. All of the proposed caravans were located in the flood risk area.



Consultations:-

No objection has been received from:-

National Grid
Severn Trent Water Ltd.

No objection subject to conditions has been received from:-

Leicester County Council Drainage - Lead Local Flood Authority (LLFA) - no objection subject to the following:

Although the mitigation measures proposed within the FRA would be adequate to mitigate the risk posed to the development, the information provided within the FRA relates to a different part of the Dalebrook Farm site. Consideration has been given to the photographs of surface water pooling on the site, provided by residents and it is considered that this can be adequately mitigated. The applicant will need to provide details of how the mitigation measures detailed within the FRA will be implemented for the proposed application. The detail provided should include:

The site and access road should be raised a minimum of 600mm with locally sourced, permeable materials as outlined in the FRA including 300mm of open stone surfacing to allow surface water to infiltrate and reduce the risk of surface water flooding.

The site and proposed land levels should remove any localised depressions through the above regrading of the site and tie into existing levels with a fall to the south.

LLC Gypsy and Traveller Liaison Officer - has submitted a letter of support for this type of development that outlines the need for and benefit of the provision of traveller sites in the area and support for such sites in national guidance and good practice documents.

Since these comments were written, the liaison officer has confirmed verbally that he would prefer for all 10 pitches to be for permanent occupation rather than five pitches being transit.

Environment Agency - advises that the land where the caravans would be sited lies entirely within flood zone 1, the areas of land deemed as being at lowest risk of flooding. Since Leicestershire County Council is now the statutory consultee in the planning process, their views should be sought.

The development may result in an increase in the use of the access road and which may, in time, lead to work needing to be done to ensure the route remains fit for purpose. Under such circumstances, there must be no raising of ground levels on the section of land which lies in Flood Zones 2 and 3 in order to ensure that the flood plain is not affected. Recommends a condition to prevent raising of the ground levels of the access road.

LCC Public Rights of Way - No objections subject to:-

1. The minimum width of the footpath should be 2 metres (3 metres if enclosed). This will ensure that the route does not become narrow and unattractive to users.
2. Any new trees or shrubs should be set back by a minimum of 1 metres from the edge of the route and be of species which do not spread.

Objections have been raised by:-

Ramblers Association - raises concern about the accessibility of the footpath Ref. T86 if planning permission is granted and questions whether the applicant intends to divert the footpath.

Earl Shilton Town Council - Comments that the concerns raised that were dismissed by the borough council when the original scheme was approved in 2013 are now considered to be more severe and require reconsideration. These are as follows:-

- Flood risk
- Highway safety
- Need
- Overhead pylons.

Six letters of objection have also been received from local residents. These raise the following material considerations:-

- The need for an additional 10 pitches is questioned
- Accessibility to the footpath that runs through the site
- Considered to be unsustainable
- Lack of infrastructure
- Application site is not policy compliant with the Core Strategy
- Too high a density according to the Good Practice Guide
- Inaccuracies in the submitted FRA
- Health and safety concerns for people living on site
- Access to the site is dangerous
- Visually exposed location
- Additional loss of greenfield land over and above the SUE.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Planning Policy for Traveller Sites (August 2015)
Local Plan 2006-2026

Hinckley and Bosworth Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showmen

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Emerging Site Allocations & Development Management Policies Development Plan Document - Submission Document December 2014:

Policy DM1: Presumption in Favour of Sustainable Development
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design

Policy DM17: Highway Design

Policy DM18: Vehicle Parking Standards

Gypsy and Traveller Accommodation Assessment (GTAA) published January 2013

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

Appraisal:-

The proposed development is for the change of use to a 10 pitch caravan site. The pitches would accommodate travelling families in need of a place to live; some families would be from unauthorised roadside encampments, others as a result of overcrowding. The applicant has also indicated that he would be willing to take travellers from unauthorised encampments within the County should this need arise.

Upon request the applicant has provided further details of names and details of families in the gypsy and traveller community who are currently looking to reside on the approved and proposed application site. In total there are 22 separate families.

The main issues for consideration in the determination of this application are:-

- Principle of development
- Impact on character of the surrounding countryside
- Residential Amenity
- Highway Safety
- Flood Risk

Principle of Development

Planning Policy for Traveller's Sites (March 2012)

'Planning Policy for Traveller's Sites' came into effect on the 27 March 2012, and should be read in conjunction with the National Planning Policy Framework (NPPF). As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in these documents. Policy H of the new traveller sites policy (in paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are discussed below:-

a) the existing level of local provision and need for site

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2017 (GTANA) identifies a need for 42 residential pitches for the period up until 2017 within the Borough. The assessment informed the requirement for 42 residential pitches included within Policy 18 of the adopted Core Strategy. Beyond 2017 to the end of the plan period there is an assumed on-going increase of 3% compound growth per annum for household formation for gypsies and travellers. It states that a gypsy and traveller accommodation needs assessment will be undertaken to confirm the need beyond 2017. Of these pitches 6 should be socially rented, to be provided on site and managed by a Registered Social Landlord.

At the Good Friday (Barlestone) public inquiry in 2014 relating to the enforcement notice for the unlawful occupation of the site, the council accepted the appellant's evidence in relation

to need for gypsy and traveller pitches. As a result of that evidence and other permissions that were granted around that time, the Inspector took the view that "it appeared to him that the council can demonstrate a five year supply of specific deliverable sites". While this did not establish for formal ruling on need, because the evidence presented was not challenged (both parties agreed in that case), this decision showed at that time that a significant portion of the need identified through the Core Strategy, had been met. That said, there is still an on-going requirement for the borough council to review its need going forward, particularly in light of new government guidance recently published.

The council's Needs Assessment for Gypsies and Travellers is presently in the process of being updated. Informal discussions with the consultants who have been commissioned to do this work indicate a need of between 20 and 30 pitches over the next 15 years, with a number of these required in the next five years. While this work is yet to be concluded and therefore carries limited weight at this stage, it is clear that there remains a need for further pitches in the borough. On the basis that the applicant has committed to allowing the site to be occupied by different groups of gypsies and travellers, rather than reserving the site for specific people, approval of this application for 10 pitches would contribute significantly to meeting the borough's future needs. If Members are minded to grant permission, a S106 agreement would be recommended to ensure that the site is fully accessible by the gypsy and traveller community.

Policy 18 includes a number of criteria which should be met for a new site to be considered acceptable in principle:-

- Within or adjacent to the settlement boundary of Hinckley, Burbage and Earl Shilton;
or
- Within or adjacent to the settlement boundary of any key rural centres/rural villages;
or
- Is located within a reasonable distance of local services and facilities including shops, GP's and schools, even if the site is not directly adjacent to the settlement boundary;
- Has safe highway access, provision for parking and servicing
- Can be capable of sympathetic assimilation into the surroundings and is appropriate to the scale of the nearest settlement, its local services and infrastructure
- Will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site
- Appropriate to provide a safe and healthy environment for residents.

b) the availability (or lack) of alternative accommodation for the applicant

The Aston Firs Caravan Site, which is located in the Borough of Blaby is owned and managed by Leicestershire County Council. This site provides accommodation for Gypsies and Travellers and is presently at capacity. In addition, there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to. Approval of this application would go towards meeting the current shortfall in pitches and relieving the strain on the Aston Firs Caravan Site.

c) other personal circumstances of the applicant

The change of use of the land is to purposely accommodate gypsy and travelling families, of which a list of details have been provided. The personal circumstances of those included in the submitted list are currently unknown.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.

The locally specific criteria in this case is the adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy further below in this report.

e) that Local Planning Authorities should determine applications for sites from any travellers and not just those with local connections

The personal circumstances of the families proposed to reside on the site are unknown, but the applicant has committed to allow use of the site by all members of the gypsy and traveller community.

Although paragraph 23 of Planning Policy for Traveller's Sites states that new traveller site development in the open countryside should be strictly limited, as this is located next to a site with an extant permission for 10 pitches, it is not considered to result in significant encroachment in the undeveloped countryside. Given this, on balance, the scheme is considered acceptable in the countryside.

Paragraph 23 requires that the scale of a proposed site should not be of such a size as to dominate the nearest settled community and should avoid placing an undue pressure on the local community. In this respect, the issues of scale and the availability of local services will be discussed in further detail below, as these are locally specific policy criteria contained within Policy 18 of the adopted Core Strategy.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:-

- a. effective use of previously developed (brownfield), untidy or derelict land
- b. sites being well planned or soft landscaped in such a way as to positively enhance the environment
- c. promote opportunities for healthy lifestyles such as providing adequate play areas for children
- d. not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

Whilst the site is not previously developed, untidy or derelict, it offers the opportunity for a natural extension to a site with a 10-pitch scheme that is capable of being implemented and which the applicant has stated his intention to implement that permission in the near future. The proposals provide a layout that offers additional hard and soft landscaping measures to complement the existing landscaping around the site and the individual pitches are of an adequate size to provide amenity/play space for future occupiers children. In this case, the site is not adjacent to any other residential development. In summary it is considered that the proposal is in general conformity with the overarching principles of Planning Policy for Traveller Sites.

Local Plan 2006-2026: Core Strategy Policy 18

Policy 18 of the adopted Core Strategy makes reference to the Council's commitment to provide residential and transit site gypsy pitches within the context of the policy's criterion. This is generally consistent with the intentions of the Planning Policy for Traveller Sites.

Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified. Given the already approved planning permission for 10 pitches on the neighbouring site it would be difficult to argue the location of the proposed scheme is incapable of being satisfactorily extended. Notwithstanding the earlier application the distance between the site and the edge of Earl Shilton via the public footpath is approximately 0.5 miles. Whilst this is not a tarmacked or lit footpath, the distance into Earl Shilton is not considered to be excessive.

The fourth point of Policy 18 requires sites to have safe highway access, provision for parking and servicing. The application proposes to use the already approved access onto the site and the same access road to reach the newly located pitches. No objections were raised by the highway authority with regard to the intensification of the existing access. However it is noted that they consider the site to be in an unsustainable location.

Sympathetic assimilation within the Countryside

Policy 18 requires that gypsy and traveller sites should be capable of sympathetic assimilation to their surroundings. The site occupies a slightly lower ground level than Leicester Road and is enclosed on the northern boundary by a mature hedgerow. The remaining boundaries however are either sparsely vegetated or are open. In order to assimilate the utilitarian urbanising impact that caravans might create in an undeveloped rural landscape, additional landscaping is proposed along the northern boundary. Accordingly the site would be well assimilated within the surrounding countryside, particularly during the spring and summer months, and is unlikely to have a significant adverse impact on the character or appearance of the countryside. On balance, and having regard to the current shortfall in pitches within the Borough, the proposal is considered to meet the requirements of Policy 18 of the adopted Core Strategy.

Scale

Policy 18 requires the development to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 10 pitches and when considered against a settled population of Earl Shilton, it is considered appropriate and proportionate. Therefore, it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment for Residents

Policy 18 requires proposed sites to provide a safe and healthy environment for residents in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near hazardous places as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The site is relatively flat and not located on contaminated land.

The Borough Council's Strategic Flood Risk Assessment (2007) identifies that this site is partially situated within the flood zone.

Chapter 10 of the National Planning Policy Framework (NPPF) is concerned with climate change, flooding and coastal change. Paragraph 100 states that local plans should apply a

sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk. This is to be done by, amongst other things, applying the Sequential and Exception Tests.

Caravans which are to be used as permanent residential bases are classed as 'highly vulnerable' in the Technical Guidance to the National Planning Policy Framework and their inclusion within Flood Zone 2 should only be permitted if the Exception Test is satisfied. Paragraph 102 of the NPPF state that for the Exception Test to be passed:-

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and,
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this case a short section of the access route falls within Flood Zone 2 and 3. However the site has been carefully laid out to ensure that the pitches do not fall within an area of flood risk. Accordingly, the Environment Agency and Leicester County Council have confirmed, based on their best available data that in the event of a flood, the pitches would remain dry and that there is land available for dry egress if required.

As only a small part of the access falls within flood zones 2 and 3 the likely harm to the future occupiers, when balanced against the 'need' for the site, is considered minimal and would not warrant refusal of the scheme.

Separate vehicular and pedestrian access is not provided in this case and is not considered to be achievable in any event. Emergency vehicles could access the site.

The Good Practice Guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. The dwelling at the site benefits from basic facilities of electric, water and drainage and the applicant has confirmed via the submitted drawings that the foul effluent resulting from the proposal is to be drained to a proposed sewage treatment plant.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Design and Layout

The Good Practice guide states that sites of various sizes, layouts and pitch numbers operate successfully. The guidance suggests that permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle. The proposed pitches will each have a minimum area of approximately 300m² and a maximum area of approximately 490m². Although the parking spaces and amenity buildings are not illustrated on the plans, there is adequate space for their provision. The design and layout affords individual pitches, open amenity/play space and parking spaces whilst providing natural surveillance. The internal access road runs to the front of the pitches, not between them, thus reducing noise and disturbance. The 6 metre separation between each caravan can be met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

The proposal also includes additional landscaping along the northern boundary of the site. This will both provide privacy and will act as an acoustic barrier from traffic travelling along Leicester Road.

Accordingly the internal layout is considered to be acceptable in terms of its design and siting.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in ten pitches, there will be increased activity on site and more vehicle movements. However, the nearest residential property to the site is the Old Filing Station which is roughly 40 metres from the access and roughly 46 metres from the nearest pitch. As a result of the scale of the proposed development, the provision of the landscaping and the separation distances, on balance, the level of noise and disturbance created is not considered to be materially harmful to this properties residential amenity.

Highway Safety

Policy 18 requires Gypsy and Traveller sites to have a safe highway access as well as adequate provision for parking and servicing.

The Director of Environment and Transport (Highways) has responded as follows:-

Taking into account all the matters above, it is considered, on balance, that a refusal on highway safety grounds would be difficult to justify. As such, the proposal is considered acceptable from a highway point of view, subject to conditions."

S106 Planning Obligations

As stated above, the applicant has confirmed that the pitches would all be for permanent occupation. The applicant has also confirmed commitment to signing a S106 agreement to secure a planning obligation to ensure that the pitches are accessible to all sections of the gypsy and traveller community. If permission is granted, this would help the council to accommodate the needs identified in the emerging Gypsy and Traveller Needs Assessment, and make sure that residents looking for somewhere to live (for instance those on unlawful sites) are not excluded from living on this site.

Other Considerations

Lighting

It is stated by the applicant that the site would be lit by lighting columns; some detail of these have been submitted with the application. The columns are proposed to be no higher than 900mm and this will help prevent light spill. Further detail of the proposed lighting is recommended to be secured by condition.

Conclusion

It is recognised that there is an ongoing need to provide Gypsy & Traveller Sites in the Borough to the year 2031 and this proposal will go some way to meet this need.

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, it is considered that subject to compliance

with the conditions and a S106 agreement, the proposed development would be in accordance with the relevant policies. Further, the proposal will not have a detrimental impact in terms of visual or residential amenity, flooding or flood risk, on the character of the countryside or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all other material considerations.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- Proposed Site Plan 1:1250 and Proposed Caravan Site Block Plan 1:1250 Rev C dated received 11th December 2015.
- 3 The approved soft landscaping scheme shall be carried out and completed in accordance with the details as included on Drg Ref: Proposed Caravan Site Block Plan 1:1250 Rev C received by the Local Planning Authority on the 11th December 2015 and shall be implemented within the first planting season following the development. 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.
- 4 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for travellers sites'.
- 5 Before first use/occupation of the development/dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
- 7 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as not to open outwards.
- 8 Before first use of the development hereby permitted the access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

- 9 The access road shall be a minimum of 5 metres wide for at least the first 10 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 10 Prior to first occupation of the site hereby approved, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:-
 - The candela of the light source
 - Any measures to reduce glare
 - Implementation programme
- 11 Prior to development hereby permitted commencing details of how mitigation measures detailed in the submitted FRA (dated March 2011) will be implemented for the proposed application shall be submitted and agreed in writing by the Local Planning Authority. The detail shall include: The site and access road (not in flood zones 2 and 3) should be raised a minimum of 600mm with locally sourced permeable materials as outlined in the FRA including 300mm of open stone surfacing to allow surface water to infiltrate and reduce risk of surface water flooding.

The site and proposed land levels should remove any localised depressions through the above regrading of the site and tie into existing levels with a fall to the south

- 12 There shall be no raising of ground levels of the access road without the prior written approval of the local planning authority.

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 work is carried out within a reasonable period and thereafter maintained to accord with policies BE1(criteria a) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use therefore this condition is required to ensure that the site is occupied for the justified purposes.
- 5 To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
- 6 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
- 7 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 9 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway
- 10 In the interests of residential amenity and to protect the character of the countryside. In accordance with criteria i of policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11 To prevent flooding by ensuring appropriate mitigation measures for surface water flood risk.
- 12 To ensure there is no reduction in flood plain storage.

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 minimum useable width of the Public Footpath should be 2 metres, which is the width required for two pedestrians to pass comfortably. If the application wishes to enclose the right of way a greater width of 3m will be required. The application of these criteria should ensure that the route does not become narrow and unattractive to users.
- 6 Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metres from the edge of the route and be of specie which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced by overhanging vegetation in the future.
- 7 The public footpath must not be further enclosed in anyway without undertaking discussions with the County Councils Travel Choice and Access Team.
- 8 The public footpath must not be re-routed, encroached upon or obstructed in anyway without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
- 9 If the develop requires a Right of Way to be temporarily closed or diverted, for any period of time, to enable construction works to take place, an application should be made to the council at least 8 weeks before the temporary closure/diversion is

required. The developer will be expected to provide a safe and convenient alternative route while the existing Public Rights of Way are temporarily closed.

- 10 Any damage caused to the surface of a Right of Way, which is directly attributable to the works or activities associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 11 A signing and waymaking scheme should be formulated by the developer and approved by the Highway Authority in respect of the Rights of Way, prior to the completion of the development.
- 12 No new gates, stiles, fences or other structures affecting a Right of Way, of either a temporary or permanent nature, should be constructed without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of a Right of Way and the County Council may be obliged to require its immediate removal.
- 13 Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the Rights of Way, particular attention should be given to the ensuring that no materials are stored on the line of the right of way and that no vehicles are parked either along or across them ensuring that free access can be exercised safely at all times.

Contact Officer:- Saffron Garner Ext 5659